

Name of Applicant	Proposal	Plan Ref.
Mr & Mrs Palmer	Demolition of existing garage. New garage attached to existing dwellinghouse. New porch. 27 Linthurst Road, Barnt Green, B45 8JL, ,	16/1143

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 - (i) That in the event that consent 16/1143 is implemented, the detached garage approved under 09/0684 is rescinded
 - (ii) That in the event that consent 16/1143 is implemented, no development described in the provisions of Classes A, D and E of Schedule 2 of Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) is carried out
 - (iii) That in the event that permitted development is carried out and/or the detached garage approved under 09/0684 is implemented, the new planning permission will not be implemented and consent 16/1132 will be treated as effectively revoked

The application is to be considered by the Planning Committee because the decision is subject to a Unilateral Undertaking which has been received.

Consultations

Lickey And Blackwell Parish Council Consulted 16.12.2016
No Comments Received To Date

Conservation Officer Consulted 16.12.2016
On the basis that the earlier permission is 'withdrawn', I would have no conservation objections to the scheme.

Suggested joinery details conditioned to be approved by the LPA prior to the commencement of works on site.

Parks & Green Space Development Officer Martin Lewis Consulted 16.12.2016
No surveys required but suggested informative that if bats and birds are found work will need to stop immediately and professional ecological advice sought before proceeding any further

Western Power Distribution Consulted 16.12.2016

Confirmation that the proposed works will not have any impact on the substation adjacent to the property.

Publicity

Site notice posted 21.12.2016 and expired 11.01.17

5 neighbour notification letters sent 16.12.2016 and expired 06.01.2017

Press notice for conservation area published in Bromsgrove Standard on 13.01.2017 and expired 27.01.2017

No representations received in response to the above.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP20 Managing the Historic Environment

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

Relevant Planning History

09/0684	Erection of new garage, alteration of existing dwelling and new vehicular access.	Approved	12.11.2009
10/0817	New front entrance porch	Approved	04.11.2010
11/0223	Proposed new garage including lower service area and new vehicular entrance access and gates.	Approved	16.05.2011
11/0378	Front gate, new front porch, pergola	Approved	15.07.2011
B/17829/1989	Erection of single storey bedroom extension.	Approved	08.05.1989
B/10994/1983	Erection of rear conservatory	Approved	14.07.1983
B/9270/1981	Erection of double garage.	Approved	19.10.1981
B/3709/1977	Erection of ground floor bedroom extension.	Approved	06.07.1977
B/3379/1977	Erection of extension to dwelling to form lounge and new wc.	Approved	12.04.1977

B/2000/0914 Loft conversions and internal alterations.

Approved 16.10.2000

Assessment of Proposal

The application site is located in the designated Green Belt and the Barnt Green Conservation Area.

The proposal is to demolish an existing detached garage to the south west of the dwelling and erect a single storey extension to the south west elevation which would accommodate a two bay garage. A porch is also proposed to an existing door opening on the south west elevation of the dwelling.

In the Green Belt a proposed addition to a building would only be considered appropriate development if it were to be proportionate to the original building. Policy BDP4 of the Bromsgrove District plan states that an extension of up to 40% of the original dwelling may be appropriate provided it has no adverse impact on the openness of the Green Belt.

It is evident from the planning history above that the existing dwelling has already benefited from a number of additions since 1948. The cumulative floorspace of the existing extensions in addition to the proposed extension would clearly exceed the permissible 40% limit. Furthermore, the cumulative bulk of the extensions would have an adverse impact on the openness of the Green Belt. As such the proposal would represent inappropriate development in the Green Belt in accordance with policy BDP4 of the Bromsgrove District Plan and paragraph 89 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist.

The applicant proposes to demolish the existing garage to offset the harm caused to the Green Belt by virtue of the proposed extension. The existing garage has a floor area of approximately 42m² and pitched roof to a height of 3.4 metres. The proposed extension, would have a smaller floor area of 40m² and would have a height of 4 metres so as to better reflect the pitch of the existing dwelling. It is considered that by demolishing the existing detached garage and consolidating the floorspace into an extension to the dwelling this would lead to a more contained development within the Green Belt which would reduce the harm to openness.

The dwelling still possesses its full permitted development rights, leaving scope for extensions, porches and outbuildings to still be constructed without the need for planning permission. As such, whilst the proposed porch would be inappropriate development by virtue of the cumulative disproportionate extensions, there is a strong permitted development fallback position which would amount to a very special circumstance to outweigh the harm caused to the Green Belt by this aspect of the proposal. There is no permitted development fallback, however, for a side extension in the Conservation Area.

In addition to the above, the Council is aware that an historic planning permission which proposed a detached garage to the north east of the dwelling remains extant (ref 09/0684). This is because the proposal also included a single storey extension which has been built. The Council is therefore mindful that as the permission has been partly implemented the 2009 approved detached garage could now be built.

The applicant has provided a legal agreement to the Council to confirm that in the event that planning permission is granted for the new garage and porch and is implemented, then they will not further implement the garage permitted under the 2009 extant permission or build any further outbuildings or extensions under permitted development rights. Similarly, if the applicant implements the 2009 approved garage or constructs any other outbuilding under their existing permitted development rights then they cannot implement the new garage and porch as it will be treated as revoked.

This legal agreement effectively prevents any further development of the site which would be harmful to the openness of the Green Belt, if permission for the proposed garage, the subject of this application, were to be granted and implemented.

The Conservation Officer has raised no objection on the basis that the existing garage to be demolished is of no architectural merit. The proposed extension would be sympathetic to the character of the existing dwelling and would not have a detrimental impact on the character, appearance or significance of the conservation area.

The proposal would not be visible in the streetscene due to the existing natural screening and would not give rise to any residential amenity concerns.

In conclusion, on the basis of the above the Council considers that very special circumstances exist which would outweigh the harm caused by inappropriateness. Furthermore, the legal agreement put forward by the applicant would ensure that further development at the site could be restricted, protecting the openness of the Green Belt.

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Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Location Plan Drawing No. 01
Proposed Site Layout Drawing No. 36-B
Proposed Ground Floor Plan Drawing No. 37-E
Proposed Elevations Drawing No. 39-J

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building, or if a near match cannot be found, the written approval of the Local Planning Authority should be obtained for materials prior to development commencing. The development shall then be carried out in accordance with the approved details.

Reason:- To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

- 4) Details of all joinery to be used in the doors of the extension shall be submitted at a scale of 1:2 to the Local Planning Authority and approved in writing prior to installation.

Reason: To maintain the character and appearance of the area in accordance with policies in the Local Plan

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.
- 2) The applicant's attention is drawn to the contents of the Unilateral Undertaking which accompanies this application.
- 3) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works. In the event that bats or nesting birds are found during the works, works must stop immediately whilst professional ecological advice is sought on how to proceed.

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