

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Glover 'A'	Two-storey extension with car-port and oak frame conservatory - 1 Pound Lane, Frankley, B32 4BB	GB	09/0920-SC 02.03.2010

Councillor D. Hancox has requested that this application be considered by the Committee, rather than being determined under delegated powers.

This application was deferred at the meeting of Planning Committee on 1st March 2010 at the request of Councillor S. R. Peters in order for a Committee site visit to take place.

RECOMMENDATION: that planning be **REFUSED**.

Consultations

WH	Request for revised designs, removing gate to allow for one car to park on the frontage 27.01.2010.
Forestry Commission	No objection 11.01.2010.
Frankley Parish Council	No response received to date.
Publicity	2 Neighbour notification letters posted 11.01.2010 expire 01.02.2010. No response received to date. Site notice posted 29.01.2010 expires 19.02.2010. No response received to date.

The site and its surroundings

This particular proposal relates to a fairly isolated semi-detached cottage situated on the eastern side of Pound Lane in Frankley. The cottage and the adjoining property occupy a fairly elevated position overlooking open Green Belt countryside, with views towards Birmingham and the M5 motorway. The property is constructed in traditional red brick with gable details to the front and rear. Its construction pre-dates the planning system, however it appears to be of a circa late 19th century construction. There is a vehicular access and a single parking space to the south of the dwelling house. The domestic curtilage extends to the south approximately 60 metres in length and 11 metres in width. It is noted that given the sloping nature of the surrounding land, the current property is necessarily set slightly into the slope, with the land immediately to the south and on the rear boundary of the existing dwelling approximately 1.5 metres above the property's ground floor level.

The site is located in an area designated Green Belt as defined in the Bromsgrove District Local Plan 2004.

Proposal

This proposal involves the addition of a two-storey rear and side extension, providing space for an extended dining area and oak framed conservatory on the first floor, with the

addition of a utility room and car-port on the ground floor. The existing small mono-pitched porch will be removed and a new access provided via a front door entrance within the proposed car-port.

Full length oak framed fenestration is proposed for the first floor western, southern and eastern elevations, providing extensive views over the open country side from both the proposed side conservatory and rear extended dining area. Two velux style windows are proposed for the front elevation of the conservatory and a further three on the rear extension. Access to the domestic curtilage land to the south is achieved via full-length glazed doors on the southern elevation of the conservatory and the addition of an external downwards-sloping flight of steps.

Relevant Policies

WMSS	QE3
WCSP	CTC1, D38, D39
BDLP	DS13, S11
Others	SPG1, SPG7, PPS1, PPG2

Relevant Planning History

None relevant

Policy Considerations

The main issues to take into consideration are whether the proposals would constitute inappropriate development in the Green Belt and if so whether any 'very special circumstances' exist to outweigh the harm caused to the openness / visual amenity of the Green Belt. In addition, it will be necessary to establish whether the proposals satisfy, in terms of appearance and design, the requirements of SPG 1, and policies DS13 and S11 of the BDLP 2004.

SPG7 for 'Extensions to dwelling in the Green Belt' states that a maximum extension of 40% of the original dwelling or a maximum total floor space of 140m² (i.e. the original dwelling plus extension) may be regarded as a proportionate addition over and above the size of the original dwelling. This relates to all habitable floor space measured externally. Extensions over this size will normally be regarded as disproportionate additions.

Notes

In determining the additional externally measured habitable floor space, it is necessary to be clear as to whether it is correct to include the proposed car port in the calculations.

A search of planning appeals involving car port extensions within the Green Belt suggests that there is a precedent for their inclusion in floor space calculations. A Planning Inspector viewed a timber clad triple car port proposed for a bungalow within the Chiltern District as amounting to 60% of the floor area of the original bungalow and therefore in breach of policy. It was concluded that the car port would harm openness and intrude on public views (Chiltern DC 25.11.04 DCS No. 037-661-665).

