

| Name of Applicant | Proposal   | Expiry Date | Plan Ref.    |
|-------------------|--|-------------|--------------|
| Mr B Das          | First floor side extension to provide en-suite bathroom and single storey side extension to provide ground floor utility area<br><br>10 Monument Lane, Lickey, Birmingham, Worcestershire, B45 9QQ | 22.10.2021  | 21/01354/FUL |

**Councillor Deeming has requested this application be considered by Planning Committee rather than being determined under delegated powers**

**RECOMMENDATION:** That planning permission be **REFUSED**

### Consultations

#### **Worcestershire Highways**

No objection

#### **Lickey And Blackwell Parish Council**

Lickey and Blackwell Parish Council have no objection to this application

#### **Publicity**

2 letters sent 13.10.21 (expire 6.11.21)

No response received

#### **Councillor Deeming**

I would like the Committee to look at this with a more sympathetic view, especially on Mr Daz's medical condition

### Relevant Policies

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

#### **Others**

NPPF National Planning Policy Framework (2021)

Bromsgrove High Quality Design SPD

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

### Relevant Planning History

|              |  |         |            |
|--------------|--|---------|------------|
| 17/00833/FUL | To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite to the existing Master | Refused | 08.09.2017 |
|--------------|--|---------|------------|

|              | Bedroom   |           |            |
|--------------|---|-----------|------------|
| 17/0043      | To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite and Dressing Area to the existing Master Bedroom. | Withdrawn | 15.02.2017 |
| 16/0024      | Replacement 'verandah' at the rear of the property.   | Approved  | 09.03.2016 |
| B/2008/0096  | Erection of two storey extension to side of existing dwelling to include accommodation for elderly relative.  | Approved  | 03.04.2008 |
| B/2004/0355  | Extension.  | Refused   | 14.05.2004 |
| 01/00035/COL | The erection of a detached garage.  | Approved  | 26.09.2001 |
| B/2001/0512  | Two storey side extension, 10 Monument Lane, Rednal.  | Approved  | 07.06.2001 |

## **Assessment of Proposal**

### **1. Site Description**

1.1 The property is a substantial detached dwelling, located in the Green Belt. The site is well enclosed by mature boundary vegetation and is situated well back from the road, being on the north-eastern side of Monument Lane. The site appears level from the road frontage, however it slopes down towards the rear of the plot in more of a substantive manner. This allows for basement access below the rear conservatory and raised decking.

1.2 Monument Lane itself is elevated and commands views over the Lickey Hill towards the conurbation.

### **2. Proposal**

2.1 The application comprises two elements:

- a single storey side extension with a pitched, hipped roof, in the same position as a current area of raised decking to provide a utility area off the kitchen breakfast area.
- a first floor side extension, again with a pitched hipped roof, above an existing ground floor shower room/cloakroom. This proposes an-ensuite shower room for what will become the master bedroom.

### **3. Relevant Planning History**

3.1 This application follows refusal by Planning Committee in September 2017 of a previous application, 17/00833/FUL for a similar development, comprising a ground floor utility and first floor en-suite. The current scheme differs principally in that the utility room layout is at 90 degrees to that of the previous application. However, the scale remains broadly the same.

#### **4. Principle of Development**

4.1 Policy is not supportive of residential development in the Green Belt unless it amounts to proportionate additions to existing dwellings and does not impact significantly on the openness of the Green Belt. Furthermore, extensions should respect the character and appearance of the host building, its surroundings, and not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

4.2 Indeed, in terms of Green Belt principles, the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan, which was made as part of the Development Plan in 2020 recognises at Paragraph 6.16 that 'Green Belt is one of the strongest forms of protection against inappropriate development in UK planning'.

#### **5. Green Belt**

5.1 A key point to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraph 137 of the National Planning Policy 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 147 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 Paragraph 149.

