

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Date |
|--|---|--------------------|------------------------------|
| Mr Timothy D. Hosking "A" | Proposed annex building to provide specialist living accommodation for disabled family member (as augmented by information received 20.10.2009). The Granary, High House Farm, School Lane, Alvechurch, Worcestershire B48 7SA | RES | 09/0713 02.12.2009 |

RECOMMENDATION: that planning permission be **REFUSED**.

Councillor R. Hollingworth has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

| | |
|---|---|
| WH Strategic Planning (Policy) | Consulted – view received 06.11.2009. No objection. Consulted – view received 13.11.2009. The site is identified as a residential area in Alvechurch within the BDLP and falls within Policy ALVE5. Although the proposal is described as an annex, the building has many characteristics of a self contained unit and should therefore be treated as a new dwelling. Policies S7 and S14 of the BDLP, SPG1, PPS1 and PPS3 are of relevance. Advice provided on housing supply issues is detailed below. SPG11 does not apply as the number of units is less than 6. The Highways Engineers comments will be pertinent in relation to highway issues. |
| Tree Officer | Consulted - view received verbally 25.11.2009. No objection. Recommends condition C10 |
| ENG | Consulted – view received 19.10.2009. No objection. Existing domestic drainage systems will accommodate proposal. No flood risk assessment required. |
| NE | Consulted – view received 02.11.2009. No objection to the proposal in respect of legally species. Incorporating the measures outlined in the Land Care Associates (LCA) letter should be achieved by means of a suitable condition or legal agreement. |
| WWT | Consulted – view received 27.10.2009. A condition is recommended to cover the recommendations made by LCA. In particular it is recommended that any conditions cover bat enhancement in line with PPS9 and the authority's duties under the NERC Act 2006. |
| Alvechurch PC | Consulted – view received 03.11.2009. No objection (due to extenuating circumstances). However, the Parish Council would not wish to see further development on site. |
| Publicity | 4 letters sent 14.10.2009 (expired 04.11.2009). 1 site notice posted 20.10.2009 (expired 10.11.2009). 1 response received raising the following issues: <ul style="list-style-type: none"> • The proposal will materially affect the privacy, aspect and light and therefore quality of life of the occupiers of The Barn. |

- The need for a new property on a restricted site is questioned as it is understood there is another adjacent property at the family's disposal.
- In light of previous planning applications, assurances are requested that the development is undertaken purely for the reasons stated and that restrictions are placed on its future disposal.

The site and its surroundings

This application relates to the rear garden and parking area to The Granary, a two storey domestic barn conversion, and an adjoining paddock area. The site lies in the south east corner of a group of buildings collectively known as High House Farm. In addition to The Granary, the group consists of two dwellings formed from the former farmhouse and five attached domestic barn conversions located around three sides of a courtyard. The Granary forms the fourth side of the courtyard. The group shares a single access off the east side of School Lane. The paddock lies to the south of the amenity and parking areas with a brick wall to the common boundary. Just to the other side of the wall is a small brick outbuilding. To the side of this is a large timber outbuilding which is understood to be used for garaging for The Granary and equestrian related storage. The remainder of the building was used by the applicant, some years ago, in connection with his construction business. The paddock is accessed via a driveway which leads down between the timber outbuilding and the side boundary of The Farm House. Leading from the access towards the centre of the paddock is an area of hardstanding. The remainder of the site is grassed although it is overgrown around the edges. To the rear boundary is an hedge and field gate. To the rear is open countryside sloping down hill to a public right of way leading of Station Road. The application site is located in a recognised residential area but adjoins designated Green Belt to the south.

Proposal

This application proposes the demolition of the existing garage/stores and the construction of a single storey detached unit of accommodation in its place. The new unit would include the conversion of the existing brick outbuilding which would have a dual pitched roof added to its flat roof. The unit would provide two bedrooms each with an en-suite, an open plan kitchen, lounge and dining area. To the rear of the unit would be a partly covered area of decking. The existing access to the paddock would be closed off and a new access and driveway created leading off the existing parking area to the Granary. The remaining paddock would be converted to garden with the existing rear boundary hedge removed. The unit has been designed to provide accommodation for a disabled family member (the applicant) and a carer.

