

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Matthew Francis	Replacement dwelling Hollys Cottage, The Fordrough, Truemans Heath, Solihull, Worcestershire B90 1PP	24.03.2016	16/0081

RECOMMENDATION: That planning permission be Refused

Councillor Turner has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

Consultations

Wythall Parish Council Consulted 02.02.2016

No objection to the proposed replacement dwelling but would like to ask that permitted development rights be removed to ensure nothing else can be built on this site, whilst also noting that this is Green Belt.

Highways Department- Worcestershire County Council Consulted 02.02.2016

No objection

Drainage Engineers Internal Planning Consultation Consulted 02.02.2016

No objection

Publicity

3 letters sent on the 2nd February 2016 (expired 23rd February 2016)

1 site notice posted on the 2nd February 2016 (expired 23rd February 2016)

Neighbour Responses

2 responses submitted from neighbouring properties to the immediate north and south of the application site, both in support, raising comments as summarised below:

No objection to the proposed new build. The proposals are considered to represent an improvement over the extensions which could be added to the existing poorly constructed bungalow.

Councillor Turner

I can fully understand that a new build would be more efficient and less wasteful in time, effort, cost and natural resources than carrying out work to the existing house with all its faults and poor energy efficiency. I regard this reason to be a very special circumstance and I also believe that this proposal would have no effect on any of the main principles of Green Belt legislation.

Nearby housing along this road has already been replaced by new builds to an extent where the existing house is beginning to look out of keeping with others, and the street scene would be enhanced if the proposal went ahead as planned.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria

DS13 Sustainable Development

TR11 Access and off-street parking

Others:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

Relevant Planning History

15/0815	Single storey rear extension	Prior Approval Not Required	21.10.2015
15/0814	Front boundary wall and gates	Approved	26.10.2015
15/0637	Proposed garage (Certificate of proposed lawfulness)	Approved	29.07.2015
15/0544	Two storey side extension	Approved	28.07.2015
B/8017/1980	New dwelling house (outline) APPEAL DISMISSED 15/5/81	Refused	27.10.1980

Assessment of Proposal

The site and its surroundings

The application site comprises a small dormer bungalow with 'pyramid' hipped roof with vehicular access gained from the west of The Fordrough, a narrow, no through road running in a south to north direction. The Fordrough is accessed via Truemans Heath Lane to the South.

The property is set within a large plot with a rear garden extending to some 80 metres in length to the west of the bungalow. The garden length serving Hollys Cottage is commensurate with gardens serving other dwellings including 'Honeyburge' to the north, and 'Haytor' to the south.

The application site is situated within land designated as Green Belt as outlined on the Bromsgrove District Local Plan (BDLP) Proposals Map.

Background

The applicant has drawn the Councils attention to the planning history relating to the site, and in particular, application 15/0544 where planning permission has recently been granted for a two storey side extension, and application 15/0815 where prior approval has been granted for a single storey extension to the rear (under permitted development rights). Neither of the above permissions has been implemented.

The Council have granted consent for a Certificate of Proposed Use or Development for a detached garage (July 2015) under application 15/0637. This consent has been implemented. Your officers have noted that the size and use of this building would appear to be contrary to the granted certificate. This matter is currently under investigation.

The Proposed Development

This application seeks planning permission to demolish the existing dormer bungalow and the erection of a replacement double fronted, two-storey dwelling house.

The principal issues for consideration in this case relate to the following:

- o Whether the proposed development would represent inappropriate development in the Green Belt;
- o Very Special Circumstances;
- o Whether the proposed development will result in demonstrable harm to the openness of the Green Belt;
- o Whether the proposed development will preserve the privacy and amenities of the occupants to neighbouring properties; and
- o Whether the proposed development would provide adequate access and parking provision so as to mitigate harm to highway safety.

Whether the proposed development would represent inappropriate development in the Green Belt

Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings represents inappropriate development in the Green Belt, subject to certain exceptions. One such exception includes:

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

This application relates to the replacement of an existing building (a dwelling house) within the Green Belt. However, in consideration of the proposed development, it is understood that the proposed dwelling would not be located on the footprint of the existing dwelling house, but instead will be located on the footprint of the extension approved under application 15/0815, which, as referred to above, is yet to be implemented.

