
Appeal Decision

Site visit made on 2 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/G5180/D/20/3246627

Snapdragon, Cudham Road, Downe, Orpington BR6 7LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Gooch against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04485/FULL6, dated 18 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is a loft conversion with a rear dormer.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - If the proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it would be inappropriate

4. The appeal site, containing the single storey detached dwelling, is located within a residential area which is both within the Green Belt and the Downe Village Conservation Area. The proposal would convert the existing loft space into habitable accommodation including a box dormer on the rear elevation. The dwelling has previously been extended with a single-storey extension to the rear.

5. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy 49 of the London Borough of Bromley Local Plan (2019) (Local Plan) is similarly worded and is consistent with the Framework's approach.
6. There is no definition of disproportionate development within the Framework. Policy 51 of the Local Plan indicates that extensions and alterations to dwellinghouses in the Green Belt will only be permitted if three criteria are met. Firstly, that the net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement; secondly, that the size, siting materials and design do not harm visual amenities or the open or rural character of the locality; and thirdly, that the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse.
7. The supporting text to Policy 51 indicates that the Council wishes to ensure that there is no incremental harm to the Green Belt by excessive subsequent extensions to dwellings within the Green Belt. It also indicates that 'original dwelling' in the context of this policy follows the definition of 'original building' in the Framework; that is, a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
8. The Council states that the original dwelling had an original floorspace of 118m² and that it has already been extended by at least 25.8%. The appellant does not dispute this. Accordingly, there has already been a net increase in the floor area of the dwelling over that of the original dwelling beyond that which would be permitted by criteria (a) of policy 51. Furthermore, notwithstanding that the floorspace of the proposed dormer would be contained within the existing roof space it would, by virtue of its width, depth and height, increase the volume of the dwelling. This would, when taken together with existing extensions, result in a significant detrimental change in the overall bulk of the original dwelling contrary to criteria (c) of Policy 51.
9. Therefore, I consider that the proposed development would result in a disproportionate addition over and above the size of the original building in accordance with the criteria of Policy 51 of the Local Plan. For this reason, the proposal would result in inappropriate development within the Green Belt in the terms set out in the Framework and would conflict with Policy 51 of the Local Plan.

Openness

10. The proposal would have limited visibility from the public realm and therefore limited visual impact on the openness of the Green Belt. However, as indicated above the proposed development would create an extended dwelling which is larger in volume than the existing building, there would be a spatial impact on the openness of the Green Belt. The appellant has stated that the projection of the dormer window from the roof would only amount to around 30% of the entire loft conversion and most would be internal. However, this would still result in an increase in the volume and bulk of the dwelling, with the addition of a second storey, and therefore would result in a harmful spatial impact on

the openness of the Green Belt. Overall, there would be a moderate loss of openness.

Other Considerations

11. The appellant has outlined that the proposal would not be detrimental to the character and appearance of the original dwelling, as it would be sympathetic in appearance with materials that match the host dwelling, the windows would align and it would be proportionate in size. The Council agree that the proposal would not impact upon the character and appearance of the host dwelling and surrounding area. Therefore, this lack of harm to character and appearance is given neutral weight. It is also stated that the proposal would put the land into effective use, in line with national policy, which can also be given neutral weight.
12. The appellant has highlighted that the proposal could have been completed under permitted development rights if the property did not have previous extensions. No further details of the relevant permitted development rights have been provided and the dwelling does already benefit from a single storey rear extension. Therefore, this would have no bearing on my considerations.
13. Four other cases have been brought to my attention which detail approved development within the surrounding area of the appeal site. One example is an application for a lawful development certificate which is only considered in relation to permitted development rights. Therefore, this is materially different to the appeal before me and cannot be afforded any weight. For the other three examples, although the decision notices have been provided, the specific details of the case and decision-making process are unknown and therefore they can only be given minimal weight.
14. The Council has not raised any concerns with regards to the impact upon the Conservation Area in which this site is located. For Conservation Areas, the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. It is not considered that the proposed development would cause harm to the Conservation Area primarily as the changes visible from the public realm would be minimal. Therefore, my conclusion is in agreement with the Council's findings. However, the lack of harm in this respect is also a neutral factor

Green Belt Balance, Conclusion and Recommendation

15. I have found that the proposal would be inappropriate development in the Green Belt. It would also result in a moderate loss of openness. Any harm to Green Belt attracts substantial weight.
16. The harm by reason of inappropriateness, and any other harm, is not clearly outweighed by the other considerations set out above. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
17. The proposed development would fail to accord with policies 49 and 51 of the Local Plan and the Framework which seek to protect the Green Belt.
18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Beverley Doward

INSPECTOR