Clearly the implications of not including the proposed car port as habitable floor space are considerable. To suggest that such a substantial structure as the car port proposed should not be included in floor space calculations implies that its bulk and visual impact on the Green Belt should be considered *de-minimis*. Clearly this is not the case and the limited amount of additional work that would be required to convert the car port to an integral room of the dwelling is a clear indication of this.

The use of planning conditions to ensure that the car port remains in its original use also presents problems. The removal of the permitted development rights provided by Class A of the GPDO (2008 amended) would prevent conversion of the car-port. However, given the limited amount of work required to convert the car-port, it would be difficult to argue that the condition was reasonable on the basis of preventing additional harm to the openness of the Green Belt. Therefore, it is clear that the car port proposed should be considered as habitable floor space, as per a garage with use incidental to the main dwelling house.

What is the original?

The construction of the original dwelling predates the records of the Planning Department and there are no apparent new additions to what is assumed to be the original dwelling.

The 1937 planning history plotting sheet depicts a small structure to the rear of the existing building that has since been demolished. The applicant has indicated verbally that this structure was a small wash house with a floor area of approximately 8 feet square. Given the structure's small size, taking an accurate floor space measurement from the 1937 plotting sheet is difficult. However, it is estimated that the demolished structure had a floor space area of no more than 1m².

The applicant has also indicated verbally that a previously existing outbuilding was demolished in 1989. No written details have been provided and there is no evidence on the planning history plotting sheets of any outbuildings existing on, after or prior to 1st July 1948.

Given this, the original floor space, measured externally, is measured to be approximately 97.08m².

Green Belt Issues

The completion of the proposed extension will represent an additional floor space (taking into account the demolition of the existing porch), measured externally, of approximately 78.56m².

This would equate to approximately an 80.92% increase over and above the original dwelling, giving a total floor space, measured externally, of approximately 175.64m².

Having regard to SPG7, which states that dwellings within the Green Belt can only be extended by up to 40%, or 140m², for the extension to be considered a proportionate addition, this increase would represent a significantly disproportionate addition and an inappropriate form of development in the Green Belt.

Are there any Very Special Circumstances?

The application site is neither within a well established run of existing residential properties nor within a designated village envelope. The sloping landscape of the open countryside surrounding the application site inevitably constrains ground floor views to the South and East. The applicant has indicated that the higher level of the surrounding land to the South and East necessitates the need for the conservatory at first floor level. Whilst it is accepted that a first floor conservatory will provide views superior to one at ground floor level, such a consideration cannot be viewed as material when assessing whether very special circumstances exist for exceeding the floor space recommended within Green Belt policy.

It is also worth noting that whilst to the rear and side of the extension the higher land may help to reduce its visibility from certain surrounding vantage points, the extension would still be clearly visible, and fairly prominent, when viewed from other vantage points. In any case, regardless of the extent to which the extension can be seen from outside the site, PPG2 makes no reference to the way in which openness is perceived and it makes no concessions with regard to development which is screened or otherwise hidden from view. Even when a development cannot be seen in the wider context, this does not make it appropriate in terms of Green Belt policy. Thus, it should be noted that, in terms of Green Belt policy, lack of visual harm, in itself, does not amount to very special circumstances.

With regard to assessing to what extent 'Very Special Circumstances' outweigh the harm caused to the openness / visual amenity of the Green Belt, it is worth noting that the adjoining cottage, at 2 Pound Lane, was refused planning permission for a first floor extension in 2006 on the basis of exceeding the floor space recommended by Green Belt policy by 8m². This application exceeds the recommended floor space by approximately 34.5m² and whilst every planning application must be assessed individually on its own merits, the harm to the openness of the Green Belt that such an increased scale represents is viewed as significant.

Therefore, it is viewed that the proposed development would represent a significantly disproportionate addition and an inappropriate form of development in the Green Belt.

