



Appeal Decision

Site visit made on 4 October 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/G5180/D/22/3294546

45 Leaves Green Road, Keston BR2 6DE

- 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 and Mrs Peter and Janet Harris against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04636/FULL6, dated 8 November 2021, was refused by notice dated 4 January 2022.
 - The development proposed is for the demolition of existing bay windows. Erection of single storey front extension to dwelling, incorporating porch, and garage and elevational alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development in the Council's decision notice and appellant's appeal form as it more accurately describes the development for which permission is sought.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt; and
 - (c) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) advises that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Policy 49 of the Bromley Local Plan 2019 (Local Plan) 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.

5. Paragraph 149(c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
6. Although the Framework does not explain what is meant by 'disproportionate', Policy 51 of the Local Plan states that proposals which result in increases of more than 10% (as measured externally) over the original building will be resisted. The Council indicates that the footprint of the original dwelling has already been extended by 19%. The proposed extension would increase this figure to 31%. The appellant does not disagree with these figures.
7. As the proposal would result in a building considerably in excess of the 10% threshold, I must conclude that the development is disproportionate and so is inappropriate development in the Green Belt. Therefore, in addition to conflicting with Local Plan Policies 49 and 51, the proposal would also be contrary to Paragraph 149(c) of the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve. The Council considers the scheme to be contrary to the purpose of assisting in safeguarding the countryside from encroachment.
9. The development would be contained within the existing curtilage of an established dwelling, which has housing either side. It would extend the front of the building onto existing block paving which is used to park cars. The site is distinctly residential in character. I therefore consider that the proposal would not result in encroachment of development into the countryside, and so would accord with Paragraph 138 of the Framework.
10. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
11. As the proposed development would increase the size of the appeal building, there would be some spatial loss of openness of the Green Belt.
12. The property is set back from the site frontage. It would clearly remain as a bungalow and together with the use of matching materials, I do not consider that the extension would be unduly prominent or noticeable such that visually it would harm the openness of the Green Belt.
13. In my view, whilst there is a technical loss of openness because of the additional built form, this loss is not in fact noticeable and cannot therefore reasonably be considered as harmful.

Other Considerations

14. The appellant considers that the proposed structure would be subordinate. However, Green Belt policy requires the works to not be disproportionate to the

original building, which is a subtly different requirement. Having regard to the Local Plan and the Framework, I have found the extension to be disproportionate to the original dwelling.

15. The proposal is also said to be sited and finished to complement the existing building. I have already concluded that the position and finished materials of the extension do not cause harm in terms of openness. Furthermore, the Council has not specifically raised concerns in relation to the appearance, form, bulk etc. of the proposed works, which are the other requirements of Policy 51 of the Local Plan. However, all developments would be expected to have an appropriate siting and appearance that complies with policy. Therefore, such matters would not weigh positively in favour of the scheme.
16. The appellant notes that the proposal is not a 'stand-alone' structure. However, I am unable to attach weight to something which the scheme is not proposing.
17. The Design and Access Statement that accompanied the planning application refers to the mobility of the applicants. Planning Practice Guidance¹ advises that planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.

Green Belt and Planning Balance

18. The development is inappropriate development in the Green Belt which by definition is harmful, although there is no harm to openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
19. I have found the other considerations advanced in favour of the proposed development, both individually and cumulatively, to be worthy of only limited weight for the reasons I have given. As such, they would be insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
20. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt. I have considered all other matters raised but none outweigh the conclusions I have reached.

Conclusion

21. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR

¹ Paragraph: 015 Reference ID: 21a-015-20140306