



Appeal Decision

Site visit made on 13 February 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/G5180/D/23/3327700

1 Mantles Cottages, Holwood Farm, Shire Lane, Keston BR2 6AA

- 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 Gevdet Mehmet against the decision of the Council of the London Borough of Bromley.
 - The application Ref 21/00365/FULL6, dated 25 January 2021, was refused by notice dated 19 May 2023.
 - The development proposed is a canopy and elevational alterations, fence and shed.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed fence and shed. The appeal is allowed insofar as it relates to the canopy and elevational alterations, and planning permission is granted for a canopy and elevational alterations at 1 Mantles Cottages, Holwood Farm, Shire Lane, Keston BR2 6AA in accordance with the terms of the application, Ref 21/00365/FULL6, and subject to the following conditions:
 - 1) With the exception of the proposed fence and shed for which planning permission is not granted, the development hereby permitted, namely the canopy and elevational alterations, shall be carried out in accordance with the following approved plans:
 - Location Plan (TQRQM20148121533223 dated 27 May 2020)
 - Proposed Block Plan (Drawing 44966-2-403 dated January 2021)
 - "As Built" Roof Plan (Drawing 44966-2-102 dated January 2021)
 - Proposed Roof Plan (Drawing 44966-2-103 dated January 2021)
 - "As Built" Front Elevation (Drawing 44966-2-204 dated January 2021)
 - "As Built" Elevations (Drawing 44966-2-205 dated January 2021)
 - 2) The external surfaces of the development hereby permitted, namely the canopy and elevational alterations, shall be constructed in materials to match the existing building.

Preliminary and Procedural Matters

2. The description of development in the banner heading above is taken from the appeal form; I have used it in preference to the wording on the planning application form as it gave a more concise description of the scheme. I have omitted the word "retrospective" as it is not a description of development. Nevertheless, the canopy and elevational alterations for which planning permission is sought are already in place, and I was able to view them during my site visit.
3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19

December 2023. The amendments did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on them. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

4. For the reasons that follow, I find the canopy and elevational alterations to be acceptable, and they are clearly severable both physically and functionally from the proposed shed and fence. Although neither party requested me to consider doing so, I intend to issue a split decision in this case and grant planning permission for the canopy and elevational alterations.

Main Issues

5. The appeal site lies within the Green Belt, and I consider that the main issues are:
 - Whether the development is, or would be, inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If the development is inappropriate, 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

6. No 1 Mantles Cottages is a former farm building. It sits on a reversed L-shaped plot; the house itself is on the long side of the "L", and a substantial perpendicular area of garden forms the base. The property was previously part of Holwood Farm, but was converted to a dwelling following a grant of planning permission in 2010¹. It is one of three houses arranged around a shared courtyard used for access and vehicle parking, which together make up Mantles Cottages; the appeal property is on the north side of the courtyard, No 2 is on the east side, and No 3 on the west side. A barn building forming part of the southern side of the courtyard is used as part of the Holwood Farm shop, and accessed from a separate yard to the south. The appeal property is a locally listed building, and the entire appeal site lies within the Green Belt.
7. There are four separate elements to the development for which permission is now being sought. The "canopy" is an open-fronted timber-framed porch has been erected on the courtyard elevation around the front door. The "elevational changes" comprise the replacement of a previous five-pane uPVC window/door frame with a four-pane timber frame (without changing the dimensions of the opening). These parts of the development have already been carried out. The proposed fence would be of close-boarded timber panels, and would wrap around the western and southern sides of the rear garden. The shed would be sited at the south-western corner of the garden.

¹ LPA Ref: 10/01251/FULL1

Whether inappropriate development in the Green Belt

8. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154 c), is "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"; the Framework does not define the extent of additions which may or should be considered disproportionate.
9. Policy 49 of the 2019 Bromley Local Plan ("the BLP") sets out the Council's strategic approach to the Green Belt; it essentially duplicates the provisions of national policy in the Framework. Policy 51 of the BLP sets out the development plan requirements for the extension or alteration of dwellings within the Green Belt. Among other provisions, Policy 51 states that extensions or alterations will only be permitted where the net increase in the floor area is no more than 10%, and where their size, siting, materials and design do not harm "visual amenities" or the open or rural character of the locality.
10. The porch or canopy is a little under 2.1m wide, and projects just over 1.5m from the front elevation. It has a double-pitched roof with a ridge height of slightly over 3.0m, and an eaves height of just over 2.2m. The Council stated that the porch has "increase[d] the overall scale and bulk of additional development on the site" and that it "contribute[s] to the overall impact upon the openness of the Green Belt" but does not appear, at least as far as I can discern, to have considered the canopy in the light of Paragraph 154 c).
11. The canopy is an extension to the dwelling and, while I saw that it appears to be larger than the porches or canopies on Nos 2 and 3, neither its dimensions nor its form are excessive in the context of the building. The alterations to the window opening on the same elevation have not resulted in any enlargement of the property. Neither of these parts of the scheme are disproportionate additions over and above the size of the original dwelling. They fall within the exception set out in Paragraph 154 c), and as such there is no further need for me to consider their effects on the openness of the Green Belt.
12. The Framework does not define the term "building", but the relevant legislation² describes it as including "any structure or erection, and any part of a building, as so defined" and it therefore includes fences and sheds. The proposed fence would not fall within any of the exceptions set out in Paragraph 154 of the Framework.
13. Neither the Framework nor the development plan policies to which I was referred define the circumstances in which an outbuilding might be considered to form part of a dwelling. In my experience, extending a building *could* be said to include adding a new outbuilding, though whether a particular outbuilding *should* be considered to be an extension is a matter of fact and degree in each case.

