



Appeal Decision

Site visit made on 12 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal Ref: APP/G5180/D/20/3264000
414 Main Road, Biggin Hill TN16 2HP

- 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 D Shaw against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/02563/FULL6, dated 29 June 2020, was refused by notice dated 13 November 2020.
 - The development proposed is the demolition of existing pitch roof side extension and replacement with part one/two side extension and alterations to roof to existing house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy,
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Procedural Matters

3. Since Bromley Council's (the Council) refusal of the application Ref DC/20/02563/FULL6, the Mayor of London has adopted a new London Plan. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). The appellant and the Council have confirmed that this is not prejudicial to their cases.
4. The description of development varies between the documents submitted for this appeal, for clarity I have used the description used in both the Council's decision notice and the appellant's appeal submission.

Reasons

Inappropriateness

5. Policy 51 of Local Plan states that proposals for extensions or alterations to dwelling houses in the Green Belt will only be permitted if the net increase in the floor area over that of the original is no more than 10%. The Framework states that the extension of an existing building is not inappropriate development in the Green Belt, provided that it does not result in disproportionate additions, over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework but mathematical calculations as to the size of any additions relative to the original, as well as their visual relationship, are relevant factors to be considered.
6. The proposal involves the demolition of an existing pitched roof side extension and the construction of a part one/two storey side extension. This would replicate and extend the existing roof form and add another dormer window to match the 3 already on the front roof slope of this detached chalet style property. The Council has calculated that this would increase the floorspace of the original dwelling significantly more than 10% and this appears accurate from the evidence before me and is not disputed by the appellant.
7. An increase of the order proposed would significantly increase the size of the appeal dwelling, from a 3 to a 4 dormer window chalet style property, adding to the size of an already substantial dwelling, to the extent that it would be a disproportionate addition to the size of the original building.
8. I find for the reasons set out above, the proposal would involve a disproportionate addition over and above that of the original dwelling. I therefore conclude that this proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Openness of the Green Belt

9. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts is their openness.
10. The proposed extension would result in an inappropriate development, due to the proposal being a disproportionate addition over and above that of the original dwelling. It would replace an existing and substantial side extension and would result in a reduction in width of the appeal dwelling of approximately 2.2 metres. However, To the front, the proposed extension would step forward of the line of the existing side extension it would replace, aligning with and extending the main front façade of the dwelling. When combined with the additional volume and dormer window at roof level, this would result in additional and prominent bulk that would increase the apparent volume of the appeal dwelling and its physical presence as a structure. This would be particularly apparent in views from Main Road, where the appeal dwelling is viewed within the context of the open fields associated with this location.
11. Accordingly, the proposal would result in a reduction in openness compared to the existing situation and, therefore, moderate harm to the openness of the Green Belt.

Other Considerations

12. The appellant is of the view that the appeal proposal presents a preferable alternative to an alternative proposal for which the council has granted a Certificate of Lawful Development¹ (CLD), for which prior approval was previously determined by the Council².
13. The proposal to which the CLD relates is a single storey extension, 8.5 metres in width and projecting from the existing rear elevation by 6 metres. The proposals perimeter pitched roof would result in a terminal height of 4 metres with 3 metres to the eaves. In terms of floorspace, the CLD proposal would be slightly larger than the appeal proposal.
14. However, The CLD proposal would be only a single storey in height and located at the rear of the property, where it would appear as a subservient addition to the existing dwelling when viewed in the context of the single storey outbuilding located to the rear of the property. Given its location, it would not be visible from Main Road, from where the appeal dwelling is most visible from the public realm, nor have such a pronounced effect on the openness of the Green Belt compared to that of the appeal proposal that I have identified.
15. For this reason, and notwithstanding the smaller comparative floorspace and volume of the appeal proposal, I find that its impact would be greater than the CLD proposal and would not, therefore, present a preferable alternative.
16. The appellant has stated that their reasons for proposing to extend the appeal dwelling relate to their family need for additional space, and that the appeal proposal delivers a preferred layout. However, this would not constitute a public benefit and I can therefore only give this little weight for the purposes of my consideration of this appeal.
17. I agree with the appellant that the proposed extension would be an enhancement, although a marginal one, to the character and appearance of the appeal dwelling and would preserve that of the local area. However, the main issue in dispute relates to whether the proposal would be inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt and if the proposal would be 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 it.
18. Although I also find that the proposal, would not cause harm to the character and appearance of the local area and would enhance that of the appeal dwelling, lack of harm is a neutral factor and marginal enhancement to the appearance of the existing dwelling is of limited weight in favour of the proposal in this Green Belt context.

Whether there are Very Special Circumstances

19. Policies 49 and 51 of the Local Plan, Policy G2 of the London Plan and Paragraph 143 of the Framework, set out the general presumption against inappropriate development within the 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

¹ Planning Ref: DC/20/01117/PLUD

² Planning Ref: 18/04617/HHPA

unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found moderate harm to the openness of the Green Belt.
21. On the other hand, the other considerations I have already discussed are matters of 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 conflict with Policies 49 and 51 of the Local Plan, Policy G2 of the London Plan and the Framework.

Conclusion

22. For the reasons given above, the proposed development would not accord with the Local Plan, the London Plan and Framework, there are no other considerations which outweigh this finding. Accordingly, the appeal should not succeed.

Victor Callister

INSPECTOR