

Appeal Decision

Site visit made on 9 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 MAY 2022

Appeal Ref: APP/D5120/D/21/3283703

157 North Cray Road, Sidcup DA14 5LT

- 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 K Arthur against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/01902/FUL, dated 4 June 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described on the application form as 'addition of single storey attached annex including single storey rear extension to main building'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the neighbouring occupiers of 155 North Cray Road, with particular regard to outlook; and
 - If it 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 necessary to justify the development.

Reasons

Whether Inappropriate development

3. The appeal site comprises a detached bungalow on the eastern side of North Cray Road within the Green Belt. The property is set back from the road and includes an area of hardstanding to the front and a large garden to the rear. The surrounding area is predominantly residential and is characterised by bungalows on this side of the road, many of which have been extended and altered, particularly to the rear.

4. The Framework sets out in paragraph 149 several categories of new buildings which are not inappropriate development in the Green Belt. Policy G2 of the London Plan (2021) (the London Plan), and Policies CS01 and CS17 of the Bexley Core Strategy (2012) (the Core Strategy) seek to protect the Green Belt from inappropriate development.
5. The categories in the Framework include the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not specify what might be a disproportionate addition over and above the size of the original building. In addition, the Council has not referred me to any development plan policies which would define what is disproportionate. Consequently, this is a matter to be determined on a case by case basis.
6. The appellant states that the floor area of the existing building measures 115sqm but this is not the original building. I have no reason to doubt the Council's assessment that the floor area of the original dwelling (excluding the existing extension) would be around 90sqm. The appellant says that the proposed floor area would be increased to 138sqm, whereas the Council consider that the proposed floor area would be increased to about 150sqm. Notwithstanding this, whether an extension would be disproportionate is also influenced by other factors such as the relationship in terms of footprint, scale, form and massing.
7. The proposal would result in a large rear single storey extension that would project across the full width of the rear of the original building, together with a side extension that would have a bulky hipped roof and extend almost to the side boundary with No 159. Even if I were to apply the appellant's proposed floor area, when this is added to the existing single storey rear extension, the proposal would have a significant floor area and would represent a significant increase in the footprint of the dwelling. The proposed footprint, proportions and form of the extension would be viewed as a disproportionate addition.
8. Therefore, notwithstanding that the proposal has been reduced in size since a previously refused application, I consider that the extension would result in a disproportionate addition to the original building and would therefore be inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in paragraphs 147 and 149 of the Framework, Policy G2 of the London Plan and Policies CS01 (g) and CS17 (a) of the Core Strategy. The resultant harm should be given substantial weight in determining the appeal.

Openness

9. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The development would introduce additional built form in a location that is currently open and in use as residential curtilage. The proposed increase in footprint and volume, albeit limited to a single storey, would result in some loss of spatial openness. The extension would be at least partially visible from public viewpoints. The proposal would conflict with the fundamental aim of keeping land permanently open.
10. The proposal would result in limited harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would conflict with the aims of the

Framework and would be contrary to Policy G2 of the London Plan and Policies CS01 and CS17 of the Core Strategy which seek, amongst other things, to prevent harm to the Green Belt.

Character and appearance

11. The proposed extension would be in keeping with the design and materials of the existing house. The rear extension would not be prominent from the front and the side extension would be set well back from the front elevation of the property. Therefore, whilst the proposal would be a substantial addition to the property, it would have little impact on the street scene.
12. For these reasons, I consider that the proposal would not cause unacceptable harm to the character and appearance of the area. In this respect it would comply with Policy CS01 of the Core Strategy and saved Policies ENV39 and H9 of the Bexley Unitary Development Plan (2004) (UDP), which require new extensions to be compatible with the character of the surrounding area and of an appropriate scale, massing and elevational treatment. I also find that there would be no conflict with the guidance contained in the Council's Design and Development Control Guideline 2 document, which requires the siting, design and external appearance of extensions to respect the character of the existing building.

Living conditions

13. The neighbouring property to the north of the site, No 155, is set further forward than the appeal property and is on slightly lower ground. The neighbouring property includes a large ground floor window opening to the rear elevation. There is a reasonable gap between the neighbour's window and the boundary with the appeal site and the extension would be offset from that boundary by 875mm.
14. The extension would project about 3.9m beyond the rear of the existing property. According to the Council the existing extension to the rear of the appeal property extends around 1.6m beyond the rear wall of No 155, such that the proposal would extend 5.5m beyond the neighbour's rear elevation. Views from the neighbour's window opening towards the proposal would be at an oblique angle. Given the separation distance between the proposal and the neighbour's window, and the relatively low flat roof design proposed at this side, I find that there would not be an unacceptable overbearing impact or significant loss of outlook from the neighbour's window.
15. For these reasons, I consider that the appeal scheme would not be significantly harmful to the living conditions of the occupiers of No 155, with particular regard to outlook. In this respect, there would be no conflict with saved Policies ENV39 and H9 of the UDP or the Design and Development Control Guideline 2 document, which, amongst other things, seek to protect the amenity of adjoining occupiers. The Council's reason for refusal refers to conflict with Policy CS01 of the Core Strategy. However, this policy does not specifically relate to protecting living conditions and is of little relevance, if any, to this main issue.

Other considerations

16. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential

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

17. The proposal would be used as an annex to care for an elderly relative. However, there is no substantive evidence before me to indicate that the proposal is the only approach to providing the accommodation sought without the harm that I have identified. This matter carries only limited weight in support of the proposal.
18. There are other properties with large extensions in the surrounding area. However, I do not have full details of the circumstances or planning policies that led to them being built. The limited information before me indicates that the other extensions differ in terms of their size and relationship to the host properties and surrounding built environment. Some appear to have been features of the built environment for quite some time rather than being recent additions and are likely to pre-date the current development plan and the Framework. I therefore afford limited weight to this consideration.
19. No objections have been received from neighbouring residents in relation to this proposal. I have also found that the proposal would not harm the character and appearance of the area or the living conditions of the neighbouring occupiers. These are all neutral factors which do not add weight in favour of the development.

Conclusion

20. In conclusion, I have found that the proposal would be inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. I have given only limited weight to the other considerations in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, the very special circumstances do not exist to justify inappropriate development in the Green Belt. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Offerenshaw

INSPECTOR