

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. R. Garvin 'A'	Erection of replacement dwelling - 83 Brook Road, Fairfield, Bromsgrove, B61 9JY	GB	11/0676-SC 27.09.2011

RECOMMENDATION: that permission be **REFUSED**.

Councillor B. Lewis F.CMI has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH	Consulted - view received 09.09.2011: No objection s.t.c.
Belbroughton Parish Council	Consulted - view received 06.09.2011 - "The Council objects to the revised plans for a considerably enlarged garage. The Council considers this to be a disproportionate addition to the approved dwelling."
Policy	Consulted - view received 03.05.2011: Policy advice provided.

The proposal is to erect a replacement dwelling in the Green Belt, so PPG2, policies DS2, S12 and SPG7 are relevant. PPS1 and PPS3 are also relevant.

Policy S12 states that "a replacement dwelling may not be acceptable where:- it significantly enlarges the original dwelling by increasing the volume and / or floor area; and it has a demonstrable and adverse impact on the character and purpose of the Green Belt". Paragraph 9.20 goes on to say that "account will also be taken of the applicants 'permitted development rights' and ability to extend existing properties under other policies, e.g. S11". SPG7 states that "a maximum extension of up to 40% of the original dwelling (i.e. the original dwelling plus extension) may be regarded as a proportionate addition over and above the size of the original dwelling." It is important to note that the percentage criterion is the maximum percentage and is subject to the impact on the character and purpose of the Green Belt.

PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted... To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques..." Building for Life (www.buildingforlife.org) is one of the tools suggested in PPS3 for assessing the design element of housing development.

Trees	Consulted view received 09.09.2011: No objection.
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DRNG Consulted 11.08.2011: No comments as yet.

PROW Consulted 11.08.2011: No comments as yet.

Ramblers Consulted 11.08.2011: No comments as yet.

Publicity Site notice posted 22.08.2011, expired 12.09.2011.
2 Neighbour notification letter posted 11.08.2011, expired 01.09.2011.
Press notice published 18.08.2011

 No letters or representations received.

The site and its surroundings

This application relates to two existing dwellings, No. 81 and No. 83, on the southern side of Brook Road, Fairfield. No. 83 is a substantial two-storey dwelling typical of those constructed in the 1930's, with a hipped roof and front elevation gable projection. No. 81 is a very small, single-storey cottage dwelling of a simple gable ended form located approximately 6m north-east of No. 83. Both dwellings appear to be unoccupied at present. The smaller dwelling (No. 81) appears to have been unoccupied for a significant period of time, is in an extremely poor state of repair and would require a significant amount of work before meeting acceptable living standards.

Recent images of the application site show a clear separation between the properties, with a close boarded fence and significant boundary foliage separating the two properties. This fence and the majority of the vegetation surrounding No. 81 has recently been removed, however No. 81 remains overgrown and damaged by this overgrowth.

The site is located within defined Green Belt and could be described as an open countryside location, with fields to the rear of the site and also across the road from the properties.

Proposal

The applicant is applying to replace the existing dwellings at No. 81 and No. 83 Brook Road with a large detached two-storey dwelling and garage with parking for two cars, cycles and a gym. The proposed dwelling and garage are set back 8m and 9m from the road respectively. Rather than directly facing the road, the dwelling and garage are obliquely oriented to Brook Road, facing each other, either side of a repositioned access.

Relevant Policies

WMSS QE3
WCSP CTC.1, D.39, D.38
BDLP DS2, DS13, S12, TR11, ES11
Draft CS CP3, CP14
Others SPG1, PPS1, PPS3, PPG2, PPS22

Relevant Planning History

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|---------|---|
| 11/0116 | Erection of replacement dwelling - Granted 07.04.2011. |
| 11/0652 | Erect a new brick amenity building (Certificate of Lawfulness) - currently under consideration. |

Notes

This application follows the recently approved application 11/0116 for the construction of a replacement dwelling and garage on this site. The dwelling proposed by this application is of exactly the same scale and design as that approved under 11/0116. The main significant change from this earlier permission is the increased scale of the proposed garage which has increased in externally measured floor space from 22.5 sq m to 67.7 sq m.

