

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. and Mrs. Groves 'A'</b>	Proposed change of use from ancillary residential use to dwelling - 2 Little Dodford Barns, Priory Road, Dodford, Bromsgrove	Green Belt	<b>10/0573</b> 16.08.2010

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

**RECOMMENDATION:** that permission be **GRANTED**

#### Consultations

WH  
Dodford with  
Grafton PC  
Drainage  
Engineer  
Publicity

Comments received 28.06.2010: No objection

Consulted 28.06.2010: No comments received to date

Comments received 02.06.2010: no objections

Neighbour notification letters posted 28.06.2010; expire 19.07.2010 (1 letter sent); 2 additional letters sent 07.07.2010 expires 28.07.2010

Site Notice posted 09.07.2010 expires 30.07.2010

1 objection received: reference is made to appeal decision ref. APP/P1805/A/03/1109927 which allowed a replacement building on the site for use for ancillary garaging and domestic storage in connection with the existing dwelling on the site. One of the conditions of that permission states that the permitted building shall not be occupied at any time other than for the purposes listed above. It is pointed out that the proposal would be contrary to that condition.

Concerns are raised over the windows in the proposal overlooking the adjacent property known as The Byre, and the potential for noise given the proximity of the proposal to the boundary with this property.

Concerns are also raised over the visual impact of the proposal on the historic character of the area, the amenities of the Green Belt and the setting of the landscape.

#### The site and its surroundings

The application site relates to an existing two storey detached building. The building is located within the curtilage of an existing barn conversion known as Little Dodford Barn. The building is currently used for garaging in association with the residential use of the site. The site is located in the Green Belt but outside of the boundaries of the Dodford Conservation Area.

The site adjoins Priory Road to its southern boundary and is surrounded by residential development to all other boundaries.

The use of the site has evolved over the last decade. The site originally contained an agricultural barn and open hay store until planning permission was approved to convert the barn to a dwelling in 1999 (B/1999/0436). An application to convert the hay store to an ancillary car garage was approved in 2000 under application ref. B/2000/0997. This involved infilling the open frontage of the building with brickwork and adding two sets of double doors. This permission was not implemented but instead the structure was demolished and a new building of a similar scale was erected in its place.

An application to convert this building to a new dwelling (B/2002/0380) was withdrawn in May 2002. Here it was brought to the Council's attention that the hay store had been replaced with a new building. An application to regularise this unauthorised development was refused in 2002 (B/2002/1106) as it involved the erection of an inappropriate form of development in the Green Belt and no very special circumstances were demonstrated to outweigh this harm. This application was however allowed on appeal in 2003 (APP/P1805/A/03/1109927).

An application to convert the building to ancillary accommodation was approved in 2007 (B/2007/0750). This involved the addition of two roof lights to the front elevation, two roof lights to the rear elevation, a new door in the side elevation and a new door and windows in the front elevation. From a recent inspection of the site it would appear that this permission has not been implemented.

### Proposal

This application proposes to convert the building to a new two bedroom dwelling. The application is a resubmission of application ref. 10/0285 which was refused as a.) the design and detailing of the proposed dwelling would harm the rural character of the area to the detriment of the visual amenities of the Green Belt and; b.) it was considered that the proposed use of the building as an independent dwelling would cause a loss of privacy to the occupiers of the adjoining properties.

The fenestration and detailing of the proposal has been amended to address the refusal reasons set out above. The revised proposal would involve the addition of three roof lights to the front elevation of the building, two roof lights to the rear elevation, a set of French doors within the south side elevation, and an entrance door and new windows in the front elevation.

### Relevant Policies

WCSP	CTC.1, D.38, D.39, D.16
BDLP	DS2, DS13, C27
Others	PPS1, PPG2, SPG1, SPG4

### Relevant Planning History

B/1999/0436	Conversion of barn into dwelling - Granted 16.08.1999
B/2000/0997	Refurbishment of approved garage and store - Granted 21.11.2000
B/2002/0380	Proposed conversion of Unit B to residential dwelling - Withdrawn

- B/2002/1106 Replacement barn to be used for garaging and residential storage in connection with adjacent barn conversion - Refused 22.11.2002 (allowed on appeal)
- B/2007/0750 Alterations to allow for laundry/utility area and home office - Granted 03.09.2007
- 10/0285 Proposed change of use from ancillary residential use to dwelling - Refused 26.05.2010

### Notes

It is considered that the main issues to address in the determination of this application are those arising from Green Belt policy. It is also important to consider the impact of the proposal on the amenity of the occupiers of the surrounding dwellings, and the concerns raised by a third party in this respect. I will deal with each of these matters under separate headings below.