Design / Impact on street scene

The Council's SPG 1, Residential Design Guide, provides clear policy guidance with regards to the appropriate design of extensions. SPG 1 (Section 4) guides that, 'Large dominant extensions are not acceptable...' and to 'keep the extension subordinate to the original house'. The 81.76% increase in externally measured floor space does, therefore, raise concerns in terms of this policy guidance.

Whilst the extension is 'set back' and set down from the original dwelling to mitigate the over dominance of the extension, the proposed addition of full length fenestration within an oak frame can not be viewed as sympathetic to the red brick vernacular of the existing building. SPG 1 Section 4.1b guides that extensions should "use materials on the outside of the extension (bricks, roof tiles, types of windows and doors) which match the existing house or bungalow." Given the proposed use of such incongruous materials are on prominent first floor elevations, it is viewed that the extension will represent an over

dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity.

Residential amenity issues

The proposal would not have any detrimental impact on the residential amenities of the adjoining dwelling (No. 2) in terms of loss of light or overlooking issues. It does not project to the rear to such an extent as to breach the 45 degree code for to the adjoining dwelling, or create any other overlooking issues given its isolated location. The application site has substantial amenity space and the addition of even a sizeable extension does not create any cause for concern.

Permitted Development Fall Back Position

In making any recommendation for refusal of planning permission, it is necessary to consider whether realistic permitted development alternatives exist.

▪ Permitted Development - Rear Extensions

The permitted development rights in terms of the enlargement, improvement or other alteration of a dwellinghouse are set out under Class A, Part 1, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (as amended). With reference to this specific application site, the lack of distance to the rear boundary (less than 7 metres) precludes the construction of two storey rear extensions. Class A allows for a single storey rear extension that extends 3 metres to the rear of this dwellinghouse and is limited to 4 metres in height. If the rear extension would be within 2 metres of the rear boundary, the height of the eaves of the extension would be limited to 3 metres.

▪ Permitted Development - Side Extensions

With reference to side extensions, Class A allows for single-storey extensions limited to 4 metres in height and with a width no greater than half the width of the original dwellinghouse. In terms of this application, clearly the first floor element of the side extension is not permitted development and any single-storey side extension at this site would be limited to 3.85 metres rather than the 5.1 metres or 66% width increase proposed.

Highways

The Council's Highways Officer has been consulted on the proposed development and has requested that the designs be revised to remove the proposed gates to allow the parking of one car on the frontage.

With reference to this request, it is noted that the proposed designs include a parking space within the car-port and that the construction of gates up to 1 metre in height, in the proposed location, would be permitted development. Given this, it is not viewed as necessary for further revised designs to be provided by the applicant.

Conclusion

The proposed development would exceed the maximum allowance, in terms of externally measured floor space, for extensions in the Green Belt. By virtue of this, the proposal would be a disproportionate addition in relation to the main dwelling and would constitute an inappropriate form of development in the Green Belt. No 'very special circumstances' that constitute material planning considerations have been put forward to outweigh the harm that would be caused to the openness and visual amenity of the Green Belt. Additionally, given the proposed use of such incongruous materials on prominent first floor elevations, it is viewed that the extension will represent an over dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity.

Taking the above points into consideration and on balance I am of the view that permission should be refused.

RECOMMENDATION: that permission be **REFUSED**.

The scale and design of the proposed extension is an over-dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity, representing a disproportionate addition to the main dwelling and constituting inappropriate development in the Green Belt.

The proposal is therefore unacceptable in terms of scale, appearance and design and is viewed as being contrary to policy QE3 of the West Midlands Spatial Strategy, policies CTC 1, D38 and D39 of the Worcestershire County Structure Plan, policies DS13 and S11 of the Bromsgrove District Local Plan, SPG 1 Residential Design Guidance, SPG 7 Extension to Dwellings in the Green Belt and the general provisions of PPG2 - Green Belts.