



# Appeal Decision

Site visit made on 15 September 2023

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 October 2023**

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**Appeal Ref: APP/G5180/D/23/3319642**

**3 Grice Avenue, Biggin Hill TN16 3EW**

- 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 Jonathan Cummins against the decision of London Borough of Bromley.
  - The application Ref DC/21/04254/FULL6, dated 23 August 2021, was refused by notice dated 6 January 2023.
  - The development proposed is the construction of a second storey rear extension and front porch and alterations to attached garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I am in receipt of amended plans from the plans considered by the Council. The amended plans show that the roof level of the proposed extension would be no higher than the ridge of the existing property, as opposed to being slightly higher on the plans considered by the Council.
3. As this is a minor amendment, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests or those of any interested parties would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal on the basis of the amended plans.

## Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
    - Whether or not the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
    - The effect of the proposed development on the openness of the Green Belt;
    - The effect of the proposed development on the character and appearance of the host property and the surrounding area; and
    - If the proposed development 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 required to justify the proposed development.
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## Reasons

### *Site and proposed development*

5. The appeal property is a two-storey detached dwelling. It is located on a planned estate of similarly designed properties. The property has a garage to the side and has previously been extended. The appeal proposal is for a first and second floor rear extension with dormer window, that would be constructed above an existing single storey rear extension. It would also involve the provision of a front porch and include alterations to the existing garage.

### *Whether or not inappropriate development*

6. The National Planning Policy Framework (2023) (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149. One of the exceptions cited is 149 c) 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 49 of the Bromley Local Plan (2019) is consistent with the Green Belt aims of the Framework and includes the same exception from the Framework as set out above.
7. The 'original building' is defined as the building as it existed on 1 July 1948 or if constructed after this date, as it was originally built. The Framework does not define what constitutes a 'disproportionate' addition. Policy 51 of the Bromley Local Plan sets out, amongst other things, that extensions or alterations to dwellinghouses in the Green Belt will only be permitted if the net increase in the floor area over that of the original dwellinghouse is no more than 10%, as ascertained by external measurement.
8. The appeal property has been extended from its original form. This is set out in the Council's evidence and from my own observations on my site visit. This is despite the appellant suggesting that the existing house has not been extended in the past.
9. The Council's undisputed evidence outlines that previous extensions to the original dwellinghouse have resulted in a net increase of the floor area of the original dwellinghouse by more than 10%. It is outlined that the proposed development would add an additional 48 square metres to the extended property.
10. Due to its overall size, scale and volume, the proposed development when taken with other extensions to the property, would result in disproportionate additions over and above the size of the original building in the terms of paragraph 149 of the Framework and Policies 49 and 51 of the local plan. For these reasons, the proposal would be inappropriate development in the Green Belt and would be contrary to Policies 49 and 51 of the local plan, and Policy G2 of the London Plan (2021). This is a matter to which I afford substantial weight in the planning balance.

### *Openness*

11. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect.
12. The proposed development would not increase the overall footprint of the property significantly; however it would create built development where there is currently none, and therefore would have a greater impact on the openness of the Green Belt in spatial terms. I find that in light of the overall size and scale of the development, the harm to the openness of the Green Belt from a spatial aspect would be relatively moderate.
13. The bulk of the proposed development would be sited to the rear of the property and its design would reflect that of the host dwelling. It would not be highly prominent. I therefore find that there would be limited harm to the openness of the Green Belt from a visual point of view.
14. Overall, I consider that the effect on the openness of the Green Belt would be moderate, and I therefore give this harm moderate weight.

### *Character and appearance*

15. In terms of the effect on character and appearance, the Council did not raise an objection to the proposed porch or alterations to the garage. I have no reason to form a different view.
16. The main element of the extension comprising the two-storey rear extension, would reflect the design of the host property and would use materials to match those of the host dwelling. The amended plans show that the roof of the extension would not project higher than the existing roof. As the extension would be located to the rear of the property, there would be limited views from any public vantage points and thus it would not harm the street-scene.
17. Therefore, notwithstanding the Green Belt considerations above, I do not share the Council's view that the extension would be unacceptable due to its scale and mass. Whilst in terms of the character and appearance of the property, it would represent a sizeable addition, it would be in keeping with the area and I do not find harm would be caused in this regard.
18. I therefore find that on the matter of character and appearance, the proposed development would not cause harm. It would comply with Policies 6 and 37 of the Bromley Local Plan (2019) and Policy D4 of the London Plan (2021). Collectively, these policies require that development is of high-quality design which respects and enhances local character. It would also comply with the design requirements of the Framework.

### *Other considerations*

19. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to

the harm in that regard. It would also cause moderate harm to the openness of the Green Belt.

21. The appellant outlines how the proposed extension would provide additional accommodation to allow for the care of a disabled family member. On the evidence that is before me, I do not doubt that the proposed extension would be of benefit to the family. These are nevertheless personal circumstances which when considered against the view outlined in the Planning Practice Guidance (PPG) that planning is concerned with land use in the public interest, they constitute a moderate benefit in favour of the proposal.
22. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
23. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of avoiding harm to the Green Belt. Therefore, whilst I acknowledge the personal circumstances, I conclude that they constitute a moderate benefit in favour of the proposal.
24. The appellant has referred to their discussions with the Council during their consideration of the application, the length of time taken, and the lack of communication. I acknowledge that such matters may have been a source of frustration to the appellant, however they would not be reasons to allow the appeal.
25. I note, as the appellant has highlighted, that there were no objections received to the proposed development nor was any harm to amenity or highway safety identified. These are, however, neutral factors in the balance.

### **Planning Balance**

26. The proposal would constitute inappropriate development in the Green Belt. When considered as a whole, moderate harm would be caused to the openness of the Green Belt. The substantial weight to be given to Green Belt harm arising from the proposal would not be clearly outweighed by the other considerations as outlined above. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and the Bromley Local Plan.

### **Conclusion**

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

*A M Nilsson*

INSPECTOR