² Town and Country Planning Act 1990, section 336

14. The proposed shed would have a footprint measuring around 3.5m by 2.4m, and it would be just under 1.9m high. It would not be excessive in size therefore, and its function as a garden shed would be related to the main dwelling. However, it would be sited close to the southern corner of the L-shaped plot, a considerable distance from the main dwelling. There would be a significant spatial and visual disconnection between the shed and the house. As such, I cannot sensibly conclude that the shed should be regarded as an extension to the existing building. It would not therefore fall within the exception described in Paragraph 154 c) of the Framework.
15. Neither the fence nor the shed would fall within the exceptions described in Paragraph 154 of the Framework, so would be inappropriate development in the Green Belt. By definition, they would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 148 of the Framework. They would also conflict with Policies 49 and 51 of the BLP, which seek to protect the Green Belt within Bromley in line with national policy.
16. As I have already set out in paragraph 10, the porch (or “canopy”) and changes to the window (the “elevational alterations”) are not inappropriate development in the Green Belt. They would not conflict with Policy 49 of the BLP in this respect. While Policy 51 states that “proposals to extend converted or replacement dwellings will not normally be permitted”, I find no conflict with the aims of that policy in as much as it seeks to ensure that there is no incremental harm caused to the Green Belt by excessive extensions to or alterations of existing dwellings. I return to the matter of the materials of the canopy in a moment.

Openness of the Green Belt

17. A fundamental aim of Green Belt policy, set out Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both spatial and visual aspects, is what currently exists at the site.
18. The western and southern boundaries of the appeal property are currently marked by open post and rail fencing and, in places, hedges. The fences are low in height and of a relatively light structural form; they therefore have little harmful impact on openness. I agree with the Council’s assessment that the proposed shed would be modest in its overall scale, and the fence would not be excessively high. At the same time, however, the shed would introduce built mass where currently there is none, while the fencing would be a much more solid feature than the current fences and hedges. They would reduce the spatial openness of the Green Belt.
19. Shed and fence would both be visible across the garden of the appeal property, from the garden and rear windows of the neighbouring No 2 Mantles Cottages, and from buildings and spaces associated with the Holwood Farm shop and café. In most of these views they would be seen against the open spaces either of the appeal property garden or the fields to the east of the appeal site. They would also be visible in public views from Shire Lane north-east of the site, and although much of the time this would be against the backdrop of the Mantles Cottages and Holwood Farm buildings, their presence would be accentuated by the rise of the land towards the buildings (and the shed and part of the fence

would be on an elevated part of the garden). There would therefore also be some loss of the visual openness of the Green Belt.

20. Given the size of the proposed extension in the context of the Green Belt as a whole, I consider that the development would cause moderate harm to the openness of the Green Belt. Once again though, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

21. For the reasons which I have set out in the preceding section, both the shed (because of its siting) and the fence (because of its siting and design) would lead to some loss of the area's open character. While the Council's officer report was not entirely clear on this point (and notwithstanding my earlier finding that, in the Framework's terms neither the fence nor shed would be an extension of the dwelling), I consider that these parts of the scheme would also conflict with Policy 51 of the BLP inasmuch as it seeks to ensure that the siting and design of development does not harm the open character of the Green Belt.
22. The three dwellings making up Mantles Cottages, the barn forming part of the Holwood Farm shop on the south side of the shared courtyard, and the other Holwood Farm buildings to the east of the site at the junction of Shire Lane and New Road Hill are all roofed in grey slate. The porch canopy has been constructed with a roof of red tiles. The Council's conservation officer commented that the tiles "would not be widely seen in the heritage context". The Council concluded overall that the canopy "would not detract from the overall appearance of the host dwelling", though some interested parties responding to the planning application consultation took the opposite view.
23. The choice of tiles for the porch roof strikes me as somewhat odd; given the almost total dominance of grey slate roofing within Mantles Cottages and Holwood Farm, the red tiles are unusual in their immediate surroundings. However, I also saw that roofs of red tiles are common in the wider locality, cropping up at least as much as, and possibly more than, slate roofs (though I do not think I saw any cases of the two materials being used for roofs on the same building). I also saw that the red tiles have darkened and weathered so that, while they remain visually distinct from the slate roofs, they did not strike me as being unacceptably jarring or glaringly intrusive; I also acknowledge that they are not seen in public views of the site, though this on its own is not a determinative factor.
24. For these reasons, while I do not subscribe to such a relaxed view as the Council in respect of the red tiled canopy roof – I am in no doubt that it would have been preferable had grey slates been chosen – I do not find that their use has caused unacceptable harm to visual amenity, or a significant detrimental change in the overall character of the original dwelling. No harm was suggested in respect of the "elevational changes", and I agree. The canopy and elevational changes do not therefore conflict with Policy 51 of the BLP, which seeks to prevent such harm.

