



Appeal Decision

Site visit made on 21 March 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/G5180/D/22/3304928

Fair Oak, Grays Road, Westerham TN16 2HX

- 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 Philip Game against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00443/FULL6, dated 21 January 2022, was refused by notice dated 8 June 2022.
 - The development proposed is a first floor side/rear extension with solar panels and rooflights to side roof slopes, front dormer and conversion of existing garage to habitable accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading above, I have taken the description of development from the Council's decision notice and appellant's appeal form, as it more succinctly describes that 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 in the Green Belt, development should be regarded as inappropriate. However, Paragraphs 149 and 150 set out exceptions, where subject to certain requirements, development in the Green Belt might not necessarily be considered inappropriate.

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. Policy 49 of the Bromley Local Plan 2019 (Local Plan), whilst pre-dating the latest version of the Framework, is broadly consistent with the nature and intent of the Framework policy. That it does not include a reference to material changes in the use of land, does not render it out of date for the purposes of this appeal. This is because Paragraph 219 of the Framework clarifies that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
7. Policy 51 of the Local Plan states that extensions to dwellings in the Green Belt will only be permitted if, amongst other things, the net increase in the floor area over that of the original dwellinghouse is no more than 10% measured externally. Its supporting text sets out that there should be no incremental harm to the Green Belt's openness due to excessive subsequent extensions. Policy 51 can similarly be considered broadly consistent with the nature and intent of the Framework policy.
8. Although the proposal will not increase the building's footprint, the Council indicates that the proposal would result in a cumulative increase in floor space of 105% over the original building. The appellant does not dispute this figure.
9. The appeal site comprises an enlarged detached dwelling in a large plot, with outbuilding to the rear. The proposed extension would be confined to one side of the dwelling, building over the existing attached garage. The extension would match the existing ridge height of the dwelling and extend along the full length of the garage, which itself extends beyond the main rear elevation of the dwelling. It would, as such, be a sizeable addition to the already extended existing dwelling. On this basis, there would be a significant increase in the size, scale and bulk of the building which would be disproportionate.
10. An appeal decision of what was said to be a broadly similar situation, albeit from a different local authority area, was put forward to illustrate that whilst cumulative additions can be sizeable, this does not necessarily lead to a conclusion that they are disproportionate. Whilst I do not have the full details of that case, it nonetheless indicates that proportionality is not necessarily solely limited to floor space and a proposal has to be judged as a whole, taking into account different factors, and their particular planning circumstances, as has been done above.
11. Overall, I find the proposed scale of enlargement to result in disproportionate additions over and above the size of the original building, which is the test of the Framework. It is therefore inappropriate development in the Green Belt.
12. In addition to conflicting with Policies 49 and 51 of the Local Plan, 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

13. 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'. 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.
14. The dwelling would be extended above the existing garage. Although the garage has a hipped roof, the proposal would introduce built form where none previously existed. Consequently, there would be a spatial loss of openness of the Green Belt. There is some screening to the site's boundaries, but nevertheless the extension would be visible from Grays Road. That the road has a 40mph limit does not mean that all traffic will necessarily be travelling at that speed and so be unable to see the extension.
15. Additional boundary planting might reduce the extension's visibility but would not overcome the increased quantum of built development at the site. This would continue to represent a small loss of openness to the Green Belt, irrespective of any lack of visibility. Whilst I note that the effect would be limited and localised, harm to the openness of the Green Belt would nevertheless occur; and, as per Framework paragraph 148, any harm to the Green Belt attracts substantial weight.

Other Considerations

16. The appellant's Statement makes reference to the removal of the existing rear extension. The Statement indicates that this would result in a reduction in the volume calculation below 100%. Policy 51 of the Local Plan refers to floor space rather than volume and there is no clear indication as to what any resulting increase would actually be. Furthermore, none of the submitted drawings indicate removal of the rear extension and there is no reference to it in the original description of development. Indeed, the proposed layout suggests that the new ground floor study and dining room would connect directly through to this existing rear part of the dwelling. Given such uncertainties, a planning condition seeking any such demolition would not be sufficiently precise to be enforceable nor would it be reasonable. For these reasons, it is not a factor which I can weigh in favour of the scheme.
17. The proposal is said to comply with the five purposes of the Green Belt and would cause no harm to the Area of Outstanding Natural Beauty or raise wider issues of bio-diversity. Similarly, there is no arboricultural objection. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.
18. The design of the extension was not a contentious issue in this appeal. However, good design should be an expectation of all development. It is also expected that development would not harm the living conditions of neighbouring residents or raise highways concerns. Therefore, these are also neutral factors in this appeal.
19. The extension and alterations would represent an improvement to the property and local housing stock for the existing and future occupants of the dwelling.

Nevertheless, this would primarily be a private benefit and therefore, would be a limited public benefit. I therefore attach limited weight to this matter.

20. The proposal would provide employment and a boost to the local economy. However, such benefits would be limited because they are mainly restricted to the duration of the building works.
21. The appellant refers to a site on Grays Road, which has received planning permission for residential development since a previous proposal at the appeal site was dismissed. However, that scheme appears to have been for new dwellings and I do not have the details of that scheme before me so cannot be sure that it represents a direct parallel. In any case, I have determined the appeal on its own merits.
22. The proposal is said to represent less harm than if the scheme were for a two storey extension. However, I must consider the development that is before me and make an assessment as to its effects in regard to the main issues of the case. I am therefore unable to give weight to something which is not being proposed.
23. It has been pointed out that other Council's development plans allow greater percentage increases to buildings in the Green Belt. However, I must have regard to the development plan policies pertaining to the development before me. Therefore, I am unable to give weight to the policies of other Councils.

Green Belt and Planning Balance

24. The development is inappropriate development in the Green Belt which by definition is harmful. It would also result in a small loss of openness of the Green Belt. As such, the Framework requires that the harm I have identified 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.
25. The weight I could ascribe to those considerations in favour of the proposed development would be limited and 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.
26. The conflict with the Framework policies for the Green Belt would provide a clear reason for refusing the development. I also find that the development is contrary to the development plan taken as a whole. I have considered all other matters raised but none outweigh the conclusion I have reached.

Conclusion

27. For the reasons set out above, the appeal should be dismissed.

Stewart Glassar

INSPECTOR