

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Gary Bathurst	Replacement of flat roof with pitched roof on outbuilding. Extension to front to create corridor and conversion of outbuilding from garage and store to ancillary residential accommodation  Little Paddocks, Warbage Lane, Dodford, Bromsgrove, Worcestershire B61 9BH	12.05.2017	17/0220

**RECOMMENDATION:** That planning permission be Granted

**Councillor May has requested this application is considered by the Planning Committee rather than under delegated powers.**

### Consultations

**Dodford With Grafton Parish Council** Consulted 12.04.2017

Dodford with Grafton Parish Council strongly object as this would be inappropriate development in the Green Belt and as this building can be seen from the road, the Parish Council feel that the pitched roof will be more obtrusive than a flat roof

**Conservation Officer** Consulted 12.04.2017

No conservation comments.

**Arboricultural Officer** Consulted 12.04.2017

No objection subject to conditions

### Publicity

Site notice posted 13.04.2017 and expired 04.05.17

1 neighbour notification letter sent 12.04.2017 and expired 03.05.2017

Press notice for conservation area published in Bromsgrove Standard on 28.04.2017 and expired 12.05.2017

No representations received in response to the above.

Councillor Karen May – requested this application is considered by the Planning Committee due to the level of public concern.

### Relevant Policies

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

BDP20 Managing the Historic Environment  
BDP21 Natural Environment

### **Others**

SPG4 Conversion of Rural Buildings  
SPG1 Residential Design Guide  
NPPF National Planning Policy Framework

### **Relevant Planning History**

B/15181/1987	Conversion of stable to dwelling on service unit (Outline)	Refused	22.06.1987
17/0040	Demolition of front porch, rear single-storey extension and porch; erection of new front porch and single storey rear extension; conversion of attic space to form an additional bedroom and bathroom, and works to the rear roof slope to form a roof terrace; new external wall finishes to existing walls comprising render on ground floor walls and cement-fibre weatherboard cladding on first floor walls	Approved	15.03.2017

### **Assessment of Proposal**

The application site is located in the designated Green Belt and is opposite the Dodford Conservation Area. It comprises the main dwelling house, Little Paddocks, and two buildings.

The proposal is to replace the flat roof of the building which comprises a garage and old stable with a pitched roof, along with a narrow extension to the front to infill the existing 'L-shape'. These works are to improve the appearance of the building and to facilitate its conversion into ancillary residential accommodation.

At the current time, the LPA does not possess any evidence to dispute that the land outlined in red and the subject of this application has been in residential use in excess of 10 years. Aerial photography confirms that the buildings have been in existence in excess of 10 years and the land to the south west of the building has been maintained for this period too.

Paragraph 89 of the NPPF states that 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. Paragraph 90 of the NPPF goes on to state that the re-use of buildings of a permanent and substantial construction can also be considered as an appropriate form of development, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policies BDP4 and BDP15 of the Bromsgrove District Plan are in accordance with the NPPF.

The proposed works would result in an approximate increase in volume of 55.1%. The increase in the height and bulk of the roof would harm the openness of the Green Belt to a degree. As such, the extension and roof would constitute a disproportionate addition and result in harm to the openness, failing to comply with either of the Green Belt bullet point exceptions to which it could be considered. The proposal would therefore be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist.

Consideration must be given to the permitted development fallback position for Class E outbuildings within the curtilage of a dwellinghouse. Whilst the proposed extension and roof alteration are to facilitate the conversion of the building to ancillary living accommodation thus requiring planning permission, it is acknowledged that the outbuilding could be extended (or even rebuilt) to the proposed height of 2.3metres at eaves level and 4 metres overall height if it remained incidental to the enjoyment of the dwellinghouse. Interior works to convert an existing building within the domestic curtilage of a dwelling into ancillary residential accommodation would not in itself constitute development under Section 55 of the Town and Country Planning Act 1990. This means that the building could be extended or rebuilt for a purpose incidental to the dwellinghouse but be converted internally at a later date into ancillary living accommodation without requiring permission.

The alterations to the windows and doors of the existing building would constitute permitted development under Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015 (As amended).

On the basis of the above it is felt that the strong permitted development fallback would constitute a very special circumstance exist so as to clearly outweigh the harm caused to the Green Belt.

The Parish Council have raised an objection in respect of the pitched roof being inappropriate development in the Green Belt and obtrusive in the streetscene, however, the Conservation Officer has raised no objection and as per the above, there is a strong permitted development fallback position when considering the harm to the Green Belt and the character of the building and area.

In respect of design, it is considered that the refurbishment of the building and the improvement to the flat roof appearance would be an enhancement to the local area and would be rendered so as to be in keeping with the recently approved alterations to the main dwellinghouse and the surrounding dwellings of the conservation area. The proposal would not give rise to any residential amenity concerns.

The Tree Officer has raised no objection subject to conditions.

The development would therefore comply with policies BDP1, BDP19 and BDP20 of the Bromsgrove District Plan.

In conclusion, on the basis of the above the Council considers that very special circumstances exist which would outweigh the harm to the Green Belt and the development would comply with the policies within the District Plan and the NPPF.

**RECOMMENDATION:** That planning permission be Granted

**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 Materials specified in Question X of the Application Form and the Approved Plans/ Drawings listed in this notice:

Location Plan

Plans and Elevations as Proposed drawing no. 1915/04C received 12.04.2017

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

- 3) The walls shall be rendered in an off-white colour and the tiles shall be of a similar appearance to those used in the main roof of the existing dwelling. The door shall be timber and the windows grey PVCu to match those in the existing dwellinghouse.

Reason: To protect the visual amenity of the area in accordance with policy BDP1, BDP19 and BDP20 of the Bromsgrove District Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the openness of the Green Belt in accordance with the policies contained within the Bromsgrove District Plan.

- 5) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the Oak tree adjacent to the development hereby permitted shall be protected with fencing around its Root Protection Area. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 4.6 of British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP1, BDP19, BDP21 & BDP22 of the Bromsgrove District Plan 2011 - 2030.

- 6) No works of any kind shall be permitted within or through the Root Protection Areas of the adjacent Oak tree without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.

Reason: In order to protect the tree which forms an important part of the amenity of the site and adjacent properties in accordance with policies BDP1, BDP19, BDP21 & BDP22 of the Bromsgrove District Plan 2011 - 2030.

- 7) Any external lighting to be incorporated into the development hereby permitted shall be lowpowered (i.e. lux level of 3 or less), downward-pointing and/or mounted at a low level to minimise the level of impact from lighting on bats.

Reason: To avoid disturbance to protected species in accordance with paragraph 125 of the NPPF

### **Informatives**

- 1) 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. If anything is found then works must stop until an Ecologist has been consulted.

The best types of lighting for use are narrow spectrum lights with no UV content, warm white LED or low pressure sodium.

- 2) 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.

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