

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Richard Strain	Proposed two storey rear extension Lilac Cottage, The Gutter, Bell Heath, Stourbridge, Worcestershire DY9 9XB	13.03.2018	18/00057/FUL

### RECOMMENDATION:

1) Minded to **APPROVE PLANNING PERMISSION**

2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:

- (i) That should the two storey extension proposed under this application be implemented, the single storey extension granted permission under Planning Application Reference: 14/0133 and Appeal reference: APP/P1805/D/14/2220976 will not be further implemented.

3) That if a satisfactory legal mechanism is not submitted for this application, that delegated powers be granted to the Head of Planning and Regeneration Services to refuse planning permission.

### Consultations

**Belbroughton and Fairfield Parish Council** Consulted 15.02.2018

The Parish Council has no objection provided that the cumulative increase in size is within 40% of the original building.

**Worcestershire County Council Countryside Service** Consulted 15.02.2018

Thank you for consulting us regarding the above proposals. Belbroughton parish footpath BB-593 and bridleways BB-591 and BB-592 cross the site or may be used as the access to the property and are shown on the attached illustrative plan for your information.

It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

The proposal should have no detrimental effect on the public right of way provided that the above point is noted and the applicant also adheres to the certain obligations.

### Public Consultation

Site notice posted 16/02/2018 and expired 09/03/2018.

3 neighbour notification letters sent 15/02/2018 and expired 08/03/2018.

Press notice for the footpath setting was published in Bromsgrove Standard on 23/02/2018 and expired 09/03/2018.

No representations received in response to the above.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP21 Natural Environment

#### **Others**

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

### **Relevant Planning History**

B/2004/0114	Proposed replacement dwelling.	Approved	23.03.2004
B/2005/0221	Replacement Dwelling.	Approved	22.04.2005
B/2008/0057	Two Storey rear extension	Refused	13.03.2008
14/0133	Rear single storey extension	Allowed at Appeal	02.04.2014

### **Assessment of Proposal**

Lilac Cottage, The Gutter is situated in the open countryside in an area which is designated as Green Belt.

The proposal is for a two storey rear extension.

The dwelling house is a replacement dwelling that was granted permission in 2005, this permission removed some of the permitted development rights from the property.

#### **Green Belt**

Paragraph 89 of the NPPF sets out that extensions to buildings in the Green Belt can be appropriate provided that they do not result in disproportionate additions over and above the size of the original building. Policy BPD 4 of the Bromsgrove District Plan accords with this but also goes on to set out that extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140

square metres could be appropriate provided that the scale of development has no adverse impact on the openness of the Green Belt.

The original property (as the replacement dwelling house) had a floor space of approximately 149 square metres. The property has not been extended to date, although there is an extant permission for a single storey extension on the property that was granted at appeal under planning application reference: 14/0133 and appeal reference: APP/P1805/D/14/2220976. The approved single storey extension would increase the size of the original dwellinghouse by approximately 46sqm or 31%.

The two storey extension that is proposed would be situated partly within the same foot print as the single storey extension, and so together it has been calculated that the two extensions would increase the floor space of the original dwelling by approximately 70sqm, which would equate to an increase of approximately 47%. This level of increase would be considered to be a disproportionate addition to the dwelling house which would be inappropriate development in the Green Belt. In accordance with the NPPF inappropriate development is harmful by definition and should not be approved except in Very Special Circumstances.

The proposed plans do however indicate that it is not the intention of the applicant to implement the single storey extension. They have also confirmed through their planning agent that they are willing to enter into a Section 106 Unilateral Undertaking to formally prevent the further implementation of the planning permission for the single storey extension, should the two storey extension be granted permission and be implemented.

Without the single storey element of the proposal, it is calculated that the proposed two storey extension would increase the floor space of the original dwelling house by approximately 49sqm. This would equate to an increase of approximately 32% above the original. This level of extension would be considered to be a proportionate addition which would be appropriate development in the Green Belt.

It is therefore considered that; provided a Section 106 Unilateral Undertaking is submitted that formally prevents the further implementation of the permission granted for the single storey extension at this property, the proposed two storey extension would be appropriate development in the Green Belt.

### **Openness and purpose of the Green Belt**

The proposal would increase the size and bulk of the original property, and thereby reduce the openness of the Green to some extent. However as the proposal would be read in conjunction with the existing house, it is not considered that the proposed extension would unduly harm the openness of the Green Belt.

### **Character and appearance of area**

The property is situated in a rural setting along a single track road. There are some other dwellinghouses located along The Gutter, but they are sparsely distributed and vary in character.

Due to the design, scale and sitting of the proposal, it is considered that the proposed two storey extension would be in keeping with the character and appearance of the area and the existing property.

### **Amenity**

Due to the secluded location of the dwelling, it is not considered that it would have a detrimental impact on the amenity of the neighbouring occupiers.

### **Conclusion**

In conclusion it is considered that subject to a Section 106 Unilateral Undertaking being submitted that formally prevents the further implementation of the planning permission for the single storey extension; granted under planning application reference: 14/0133 and appeal reference: APP/P1805/D/14/2220976, then it would be considered that the proposal would be appropriate development in the Green Belt and would accord with the policies in Development Plan and the NPPF.

### **RECOMMENDATION:**

1) Minded to **APPROVE PLANNING PERMISSION**

2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:

- (i) That should the two storey extension proposed under this application be implemented, the single storey extension granted permission under Planning Application Reference: 14/0133 and Appeal reference: APP/P1805/D/14/2220976 will not be further implemented.

3) That if a satisfactory legal mechanism is not submitted for this application, that delegated powers be granted to the Head of Planning and Regeneration Services to refuse planning permission.

### **Conditions:**

1. The development to be begun within three years.
2. In accordance with the approved plans.
3. Materials to match existing.

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