Other considerations

25. The appellant states that the proposed fence is necessary to provide privacy from users of the adjacent "Yellow Barn", which is part of the Holwood Farm

shop, and the associated café and external seating area. While the farm shop was not trading on the day of my site visit, I still able to see the relationship between it and the appeal property.

26. The external seating area is to the south east of the appeal site, across a concrete trackway from the garden of the appeal property. It is surrounded by a mesh or gauze fence which evidently provides some screening. It is nevertheless apparent from photographs in the appellant's statement that customers in that part of Holwood Farm would be likely to be able to see (and be seen by) people in the nearest parts of the appeal property's garden, albeit that they would be unlikely to have clear views.
27. Parts of the appellant's garden are screened by dense hedgerow planting (including some evergreen shrubs, which at the time of my January site visit were providing more screening than other hedges which were not in leaf), so it is not evident that a large and intrusive fence as proposed is the only practical means of addressing privacy concerns. I also note that the part of the appeal property most likely to be affected by any lack (or perceived lack) of privacy is the lower (easternmost) area of the garden, which appears to be a more recent addition to the site; the patio area closest to the dwelling did not seem to me to suffer in the same way. Nevertheless, I acknowledge that the fence would provide a privacy benefit for the appellant, and I give this moderate weight in the overall balance.

Other Matters

28. Interested parties raised a number of matters in response to the consultation on the planning application. To the extent that these matters are material to my decision, are addressed in my consideration of the main issues above.
29. Concerns were raised about the impact of the use of the replacement window/door for access to the appeal property on a neighbour's living conditions. The Council considered it acceptable in this respect; and I saw on my visit that it is adjacent (and at right angles to) an external door (which by appearance seems to serve an outhouse or storeroom or similar), and some way from the nearest room window on the adjoining dwelling. None of the evidence before me leads me to disagree with the Council on this point.
30. The suggestion that the appellant does not own all of the land covered by the proposal is somewhat academic, as it would only affect the fence for which I have not granted planning permission. However, the appellant stated on the planning application that they were the owner of all the relevant land for the proposal, and the information before me does not amount to substantive evidence that this is not the case. Any issues in planning terms relating to the use of the land or dwelling are not directly relevant to my determination of this appeal, but may be matters for the Council to address through enforcement action if necessary.
31. It was put to me that there may be restrictive covenants in place which would preclude the implementation of elements of the development, but this is a private matter to be resolved by the landowners and sits outside the scope of this planning appeal. Other areas where there may be disagreements, such as where or how vehicles are parked in the courtyard, are not related to the planning merits of the appeal scheme, and have not been addressed in my decision.

Green Belt and Planning Balance

32. The proposed fence and shed would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt, conflicting with Policies 49 and 51 of the BLP which seek to protect the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 153 of the Framework.
33. I have considered and weighed the other considerations in the scheme's favour which have been put to me by the appellant, but for the reasons I have described above these carry in total only moderate weight for the proposal. The substantial weight to be given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The appeal should therefore be dismissed insofar as it relates to the fence and shed.
34. The canopy and elevational alterations are not inappropriate development in the Green Belt, and no other harm has been identified which would justify refusing planning permission. I shall therefore allow the appeal in respect of those elements of the development.

Conditions

35. I have considered the conditions suggested by the Council having regard to the tests in the Framework and advice in the Planning Practice Guidance. The elements of the scheme for which I am granting planning permission have already been carried out, so the otherwise standard condition imposing a time limit on the permission is not necessary. In the interests of certainty, it is appropriate that the permitted parts of the development are carried out in accordance with the approved plans (1), while a condition in respect of materials (2) is required to protect the character and appearance of the area. No further conditions were suggested or are necessary.

Conclusion

36. For the reasons given above, and having regard to the development plan as a whole, all matters raised and the Framework, I conclude that the appeal should be dismissed insofar as it relates to the proposed fence and shed, but allowed insofar as it relates to the canopy and elevational alterations.

M Cryan

Inspector