



Appeal Decision

Site visit made on 30 May 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Kenneth Stone BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/G5180/D/21/3283379

32 Vincent Square, Biggin Hill, Nr Westerham, TN16 3EL

- 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 Jim Kerry against the decision of London Borough of Bromley.
 - The application Ref DC/21/00238/FULL6, dated 10 January 2021, was refused by notice dated 30 June 2021.
 - The development proposed is erection of garden shed on land at side and installation of trellising on top of boundary fence
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Decision

1. The appeal is allowed and planning permission is granted for erection of garden shed on land at side and installation of trellising on top of boundary fence, at 32 Vincent Square, Biggin Hill, Nr Westerham, TN16 3EL, in accordance with the application, Ref DC/21/00238/FULL6, dated 10 January 2021, subject to the following 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 approved plans: Drawing Nr:1 (scale 1:1250), DWG NR: 2 (Feb 2021), DWG NR: 3 (February 2021), DWG NR:4 (February 2021), DWG NR:5 (February 2021).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have used the description of development on the decision notice and appeal forms in the above header and in my formal decision, as it is a more concise description of the proposal.

Main Issues

4. The main issue in the appeal is:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and the development plan.

Reasons for the Recommendation

Whether it would be inappropriate development

5. The appeal property is a two storey, end of terrace dwelling. The proposal is for a garden shed, located to the side of the dwelling, and trellising on top of an existing fence.
6. Policies 49 and 51 of the Bromley Local Plan (January 2019) (the 'Local Plan') address inappropriate development in the Green Belt and extensions to dwellings in the Green Belt respectively. Local Plan Policy 49 provides lists of new buildings and development in the Green Belt which are not to be construed as inappropriate. These are similar, albeit not identical, to those at paragraphs 149 and 150 of the National Planning Policy Framework (the Framework). Local Plan Policy 51 indicates extensions to dwellings in the Green Belt will be permitted if the net increase in floor area is no more than 10%, there is no harm to visual amenities or character of the locality, and the development doesn't result in a significant detrimental change to the form bulk or character of the original dwelling. It also states that proposals to extend converted or replacement dwellings will not normally be permitted and that other development within the curtilage is inappropriate by definition.
7. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. In this case I consider that the most relevant is 149(c) which refers to 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.
8. Local Plan Policy 49 is reasonably consistent with the Framework and the minor textual differences do not materially alter or conflict with the nature or intent of the Framework policy and I therefore afford it full weight. Policy 51 provides detail around the nature of extensions to dwellings which would be within paragraph 149c, albeit that the Framework is not limited to extensions to dwellings. It is generally consistent with the intent of the Framework but introduces a further layer of prescription in relation to replacement buildings and other development in the curtilage of the dwelling which must be treated with caution in its application. This therefore tempers the weight I afford to any limited conflict with those parts of the policy.
9. The Council suggest that as the shed is a detached outbuilding rather than an extension to the existing house and a replacement dwelling for bomb-damaged dwellings the exception in Policy 51 would not apply as the final two clauses would be operative and preclude these proposals, and therefore the proposal would be inappropriate development.
10. Whilst the proposed shed is a standalone structure, the appellant considers that as the proposal is associated with the existing host dwelling it should be considered as an extension to the dwelling.
11. A domestic outbuilding, such as a shed, can in certain circumstances be considered as if it were an extension to a dwelling dependant on whether it is a normal domestic adjunct and having regard to its distance from and relationship with the main building. I share the appellant's view. Given the proposed location of the shed immediately adjacent to the side wall of the dwelling and the nature of its proposed use the proposal can be reasonably

described as a normal domestic adjunct and can reasonably be considered as an extension to the main building. I have therefore considered the proposal under the exception at bullet point 3 of Local Plan Policy 49 and paragraph 149(c) of the Framework and Local Plan Policy 51.

12. The proposed shed would be a modest size and would be subservient and in keeping with the scale of the dwelling. The overall additional size and dimensions are limited, and I have been given no details of further extensions to the property. Therefore, taking into account the limited increase in built development involved, I do not consider that the proposed shed would represent a disproportionate addition over and above the size of the original building, which would therefore be in accordance with the Framework and Local Plan policy 49. I have no evidence before me to suggest this would result in an increase in excess of 10% of the floorspace of the building and given the limited scale and proposed siting there would be no harm to the visual amenities or open rural character of the area, nor would it result in a significant detrimental change to the dwelling as referred to in the policy. Whilst the dwelling may be a replacement building the policy includes the word 'normally' which does not preclude all such extensions and given the overall facts of this case I conclude that it would not conflict with the policy in this regard.
13. For these reasons, I find that the proposal would not comprise inappropriate development within the Green Belt as defined by the Framework and Policy 49 of the Local Plan. As the appeal property is a replacement dwelling, the proposal would not fully accord with Local Plan Policy 51 however, as explained above, the alterations would not result in disproportionate additions over and above the size of the original building, and would therefore be compliant with the main thrust of Policy 51 to prevent inappropriate development, and which in any case includes reference to 'normally' and is not a blanket restriction, I give any conflict in this regard therefore limited weight.

Other Matters

14. The appeal property is located within the RAF Biggin Hill Conservation Area (CA). The CA covers an area formerly used as a military airfield and incorporates examples of airfield architecture associated with the RAF presence. The appeal property is located in an area formerly in use as married quarters and has a residential and domestic character. The well portioned and cohesive design of the appeal property contributes to the character and appearance of the CA.
15. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The proposed shed would be located behind a high fence (approximately 1.8 metres) that would screen it from view from Vincent Square. A small section of trellising would be added and would be visible above the fence, but it is discreetly located to the side of the appeal dwelling, within a cul de sac, and given the modest size and nature of the structure proposed it would not be a prominent or materially incongruous form of development. The Council also

conclude that the proposal would not have a detrimental impact on and would preserve the character and appearance of the CA.

17. I therefore conclude that the proposed development would preserve the character and appearance of the CA and accord with Section 72 of the Act.

Conditions

18. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and Planning Practice Guidance.
19. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. These specify the material of construction, so an additional condition relating to materials is not necessary in this case.

Conclusion and Recommendation

20. For the reasons given above I conclude that the proposed development is in accordance with the Development Plan as a whole and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Kenneth Stone

INSPECTOR