Relevant policies

WMSS CF2, CF3, CF4, CF6, QE1, QE3, QE6, QE7, T2, T7
WCSP SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, CTC.12, CTC.21, D.5, D.14, D.16, T.1, T.4
BDLP DS4, DS13, S3, S4, S7, S8, S14, C4, C10A, C17, C27, C30 TR8, TR11, ALVE5

Others PPS1, PPG2, PPS3, PPS9, PPG13, SPG1, SPG4, Alvechurch Village Design Statement

Relevant Planning History

- 09/0713 Proposed extension to form bespoke living accommodation for disabled family member (As augmented by information received 20.10.2009). Pending.
- 08/0763 Log cabin for use as a private dwelling by disabled relative (as amended by plan and information received 24.11.2008) at Land to the rear of The Granary, High House Farm. Withdrawn 09.12.2008.
- B/1999/0917 Erection of bungalow (as amended by plans received 04.10.1999 and 07.10.1999) at Land at High House Farm. Refused 01.11.1999.
- B/1995/0413 Erection of dwelling and associated stables at High House Farm. Refused 14.08.95. Appeal dismissed 01.04.1996.
- B/1994/0546 Division of existing house to form 2 dwellings and conversion of existing agricultural buildings to form 6 dwellings (as amended by plans received 05.08.1994 and 02.09.1994) at High House Farm. Approved 12.09.1994.

Notes

The submitted application form describes the proposal as an “annex building”. This would suggest that the proposal would be ancillary to the existing dwelling, The Granary. Two criteria have emerged in the consideration of whether one use can be considered ancillary to another. The first criteria is a severability test, could the alleged ancillary use practically and viably operate on its own should the primary use of the site cease. I consider that the proposed annex, which has its own garden and parking, could easily be occupied without any association to The Granary. The only reliance the annex may have on The Granary would be in terms of right of access. However, a separate access could be easily achieved via the existing driveway to the paddock (which is to be retained to provide access to the rear garden of The Farm House). The second test relates to the outward effects of the use including the appearance of the site. In my opinion, the proposed annex would have the appearance of a separate unit. The Granary is occupied by the applicant’s mother and, in this respect, I acknowledge that initially there would clearly be a functional relationship between the two units. However, I consider that in the future, it would be possible for the two units to be occupied completely independently of each other. I therefore consider that this proposal relates to the creation of a new dwelling and I will assess the application on this basis.

The main issues with the creation of a new dwelling in this location are housing supply, the design and density of the development, the amenities of adjoining occupiers, highway safety and parking, ecological and tree issues. Consideration must also be given to a supporting statement and information which has accompanied this application.

Housing supply

As Members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of SPG10 to manage a situation of housing over-supply. The Strategic Planning Officer has advised that guidance provided in SPG10 has now been superseded by policies contained in PPS3: Housing, the adopted RSS and the revised housing figures published by the Inspectorate in response to Phase 2 Revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Design and density

Policy S7 of the Bromsgrove District Local Plan relates to new dwellings outside the Green Belt and requires such proposals to be of a density appropriate for the site and a form and layout appropriate for the area. The area surrounding School Lane is characterised by low density development. Policy ALVE5 of the BDLP identifies this area as having a special character which needs to be protected. In assessing the design and density of the proposal, I consider two previous applications for new dwellings in the paddock are of relevance.

Under application B/1995/0413 permission was refused for a large one and a half storey dwelling and a detached stable building. In dismissing the subsequent appeal, the Inspector noted that the “attractive, low density character of the area is very evident from along Station Road where the soft edge of the settlement meets the open countryside...” “Although involving a much higher density of residential development than found elsewhere in this low density area, the former farm buildings are hardly noticed because of the open area, including the appeal site that lies between these and the line of the settlement envelope.” The Inspector was of the view that even allowing for the southern boundary hedge “the large mass of the proposed dwelling would very much disturb the present attractive balance between natural and built elements thereby detracting from the character of the area.” Application B/1999/0917 proposed a slightly smaller house but was again refused on grounds of harm to the character and visual amenity of the area. (Both applications were also refused on grounds of being inappropriate development in the Green Belt. Following the removal of Alvechurch from the Green Belt, such a reason for refusal is no longer applicable.)

The Council considered that the development proposed under B/1995/0413 would appear cramped within its curtilage, having a rear garden of only 6 metres. I consider that the proposed dwelling would also appear cramped. Located towards the front of its plot it would be in close proximity to The Farm House, The Granary and The Barn. Such close proximity is clearly out of keeping with and would detract from the spacious character of the surrounding area. Policy ALVE5 limits the density of housing development to 10 dwellings per hectare and the ground area of a dwelling to no more than 20% of the plot area. The proposed development would have a density of 13 dwellings per hectare and a 14.3% plot coverage. Whilst I acknowledge that these figures are only slightly above the maximums specified under Policy ALVE5, I consider that the size and position of the development in relation to adjoining buildings would appear as over-development of the site.

Both PPS1: Delivering Sustainable Development and PPS3: Housing state that design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of an area should not be accepted. The submitted Design and Access Statement explains that the traditional style of The Granary and the surrounding barn conversions shall be carried forward throughout the proposed new development. I acknowledge that this has been achieved in part, particularly in relation to the inclusion of a dental course and arched openings to the north and west elevations. However, I consider that the whole design is let down by the roof formation which would consist of two sections of dual pitched roof connected by a flat roofed link. This arrangement gives the dwelling a disjointed and unattractive appearance which would be clearly visible from the adjoining properties and the entrance to the site. The link section shares an uncomfortable relationship with an arched window to the north elevation and incorporates a large rectangular window which bears to no relationship to other openings. I therefore consider the proposal to be of a poor design which would erode the character of the group of buildings in which it is sited and the special character of the wider area.

Personal circumstances

The application was accompanied by a Family Statement in support of the proposed development. The Statement explains that the applicant suffered a severe head injury which rendered him unable to speak or move and is confined to a wheelchair requiring 24 hour care. The Statement makes a point of noting that the proposal is solely to benefit the applicant to hopefully improve his chances of rehabilitation whilst improving his quality of life. A condition is suggested to restrict the use of the development. Medical experts and the family feel that for the applicant's health to improve, it is important that his environment and integration back into the family is enhanced. It is considered that the proposed arrangement would be more conducive to the applicant having regular visits from his 6 year old daughter and would allow him to be involved with and a participant in family life. Close proximity with his family would allow the applicant a far more varied and wider spectrum of events that would provide the stimulus he is missing in his present environment. The proposal would also provide the applicant with a new purpose and incentive, and with the help of a full time carer would give him the best chance of securing greater autonomy and less dependency on the state. A copy of the full statement is included within the attached Appendix. The application was also accompanied by 5 letters from medical practitioners providing further information on the applicant's medical condition. Two letters, from a local doctors surgery and the Community Neurological Team, provide support for the proposed development. The latter letter states if the applicant "could be cared for in more familiar environment ... then this would provide the best stimulation and environment for further recovery to occur."

It is acknowledged that exceptionally the personal circumstances of an applicant may be a material consideration of a planning application. However, as noted in The Planning System: General Principles (which accompanies PPS1) and established through case law, arguments relating to personal circumstances will seldom outweigh the more general planning considerations. Proposed development of a permanent nature (such as the proposed development the subject of this application), will remain long after the personal circumstances of the applicant have

ceased to be material. Whilst I empathise with the personal circumstances of the applicant and his family and have given full consideration to the Family Statement and the information provided in the letters, I do not consider that the argument put forward in support of the proposal has greater weight than the level of harm that would be caused to the character of the surrounding area. I also note that no argument has been put forward regarding alternative means to allow the applicant to live close to his family, such as the adaptation of an existing property.