5.2 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. Policy BDP4 of the Bromsgrove Local Plan further clarifies this point under criterion (c) that support is given to extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m<sup>2</sup> (original dwelling plus extensions), provided that the scale of development has no adverse impact on the openness of the Green Belt. Extensions which exceed 40% are considered disproportionate. Disproportionate additions in the Green Belt represent inappropriate development, and inappropriate development is, by definition, considered harmful to the openness of the Green Belt.

5.3 In this instance, the proposal would be contrary to Policy BDP4 of the Bromsgrove District Plan, as it is calculated that the original floor area is 219 square metres, previous extensions amount to 229.5 square metres and the current proposals comprise an additional 19 square metres, so the cumulative floor space would amount to 248.5 square metres, representing a 113.5% increase, over and above the original floorspace. This represents inappropriate development in the Green Belt and causes significant harm to the openness of the Green Belt. (These figures take into account the detached triple garage constructed in 2008 which is within 5 metres of the dwelling).

5.4 In addition to whether the scale proposed is appropriate, impact on the visual openness of the Green Belt is a further material consideration, as stated in Policy BDP4.4 of the Local Plan, which adds the proviso that even if an extension does not exceed the 40% maximum allowance that assessment should be made as to whether the scale would have an adverse impact on openness.

5.5 In this case, there are concerns about the impact on visual openness of the Green Belt, particularly in relation to the first floor en-suite extension, which would create additional physical massing, and would impact on the existing open 'skyline'.

## **6. Very Special Circumstances**

6.1 The 2021 NPPF states at Paragraph 148 that "'very special circumstances' (VSC's) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

6.2 In this instance, as per the previously-refused 2017 scheme, the applicant has put forward the same VSC, comprising personal circumstances relating to a medical requirement for the extensions proposed.

6.3 A confidential letter from the applicant's GP, dated October 2020 has been submitted, and is made available to all Committee Members. It is noted that there is no reference in this recent correspondence to the applicant's symptoms having worsened since the last application in 2017. The GP references the addition of a bathroom as being of assistance going forward. No mention is made with regard to the need for a utility room.

6.4 Whilst mindful of, and sympathetic to the personal circumstances and medical condition of the applicant, individual personal circumstances should not outweigh the harm by way of inappropriateness, particularly in this instance.

6.5 Furthermore, given that a very similar application for a utility space of the same scale (but in a slightly different position), plus an identical en-suite to the current proposal was refused by Planning Committee in 2017 (Reference 17/00833/FUL), it is not considered that planning policy has changed materially since the previous refusal, and therefore I am still unable to support these proposals, for the reasons set out above.

6.6 Members will also appreciate that the previous extension, under Reference B/2008/0096 which approved the current size of the building (including an annex), evidenced an internal layout inclusive of an en-suite in the main bedroom area, which is now shown on the Existing Floor Plans as having been implemented since the previous refusal in 2017. In addition, I note that the existing bed-sitting room approved in 2008 as a 'Granny Flat' although shown as a single room on the submitted plans, appears large enough to comfortably house a double, or even a king-sized bed, with the en-suite remaining as it is. Furthermore, I consider that the existing ground floor kitchen area could be adapted to provide a separate utility space at ground level, without the need for further extensions.

6.7 As regards Permitted Development Rights, it is noted that there is no realistic 'fall-back' position in this instance, as the currently proposed extensions relate to a part of the

dwelling which has already undergone a sizeable two storey side extension. The proposed first floor en-suite would not be Permitted Development (PD), as two storey side extensions are not allowable under PD rules. Furthermore, Permitted Development Rights would only enable a single storey extension to the side of a dwelling if it did not exceed half the width of the original dwelling, and in this case, previous extensions already exceed this limit, so there is no fall-back.

6.8 Furthermore, in terms of recent Case Law, it is noted that Inspectors have not generally accepted personal circumstances alone as sufficient justification to outweigh Green Belt harm. And in this instance, no additional VSC's have been put forward as part of this application.

6.9 In addition the extension would be a permanent development, which would endure beyond the current applicant's occupation of the dwelling, unlike a temporary building for instance, which could be suitably controlled once the need ceases.

6.10 In conclusion, it is not considered that sufficient VSC's, by way of significant evidence of personal medical needs have been demonstrated, to outweigh the substantial weight given to the harm arising by reason of inappropriateness.

## **7. Character and Appearance/ Impact on the Street Scene**

7.1 It is noted that the property is in a large plot and set well back from the road, and that the existing detached garage would partially screen the extensions from public view. Therefore it is considered that there would not be a significant detrimental impact on the street scene.

7.2 However, there are concerns in terms of character and appearance. Whilst it is noted that the proposed extensions may in their own right accord with current design guidance in terms of employing matching materials, having similar architectural details, and being subordinate in height and footprint to the host dwelling, the cumulative extent of the previously-approved extensions coupled with the currently-proposed additions would be harmful and would become visually dominant over the host dwelling. This consequently does not contribute positively to the character of the property or location and is therefore contrary to Policy BDP1 and BDP19 of the adopted Local Plan. Furthermore it does not comply with the guidance in the Bromsgrove High Quality Design SPD.

7.3 In addition, the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan encourages high quality design as one of its key principles. Policy BD2 sets out Building Guidelines under BD2, point 6 which states that 'new development should respond positively to its setting and where possible include references to the local context through detailing, appropriate use of materials, scale, height and massing.' It is considered that due to the scale, height and massing, that the proposals do not accord with Policy BD2 of the Neighbourhood Plan.

## **8. Amenity**

8.1 Given the context of the site and the location of the extensions there would be no significant impact to occupiers of neighbouring houses by way of overlooking or loss of

amenity and therefore this is considered acceptable in this instance. No objections have been received from neighbours or other interested parties.

## 9. Highways

9.1 Access to the site is currently gained via Monument Lane. There would be no change to this as a result of the proposed application.

9.2 No direct impact on existing parking or access is assessed, since the proposed extension is set within the existing amenity space. Given that the proposals comprise additional utility space and bathroom facilities there are no parking implications in terms of additional bed spaces.

9.3 No objections have been received from County Highways Officers.

## 10. Conclusion

10.1 The proposal would result in a disproportionate addition which represents inappropriate development in the Green Belt. In this instance the VSC circumstances put forward and the lack of harm to residential amenity clearly do not outweigh the significant harm to the openness of the Green Belt this proposal would cause. No new or substantive evidence has been put forward to demonstrate that personal circumstances have changed sufficiently since the decision made by Members in 2017 to outweigh current Green Belt policies. Members will note that there has been no fundamental change to planning policy since this decision (with particular emphasis on Green Belt policy set out in the 2021 version of the NPPF). Members are assessing this application on the same Development Plan as the 2017 proposals given the Bromsgrove District Plan was adopted on 25 January 2017.

10.2 The resulting cumulative impact of the proposed extensions would visually overwhelm the original /host dwelling and do not positively contribute to the character of the property or in fact the location.

**RECOMMENDATION:** That planning permission be **REFUSED**

- 1) The extension represents a disproportionate addition in the Green Belt. Disproportionate additions represent 'inappropriate development in the Green Belt' and 'inappropriate development' is by definition fundamentally harmful to the openness of the Green Belt. Whilst there is no perceived harm to residential amenity, the personal circumstances as outlined by the applicant do not amount to very special circumstances sufficient enough to overcome the harm of the development to the openness of the Green Belt. The proposal is therefore considered contrary to Policy BDP4 of the Bromsgrove District Plan 2011-2030, Section 6 Natural Environment of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2020 and the advice and guidance contained in the NPPF (Paragraphs 147 - 149).
- 2) The resulting cumulative impact of the extensions now visually overwhelm the original/host dwelling and do not positively contribute to the character of the dwelling or in fact the location and therefore the proposal is considered contrary to

Plan reference

Policies BDP1 and BDP19 of the Bromsgrove District Plan 2011-2030, the guidance contained in the Bromsgrove High Quality Design SPD and Policy BD2 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2020.

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