



Appeal Decision

Site visit made on 19 July 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/G5180/D/23/3321589

Little Orchard, Barnet Wood Road, Bromley, BR2 8HJ

- 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 Mark Rutherford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/00227/FULL6, dated 19 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is described as 'single storey rear and side extensions as well as a first-floor side extension of the family dwelling house.'
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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.

Preliminary Matters

3. There is no stated agreement in the evidence to change the description from that which is shown above and on the application form. In any case, the above description sufficiently identifies the development to which the appeal relates. I have proceeded on this basis.

Main Issues

4. The main issues are a) whether the proposed development would be inappropriate development in the Green Belt; b) the effect of the proposed development on the openness of the Green Belt; and c) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework (2023) (the Framework) explains that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. The construction of new buildings should be regarded as inappropriate, but for defined exceptions.

6. Paragraph 149 of the Framework sets out, amongst other things, 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 may not be inappropriate development. This language is mirrored in the Bromley Local Plan (2019) (LP) Policy 49. The term 'original building' is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. There is no indication in the evidence as to when the dwelling was built but sufficient to demonstrate what, for the purposes of this assessment, the 'original' building was.
7. LP Policy 51 sets out, amongst other things, that extensions or alterations to dwellings in the Green Belt will only be permitted if the net increase in the floor area over that of the original is no more than 10%, as ascertained by external measurement. The remaining criteria of Policy 51 refer to size, siting, materials and design and any significant detrimental changes to the overall form, bulk or character of the original dwelling. The Council have not objected on these grounds and there is nothing compelling in the evidence to take an alternative view.
8. The original dwelling seems to have been extended previously at ground floor level including a single storey rear extension to the lounge and dining room, a car port and a front porch extension. A previously granted first floor extension has not been constructed. The appellant's evidence, as part of an investigation into very special circumstances, also includes a sketch with a red line defining, in the appellant's words, the 'original' rear elevation of the building. I have therefore taken it that the whole of the single storey flat roofed rear section which has the balcony over it is not original.
9. Neither main party have provided an original dwelling floor area in quantitative terms. It is not therefore clear, on paper at least, whether the 10% threshold has been reached or breached already. That said, it seems sufficiently clear that the floor area of the dwelling has grown over the original, and by more than a marginal degree. Particularly noting the land take of both the car port and the aforementioned rear extension. Putting aside the fact that the additional floor area of the proposals in the appeal scheme would be very minor and that the majority of the works would be at first floor and thus within the confines of the floor area of the original, the previous extensions certainly appear, on visual inspection, to account for at the very least 10% of the original, but most likely more. Thus, no matter how small an additional floor area the proposals may be, I am sufficiently certain that they would amount to more than 10% of the original and thus they would conflict with Policy 51.
10. Turning to the Framework, which also considers 'additions' and not solely floor area, the appeal scheme as a whole would add not only additional land take but substantially more height and mass in places. This would, both qualitatively and quantitatively, make the building noticeably larger such that, when also taking into account what has gone before, the appeal scheme would be extensions which would represent disproportionate additions over and above the size of the original. This would mean the appeal scheme would be inappropriate development in the Green Belt for the purposes of the Framework which would be harmful to the Green Belt by definition. As well as conflicting with Policy 51 as I have explained, this would also result in conflict with Policy 49.

Effect on Openness

11. The Framework indicates that openness is an essential characteristic of the Green Belt with a fundamental aim being to prevent urban sprawl and keep land permanently open. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built form rather than being primarily about visual effects. Paragraph 138 of the Framework identifies that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.
12. Whilst the scheme would not represent a form of encroachment in the countryside the true sense when taking into account the immediate surrounds of the appeal building, the additional mass and volume of the extensions would noticeably change its appearance and take up significant space and land in the Green Belt both in isolation and cumulatively. In being built form in the Green Belt where there was previously none therefore, there would be an unavoidable reducing effect on the Green Belt's openness both spatially and visually. As well as, and not instead of, that which has gone before. This would be a further unacceptable harm to the Green Belt as well as that caused by the scheme's inappropriateness.

Other Considerations

13. The appeal site is located adjacent to the Bromley, Hayes & Keston Commons Conservation Area (CA). The Councils Conservation Officer raised no objections, and the Council did not refuse planning permission on the appearance of the scheme outside of principle Green Belt matters. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Given that the proposal would, in the design sense, acceptably assimilate with the existing building and materials can be controlled, there would be no harm to the setting of the CA. This would however be a lack of harm and thus would not weigh in favour of the appeal scheme.
14. There are a number of options for the building to be extended through the exercise of rights under permitted development legislation. Whilst these can in some cases be generous, they are not before me and there is no certificate to demonstrate what options would be lawful. It is not incumbent on me to make a judgement thereon in any case. I am also mindful that, in terms of the larger allowances referred to, this is dependent on the prior approval regime and, without a determination thereunder, I cannot be sufficiently certain such rights would be exercisable. Perceived fall backs under permitted development would thus be worthy of only limited weight.

Conclusion and Recommendation

15. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be harm in this respect as well as the same to the openness of the Green Belt. I have addressed other considerations advanced and found them to be worthy of only limited weight. Since substantial weight should be attributed to any harm to the Green Belt, it is evident that they would not clearly outweigh the harm. Such that the very special circumstances necessary to justify the appeal

scheme have not been demonstrated. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR