



Appeal Decision

Site visit made on 12 September 2023

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/G5180/D/23/3315873

Croft Cottage, High Elms Road, Downe, Kent BR6 7JL

- 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 Raj Patel against the decision of London Borough of Bromley.
 - The application Ref DC/22/03885/FULL6, dated 3 October 2022, was refused by notice dated 28 November 2022.
 - The development proposed is first floor rear dormer extension.
-

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 National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt
 - The effect on the character and appearance of the area with particular regard to the locally listed building.
 - 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c. These requirements are broadly echoed by Policy 49 of the London Borough of

Bromley Local Plan (2019) (LP). Although the Framework does not define what should be considered as disproportionate, Policy 51 of the LP provides criteria in this regard, that extensions to dwellings in the Green Belt should not increase the floor area over that of the original dwelling house by more than 10%.

5. In this case the original building, as it existed on 1 July 1948 is agreed to have a floor area of 216m², footprint of 108m² and 1233m³ volume. Permission was granted under ref 87/01797/FUL for an attached garage and single storey rear extension. The single storey extension has been built and had a floor area and footprint of 40m² and a volume of 147m³, a 19% increase in floor area from the original building. The garage has not been built.
6. The development proposed is for a dormer window to the extended part of the property. It would increase the floor area by around 24sqm and the volume by 45m³. Therefore, taken together the implemented single storey extension and the proposed dormer would result in an increase in floorspace of around 30% from the original dwelling. Furthermore, together the extensions would result in a substantial two storey addition which would create a dwelling with a much larger footprint across two storeys, compared to the original cottage.
7. Therefore, the extension would result in a considerable increase in size of the original building with the proposed development introducing notable additional massing at first floor. Furthermore the proposed percentage increase in floor area would appreciably exceed the 10% increase set out in Policy 51 of the LP. As such the development would result in a disproportionate addition over and above the size of the original building.
8. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policies 49 and 51 of the LP, the aims of which are set out above.

Openness

9. Openness has both spatial and visual dimensions. The proposal would introduce first floor development where currently there is none, and therefore there would be harm to spatial openness. The proposal would also be visible in glimpsed views from the golf course to the rear particularly when trees are not in leaf, albeit this would be limited due to the boundary treatment. Nevertheless, it would also be likely to be seen in private views from the adjoining property. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
10. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework in this regard.

Character and Appearance

11. Croft Cottage is a locally listed building and therefore a non-designated heritage asset. Its features of significance appear to include its age and its traditional cottage appearance with distinctive flint and brick elevations. The existing single storey extension is secondary to the host dwelling, and therefore these features remain prominent. Croft Cottage therefore has a

modest degree of heritage significance meriting consideration in planning decisions.

12. The proposed dormer would span the majority of the width of the rear roof, for a sizeable depth, incorporating three windows with timber cladding between. This size and massing would result in a large and bulky addition at roof level. This would erode the secondary character of the existing rear extension and therefore undermine the modest cottage character of this dwelling. Furthermore, although found nearby, the timber cladding is not characteristic of the distinctive materials found at Croft Cottage and as such it would be visually jarring and would draw attention to the inappropriate addition. As such the proposed dormer would not be sympathetic to the character and appearance of the building.
13. Although the heritage significance of the property is modest, nevertheless the extent of the harm is such that the effect on the non designated heritage asset would be unacceptable.
14. The neighbouring Clock House is Grade II listed. However there is no substantive evidence before me the proposed development would have a harmful effect on its setting and I have no reason to conclude otherwise.
15. Nevertheless, the proposed development would be harmful to the character and appearance of the area with particular regard to the locally listed building. Consequently, it would be contrary to Policies 37 and 39 of the LP, which require a high standard of design and layout and that extensions to locally listed buildings must be sympathetic to the character, appearance and special local interest of the building. Additionally, for these reasons the proposed development would not be supported by the Supplementary Planning Guidance No 1 General Design principles and No 2 Residential Design Guidance which together seek that development should respect the character of its locality and the site.

Other Considerations

16. There is an extant permission for a detached garage with a floor area of 15sqm. The appellant states that they would accept a mechanism to secure that this would not be built. However, the garage would not create the increase in living accommodation sought as part of these proposals. Furthermore, the appellant states that they do not intend to build the garage. Therefore, I do not consider that there is a real prospect that the garage would be built. Consequently, this matter does not justify the development proposed.
17. It is also put to me that it would be possible to construct a dormer window on the original rear roofslope with a floor area of 20sqm. However, this would be smaller than the appeal scheme and therefore would be less harmful in terms of paragraph 149c of the Framework. As such this does not lead me to conclude that the appeal proposals would be acceptable.
18. The development would provide enlarged living accommodation for the occupiers. However this benefit would mainly be private and therefore I afford this minimal weight. There is no dispute that the proposed development would not be harmful to neighbouring amenity. However, this is a neutral factor that does not weigh in favour of the development.

Green Belt Balance

19. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. As well as the permanent harm to character and appearance. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
20. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with Paragraph 148 of the Framework and Policies 49 and 51 of the LP, the aims of which are set out above.

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR