
Appeal Decision

Site visit made on 24 August 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/G5180/D/21/3272033

Hawthorns, Cudham Lane South, Cudham, Sevenoaks TN14 7QA

- 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 Brian Mackay against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/20/03648/FULL6, dated 11 September 2020 was refused by notice dated 29 December 2020.
 - The development proposed is roof alterations for addition of first floor; demolition of side extension and erection of single storey side / rear extension, and reconstruction of front porch and elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations for addition of first floor; demolition of side extension and erection of single storey side / rear extension, and reconstruction of front porch and elevational alterations at Hawthorns, Cudham Lane South, Cudham, Sevenoaks in accordance with the terms of the application, Ref. DC/20/03648/FULL6, dated 11 September 2020 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Drawing Nos. HAW 60/01/Rev. A; 60/02 Rev. B; 60/03/Rev. B; HAW 20/01/Rev. 1; 20/02/Rev 1; 20/03/Rev 1;
 - 3) The development shall be carried out in accordance with details and samples of external materials that shall be first submitted to and approved in writing by the Local Planning Authority.

Main Issue

2. 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 2021 ('the Framework') and any relevant development plan policies.

Reasons

3. Paragraph 149 of the Framework says that although a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, there are exceptions including 'c) *the extension or alteration of a building*
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provided that it does not result in disproportionate additions over and above the size of the original building'.

4. The Council's development plan adopts a similar approach in the form of Policy 51 of the Bromley Local Plan 2019 but in proviso 'a' specifies a limit of 10% net increase in floor area as ascertained by external measurement. In addition, proviso 'b' requires the development not to harm the visual amenities or the open or rural character of the area, whilst 'c' seeks to ensure that the development would not result in a significant detrimental change in the overall form, bulk or character of the original dwelling.
5. The officer's report acknowledges that the appeal scheme would not infringe 'a' but contends that the proposal would conflict with 'b' and 'c' and on this basis concludes that the proposed alterations and additions would be inappropriate development in the Green Belt. Paragraph 147 of the Framework says this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. However, as I saw on my visit, the existing dwelling is situated in roughly the centre of a large plot, with probably only Apple Tree Cottage having a similarly extensive curtilage in the centre of Cudham. The site as a whole has an area of about 0.18ha of which only 135m² is currently occupied by the dwelling's footprint. As a result of the appeal scheme, this would increase to 150m² which in my view is not a significant addition.
7. At first floor level the increase in floorspace would be much greater and the Council's assessment is that *'while the additional floor area itself would not result in a disproportionate addition to the dwelling, the increased ridge height and extensions to the roof and first floor would cause harm to the open and rural character of the locality, resulting in a loss of openness as a result of their size, sitting and design'.*
8. I disagree with this conclusion. Certainly, the increase in built form does mean that there would be some loss of openness – this is inevitable. But because the altered and enlarged building occupies the centre of the large garden and to all intents and purposes would still be the same distance from the plot's boundaries, I am unable to agree there would be any perception of harm from the proposed changes to the building's profile and prominence.
9. Furthermore, such change that would occur as regards the loss of openness would in my view be far outweighed by the proposal replacing an unsightly 'suburban style' chalet bungalow with an attractive cottage of a traditional design and a rural character in keeping with its bucolic surroundings. Certainly, given the large number of supportive representations on the application it would appear that is also the prevailing view of this small community.
10. Overall on the main issue, I find that when assessed against Government policy in the Framework and the development plan in the form of Local Plan Policy 51, the appeal scheme would not be inappropriate development in the Green Belt. Accordingly, there is no need to consider whether there are any very special circumstances in this case.

Other Matter

11. Hawthorns is located within the Cudham Village Conservation Area. For the reasons explained in paragraph 9 above, I consider that the development would enhance the character and appearance of the conservation area, thereby increasing the significance of this designated heritage asset.

Conclusion and Conditions

12. For the reasons set out above, I allow the appeal. The Council has suggested conditions that require the obscure glazing of upper flank windows and the provision of on-site car parking. In respect of the windows, I do not consider that there would be a significant potential for the overlooking of neighbouring properties. As regards car parking, space for this is already existing in the garden and although the appeal scheme involves the loss of a garage the proposals would not necessitate changes to the present informal parking arrangement. Thus, in both cases I see no need for conditions.
13. However, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring the Council's prior approval of external materials for the proposed alterations and additions is needed to preserve visual amenity and safeguard the character and appearance of the conservation area.

Martin Andrews

INSPECTOR

