
Appeal Decision

Site visit made on 28 July 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/G5180/D/20/3248153

Landway House, Petleys Farm, Luxted Road, Downe, Orpington BR6 7JS

- 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 S McDowell against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05309/FULL6, dated 18 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is the introduction of four rooflights on rear roofslope of dwelling, along with bi fold doors at ground floor level on rear elevation to serve living room. Changes to windows serving annex and home office to include enclosure of car barn element of design with windows.
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Decision

1. The appeal is allowed and planning permission is granted for the introduction of four rooflights on rear roofslope of dwelling, along with bi fold doors at ground floor level on rear elevation to serve living room and changes to windows serving annex and home office to include enclosure of car barn element of design with windows at Landway House, Petleys Farm, Luxted Road, Downe, Orpington BR6 7JS in accordance with the terms of application DC/19/05309/FULL6, dated 18 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3693-19-PL001 Revision P3 and 3693-19-PL002 Revision P3.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The annexe accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Landway House, Petleys Farm, Luxted Road, Downe, Orpington BR6 7JS.

Procedural Matter

2. The description of development used in the heading and the decision above have been taken from the application form and the appeal form, albeit with a reference to a previous planning permission being removed as this does not constitute an act of development. The Council have used a different description, but I have no basis to conclude that this has been agreed and, as such, I have proceeded on the basis of the description of the development for which planning permission was sought.

3. Upon visiting the appeal site it was apparent that the appearance of the single storey building at the site was not in accordance with either the existing or proposed plans. However, this does not prevent the determination of the appeal on the basis that the development shown on the submitted plans has not occurred and that it would be undertaken in accordance with those plans.

Main Issue

4. No objections have been raised by the Council or any other parties to the alterations to the main dwelling at the appeal site and I have no reason to reach a different opinion. Therefore, the main issue is the effect of the development on the character and appearance of the area, having regard to whether the single storey building would constitute a separate dwelling.

Reasons

5. The appeal site is located within a cluster of residential properties at the edge of Downe, with fields beyond. The site hosts a two-storey dwelling and a single storey building that the plans indicate featured a utility and a study with a covered car port between. As well as the provision of rooflights and bi-fold doors at the rear of the existing dwelling, the plans show that the development for which planning permission is sought involves the enclosure of the car port, and alterations to the fenestration of the single storey building including the infilling of doors and windows and the creation of new windows.
6. The plans show that the development would not alter the overall dimensions of the building, with the external alterations being limited to the side of the building that faces the courtyard that is surrounded by other buildings that are outside the appeal site. As such, views of the development from the wider area would be limited and, from where it would be seen, the development would have an acceptable visual effect that is sympathetic to the existing built form at the site and would not cause the building to appear cramped. In this regard, the proposal would not have a harmful effect on the openness of the Green Belt and would maintain the character and appearance of the Downe Conservation Area. I acknowledge that the Council has reached a similar conclusion in these respects and that planning permission¹ has previously been granted that enabled the building to have a similar external appearance.
7. The Council's concerns relate to the potential severability of the annexe from the main dwelling, particularly as the single storey building is detached, able to be accessed independently of the main dwelling and of sufficient size for a kitchen to be added despite one not being shown on the submitted plans. Whilst I have had regard to these concerns, there is no evidence before me that the accommodation provided within the main dwelling and the outbuilding would be severed or occupied separately. Moreover, whilst additional facilities could be added and, in some instances, the use of buildings change, the evidence before me does not give me reason to conclude that this would occur at this site. In any event, if the use of the building was not as proposed, other procedures would be available to the appellant or the Council to address such a change.
8. I recognise that the single storey building is detached from the main dwelling and could be accessed independently from the host building, thereby not complying with parts of Policy 7 of the London Borough of Bromley Local Plan (2019)(The LBBLP). However, the pre-amble to Policy 7 of The LBBLP indicates that the intention of that policy is to prevent the severance of accommodation from the

¹ APP/G5180/A/13/2201658

main dwelling and, for the reasons set out above, I have no basis to conclude that this would occur. Therefore, whilst I acknowledge that the proposal would not accord with all of the criteria contained within Policy 7 of The LBBLP, determining the appeal on the basis that the development would occur as applied for and in accordance with the plans that are before me, I do not find that the proposal would conflict with the overall intention of that policy.

9. A condition can be used to provide re-assurance in respect of the future use of the building. This would also ensure that the development accords with the overall intention of policy 7 of the LBBLP. This approach accords with paragraph 54 of the National Planning Policy Framework (The Framework) which encourages the use of conditions to make development acceptable that could otherwise be unacceptable. In the circumstances of this case and to ensure that the potential harm identified by the Council does not occur, I conclude that such a condition would comply with the tests set out at paragraph 55 of The Framework.
10. Whilst a third party has identified that the use of the building was limited by a condition of the previous planning permission, that does not prevent further applications being made to alter the building and, for the reasons set out above, I have no basis to conclude that the type of accommodation proposed is unacceptable. Moreover, the evidence before me does not give me reason to conclude that the creation of annexe accommodation in the manner proposed represents inappropriate development in the Green Belt.
11. For these reasons set out above, the development would not result in the single storey building at the appeal site being used as a separate dwelling or have an unacceptable effect on the character and appearance of the area. The development would, therefore, accord with the overall aims of policies 7 and 37 of The LBBLP which together seek to ensure that development is of a high standard that complements the scale, proportion, form, layout and materials of adjacent buildings, including the existing dwelling, and ensures that accommodation intended for family members is not severed from the main dwelling.

Conditions

12. In addition to conventional conditions relating to the time by when development must commence, I have imposed a condition, in the interests of clarity, to specify the plans by which the development must be undertaken in accordance with. I have also attached a condition relating to the future use of the building for the reasons that are set out above. In this regard, the condition is different to that which was suggested by the appellant but reflects the terms of the application and the condition that was suggested in a manner that better accords with the requirements of Paragraph 55 of The Framework. I have also imposed a condition requiring the use of suitable external materials in the interests of ensuring that the visual effect of the development is acceptable.
13. For the reasons given and subject to the conditions set out above, I conclude that the appeal should be allowed.

Ian Harrison

INSPECTOR