



Appeal Decision

Site visit made on 9 November 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/D5120/W/20/3249476

South Lodge, Danson Road, Bexley DA5 1DQ

- 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 Viva Residential Ltd against the decision of the London Borough of Bexley Council.
 - The application Ref 19/02187/FUL, dated 5 September 2019, was refused by notice dated 6 March 2020.
 - The development is a proposed replacement dwelling, with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of this appeal are:
 - Whether the proposed development is inappropriate development in Metropolitan Open Land (MOL) and;
 - The effect of the proposal on the openness of the MOL, and;
 - The effect of the proposal on the character and appearance of the local area, and whether the proposed development would preserve the setting of a designated heritage asset, and if not whether any public benefits would outweigh any harm, and;
 - 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 required to justify it.

Reasons

Whether inappropriate development in Metropolitan Open Land

3. The appeal site is situated within the south-east corner of Danson Park, and comprises a two storey detached house with garden, a shed, and a driveway. The house is accessed from Lakeside Close which leads to a large adjacent roundabout that also includes connections to Danson Road and access roads leading to the A2, which is a major trunk road at this point.

4. The Bexley Core Strategy 2012 (the Core Strategy) shows that Danson Park is designated as MOL. Policy 7.16 of The London Plan 2016 (the London Plan) sets out Green Belt Policy and the London Plan applies the Green Belt provisions of the National Planning Policy Framework (the Framework) to MOL¹. Policy 7.17 of the London Plan seeks to protect MOL from development that would have an adverse impact on its openness. It states that the strongest protection should be given to MOL and inappropriate development should be refused except in very special circumstances. Policies ENV4, ENV5, and ENV11 of the Bexley Council Unitary Development Plan 2004 (the UDP) and Policy CS17 of the Core Strategy also seek to ensure that MOL, through the Green Belt provisions, is protected from inappropriate development.
5. The appellant points out that, amongst other exceptions, part 'g' of paragraph 145 of the Framework allows for construction of new buildings in the Green Belt for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. However, this same paragraph of the Framework establishes that, allowing the replacement of a building in the Green Belt, if in the same use, is not dependent upon preserving openness but on this not being materially larger than that replaced.
6. The London Borough of Bexley Council (the Council) has calculated that the proposal would lead to an approximate 270% increase in floorspace compared to the existing house. I have not been provided with any volumetric measurements and there is no specific national or local guidance on the matter of volume. I have, therefore, determined this appeal on the basis of the plans submitted and the apparent scale of the proposal in relation to the existing house. This points me to a situation where the proposed dwelling, although in the same use, would be clearly materially larger than the one it replaces. I conclude that the proposal can, therefore, be regarded as inappropriate in terms of paragraph 145 of the Framework, thereby, conflicting with Policy 7.16 and 7.17 of the London Plan, Policies ENV4, ENV5, and ENV11 of the UDP and with Chapter 13 of the Framework.

The effect on the openness of Metropolitan Open Land

7. The appellant argues that the appeal site only makes a minor contribution to the openness of the MOL and makes no contribution to the five purposes of the Green Belt set out in paragraph 134 of the Framework. However, Policy 7.17 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving it the same level of protection as the Green Belt. Paragraph 133 of the NPPF makes it clear that an essential characteristic of Green Belts is their openness and permanence, and the primary purpose of Green Belt policy is to prevent urban sprawl by protecting these characteristics.
8. The proposal is for the replacement of the existing two storey house with a new single dwelling built over the footprint of the existing house. This would be greater in terms of floorspace and over 2 metres taller to the roof ridge than the existing house. This would result in a larger 5 bedroom dwelling of

¹ National Planning Policy Framework: Section 13

significantly greater mass and apparent scale than that of the existing house on the site. From my site visit it is clear that the scale of the proposal would be apparent in views from within and towards Danson Park and, therefore, the MOL.

