



Appeal Decision

Site visit made on 24 June 2024 by N Manley BA (Hons)

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 OCTOBER 2024

Appeal Ref: APP/G5180/D/24/3337023

Marie Louise Barn, Cockmannings Lane, Orpington BR5 4FF

- 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 Lee Regan against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/02536/FULL6.
 - The development proposed is described as a "Single storey front extension."
-

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. The description of the proposed works detailed on the application form has been amended in subsequent documents. I have adopted the description used in the appeal form, which reflects accurately and concisely the proposal.
4. The National Planning Policy Framework (Framework) has been updated since the determination of the planning application subject to this appeal. For clarity, the references to the Framework relate to the version published in December 2023.

Main Issues

5. The appeal site is within the Green Belt and therefore the main issues are:
 - Whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the Framework and development plan policies, and the effect it would have on the openness of the Green Belt; and
 - 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 for the Recommendation

6. The appeal site is a converted barn located on a spacious plot to the east of Cockmannings Lane. Aside from Cockmannings Farm and a newer development

of four detached homes to the west, the site is largely surrounded by open countryside and farmland, giving the site a rural setting. Marie Louise Barn is positioned at the northern end of the plot, close to East Hall Road. The remaining land serves as a spacious garden, contributing to an overall sense of openness. Mature hedgerows, a metal fence, and a gate enclose the property, limiting its visibility from the road.

Whether inappropriate development in the Green Belt and effect on openness

7. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 outlines that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. One of these, as outlined in 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.
8. Both parties are in agreement the proposal would amount to an increase of around 23% of the original building's floorspace. As such, the proposal would exceed the threshold referred to in Policy 51 of the Bromley Local Plan (adopted January 2019) (BLP), which requires the net increase in the floor area over that of the original dwellinghouse to be no more than 10%. Whilst this policy may be quite prescriptive, I find that it is broadly consistent with the Framework and can therefore be given full weight.
9. The proposal would significantly alter the overall and scale and shape of the building, resulting in a perpendicular extension which would project into the garden further than the original building line. This extension would fundamentally change the visual appearance of the property, resulting in a L-shaped building that would be excessive in scale and mass and detract from the shape of the original building. Notwithstanding the numerical assessment of the proposal required by Policy 51, I am in no doubt that the cumulative impact of its size, scale, mass and orientation would result in a disproportionate addition over and above the size of the original building.
10. The appellant contends that incorporating hedgerows and employing specific finishing materials might alleviate some of the harm. Nevertheless, additional hedgerows alone would not diminish the extension's disproportionate scale compared to the original building, which could not be mitigated against by reducing its visibility. Equally, using matching materials would not effectively mitigate the identified harm, as the proposal would still appear as a disproportionate addition, regardless of the materials used.
11. The appellant has drawn my attention to several other appeals which, he claims, support his position that the proposal would not be inappropriate development. However, from the brief details I have been provided with, the orientation and positioning of the respective development in relation to the existing dwelling seem to differ to these cases. Accordingly, their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal based on the evidence before me and my own observations.
12. The appellant has referred to the exception outlined in paragraph 154(g) of the Framework (formerly paragraph 149), which addresses limited infilling or the partial or complete redevelopment of previously developed land (PDL). The site

is not located in a built-up area and can be regarded as PDL. However, the exception set out in paragraph 154(g) also requires the development not to have a greater impact on the openness of the Green Belt than the existing development.

13. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, describing the essential characteristics of Green Belts as their openness and their permanence. The appellant has suggested that, given the orientation of the original building in relation to the highway, the extension would be viewed as a side or rear extension since it would not project forward of the building line towards the road. This argument implies that the perceived impact on openness would be limited.
14. However, irrespective of the technical classification of the extension as a front, side or rear addition, I find that the proposal's positioning and orientation would adversely impact the openness of the existing site and garden, and therefore, the Green Belt. Although the proposal would not be highly prominent from the public realm or neighbouring properties due to the existing boundary treatment, it would nevertheless remain visible.
15. Furthermore, openness has both visual and spatial dimensions. The introduction of a built structure into the garden where none currently exists would reduce the existing openness of the plot in spatial terms. The harm to openness would be moderate, with the proposal adding to the harm by reason of inappropriateness, contrary to the Framework. Whilst any additional soft landscaping or screening may assist in reducing the visual impact of the proposal, I have been provided with no substantive details to illustrate the form that any such landscaping or screening would take. Furthermore, this would not mitigate the harm caused to openness in spatial terms.
16. Consequently, the proposed development would constitute a disproportionate addition over and above the size of the original building, contrary to paragraph 154(c) of the Framework, and cause harm to the openness of the Green Belt. As the proposal would have a greater impact on the openness of the green belt than the existing development, it would also not accord with the exception set out in paragraph 154(g) of the Framework. It would therefore constitute inappropriate development in the Green Belt, contrary to the Framework and Policies 49 and 51 of the BLP. These seek to prevent inappropriate development in the Green Belt.

Other Considerations

17. Paragraph 153 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. I have had regard to the circumstances of the appellant who explained the extension would provide the occupants with additional family space, and to make optimal use of the space and to adapt what they describe a building as modest in scale to adapt to modern living standards. However, this is largely a private matter and does not justify granting planning permission as it would not outweigh the harm which would be caused by the proposal to the Green Belt. I therefore have given limited weight to these considerations.

19. Additionally, the appellant has referred to the generous size of the plot and suggested the development should be considered in the context of the much larger neighbouring buildings. Nevertheless, the size of the plot and the presence of a larger structure nearby does not lessen the specific harm caused by this proposal regarding the disproportionate inappropriateness of the extension nor the loss of openness, however limited that loss might be. Therefore, I have afforded this matter limited weight.
20. The development would result in some associated social and economic benefits to the area. However, the construction of this proposal is unlikely to make a significant contribution to these matters within the local area. Consequently, I have attributed very limited weight to this consideration.
21. I have no evidence before me to disagree with the appellant's position regarding the impact of the development on the living conditions of neighbouring residents, waste, pollution or biodiversity. That said, the absence of harm in these respects is a neutral factor in my overall consideration of this appeal.
22. Finally, the appellant has discussed the proposal's size in relation to extensions which can be permitted under permitted development rights. However, as the appellant acknowledges, as a barn conversion, the building does not benefit from permitted development rights. Therefore, this argument carries minimal weight in favour of the proposal.

Whether very special circumstances exist

23. The proposal would cause harm to the Green Belt by reason of inappropriateness and reduction in openness. Paragraph 153 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt is clearly outweighed by other considerations. The other considerations in this case, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances needed to justify the proposal do not exist.

Conclusion and Recommendation

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

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Edwards

INSPECTOR