



Appeal Decision

Site visit made on 26 October 2020

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/D5120/W/20/3249957

Janina House, 139 North Cray Road, Sidcup DA14 5HE

- 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 Knapman & Sons Builders (Ltd) against the decision of the Council of the London Borough of Bexley.
 - The application Ref 18/03248/FUL, dated 20 December 2018, was refused by notice dated 9 March 2020.
 - The development proposed is described as *demolition of all existing buildings including the two-storey building Janina House, comprising two flats and an office, four commercial units on land rear of Janina House and four stable blocks on land to the north of Janina House and the erection of six detached two storey 4 bedroom dwellings with subterranean basements, associated landscaping and parking and utilising existing access onto North Cray Road (amendment to extant permission for 6 dwellings on the land permitted by application 17/02770/FUL).*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In 2018 planning permission was granted for the demolition of all existing buildings and the erection of 6 detached bungalows (reference 17/02770/FUL). This is referred to below as the “approved scheme”. The application site for that scheme extended well to the north of the site of the proposed bungalows to include an area comprising stable blocks and paddocks. The permission was subject to a Unilateral Undertaking (UU) whereby the appellant undertook not to use land for grazing and stabling of up to 12 horses, notwithstanding the existence of a lawful development certificate in respect of such use.
3. The appeal application has the same red line site boundary. It appears this was done with a view to a similar UU being given. However, no such planning obligation has been put before me in respect of the current appeal. Although the demolition of four stable blocks is included in the description of development this matter does not seem to be controversial and it is not necessary for me to comment further on it.
4. The comparative figures for building footprint and volume discussed below exclude the four stable blocks. I think that is the right approach because the area occupied by stable blocks and paddocks is functionally and visually distinct from the area occupied by Janina House and its associated commercial units (referred to below as “the Janina House site”).

Main issues

5. The main issues are:

- the effect of the proposal on the Green Belt, including any effects on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and
- if the proposal is found to amount to inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.

Reasons

6. Janina House is a two storey building comprising offices and two residential flats. To the rear of Janina House there are some single storey buildings which are in commercial use. The site is on the east side of North Cray Road, which is a busy dual carriageway. There is open agricultural land to the east of the site. To the west of North Cray Road there is a primarily residential area. To the south, beyond an area of mature trees and bushes, are the grounds of a Grade II listed building known as Cray Hall.

Effect on the Green Belt

7. The appeal site lies within the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework (the Framework) states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to some exceptions that are set out in the paragraph.
8. The relevant exception in this case is contained in paragraph 145(g) which allows for redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. The Council and the appellant agree that, for the purposes of applying the Framework, the Janina House site is previously developed land. I agree.
9. The appellant makes comparisons between the appeal scheme and the approved scheme. That is a matter that I shall return to below under "other considerations". However, the comparison required by paragraph 145(g) is between the proposal and the existing development. One of the key features of the existing development is that it is only Janina House, which is sited towards the North Cray Road frontage, that rises to two storeys. The central and rear sections of the site contain single storey structures.
10. The Council's calculations indicate that demolishing the existing buildings and constructing the appeal scheme would bring about a net reduction in the footprint of built development, from 434m² to 361m². However, the

introduction of two storey buildings (with basements) across the site would result in a net increase in built volume of around 74%. The net increase in floor area would be even greater. The height of the proposed buildings would be 7.5m, only slightly more than Janina House and more than double the height of the single storey commercial buildings.

11. Whilst the calculations themselves are not in dispute, the appellant criticises the Council for including the basements. However, I see no reason to discount basements, which would be an integral part of the proposed buildings, in making an objective comparison between the amount of built development on the site now and the amount there would be if the appeal scheme were implemented. When considering the visual aspects of openness, which I discuss below, it is relevant to take account of the fact that part of the volume created would be underground.
12. In any event, on the appellant's figures the existing floor area of 513m² (not including the stables) would be increased significantly to 831m² (not including the basements). This would also result in a significant increase in volume. Overall, whichever figures are adopted, I consider that the increases in floor area and volume would outweigh the decrease in built footprint, such that the proposal would represent a significant increase in the amount of built development on the site.
13. There is a tall and dense tree screen along the frontage to North Cray Road such that neither the Janina House site nor the stables and paddocks are readily seen from this direction. However, there are views of the Janina House site from the road which bounds the northern side of the paddocks. The land to the east is relatively open so there would be further views from this direction, albeit that these may not be from places in the public domain. Janina House does not feature strongly in views from the north, because it is partially screened by trees. The commercial buildings can be glimpsed, as can some of the vehicles parked around them. However, their visual impact (and their effect on the general sense of openness) is limited in these middle distance views because they are low-rise single storey structures, seen against a backdrop of tall trees.
14. In contrast, the proposal is for two storey buildings, with pitched roofs, extending in a row across almost the full east/west extent of the Janina House site. The increased height and volume of development, and its distribution across the site, would give the site a much more built up appearance. This would be the case notwithstanding the fact that part of the additional volume would be at basement level. It is necessary to take account of the potential effect of new landscaping, together with the backdrop of trees that would be retained. Even so, I consider that the appeal scheme would transform the character of the site and significantly detract from the open feel that currently exists. The new houses would stand out as a residential enclave largely divorced from the built up area, thereby encroaching on the countryside.
15. Drawing all this together, I conclude that the proposal would have a significantly greater impact on openness than the existing development. Consequently the proposal does not gain support from paragraph 145(g) of the Framework. It would represent inappropriate development in the Green Belt. Moreover, there would be significant harm to the openness of the Green Belt.