In terms of assessing whether or not the replacement dwelling would or would not be materially larger in size than the dormer bungalow it replaces, it is necessary to compare the habitable floorspace values (m²) which are set out as follows:

Habitable floorspace (Gross Floor Area) (m²)

Existing dormer bungalow

Ground floor: 96m²

Upper floor: 44m²

Total = 140m²

Proposed dwelling

Ground floor: 136.5m²

Upper floor: 136.5m²

Total = 273m²

The above calculations show that the habitable floorspace of the proposed new dwelling would be almost double that of the existing dwelling and therefore the new dwelling could not possibly be viewed as '*not materially larger in size that the one it replaces*' as required under the terms of Paragraph 89 of the NPPF. The height differentials between the existing and proposed dwelling are also significant. I will deal with this issue further into the report. It therefore follows that the proposal would amount to inappropriate development, which is, as stated under Paragraph 87 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Very Special Circumstances

The National Planning Policy Framework, in Paragraph 88, sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has put forward a fall-back position for the existing dwelling referring to applications 15/0544 and 15/0815 which they consider help support their position.

Planning permission has been obtained under application 15/0544 for a two storey extension to the side of the property (representing in itself, a 32% increase over the original property) and therefore complying with the Councils 40% maximum allowance. Further, application 15/0815 demonstrates that the property can be extended to the rear (under permitted development rights) by up to 8 metres in depth across the full length of the bungalow (11.5m). This would equate to a floorspace of 92m².

The applicant comments that these extensions (at present unimplemented) are significant in size and should be taken into consideration as a very special circumstance, where, in the applicants view, the proposed replacement dwelling would represent a visual enhancement.

Whilst I accept that the property could be extended by implementing applications 15/0544 and 15/0815, I believe little weight should be afforded to this argument in determining whether the proposed development would be inappropriate within the Green Belt.

The National Planning Policy Framework is clear in that it relates to the size of the dwelling that is to be replaced and not the size it could be enlarged to. In addition, it is considered that the applicant would be unlikely to extend the existing dwelling house prior to its demolition just to enlarge it for the purposes of obtaining planning permission for a materially larger replacement dwelling.

Notwithstanding the above, even if the Applicant's argument was to be afforded significant weight, the replacement dwelling proposed would remain materially larger by virtue of the significant increases in height proposed which will be examined below.

Whether the proposed development will result in demonstrable harm to the openness of the Green Belt

The proposed new dwelling, by virtue of its increased scale, height and massing, would result in a significant reduction in the overall openness of the application site and would have a greater impact than the existing dormer bungalow. I have arrived at this conclusion taking into consideration that the difference in the size of the footprint of the replacement dwelling proposed and that the existing building measures up to 7.0m in height (the maximum height) while the proposed dwelling would measure 9.5m in height (its maximum height).

The existing bungalow has a 'pyramid' shaped hipped roof with an eaves height of just 2.75m above ground level. The highest point of the roof rises to a maximum of 7 metres, but due to that shape of the roof, the impact on the openness of the green belt is markedly different from that which would occur if permission were to be granted for a two storey dwelling measuring 9.5 metres to ridge across its entire length (13.5 metres) where such a new dwelling would inevitably have a significantly greater impact on the openness of the Green Belt.

In view of the above, it is considered that the proposed development would result in significant adverse harm to the openness of the Green Belt and would fail to comply with one of the 5 key purposes of the Green Belt, as set out under Paragraph 80 of the NPPF, which is to assist in safeguarding the countryside from encroachment.

Neighbouring Privacy and Amenity

I am satisfied that in this case, the proposed development would not result in any detrimental impact on the neighbouring properties with regard to loss of light, outlook or privacy.

Highway and Access Issues

Policy TR11 of the Bromsgrove District Local Plan requires development proposals to incorporate safe means of access and egress and provide sufficient off-street car parking in accordance with the Council's adopted standards. No objections are raised in this respect, as confirmed by Worcestershire Highways in their consultation response.

Conclusion

In view of the above, it is considered that the proposed development would be contrary to the advice of the National Planning Policy Framework and the provisions of the Bromsgrove District Local Plan in that the proposal amounts to inappropriate development in the Green Belt which is, by definition harmful. There would significant harm to the openness of the Green Belt at this location and this carries substantial weight. The matters raised by the applicant do not amount to very special circumstances required to justify the proposal.

RECOMMENDATION: That planning permission be Refused

Reason for Refusal

The proposed two storey dwelling, by virtue of its scale height and design, would be substantially larger than the existing dwelling it would replace. The Local Planning Authority does not accept the arguments put forward by the applicant in support of the proposal in relation to fallback under unimplemented planning consents 15/0544 and 15/0815. Thereby, the proposal amounts to inappropriate development in the Green Belt which is, by definition, harmful. There would be significant harm to the openness of the Green Belt at this location and this carries substantial weight. The matters raised by the applicant do not amount to very special circumstances required to justify the proposal and no others exist. The proposal is contrary to Policy DS2 of the Bromsgrove District Local Plan 2004 and Paragraph 89 of the National Planning Policy Framework (NPPF).

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