9. The appellant's Green Belt (Metropolitan Open Land) Visual Impact Assessment (Visual Assessment) argues that, on a local level, the proposal would continue to be perceived as a residential house nestled within a garden within the green edge of Danson Park and part of the transitional zone between the park and settlement areas beyond. However, I do not find that there is a transitional zone as identified by the appellants assessment, but rather that the connection between the park and the adjacent settlement areas does, in the most part, appear as more abrupt. This is particularly so along the park's boundary with Danson Road. Given the location of the appeal site on a raised area in the corner of Danson Park at Danson Road and Lakeside Close, I find that, when viewing the MOL with the proposal in the foreground, in medium views from the park's boating lake and in longer views from within the MOL and wider area, the scale and height of the proposed dwelling would result in a loss of openness and, therefore, cause significant harm to the openness of the MOL.
10. As the proposal would have a greater impact on the openness of the MOL than the existing development and does not meet an identified affordable housing need, the proposal should not benefit from the exception to development in the Green Belt set out in Part 'g' of paragraph 145 of the Framework.

Character and appearance and setting of Designated Heritage Asset

11. The proposal would read as a double bay detached house in a 'grand villa' style, that could be argued to contribute more decoratively than the plain design of the existing house, it would, however, be of greater additional scale and height. As the appeal site is distant from other houses in the local area this additional scale and height would be significantly more apparent in the street scene and in both public and private townscape views. Although there would be some trees and shrubbery contributing some screening, this would not mitigate the proposal appearing as a prominent and dominant building, that would be intrusive within the street scene and townscape at this edge of the park, particularly when viewed from the approach to the appeal site from Danson Underpass.
12. The Appellant's Visual Assessment states that there are no specifically designated, recognised or protected views to or across the appeal site, and does not, therefore, make an assessment against Local View 4 (Eaglesfield Recreation Ground towards Bexley and the Lower Thames) as set out in Policy DH(g): Local Views, of the Greenwich Core Strategy 2014, which states that 'planning permission will only be given for development which would not have a materially adverse effect on the overall perspective and essential quality of the Local Views'. I find that the additional mass and height of the proposal would, due to the raised topographical location of the appeal site, be unduly visually prominent and cause slight harm to this designated local view.
13. Danson Park is a Grade II Registered Park and Garden (Registered Park). The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the

- weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. Although the appeal site is located within Danson Park, it is not mentioned in the list description, it is, however, considered by the Council to be within the curtilage of the Registered Park and I see no reason to demur from this conclusion.
 15. The appellant has identified in their Visual Assessment that the proposal would introduce additional built form that would have a visual impact on parts of the Registered Park, including the Peace Garden. Whilst the Appellant has not drawn any conclusions with regard to the setting of the Registered Park, I find that the impacts of the proposal identified in the Visual Assessment would cause harm to the setting of the Registered Park that would be less than substantial.
 16. Although I find this harm to the setting of the designated heritage asset would be considered less than substantial, in accordance with the Framework, great weight should be given to the conservation of those assets. As the other considerations identified above are matters of very limited weight in favour of the development, I consider that these benefits do not outweigh the harm I have identified.
 17. For these reasons the proposal would, cause harm to the character and appearance of the local area and would be in conflict with Policies CS1 and CS7 of the Bexley Core Strategy 2012 (the Core Strategy) and Policies H3 and ENV39 of the UDP, which collectively seek to ensure that development protects designated areas, is compatible with the character and appearance of the area, pays special regard to the setting of designated heritage assets and protects the key heritage asset of Danson Park.

Whether there are Very Special Circumstances

18. Policies 7.16 and 7.17 of the London Plan and paragraph 143 of the Framework, set out the general presumption against inappropriate development within the MOL and Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the MOL, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the proposal is inappropriate development that, by definition, would harm the MOL. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt and therefore to the MOL. I have also found moderate harm to the openness of the MOL, substantial harm to the character and appearance of the area and less than substantial harm to the setting of the Registered Park.
20. On the other hand, the other considerations are matters of very limited weight in favour of the development. As such, the other considerations would not clearly outweigh the totality of harm that I have identified and therefore the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policies 7.16 and 7.17 of the London Plan, Policy CS17 of the Core Strategy, Policies ENV4, ENV5 and ENV11 of the UDP and with the Framework, which collectively seek to

ensure the MOL is protected from inappropriate development having an adverse effect on its openness.

Other Matters

21. Although the appellant has set out their views on the advice and communication from the local authority through the planning application process, these are not matters material to my determination of this appeal as other mechanisms exist to resolve such issues. Moreover, I have considered the proposal on its own merits, which is a fundamental principle that underpins the planning system.

Conclusion

22. For the reasons given above the appeal should not succeed.

Victor Callister

INSPECTOR