I return to the policy implications of these conclusions below, having considered the case for very special circumstances.

Effect on character and appearance

16. The Janina House site lies within a predominantly open and rural area to the east of North Cray Road which is designated in the Council's Unitary Development Plan (UDP) as heritage land. Policy ENV22 of the UDP seeks to protect the quality and character of heritage land, noting that the Cray Valley is characterised by an attractive valley landscape along the river Cray where copses and rolling hills provide a good example of traditional Kent countryside.
17. Seen close to, the commercial buildings and associated parked vehicles in the area to the rear of Janina House are out of keeping with this character and detract from it. However, the visual impact of these buildings and activities on the wider locality is limited, as discussed above. The introduction of two storey development across the full extent of the site would make it more visible in the wider landscape.
18. The scheme proposes a single house type of somewhat bland appearance. The layout of the buildings appears to have been determined mainly by the highway geometry of a cul-de-sac turning head. The buildings would fail to create a coherent pattern of development, nor would they provide an attractive and distinctive identity. The Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In my view that advice is pertinent here.
19. The appellant argues that the layout is the same as that of the approved scheme. However, whatever the merits of the approved scheme may be, the appeal scheme would have a greater impact on the character and appearance of the area because the buildings would be taller. It would appear as a suburban enclave, out of keeping with the predominantly open and rural landscape in which it would sit.
20. I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with UDP Policy ENV22 which seeks to protect heritage land. It would also conflict with UDP Policy ENV39, which promotes a high standard of design compatible with the character of the surrounding area, and with Policy ENV4 which seeks to protect the appearance of the Green Belt.

Other considerations

21. The appellant suggests that the approved scheme is not viable. However, this is not supported by the valuer's letter submitted with the appeal. The letter states that the approved scheme and the appeal scheme would have similar gross development values and residual land values (albeit that the appeal scheme would be more "saleable"). Moreover, the viability of the approved scheme is only relevant insofar as it affects the weight to be attached to that scheme as a fallback. For the purposes of this appeal I have assumed that the approved scheme could be a viable alternative and have taken it into account accordingly.
22. The appellant argues that, compared with the approved scheme, the appeal scheme would have a reduced built footprint. The Council's calculations confirm that would be the case. Comparison between the layout plans shows that the

appeal scheme would leave bigger gaps between the buildings. Whilst these factors would reduce the harm to openness, in my view they would be outweighed by the increased height and bulk of the proposed two storey buildings extending in a row across almost the full east/west extent of the Janina House site. Overall, I consider that the appeal scheme would have a greater impact on the openness of the Green Belt. The approved scheme is not therefore a factor weighing in support of the appeal.

23. Local residents have raised concerns relating to highway safety, drainage and flood risk, ecology and air quality. There is no technical evidence that the proposal would be harmful to highway safety and the Council has suggested conditions that would address any site-specific highway safety matters. Having regard to the reports submitted with the application, I am satisfied that effects on drainage, flood risk, ecology and air quality could be managed and/or mitigated by appropriate conditions. These matters do not therefore weigh against the appeal.
24. Cray Hall is a Grade II listed building. I do not consider that the appeal site contributes to the ability to experience or understand the listed building. The setting of the listed building would not be materially affected. It would therefore be preserved.
25. The proposal would result in a net gain of four units of housing supply. Given the relatively modest scale of the development I attach only moderate weight to this benefit.

Green Belt balance

26. The proposal would represent inappropriate development which would be, by definition, harmful to the Green Belt. Moreover, there would be significant harm to the openness of the Green Belt. In accordance with the Framework, I attach substantial weight to these harms. The proposal would also result in harm to the character and appearance of the area. The addition of four units of housing supply is a consideration weighing in favour of the proposal. In my view that consideration is not sufficient to clearly outweigh the harm to the Green Belt and other harms. Consequently, the very special circumstances required to justify development in the Green Belt do not exist and the proposal is in conflict with the Framework in this respect.

Conclusion

27. I conclude that the proposal would conflict with Policy 7.16 of the London Plan which seeks to give the strongest protection to the Green Belt, stating that inappropriate development should be refused except in very special circumstances. It would also conflict with Policies CS01 and CS17 of the Council's Core Strategy, which have similar objectives, and with policies of the UDP relating to the character and the appearance of the area identified above. I conclude that the proposal would be in conflict with the development plan as a whole. I have not identified any considerations which indicate that the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

David Prentis

Inspector