

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs L. Tillotson	Retention and rebuilding of ancillary building	09.08.2018	18/00458/FUL

36 Fairfield Road, Bournheath, Bromsgrove,
Worcestershire, B61 9JN

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:
(i) The applicant entering into a suitable unilateral agreement to revoke the single garage approved under planning application 2002/1252

Consultations

Bournheath Parish Council Consulted 27.06.2018
No Comments Received To Date

Publicity

Neighbours notified 27.06.2018 and site notice displayed 04.07.2018
No Representations Received To Date

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (July 2018)
NPPG National Planning Practice Guidance
SPG1 Residential Guidelines

Relevant Planning History

17/01353/FUL	Alterations and reconstruction of ancillary building.	Refused	01.03.2018
B/2002/1252	Demolition of integral garage and outbuilding and erection of two storey side extension, first floor side extension, and detached garage.	Approved	18.12.2002

Assessment of Proposal

The application is to rebuild an outbuilding at the rear of a cottage, lowering its height and adding a small increase in footprint, to create an annex for a relative. The floor level would be lowered to accommodate wheelchair access.

The site is within the settlement of Bournheath but within the Green Belt. The cottage is set back from the road and slightly elevated. The land to the rear is higher than the dwelling and a brick outbuilding is located between the boundary and rear of the house. There is no rear garden but the residential curtilage extends to the right (south), bounded by a substantial boundary hedge.

The planning history confirms that there have been previous extensions to the property, that amount to an increase in the original floor area of 44%, albeit under a previous policy regime and prior to the adoption of the current local plan. The 2002 permission also included a condition requiring the removal of the current outbuilding, located within 1 metre of the rear of the house. Such demolition has not been carried out although a detached garage of 21.6 sqm included on that permission has not been built.

Under application reference 17/01353/FUL, permission to demolish and rebuild the outbuilding as a granny annex was refused as the development was considered a disproportionate addition to the original dwelling and constituted inappropriate development which, by definition is harmful to the Green belt. When taken together with previous extensions the development would unacceptably harm the openness of the Green Belt. No very special circumstances to outweigh the harm were identified. The proposal was therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017, and the provisions of NPPF.

However, in order to rectify the situation the applicant has entered into a unilateral undertaking to revoke part of the original permission for extensions that included an unbuilt detached garage. Overall the rebuilding of the outbuilding, less the unbuilt garage, would result in an increase of 42% above the original dwelling.

Planning approval to extend this cottage was obtained in 2002 (B/2002/1252) and the work was completed on site in 2003. The original approval was for various extensions and allowed for the construction of a detached garage in the front garden and the demolition of an ancillary building to the rear of the property. All the works covered by the approval were completed with the exception of the front garage and the required demolition of the ancillary building to the rear. At the time it was considered that the front garage was too close to the roadside and therefore it was not constructed. The rear ancillary building was left in place.

This application seeks to revoke the consent for the detached garage and to allow the rear ancillary building to be partially demolished and reconstructed on the same foot print to a lower level than the existing building in order to make it easily accessible (for an elderly relative) from the rear of the dwelling. There is at present a level difference of 550mm with three steps up into the outbuilding.

Considerations

The main considerations for this application are whether the proposal would constitute inappropriate development within the Green Belt, whether there would be an adverse impact to the openness of the Green Belt, the impact of the proposal on the character of the dwelling and the local area, neighbouring amenity, and whether Very Special Circumstances exist that would outweigh the harm arising by reason of inappropriateness and any other harm.

Green Belt

There is a presumption against development within the Green Belt; however paragraph 145 of the National Planning Policy Framework (NPPF) lists a number of exceptions that may not be inappropriate within the Green Belt, which includes a proportionate addition to an original building.

Policy BDP4.4 of the Bromsgrove District Plan (BDP) (2017) states that development of new buildings in the Green Belt is considered to be inappropriate unless specific circumstances apply. Criterion (c) allows extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² (original dwelling plus extensions) provided that the scale of development has no adverse impact on the openness of the Green Belt.

In this case the property benefits from planning permission for extensions, which have in part been constructed, except for a detached garage to the front of the house. A condition of the original permission in 2002 was that the outbuilding, now subject to this application, be removed, but in fact it remains in situ. In effect this is now a lawful building and could be retained. The proposed replacement outbuilding and previous extensions, would amount to a 42% increase in floor space above the original, and the permitted garage would amount to a further 11.2%. Taken together, extensions would total 53.2%, which would constitute disproportionate additions and thus inappropriate development.

In accordance with the NPPF inappropriate development is harmful by definition and should not be approved except in Very Special Circumstances. Whilst the previous permission has been implemented for extensions, the applicants propose to revoke the previous permission in respect of the unimplemented detached garage.

In this case the scale of the single storey outbuilding is similar to the approved garage, but the garage was shown in a prominent position at the road side frontage. The outbuilding would replace an existing building. It is also located to the rear of the dwelling behind a 2 storey extension, against an embankment and reduced in height from the existing and not seen from the street such that there would be a lesser impact to the visual openness of the Green Belt and character of the street.

Given the approved garage would be more harmful than the proposal scheme for the reasons above, it is considered that Very Special Circumstances exist that would outweigh the harm arising through inappropriateness, where a 40% increase would normally be accepted. It is therefore considered that the proposal is acceptable subject to the removal of Class 'A' Permitted Development Rights, which would ensure that further extensions could not also be implemented.

Impact on the Character of the Dwelling and Local Area

Policy BDP19 of the Bromsgrove District Plan requires development to be of a high quality design that will enhance the character and distinctiveness of the local area. The proposal scheme is not considered to dominate the original dwelling in terms of its scale and retains the appearance of an outbuilding, which forms an important part of the character of the dwelling. In this case the scale of the single storey outbuilding is similar to the approved garage, but the garage was shown in a prominent position at the road side frontage. The outbuilding would replace an existing building. It is also located to the rear of the dwelling behind a 2 storey extension, against an embankment and reduced in height from the existing and not seen from the street such that there would be a lesser impact to the visual openness of the Green Belt and character of the street. It is also noted that the approved scheme would be far more prominent from views of the street scene.

Overall it is considered that the approved scheme would have a greater detrimental impact to the character of the original dwelling and the local area.

Neighbouring amenity

At single storey and set at a lower ground level than the existing, the proposal would not impact on the amenities of neighbouring residents.

Given the siting of the proposal in relation to the adjoining neighbour, no harm arises to the amenities of the neighbouring occupiers, and thus the proposal complies with policy BDP1 of the Bromsgrove District Plan.

Conclusion

The proposed development would constitute disproportionate additions that amount to 42%, which would be inappropriate development within the Green Belt as a maximum of only 40% is allowed. Inappropriate development is harmful by definition and should only be approved if Very Special Circumstances exist that would outweigh the harm arising through inappropriateness. In this case a permitted scheme exists which would provide additional floor space in the form of a prominent front garage that would have a greater impact to the visual openness of the Green Belt. The approved scheme would also have a greater detrimental impact to the character of the dwelling and the street scene.

Given the permitted scheme would be more harmful than the proposed scheme for the reasons above, it is considered that Very Special Circumstances exist that would outweigh the harm arising through inappropriateness. It is therefore considered that the proposal is acceptable, subject to the removal of Class A Permitted Development Rights, which would ensure that further extensions could not also be implemented.

A Legal Officer was consulted as part of the process and considered that a Unilateral Agreement was the most suitable mechanism to revoke the garage permission in this particular case.

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:

(i) The applicant entering into a suitable unilateral agreement to revoke the single garage approved under planning application 2002/1252

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) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

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.

- 3) The garage hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and not as separate habitable accommodation or for the carrying out of any trades or business.

Reason: To protect the amenities of neighbouring residents

- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Dwg. 17:21:00 Original Survey
Dwg. 17:21:02 Site Plan
Dwg. 17:21:03 Proposed Elevations
Dwg. 17:21:04 Proposed Plans
Dwg. 17:21:05 Site Plan

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 5) 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, Classes A to D (inclusive) shall be carried out without the prior approval of the Local Planning Authority to an application in that behalf.

Reason: Further additions have the potential to be disproportionate, and consequently would not preserve the openness of the Green Belt. These rights are

Plan reference

removed in order to bring such development within the scope of control of the Local Planning Authority.

Informatives

- 1) An agreement under S106 of the Town and Country Planning Act applies to this decision.

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