The Planning Inspectorate

Appeal Decision

Site visit made on 15 May 2023

by M Ollerenshaw BSc (Hons) MTPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/G5180/D/22/3309249
4 West Hill, Downe, Orpington BR6 7JJ

- 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 Suna Niazi against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/21/05569/FULL6, dated 29 November 2021, was refused by notice dated 31 August 2022.
- The development proposed is described on the application form as "ground floor and first floor extension with internal reconfiguration".

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 on the openness of the Green Belt; 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 semi-detached, two storey dwelling located on the south eastern side of West Hill. The appeal property, which has been extended previously, is set back from the road and includes a driveway and a garden to the front and a larger garden to the rear. The site is within the Green Belt.

4. Paragraph 149 of the Framework and Policy 49 of the Bromley Local Plan (2019) (the Local Plan) set out that the construction of new buildings will be considered inappropriate in the Green Belt. There are exceptions, however, including 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. Policy 51 of the Local Plan also sets out that extensions to dwellings in

the Green Belt will only be permitted where, amongst other things, the net increase in floor area over that of the original dwelling is no more than 10%.

5. The Council has calculated that the existing extensions to the property have already increased its floor area by around 61m^2 which represents an increase of about 168% on the original building. The proposed extensions would add a further 58.7m^2 in floor area which would amount to a cumulative increase of around 229% and therefore significantly more than the 10% permitted by Local Plan Policy 51. I have no reason to doubt these figures, which have not been disputed by the appellant. When added to the existing extensions, the proposed extensions would have a significant footprint, proportions and form which would be viewed as disproportionate additions to the original building.

6. For these reasons I consider that the extensions would represent inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in the Framework and Policies 49 and 51 of the Local Plan. The resultant harm should be given substantial weight in determining the appeal.

Openness

7. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The proposed first floor extension would be particularly wide and with the proposed hipped roof would add considerable bulk to the dwelling. The development would be highly prominent when viewed from West Hill. Therefore, it would result in some loss of visual and spatial openness and conflict with the fundamental aim of keeping land permanently open. This would be harm in addition to that caused by the inappropriateness of the proposal.

Other considerations

8. 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.

9. The proposal would include solar panels to the rear roof slope and an area of green roof which would contribute to a more energy efficient and sustainable home. However, there is no substantive evidence before me that these benefits could not be realised without the need for extensions of this size.

10. The proposal would provide enlarged accommodation and cater for the needs of the occupants of the dwelling. However, that could be said of many domestic extensions and therefore I attach limited weight to this factor.

11. The creation of employment opportunities during the construction phase would benefit the local economy as would a possible rise in Council Tax. Given the scale of the development, I give these matters limited weight in its favour.

12. The appellant contends that the proposal would make efficient use of land on a plot that has ample room to accommodate it, but this would be at the expense of the openness of the Green Belt. Whilst there are other larger properties in the surrounding area, these do not justify the proposal and this is a matter that carries limited weight.

13. The appellant states that the proposal would provide an enhancement to the appearance of the dwelling. However, this scheme is not the only way in which that could be achieved.

14. Although not stated as reasons for refusal, the Council has raised concerns about the effects of the proposal on the character and appearance of the area and the living conditions of the neighbours. As the appeal is to be dismissed for the reasons referred to in this decision, it has not been necessary for me to consider these matters further. However, even if I were to conclude that the proposal would not be harmful in relation to these matters, the absence of harm would effectively be neutral rather than weighing positively in favour of the scheme.

Conclusion

15. 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 Ollerenshaw

INSPECTOR