
Appeal Decision

Site visit made on 7 July 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/G5180/D/20/3247348
1 Downe Avenue, Cudham, Kent TN14 7QX

- 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 K Cloud against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04148/FULL6, dated 24 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is erection of single storey side and rear extensions to an existing dwelling incorporating the demolition of an existing garage/store and provision of an outbuilding to provide home office/gym.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposals would constitute inappropriate development in the Green Belt,
 - (b) the impact of the proposals on the openness of the Green Belt and
 - (c) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site comprises a vacant detached bungalow on a corner plot and a detached garage with access on to the return northern frontage. Land levels rise from the frontage to dwelling and a detached coal store alongside. There are mature trees to the front and side boundaries. The surrounding area is predominantly residential in character, with dwellings generally on plots smaller than the appeal site. The site is within the Green Belt.
4. The proposed extensions would wraparound the bungalow extending 5m to the rear and 5.26m to the northern side according to the submitted plans. The roof would be mainly flat with a short sloping section rising above eaves level. The outbuilding proposed would be situated in the site's north east corner and is

shown to have a width of 5m and a length of 4m. Planning permission has been refused and an appeal dismissed for a similar scheme with a higher roof to the extension and a greater length to the outbuilding¹. This is a material consideration.

5. The National Planning Policy Framework (the Framework) at Paragraph 145 confirms that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to stated exceptions. The most relevant is c) *"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 51 of the Bromley Local Plan (2019) (BLP) is broadly consistent with the Framework and stipulates that the net increase in the floor area over that of the original dwelling house should not be more than 10%.
6. The Council considers the existing floor area from the bungalow and outbuildings to be 110 sqm and that this would rise to 229.3 sqm for the proposal. The appellant estimates the enlarged dwelling and outbuilding to have a floor area of 205.1 sqm. Whichever figure is taken, the proposal would result in additions substantially in excess of the 10% limit on additional floor area under Policy 51.
7. Paragraph 145 c) refers to "size", so it is also pertinent to consider the volume or massing of the proposal. Neither party has provided volume calculations, but it is apparent that the proposal would substantially add to the massing of the existing dwelling, notwithstanding a reduction in height compared with the previous proposal. The current proposal would not satisfy the limitations set by Paragraph 145 c) or any of the other exceptions listed. It would result in disproportionate additions over and above the size of the original building and would thereby amount to inappropriate development in the Green Belt.

Openness

8. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that *"the essential characteristics of Green Belts are their openness and their permanence"*. There is a visual dimension to openness in addition to the spatial dimension considered above. The wraparound extension would be conspicuous from both road frontages due to its proximity to these boundaries and siting on higher ground, notwithstanding the presence of the boundary trees. The massing of the proposal would detract from the openness of the Green Belt.

Other considerations

9. Paragraph 143 of the Framework states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. The appellant contends that a fallback position arising from permitted development allowances forms justification for the proposal. This is demonstrated in two planning decisions, a certificate of lawfulness (ref. DC/01520/PLUD) and a prior approval (ref. 17/03061/HHPA). The plans for these decisions show a single storey rear extension up to 8m in depth, a single storey side extension to the southern flank 5.3m in width, a loft conversion including a rear dormer and gable extensions and an outbuilding of the same footprint as the previously proposed outbuilding.

¹ Application DC/19/01349/FULL6 and Appeal Ref. APP/G5180/D/20/3234836

10. The Council acknowledge that the current proposal would involve an overall reduction of some 54 sqm floor area when compared to the fall-back position. The extension roof would be about 1.3m lower than that of the previously refused proposal. This also weighs in favour of the proposal as the Inspector on the previous appeal expressed concerns about the impact of the bulk of the roof then proposed on the Green Belt.
11. The side profiles of the current proposal would appear less bulky than the fallback scheme due to the gable ends, rear dormer and the greater depth to the rear extension on the fallback scheme. In front view, the gable ends to the fallback scheme would be visible, but not the rear dormer or rear extension. However, the width of the side extension to the current proposal would be greater than that on the fallback scheme. Moreover, as the side extension to the current proposal would be to the northern side of the dwelling, it would be visible from both road frontages whereas the side extension to the fallback scheme, on the southern side, would be narrower and less conspicuous.
12. The appellant's claimed advantages for the proposal over the fallback would thereby be marginal. Its benefits would not clearly outweigh those of the fallback scheme as its effects on the Green Belt would be similar. Whilst there have been formal decisions on the permitted development proposals to define a fallback, there is no firm evidence before me on the likelihood of such a development being carried out. The fallback scheme designed around the constraints of permitted development would not appear to offer as satisfactory an internal layout as the proposal, particularly at first floor level where the extensive alterations to form gable ends and a rear dormer would result in an awkward shaped room bisected by a staircase. This would undermine the prospect of the fallback scheme being implemented, in the event that the appeal is dismissed, and accordingly the weight that should be applied to it.

Conclusion

13. The proposal would be a disproportionate addition to the existing dwelling and would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. Paragraph 144 of the Framework states that, "*substantial weight is given to any harm to the Green Belt*".
14. The fallback scheme is a material consideration in that it would have a greater floor area than the proposal and a bulkier profile in some perspectives. However, the weight that can be applied to it is constrained as it would appear to be a poorer alternative in terms of its layout and due to the absence of firm evidence on its implementation as a realistic alternative to the proposal. The weight applicable to it as a material consideration would not clearly outweigh the substantial weight arising from harm to the Green Belt. Very special circumstances therefore do not exist. There would also be conflict with BLP Policy 51 and Policy 7.16 of the London Plan which aim to protect the Green Belt from inappropriate development.
15. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR