
Appeal Decision

Site visit made on 23 November 2020

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/G5180/D/20/3252322

Whippendell, Cudham Lane North, Cudham, Sevenoaks TN14 7RD

- 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 Tony Bowe against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00168/FULL6, dated 10 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is described as 'proposed loft conversion and internal alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion and internal alterations at Whippendell, Cudham Lane North, Cudham, Sevenoaks TN14 7RD in accordance with the terms of the application Ref DC/20/00168/FULL6, dated 10 January 2020, 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: 01-475-01, 01-475-02, 01-475-03, 01-475-04 and 01-475-05.

Procedural Matters

2. I have taken the description of the proposed development from the application form, but noted that the scheme includes an increase in the dwelling's roof height and the insertion of rooflights, and front and rear dormers.
3. Whilst I have considered the appellant's concerns regarding the Council's handling of his application, I have dealt with the scheme on its merits. In determining the main issue in this appeal, I have also noted that the reason for refusal in the Council's decision notice is duplicated.

Main Issue

4. The main issue is whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

5. The National Planning Policy Framework ('Framework') explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It sets out its five purposes at paragraph 134. It continues that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. At paragraph 145 it regards the construction of new buildings as inappropriate unless, amongst other things, it is 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. It defines the 'original building' as the building as it existed on 1 July 1948 (or as first built if after that date).
7. Policy 49 of the Bromley Local Plan 2019 ('BLP') is consistent with that approach; as is The London Plan 2016 ('LP') Policy 7.16's stance of only permitting inappropriate development in the Green Belt if there are very special circumstances.
8. BLP Policy 51 states that extensions to dwellings in the Green Belt will only be permitted if, amongst other things, the net increase in the floor area over that of the original dwellinghouse is no more than 10% measured externally. Its supporting text sets out that there should be no incremental harm to the Green Belt's openness due to excessive subsequent extensions.
9. Whippendell has a rather eclectic form, which includes single and two storey elements. The Council's delegated report lists planning decisions, and building regulations approvals on the site. It calculates that this proposal has a floor area of 28.26sqm, and that when taking account of previous extensions, it would result in the original dwelling's floor area increasing by about 90%.
10. I do not have all the details, or the plans, of permitted schemes on the site, although the Council's report provides a summary, with a description and some dimensions. That includes an existing, substantial two storey hipped roof section which was permitted in 1972 (Ref: 71/03131).
11. Whilst a recent prior approval scheme (Ref: 18/03572/HHPA) has not been built, on the basis of the available evidence, Whippendell has clearly been previously extended. I do not therefore agree with the appellant's assertion that the property as existing should be regarded as the 'original building'. That said, I also cannot be certain what the original building was.
12. However, this scheme's additional habitable floor area would be contained within the existing loft space, part of which is used for storage. The two dormers, and the roughly 0.2m increase in ridge height to align with the adjacent roof, would be extremely modest in terms of their size and scale. Even if the original building has already been disproportionately extended, the additional built form created as a result of this scheme would be negligible.
13. Having reached that conclusion, and in the context of Whippendell's existing form, including its front and rear dormers, the proposal would not harm the character and appearance of the site as alleged in the officer report.
14. Summing up, whilst I have had regard to the site's planning history, I am satisfied that this scheme would not result in disproportionate additions to the original building; and that it would not conflict with the aims and purposes of

the Green Belt. Consequently, it is not necessary or appropriate for me to separately consider the scheme's impact on the Green Belt's openness. The proposal would not conflict with the broad thrust of BLP Policies 49 and 51, LP Policy 7.16, or with the Framework.

Conditions and Conclusion

15. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. As well as the standard time limit condition, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.
16. I have not imposed the Council's suggested condition requiring that the scheme be faced with matching materials, as the application form and the Design and Access Statement indicate that the whole roof will be replaced with slate.
17. For the above reasons, whilst having regard to cumulative impacts, the proposal would not result in a disproportionate addition to the original building. Thus, it would not be inappropriate development in the Green Belt. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR