

Appeal Decision

Site visit made on 20 July 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/G5180/D/20/3263629

1 Keith Park Crescent, Biggin Hill TN16 3ER

- 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 Alistair Maynard against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/02644/FULL6, dated 15 July 2020, was refused by notice dated 9 November 2020.
 - The development proposed is for the erection of a two storey side and single storey rear extension and creation of front porch (as alternative works to those granted a Certificate of Lawfulness under reference DC/20/00751/PLUD) and erection of outbuilding in rear garden as per Certificate of Lawfulness DC/20/00751/PLUD.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side and single storey rear extension and creation of front porch (as alternative works to those granted a Certificate of Lawfulness under reference DC/20/00751/PLUD) and erection of outbuilding in rear garden as per Certificate of Lawfulness DC/20/00751/PLUD at 1 Keith Park Crescent, Biggin Hill TN16 3ER, in accordance with the terms of the application Ref. DC/20/02644/FULL6, dated 15 July 2020, subject to the conditions as set out within the Schedule attached to this decision.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Development Plan and the National Planning Policy Framework (the 'Framework') and the effect of the proposal on the openness of the Green Belt; and
 - ii) 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.

Reasons

Whether Inappropriate Development

3. Policy 51 of the London Borough of Bromley Local Plan (2019) stipulates that extensions or alterations to dwellinghouses in the Green Belt will only be permitted if: a) the net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement; and b) their size, siting, materials and design do not harm visual amenities or the open or rural character of the locality; and c) the development does not result in a significant detrimental change in the overall form, bulk or character of the original dwellinghouse. The final paragraph of that policy stipulates that other development within the curtilage is inappropriate by definition would only be permitted where very special circumstances have been demonstrated.
4. The above policy predates the Framework, as well as its previous February 2019 iteration by a month, but nonetheless it forms part of the Development Plan pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Framework's test set out within its paragraph 149.c) is less restrictive in stating that the construction of new buildings should be regarded as inappropriate in the Green Belt, but with one of the exceptions being for 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.
5. The Council stipulate that the original floor area of the dwelling is calculated at approximately 173.5sqm (including the detached garage with a floor area of 15.9sqm which is to be removed). The proposed extensions to the property (including the proposed outbuilding) amounts to 128.8sqm, an 81% increase. The appellant does not dispute these figures and on face value I consider that the proposal would give rise to disproportionate additions to the original building, in conflict with both Local Plan Policy 51 and the Framework.
6. Consequently the proposal would amount to inappropriate development which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations and Green Belt Balance

7. The Council has previously issued a Certificate of Lawfulness (LDC) to erect a 3m deep two storey rear extension, single storey side extension, front porch and introduction of a loft conversion, with a hip-to-gable enlargement and rear dormer; this is in addition to the provision of an outbuilding within the rear garden. This would enable the construction of a substantial box dormer separated from the two storey extension by a gully in line with the existing rear guttering, in isolation and in combination, these would appear incongruous in their appearance, detracting from the simple and honest architecture of the host dwelling, harmful to its overall form, bulk and character.
8. It is accepted between the parties that the floor area of the proposed development would be less than that of the approved LDC scheme, with a reduced GEA of approximately 41.7sqm. Therefore whilst the proposed development would have a detrimental impact upon the openness of the Green Belt, it would be less than for the Permitted Development fall-back, and of a more considered design; notwithstanding the fact that the proposed two storey

side extension would be more visible from the highway of Keith Park Crescent. Nonetheless the concept of openness is not restricted to solely public views.

9. The Council states that the current scheme would not be as beneficial in terms of its internal layout and design, but has not substantiated what it means by this. I have no reason to doubt that in the event that this appeal were unsuccessful, the likelihood of the LDC scheme being implemented instead would be high. This I consider to be a very special circumstance of significant weight.
10. Therefore, in this instance, and subject to Permitted Development (PD) rights being removed to prevent any future additional works being undertaken at the property, I consider that the potential harm to the Green Belt stemming from the proposal by reason of its inappropriateness is clearly outweighed by other considerations.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. Other than the standard time limit condition, the Council recommends that a condition is imposed that requires the development be carried out in accordance with the approved plans. This and a condition requiring the development to be constructed from materials to match those used on the existing building are necessary, in the interests of the character and appearance of the area.
13. The appellants have stated that they would have no objection to the removal of PD rights and whilst this is only normally deemed necessary in exceptional circumstances, I consider to construct both the appeal scheme and the additional elements of the works permitted by the LDC would negate the very special circumstances advanced by the appellants.
14. Therefore I consider it is wholly necessary to remove PD rights appertaining to any potential future alterations and extensions to the dwellinghouse itself and the erection of any further outbuildings. I have imposed a condition to this effect along with one preventing the implementation of this planning permission if some of the LDC works are carried out prior to its implementation.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3826-19-PL010 Revision P3, 3826-19-PL011 Revision P3 and 3826-19-PL012 Revision P2.
3. The materials to be used on the external surfaces of the development hereby permitted shall match those used on the existing building.
4. The development to which this planning permission relates shall not commence if the two storey rear extension and rear dormer addition forming part of the Permitted Development deemed lawful by the grant of a Certificate of Lawfulness for a Proposed Use or Development pursuant to Ref. DC/20/00751/PLUD has commenced.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no further enlargement of the dwellinghouse or provision of any additional building within its curtilage, as permitted by Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out.