Assessment

In respect of the development proposed, the main issues to take into consideration are whether the proposals would constitute inappropriate development in the Green Belt and if so whether any 'very special circumstances' exist to outweigh the harm caused to the openness and visual amenity of the Green Belt.

It is also necessary to consider the design of the proposal, its impact on the character of the street scene, its impact on the amenity of the nearby occupiers, issues relating arboriculture and bio-diversity, and technical matters relating to highways and drainage.

Green Belt Policy

Paragraph 1.5 of national policy PPG2 lists the five purposes of including land within the Green Belt, including "to assist in safeguarding the countryside from encroachment" and paragraph 1.4, explains that one of the intentions of Green Belt policy is to keep land permanently open. It is noted that the most important attribute of Green Belts is their openness.

The reference in paragraph 3.6 of national policy PPG2 in respect of replacement dwellings in the Green Belt should be noted. It states that the replacement of existing dwellings need not be inappropriate providing that the new dwelling is not materially larger than the dwelling it replaces. It is for the Local Planning Authority to determine the circumstances in which replacement dwellings will be acceptable. Policy S12 of the Bromsgrove District Local Plan 2004 sets out these criteria:

"Within the Green Belt a replacement dwelling will be considered on the site of an existing building providing the proposal is for a replacement of a similar scale and character to the original building. A replacement may not be acceptable where:

- (a) it significantly enlarges the original dwelling by increasing the volume and/or floor area;
- (b) it has a demonstrable and adverse impact on the character and purpose of the Green Belt;

- (c) it has unacceptable traffic implications or where it perpetuates a traffic hazard;
- (d) the original structure was not constructed as a permanent static dwelling."

The current dwellings on the application site appear not to have been significantly extended over and above their original externally measured habitable floor space. A planning history search has been performed and there is no record of previous extensions to the dwellings at the site. The age of the rear conservatory of No. 83 is indeterminate and for the purposes of floor-space calculations has been assumed to be original.

Table 1 - Proposed Increase in Externally Measured Habitable Floor Space

	Approximate Externally Measured Habitable Floor Space (sq m)
Original House (No. 83)	137 sq m
Original House (No. 81)	27 sq m
Total Original	164 sq m
Proposed Main House	216 sq m
Proposed Garage	67.7 sq m
Total Proposed	283 sq m
Increase over existing	119.7 sq m
% increase over existing	73%

Table 1 above depicts the proposed increase in externally measured floor space. With regards to the criteria of policy S12, it is noted that in terms of scale, the proposed replacement dwelling represents a **119.7m² (73%)** increase over the externally measured habitable floor space of the current dwellings on the application site.

Policy S12 does, however, guide that consideration should be given to the ability to extend existing properties. Policies S11 of the Bromsgrove District Local Plan and Supplementary Planning Guidance Note 7 outline the key considerations in determining whether an extension in the Green Belt will be acceptable.

Supplementary Planning Guidance Note 7 (SPG7) - 'Extensions to Dwellings Within The Green Belt' guides that a maximum extension of up to 40% (or a maximum total floor space of up to 140 sq m) of the original dwelling may be viewed as a proportionate and acceptable addition. SPG 7 also states "In addition there may be instances where a figure of less than 40% or 140 sq m represents a disproportionate addition to the original dwelling, especially given a very prominent extension."

Policies S11 of the Bromsgrove District Local Plan - 'Extensions to Dwellings In The Green Belt' outlines that

"Within the Green Belt, limited extension of an existing dwelling will be permitted, subject to:-

- (a) the extension not resulting in a disproportionate addition over and above the size of the original dwelling;
- (b) the works respecting the scale and character of the existing dwelling;
- (c) no material harm to the amenity of nearby occupiers."

Whilst the current application refers to a replacement dwelling rather than an extension, as a guide, any increase of the externally measured habitable floor space should be limited to what would be realistically acceptable given to the ability to extend the existing properties. In consideration of this, it is viewed that the 73% increase in externally measured floor space exceeds the floor space increase that could be considered realistic if the two existing dwellings were extended separately. Whilst there is difficulty when dealing with hypothetical extensions, it is accepted that the larger dwelling (No. 83) could be extended by the full 40% allowance of SPG7.

In relation to No. 81, however, given the small scale nature of the dwelling (27 sq m) and the extremely limited space around this dwelling, it is viewed that that increasing the size of the dwelling to 140m² is not a realistic prospect and one that would not respect the scale and character of the existing building contrary to policy S11. Indeed, even allowing for a 100% increase in the scale of No. 81, this would only allow for a total floor space of 245 sq m across both dwellings. As such the proposed replacement dwelling at 283 sq m and representing a 73% increase in floor space is viewed to represent a disproportionate increase in floor space and is viewed as inappropriate and contrary to both local and national Green Belt Policy.

Very Special Circumstances

In relation to Green Belts, the emphasis is on developers to demonstrate that very special circumstances exist to outweigh a proposal's harm to the Green Belt. The requirement for 'very special circumstances' to be provided by the applicant is stated within paragraph 3.4 of PPG2.

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development."

No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

Design/Street Scene

National Policy PPS1 stresses the importance of promoting good design through the planning system and states that design which is inappropriate in its context should not be accepted (paragraph 34).

The existing street scene is characterised by sporadic development. The existing hipped roof dwelling (No. 83) is clearly of a different era and style to the dwellings nearby, the majority of which are gable roofed and of a low key vernacular. The spatial arrangement of nearby dwellings is loose and informal, without any uniformity in layout. As such, replacing the current dwellings with buildings on a different footprint and with a differing design to existing does not, in itself, raise concerns.

I am satisfied that the proposal reflects design elements of nearby dwelling's gable ended and low key vernacular. It is viewed that the proposed dwelling, though large, will sit comfortably within this rural setting.

Residential Amenity Issues

SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

In respect of privacy, overlooking and private amenity space, the proposed designs satisfy the criteria set out in SPG 1.

It is noted, however, that the current dwelling at 79 Brook Road has a number of windows on the rear elevation that face the rear of the proposed garage. SPG 1 guides that, 'Care must be taken when windows overlook adjacent blank walls' to avoid overshadowing or a visually intimidating impact. I am of the view, however, that the current boundary treatment mitigates any additional impact of the garage at ground floor level. The proposed garage has a maximum height of 4m and, as such, the impact on first floor windows will be limited given the separation distance between these windows and the garage is in excess of 10m.

The proposed dwelling is set within a well sized plot and in respect of private amenity space, exceeds the total area required by SPG1. Considering the above points, the proposed designs are not viewed as adversely affecting the amenities of neighbouring properties and are viewed to be in accordance with the residential amenity guidelines as set out in SPG 1.

Highways and servicing issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking. The County Highways Officer has been consulted with regards to the designs and has raised no objection subject to conditions.

Other matters

The Tree Officer has been consulted and has raised no objections.

Conclusion

In conclusion, it is considered that the replacement dwelling proposed is inappropriate development materially harmful to the openness of the Green Belt by virtue of its

increased scale. The proposal is therefore considered contrary to policies DS2 and S12 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

RECOMMENDATION: that permission be **REFUSED**.

1. It is considered that the replacement dwelling proposed is inappropriate development in the Green Belt by virtue of its significantly increased scale over and above the size of the original dwellings to be replaced. The proposal would therefore unacceptably harm the openness of the Green Belt, contrary to policies DS2 and S12 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of PPG2. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.