Residential amenities

Policy S7 states that residential development must not adversely affect the existing amenities of adjoining occupiers. The occupiers of The Barn have raised concern that the proposal would be detrimental to their privacy, aspect and light. The proposed rear decking would be 0.6 metres above the adjoining ground level and would therefore provide views over the boundary fence into the rear garden of The Barn. I consider that the privacy of The Barn could be protected through the introduction of a screen at the side of the decking (away from the common boundary). I acknowledge that the proposal may result in the loss of light to some of the side windows to The Barn. However, as the extension is single storey in height and would be some 7 to 8 metres from the nearest window to The Barn, I do not consider that the level of harm would be detrimental to the amenities of the occupiers of this property.

The proposal is located away from the windows to The Farm House and is sited a minimum of 6.5m from the south facing windows to The Granary. The existing common boundary treatments to the application site are sufficient to protect the privacy of these two properties. I am therefore satisfied that the proposal would not unduly harm the amenities of adjoining occupiers.

Highway and parking issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress and include sufficient parking. The Granary would retain three existing spaces and a new space would be provided for the proposed unit. Worcestershire Highways has raised no objection to the proposal and I am therefore satisfied that an adequate access and parking arrangement would be provided.

Ecological issues

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Under the Conservation (Natural Habitats etc.) Regulations 1994, a Local Planning Authority has a duty to have regard to the Habitats Directive when dealing with planning applications where a European protected species may be affected. Policy QE7 of the WMSS requires Local Authorities to encourage the maintenance and enhancement of the Region's wider biodiversity resources giving priority to (among other criteria) the protection of statutory protected species.

The application was accompanied by a Daytime Bat and Hedgerow Assessment which was later updated by a letter from the Consultant Ecologist. The assessment and letter report that both outbuildings have a very low potential for roosting or resting bats. No protected species were using the rear hedgerow although it did have some potential for nesting birds. No further surveys were considered necessary although a number of recommendations are made including the provision of bat boxes at the site. Natural England and Worcestershire Wildlife Trust have suggested a condition covering the recommendations made in the letter. Such a condition would be consistent with the principle of maintaining and enhancing, restoring or adding to biodiversity conservation advocated under PPS9: Biodiversity and Geological Conservation.

Tree issues

The proposed dwelling would be located approximately 2.5 metres from a eucalyptus tree within the boundaries of The Barn. This tree is considered to be of limited amenity value to the wider landscape and the Tree Officer has raised no objection to the scheme.

Conclusion

The proposal would appear cramped within its context and is of a poor design which would detrimentally harm the special character of the area. I have given due regard to the applicant's personal circumstances but do not consider that these outweigh the level of harm caused.

Members will be aware that a separate application (09/0714) for an annex extension to The Granary is included within this agenda. The footprints of the two developments do not completely overlap and if planning permission was to be granted under both applications, the applicant would be able to construct part of the proposed extension and part of the detached building. This would have severe implications for the amenities of the locality and possibly those of adjoining occupiers. If Members are minded to grant consent for both applications it is suggested that consideration be given to a suitable mechanism to ensure that only one development is constructed.

RECOMMENDATION: that planning permission be **REFUSED**.

The proposed dwelling would be an over development of the site and would appear cramped within its context. The roof formation and fenestration detail of the dwelling are of a poor design which will detract from the appearance of the site and cause detriment to the special character of the area. The proposal is therefore found contrary to Policies DS13, S7 and ALVE5 of the Bromsgrove District Local Plan 2004, Policy CTC.1 of the Worcestershire County Structure Plan 2001 and the provision of good design advocated in PPS1 'Delivery Sustainable Development' and PPS3 'Housing'.