



Appeal Decision

Site visit made on 22 August 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/G5180/W/24/3343751

Flat 3, 130-132 Heathfield Road, Keston, BR2 6BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Crane against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04719/FULL1.
 - The development proposed is Single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 (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 trees; 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.

Reasons

Whether Inappropriate Development

3. 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 154. 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'.
4. 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 DM51 of the London Borough of Bromley Local Plan (2019) (LP) sets out, amongst other things, that extensions to dwellinghouses in the Green Belt will only be permitted if the net increase in the floor area is no more than 10%. However, the supporting text to this policy states that it does not apply to dwellings that have been created by re-use of a building within a Green Belt.

5. The appeal site comprises a ground floor flat that forms part of a complex of flats formed from the conversion of a two-storey building, previously used as a school and office. The proposal would comprise the construction of a single storey extension and would represent an increase in floorspace of the flat by approximately 21%. When considering the building as a whole the extension would represent an increase of approximately 2.5% to the floor space.
6. The Council contends that the building has been extended previously, with planning history detailing permissions¹ for extensions and outbuildings granted in the 1970's and 1980's. Albeit, no calculations or plans of these extensions have been provided and the appellant disputes whether all the extension have been implemented.
7. There is no defined way of assessing and measuring proportionality, but the Framework refers to 'size.' This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. The appellant contends the increases would be proportional. However, in this case, whilst the increase in overall percentage may be minor, the increase in floorspace, width, projection further out to the side of the host building and loss of gap between the building and boundary treatment would result in a considerably greater visual bulk. Therefore, I find that the scale of the extensions would therefore be visually disproportionate.
8. Consequently, I find that the proposal would result in an increase in size disproportionate to the original building. Therefore, it would amount to inappropriate development in the Green Belt. This would be contrary to the approach of the Framework which, alongside the aims of LP Policies 37 and 51, seek to protect the Green Belt from harm.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. The increased volume as a result of the extension would have a reducing effect on the openness of the Green Belt in a spatial sense. Furthermore, the side extension and loss of gap between the building and boundary treatment means the proposal would also have a greater visual impact and thus reduction in the openness of the Green Belt. This would add to the harm arising from the proposed development by virtue of its inappropriateness.

Trees

10. The proposed development would be located in close proximity to a number of trees. The submission includes an Arboricultural Impact Assessment and comments from an arboriculturalist which concludes that whilst there would be a small encroachment in to the root protection areas (RPAs) of nearby trees that subject to protection measures and sensitive working methods there

¹ 79/3559, 84/01446, 84/02494/FUL and 85/00520/FUL.

would be no unacceptable harm to the trees. Whilst there would be encroachment into the RPAs the careful controls in terms of construction methods and protective measures, which could be secured by condition, would ensure that the trees are safeguarded. These measures would also ensure the longevity of the trees.

11. The appeal scheme would therefore accord with LP Policies 43, 73 and 74 which seek, amongst other things, to ensure that proposals take account of existing trees and improve the amenity and conservation value of trees and woodland.

Other Considerations

12. The appellant notes that the Council's Conservation Officer has not objected to the proposal and that no concerns in relation to the character and appearance of the area has been raised. The appellant states that proposal would provide an additional bedroom which would enhance the suitability of the flat for family accommodation helping to address local housing shortages.

Planning Balance and Conclusion

13. I have found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt. In accordance with the Framework, I have given this harm substantial weight. The Framework makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
14. The proposal would not harm nearby trees and no objection has been raised from the Council's conservation officer. These would be neutral and thus insufficient to outweigh the harm. The increase in a bedroom may provide improved family accommodation, although I am not convinced this would be the only way to achieve this. Whilst there may be a housing shortage in the area, the proposal would extend an existing flat rather than provide additional housing. The benefits of the proposal would not clearly outweigh the harm resulting to the Green Belt and the other harm I have identified.
15. Given that very special circumstances do not exist, Green Belt policy indicates that development should be restricted in this case. It is contrary to the LP and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR