

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Alan Dixon	Single storey car port adjacent to the existing garage. Cedar Haven , 96-98 Barkers Lane, Wythall, Worcestershire, B47 6BS	17.04.2019	19/00222/FUL

RECOMMENDATION: that planning permission be **Refused**

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

Consultations

Wythall Parish Council Consulted 28.03.2019
No objection

Publicity

2 neighbours notified 28.03.2019, expires 18.04.2019: No response received.
1 site notice was posted 02.04.2019, expires 26.04.2019: No response received.

Councillor Denaro

Would like members to consider the very special circumstances put forward by the applicant.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
NPPF National Planning Policy Framework (2019)

Relevant Planning History

18/00537/FUL	Retrospective Application - Car Port structure adjacent to the existing garage Refused 21.06.2018 APPEAL DISMISSED 16.10.2018.
08/0779	Two Storey Front extension and detached garage Approved 29.10.2008
B/2007/0692	Two storey extension to main dwelling and single storey extension to garage. Approved 20.08.2007

B/1998/0230	Three bedroom dormer bungalow and garage - resubmission of application B97/0743. Approved 20.01.1999
B/1992/0203	Brick built dwelling replacing two existing dwellings. Approved 17.10.1997

Assessment of Proposal

The main issues are:

- (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
- (b) The effect on the openness of the Green Belt;
- (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- (d) Impact on neighbouring amenity

A previous application for a development of the same footprint with a pitched roof was refused and dismissed at appeal as it was considered to be inappropriate development. The proposal is now for a flat roofed car port.

Green Belt Policy

Paragraphs 143-145 of the National Planning Policy Framework (the Framework) makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 145.

One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this case the original building is the dwelling.

Policy BDP4 of the Bromsgrove District Plan (BDP) (2017) is more specific and states that inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

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. For the purposes of calculating floorspace, the explanatory text to Policy BDP4.4(c) of the Bromsgrove District Plan (DP) refers to curtilage buildings within 5 metres of an original dwelling as being treated as forming part of a dwelling. The carport is within predominantly 5 metres of the dwelling and the

implication of the policy is that it is treated as being an extension to the dwelling. The carport has been erected and comprises a tiled pitched roof supported on steel columns. It has 2 open sides and the other sides comprise an existing boundary wall and the side elevation of the garage. The development has the character and appearance of a canopy but the definition of a building includes any structure or erection. The main difference of the current proposal is that the roof will be removed and replaced with a flat polycarbonate roof. However, the Inspector noted that even with 2 open sides and irrespective of its use, the carport has a degree of permanence by being fixed to the ground and the garage, coupled with the nature of the structure itself, contribute to it being a building. There would be nothing to prevent filling in the sides if approved and creating a more permanent building.

The planning history of extensions at the property since its original construction in 1996 has been considered. This confirms that there have been a number of previous extensions to the property and that these, amount to an increase in the original footprint of around 44%. The proposal adds a further 27.6 square metres that almost links the existing detached garage to the dwelling. It follows that there would be an increase in the volume and mass of the overall building totalling approximately 55% which cannot be considered to be proportionate to the original building.

The proposal cannot be considered to fall within the exceptions listed in the Framework and is, therefore, inappropriate development and consequent harm arising in accordance with paragraph 143-5 of the Framework. The development is also in conflict with Policy BDP4 of the BDP.

Openness

As set out above, the essential characteristics of the Green Belt are its openness and permanence. Openness is in effect the absence of buildings and so the introduction of the proposed extension, with its substantial footprint, scale and mass would be at odds with this, consolidating the built form to a previously open area. As such, the development would harm the openness of the Green Belt. The harm to openness adds to the Green Belt harm that has been identified above.

The Appeal Decision (ref APP/P1805/D/18/3207736) relating to 18/00537/FUL stated that "The increased bulk of the building's roof closes the gap which existed between the garage and both the bungalow and other garage. The closing of the gap is evident from the road and has the effect of consolidating the built forms of development within the curtilage of Cedar Haven. For these reasons it is concluded that the appeal scheme visually and physically reduces the openness of the green belt but, by reason of the carports context the degree of harm is only limited".

The new application for the flat roof car port does not physically close the gap between the buildings and can no longer be seen from the road, Barkers Lane or be seen from any immediate neighbours. As such it does not have the effect of consolidating the built forms of the development. However, in terms of openness it would still create a loss of openness and larger scale and mass of the dwelling and associated out-buildings overall.

There is no concern about the design of the extension in character and appearance terms and a flat roof would have a reduced impact, all within the existing enclosure of boundary

walls and gates surrounding the property. This is, however, distinct from the matter of openness.

Very Special Circumstances

The agent has put forward very special circumstances stating that the enclosure is required for security of additional vehicles at the property where 4 adults reside, as the existing garages are in use for garaging 2 cars and storage purposes.

Members should note that this matter was considered at the appeal and Paragraph 19 of the appeal decision states: "The appellant claims that the proposed development has some benefits, including covered and secure parking on an already surfaced area and the provision of additional storage. Both uses are incidental to the use of the dwelling. However, no details are provided why these benefits cannot already be met from the existing garages and store. For these reasons, only limited weight is given to these matters in the determination of this appeal".

The Inspector did not accept the very same point to be very special circumstances in the appeal and I consider Members should follow this approach. Therefore, as before, these circumstances are not considered to outweigh the harm caused to the principle of inappropriate development in the Green Belt. Members are also reminded that these arguments could be cited time and time again in many cases to attempt to achieve additional built development. The test is not just special circumstances but very special circumstances.

Impact on Amenity

The extensions would not impact adversely on the adjacent dwelling, Tall Trees, being over 20 metres away and divided by a fence. It is not considered that an unduly detrimental impact will occur and this is therefore in accordance with policy BDP19 of the Bromsgrove District Plan and SPG1; Residential Design Guide.

Conclusion and Balance

It is considered that the proposal amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green belt. Although very special circumstances have been put forward and the scheme is an improvement on the previous scheme with no visual impact externally due to the surrounding boundaries and existing buildings; it is not considered that these would outweigh the harm that would be caused to the Green Belt. A limit of 40% is applied to extensions and the proposal together with previous extensions would amount to a 55% increase. The proposal is therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017, and the provisions of the NPPF.

RECOMMENDATION: that planning permission be **REFUSED**

- 1) It is considered that the proposal amounts to inappropriate development in the Green Belt because the impact of the proposal would be of a scale and mass that would unacceptably harm the openness of the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. No very special circumstances exist that would outweigh the harm that would be caused to the openness of the Green Belt. The proposal is therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017, and the provisions of the NPPF.

Case Officer: Sally Price Tel: 01527 548425
Email: sally.price@bromsgroveandredditch.gov.uk