



Appeal Decision

Site visit made on 6 June 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2023

Appeal Ref: APP/D5120/D/23/3316663

Silverdene, Cocksure Lane, Sidcup, Bexley DA14 5EY

- 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 Adams against the decision of the London Borough of Bexley Council.
 - The application Ref 22/02758/FUL, dated 7 November 2022, was refused by notice dated 29 December 2022.
 - The development is a proposed is the erection of a detached garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal property comprises a large, detached dwelling situated on the western side of Cocksure Lane and within the Green Belt. The property lies within a large plot surrounded by woodland and paddocks. It is a two-storey chalet-type dwelling which also features a large single storey L-shaped extension.
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5. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (c) the extension or alteration of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
6. The officer report states that the original building consisted of a chalet with a garage and car port. Whilst I have not been provided with exact figures of the size of the original building, the Council states that it was built in 1963 and has been extended multiple times. The appellant acknowledges that the existing dwelling has been extended in the past but states that the only known additions relate to a first-floor extension to provide a bedroom and a ground-floor porch granted in the 1980s. However, in my view and from the limited evidence before me, it would appear that the single storey L-shaped element adjoining the northern flank of the property represents a significant addition for which there is no record of planning permission.
7. The appellants consider the size of the proposed garage would be proportionate given it would only represent an increase of 9.5% in volume and 10% in floorspace over the size of the existing dwelling. They also opine that the percentage increases in both volume and floor area are smaller than those approved in 2022 for a replacement dwelling (ref. 21/03794/FUL). However, the base point for assessing the proposal is the original dwelling as built in 1963 and given the original property has quite clearly been substantially enlarged over the years, the proposed garage would add further bulk to the considerable accumulation of existing extensions.
8. National guidance on measuring 'proportionality' refers in the NPPF to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the cumulative increase in built form and floorspace over the original building would be significant. Whilst the appellant contends the garage would maintain the characteristic space around the property and would constitute a minimal increase in height compared to the boundary fence against which it is sited, the additional built form and volume of development in the area of the site which only features hardstanding would result in greater visual bulk. I therefore find that the scale of the proposed development, viewed together with previous additions, would be disproportionate. On this basis, the proposal would not accord with the exemption outlined at Paragraph 149(c) of the Framework.
9. In addition to the above, the appellant has referred me to paragraph 149(g) of the Framework, which allows for the limited infilling or the partial or complete redevelopment of previously developed land (which is the case here). However this exception is providing that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. Therefore, in order to determine whether it would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing development.

Openness

10. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the increase in built form would materially impact on openness in a spatial aspect resulting in some limited harm to the

Green Belt. Furthermore, the increase in building coverage on the site both in terms of footprint and cubic content means the proposal would also have a greater visual impact on the openness of the Green Belt. However, it would neither feature prominently in the streetscene, nor would it be visible to adjacent occupiers and vehicles on Parsonage Lane to the south. Whilst I have had regard to the appellant's point that the obscuring of the white posts would be beneficial in the context of the visual openness of the Green Belt, I do not find this to be compelling in the context of the adverse impact on openness that the proposed development would cause.

11. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.
12. Given my conclusions above, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined in paragraph 149 of the Framework. Furthermore, it would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, and Policy G2 of the *London Plan 2021*, Policy ENV4 of the London Borough of Bexley Council's *Unitary Development Plan 2004 (saved policies)* and Policy CS17 of the *Core Strategy 2012* which have similar aims to the Framework in this respect.

Other considerations

13. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. In this regard, the appellant opines that the approved replacement dwelling (ref. 21/03794/FUL) is commensurate in scale to the existing extended dwelling and should represent the new 'original' dwelling for the purposes of assessing paragraph 149(c) developments once built. However, whilst I have had regard to the contention that the appellant will soon implement this permission, it is unreasonable to expect that the assessment of proportionality for the purposes of paragraph 149(c) be carried out against any development other than that as observed during the site visit. In any case, it is considered that the increase in built form and volume as a result of the development even when compared against the replacement dwelling would still result in an adverse impact on both the spatial and visual openness of the Green Belt. This consideration therefore does not lend any significant weight in support of the proposal.
15. Furthermore, I appreciate that the appeal site is large, and the proposed garage would occupy approximately 0.3% of the site's area. Whilst the appellant states that this is insignificant, the proposed garage would nevertheless constitute an increase in building coverage within the site and a disproportionate addition when viewed cumulatively with past extensions. As above, this consideration does not lend any significant weight in support of the proposal.

16. The appellant states that there is a high probability that six vehicles would be parked at the front of the property and therefore the proposed garage would limit the number of vehicles visible from the public realm. The occurrence of such a scenario is speculative and there is no evidence of any weight of the probability of this happening. In any event, the permanence of a building such as the one proposed would contrast decisively when compared with the impact of vehicles which may have more limited or temporary effects. As such, this consideration does not lend any significant weight in support of the proposal.
17. I also acknowledge that sympathetic materials such as dark stained timber would be used and a green sedum roof, water butt and EV charging points would be installed. Whilst these are positive features which would lend some very limited weight in support of the proposal, these considerations do not outweigh the harm I have identified.

Planning Balance and Overall Conclusion

18. I consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. On balance, the very limited weight attributed to the other considerations in this case does not clearly outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR