

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152825
Planning Application	10/0896-SC
Proposal	convert garage/storeroom into a separated dwelling to accommodate disabled wife's needs.
Location	281 Stourbridge Road, Catshill, Bromsgrove, B61 0BL
Ward	Catshill
Decision	Refused (Delegated decision) - 26th November 2010

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Discussion

The proposal was to convert garage / storeroom into a separated dwelling to accommodate disabled wife's needs.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. The subdivision of the plot would detract from the established development pattern of the area and cause harm to the amenity and character of the location contrary to policy S8 of the Bromsgrove District Local Plan 2004.
2. The proposed development would result in a loss of privacy of the occupier of the existing dwelling contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).
3. The proposed development would provide an insufficient level of amenity for its future occupiers contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).

The Inspector found the main issues to be:

- Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2 (PPG2) - Green Belts and development plan policy.

- The effect of the proposal on the openness of the Green Belt and the character and appearance of the surrounding area.
- The effect of the scheme on the living conditions of the occupiers of the existing dwelling at 281 Stourbridge Road, with particular regard to privacy.
- Whether the scheme would provide adequate private garden space for the occupiers of the existing and proposed dwellings.
- If the proposal 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 necessary to justify the development.

The Proposal

In the Green Belt there is a presumption against inappropriate development, which should not be approved except in very special circumstances. In addition paragraph 3.8 of PPG2 and policies DS2 and C27 of the Local Plan advise that the re-use of buildings is not necessarily inappropriate in the Green Belt, provided any scheme complies with various criteria. This includes that the reuse should not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. That strict control is exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it. Extensive areas of hard-standing, car parking and boundary fencing are cited as examples. In addition, the form, bulk and general design of the building should be in keeping with its surroundings.

Details

As existing, the single garage and ancillary domestic store to serve the existing dwelling at 281 Stourbridge Road are described by the Inspector to generate comparatively little activity and no additional traffic / parking. Physically there would be no need to separate the building from the existing dwelling through the erection of fences. Also the use of the existing garage would reduce the need for cars to be parked in the front or rear gardens of the Appeal property.

If the Appeal building were to be converted to a totally independent dwelling there would be a number of issues as raised by the Inspector:

- The need to provide a fence, wall or hedge between the curtilages of the two properties and without some form of screen, the privacy of the occupants of both dwellings would be compromised.

- The existing dwelling would be left without a garage, which would result in the need for more vehicles to park within the front garden area. The use of the additional dwelling would generate more traffic and parking and possibly further hard-standing to accommodate it.
- The proposed use would also result in the provision of additional residential paraphernalia within the garden area of the new property including washing lines and garden furniture.
- The existing dwelling would be left with no covered and secure storage for garden equipment and tools and the garage serving the proposed dwelling would have limited space to accommodate both a car and a typical range of domestic tools and garden equipment, etc. As a result the proposal would likely result in the erection of garden sheds within the curtilages of the properties. Whilst permitted development rights for the erection of garden sheds could be removed via the imposition of a condition, this would not remove the need for them.

The Inspector considers the proposal to have a materially greater impact on the openness of the Green Belt, thus amounting to inappropriate development within the Green Belt. Despite this reason not forming part of the Council's original reasons for refusal it was thought the:

- Increase in the intensity of the development on the site resulting from additional boundary fencing / walls, residential paraphernalia, parking and the likely erection of garden sheds. They would increase the prominence of the built development when viewed from the lane and open countryside to the south and would diminish and cause unacceptable harm to the openness of this part of the Green Belt. Accordingly the proposal would cause material and unacceptable harm to the openness of the Green Belt.

The Appeal site is located within a small row of dwellings, which have similar front building lines, front directly onto Stourbridge Road and their rear gardens back onto a small copse with farmland. Together their consistent front building lines, modest height, fully hipped roofs and good sized front and rear gardens result in them having a spacious and uniform character and appearance. Having paid regard to the size of the existing dwelling and its curtilage the Inspector considered the appeal building to be unduly large for an ancillary domestic building. It encroaches into the rear garden environment and interrupts the gentle transition between the open rear gardens and the copse to the west. As a consequence the building has a negative impact on the open and spacious character and appearance of the row of dwellings.

The conversion of the building to a separate dwelling would result in both the proposed and existing dwelling at No. 281 occupying uncharacteristically small plots, which would fail to respect the prevailing pattern of development within the

row. The erection of a tall fence between the two properties, as suggested by the Appellant, would exacerbate the situation resulting in a strong sense of enclosure. As a result the scheme would seriously and unacceptably detract from the traditional pattern of this enclave of development and the rural character and appearance of its surroundings. Therefore the Inspector concluded on this issue that the proposal would cause unacceptable harm to the openness of the Green Belt and the character and appearance of the surrounding area. Substantial additional weight needs to be given to that harm.

Amenity

The dwelling at No. 281 would be left with a rear garden of approximately 7 metres in depth and would adjoin the main garden area to the proposed dwelling. In addition, the distance between the living room window at No. 281 and the proposed carer's bedroom would be less than 14 metres. The pedestrian and vehicular access to the proposed dwelling runs along the side of the southern boundary to No.281, which currently comprises low level planting. The use of this access would result in the direct over-looking of the garden area and views directly into the living room at No. 281. As a result, unless a tall fence or wall was erected between the two properties and along the southern boundary of No.281, the development would result in unacceptably poor levels of privacy for the occupiers of both dwellings. Such fencing would have an adverse impact on the character of the area and the openness of the Green Belt.

Highways

The Inspector felt there would not be sufficient space to park vehicles at the front of the dwelling without either overhanging the adjacent private lane or involving several manoeuvres. It was also noted that if the occupiers of the proposed dwelling were to park in the front garden of No. 281 it would result in a material loss of privacy within the front rooms and front garden of that property. Any extension of the garden area into the woodland would have an adverse impact on the character of the surrounding countryside and the amenity of the Green Belt and the proposal would have a materially harmful impact on the living conditions of the occupiers of the existing dwelling at 281 Stourbridge Road.

The proposal would result in the provision of satisfactory private garden areas to meet the needs of the occupants of both dwellings. Although the resultant garden area for both properties would be modest in size; it would comply with the Council's minimum standards. At the same time the gardens to both dwellings would have an open outlook over the countryside to the south.

Very Special Circumstances

The Appellant put forward a number of factors in support of the development and in this instance due to the nature of the welfare needs of the Appellant's wife they

carry considerable weight. The existing dwelling has already been extended to the side and a new bedroom and a wet room were erected at the rear of the house specifically for disabled use. However, it is now stated that further modifications are required to meet Mrs. Irvine's future needs which would require major extensive and costly structural changes. No details have been provided for the required room changes and opening sizes / designs, or of the costs of the associated structural and other works. Similarly no details of the costs associated with changing the outbuilding to a separate dwelling have been provided. This reduces the weight that can be given to the viability factors put forward by the Appellant.

The Council has indicated that it would raise no objections to the use of the Appeal building to provide ancillary accommodation for Mrs Irvine. Whilst the Appellant has stated that this would not be viable, again few details have been provided and it reduces further the weight that can be given to the Appellant's viability points.

The Appellant commented that prior to the construction of the M42 motorway there was a fifth dwelling within the row in which the Appeal site is located. No details of its siting are given, although it is probable that was located next to No. 287 to the north and followed the same building line as the existing dwellings. Irrespective of this, the fact that a dwelling once existed in the vicinity of the Appeal site some years ago does not justify the formation of a new dwelling on the Appeal site now and little weight is accorded to it.

The Appellant stated that the proposed dwelling has been designed to respect the existing dwellings in the group and that few external alterations are required to convert it to a dwelling. However due to its rear garden position, the need for boundary screening, additional residential paraphernalia, hard surfacing and the resultant intensity of housing, it would fail to respect the prevailing pattern of residential development in the immediate area and would materially detract from the open rural character of the surrounding area. As such minimal weight is given to this point.

In conclusion

The Inspector found no reasons to outweigh the general presumption against inappropriate development in the Green Belt; and applied substantial weight to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt and the character and appearance of the surrounding area; the harm that would be caused to the living conditions of the occupiers of 281 Stourbridge Road. In addition no very special circumstances to justify the proposal exist.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (2nd November 2011).

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.