

Name of Applicant	Proposal	Plan Ref.
Mr & Mrs A Price	Proposed double garage in lieu of garage building previously approved under 15/0364 and associated hard landscaping. Clifford Cottage , Top Road, Wildmoor, B61 0RB.	17/0111

RECOMMENDATION:

- 1) Minded to **APPROVE FULL PLANNING PERMISSION**
- 2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to controlling the erection of only one garage on the site.

Consultations

Belbroughton and Fairfield Parish Council Consulted 08.02.2017

The Parish Council has No objection. 21.02.2017

Publicity

Six neighbours Consulted 08.02.2017

No comments received. Expired 01.03.2017

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

Others:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

B/2050/1976	Alterations to front and rear elevations and raising of roof over part of the existing dwelling. (As amended)	Approved	22.03.1976
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Plan reference

BR/285/1962	Residential development.	Refused	
15/0364	Proposed replacement dwelling and garage.	Refused	30.07.2015
16/00005/REF	Proposed replacement dwelling and garage. APP/P1805/W/16/3143807	Allowed at Appeal	09.06.2016
16/0773	Proposed single storey garage (Certificate of Lawfulness)	Refused	19.09.2016
17/0086	Application to vary condition 05 (plans list condition) of application 15/0364 to enable changes to fenestration, driveway and formation of balcony at first floor on rear elevation of dwelling.	Approved	20.03.2017

Assessment of Proposal

Clifford Cottage was a detached two storey rendered dwelling with a narrow form, sited behind other dwellings to the east of Top Road, Wildmoor and within the Green Belt.

Planning permission was granted on Appeal to replace and resite that dwelling and to erect an associated garage under application 15/0364 (Appeal ref APP/P1805/W/16/3143807) in July 2016. Conditions associated with that Appeal have been discharged in part and development has now commenced with the demolition of the original dwelling.

Proposal

The appeal proposal involved the erection of a garage at the eastern side of the dwelling and behind its rear elevation, along with an associated driveway access from Top Road.

This proposal seeks to resite that garage to sit alongside the replacement dwelling, change its design and scale as well as varying the extent of the hard surfaced area. These variations are considered too great to represent a 'minor' amendment and thus requires a new Planning Permission.

The proposed garage would be a double garage with a pitched roof constructed in brick and tile to match the replacement dwelling.

Assessment

The site is located within the Green Belt and is subject to Policy BDP4 of the Adopted plan and the guidance contained within para 89 of the NPPF. The NPPF sets out that the erection of a new building is normally considered to represent inappropriate development, unless it falls within a closed list of exceptions.

Bullet point 4 of that exceptions list states; *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*

The garage the subject of the appeal decision had a footprint of 42m², a volume of 154m³ and was treated with a hipped roof a maximum of 4m in height. The proposed structure is smaller in footprint (37m²), volume (119m³) and is treated with a gabled roof with a maximum height of 3.9m. The reduction in scale and mass of the current proposal in relation to the appeal proposal is therefore noted. The proposed use has not changed.

Similarly the area of proposed hard surfacing associated with the driveway is proposed to reduce from 262 m² to 227m². In the view of your Officers, the design of the current proposal is also more appropriate to the proposed dwelling and siting is preferable in green belt terms; being alongside the dwelling as opposed to projecting into the garden space as previously proposed. These matters weigh in favour of the development as does the reduction in the extent of the hard surface.

Therefore with regard to scale and the appearance of the development it is considered that the proposal is not 'materially larger' than the previously approved building and thus the scheme complies with bullet point 4 of the NPPF and criteria e) of Policy BDP4. The development is therefore appropriate development in this location.

Due to the proposed siting of the garage there is the potential for both the garage approved under the appeal and the proposed structure to be constructed. Such an outcome would be harmful to Green Belt openness by virtue of the associated increase in built form on the site. In order to control this matter and ensure that just one garage is constructed a legal agreement is required. This agreement is in the process of being prepared and any planning permission would be subject to its completion.

The scheme has not attracted any comments or representations from third parties and subject to conditions to control the use of materials to reflect those of the dwelling, is in compliance with the Adopted Local Plan and the NPPF.

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Conditions

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The materials to be used in the construction of the external surfaces of the garage shall be reclaimed handmade red-brown multi facing brick in stretcher bond, such

as Lockington Handmade and the Roof treatment shall be 'Cembrit Westerlands' fibre cement slates in 'Graphite'.

Reason; In order to ensure the satisfactory appearance of the development and its relationship to the main dwelling, so as to safeguard the visual amenity of the site and its environs as required by Policy 19 of the BDLP.

- 3) The materials to be used in the construction of the access and driveway shall be submitted to an approved in writing by the Local Planning Authority before being used on site. These materials will then be used in the implementation of the driveway and access which will be carried out before the dwelling is first brought into use.

Reason ;In order to ensure the satisfactory appearance of the development and suitable access, so as to safeguard the visual amenity of the site and its environs as required by Policy 19 of the BDLP and suitable access as required by policy 16 of BDLP.

- 4) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Location Plan 16-5554 P1 100
Elevation Garage 16-5554 P4 235
3D View 16-5554 P3 150
Site Plan 16-5554 P1 120

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy 19 of the Bromsgrove District Plan.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) This application is subject to a Legal Agreement that limits the erection of only one garage on the site.

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