### Green Belt

The proposal involves the conversion of an existing building thus it will fall to be considered under Policy C27 of the BDLP. This is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

The proposal would not involve any extensions or structural changes and it is not considered that the resulting building would have any greater harm to the openness of the Green Belt than the existing use.

As noted earlier, the proposal would involve a number of external alterations to facilitate its use as an independent unit and it is important to consider the impact of these alterations on the visual amenities of the Green Belt.

It is considered that the site and its surroundings are of a rural character. The existing barn on the site and the barns in the adjacent site have been sympathetically converted and I am of the view that their traditional rural character has been retained. The existing building is of a very simple, utilitarian appearance and I am of the view that it respects the rural character of the area.

When considering the effect of the proposed alterations on the Green Belt regard should be had to the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG4). This provides that the continued use of rural buildings is encouraged where their original character can be retained and their form, bulk and

general design are in keeping with their surroundings. On this basis I consider that it is of fundamental importance that the simple, utilitarian appearance of the building and the traditional, rural character of the area are retained.

It is proposed to add roof lights and French doors to the building. With regard to the roof lights, the guidance contained in SPG4 states that large unbroken roof slopes are often a characteristic feature of agricultural buildings. These should be respected especially as they are often seen at a distance and can dominate elevations. New roof openings will normally be opposed as they can bring about a significant change in the character of a farm building. Having regard to this guidance it is considered that the proposed roof lights would be an inappropriate addition to the building. I am also of the view that such domestic features would detract from the rural character of the site and its surroundings.

It is however noted that there is an extant planning permission (B/2007/0750) for 4 of the 5 roof lights proposed. It is therefore considered that there is a strong fallback position in respect of these features. Thus, whilst I am of the view that the roof lights would detract from the rural character of the area, I feel that it would be difficult to justify the refusal of the application for this reason.

With regard to the French doors, entrance door and windows proposed in the front and side elevations of the building, it is generally considered that the wooden design and small openings within these features would be more appropriate within this context. It is also noted that these features are included in extant planning permission ref. B/2007/0750.

The proposal does involve some new openings within the front elevation of the building that are not included in B/2007/0750. These are located within the existing opening to the left hand side of the front elevation which currently contains a garage door. The guidance contained in SPG4 favours the re-use of existing openings for new windows and doors so to help preserve the original character of the building. It is considered that this part of the proposal would accord with this guidance. It would also involve half glazing and wooden paneling and I am of the view that these details would help to preserve the rural setting of the area.

I am mindful of the fact that the proposal would intensify the use of the site but it should be noted there is already an existing area of hardstanding for parking purposes and I am of the view that adequate private amenity space could be provided. I am not therefore of the view that the intensification of the site would harm the Green Belt.

### Residential Amenity

The scheme would involve a number of first floor windows including five new rooflights and a vertical window in each gable wall. As noted above, four of the rooflights feature in the approved 2007 scheme. It should also be noted that the gable windows are an existing feature of the building. Nonetheless, it is considered that the proposed use of the building as an independent dwelling would change the way in which these windows are used.

It is proposed to accommodate two bedrooms and a bathroom on the first floor of the building. The new and existing windows would therefore serve main habitable rooms

from which there is potential for overlooking. The windows in the front and southern side elevation of the building do not raise concerns as these would only overlook Priory Road and the vehicular turning area for the proposed dwelling. The remaining windows however would overlook the adjoining properties. The window in the north elevation would directly overlook the windows in the front of the adjacent barn, and obliquely overlook the property known as 'The Byre'. It is however noted that this window is to be fitted with obscure glazing. Whilst it is considered that this would avoid any views being gained of the adjacent properties, having regard to Circular 11/95 (The Use of Conditions in Planning Permissions) it is important to consider if it would be reasonable to secure this by condition. I would normally find it unreasonable to impose such a requirement on a window serving a bedroom (notwithstanding the applicant's willingness in this instance) but I am mindful of the fact that this room would also be served by a rooflight. It is considered that this would provide the room with adequate daylight and an opportunity for outside views to be gained. I do not therefore find such a condition to be unreasonable on this basis.

It is noted that the roof lights in the west elevation could potentially overlook the private garden of The Byre. Although it is difficult to assess the extent to which the rooflights would overlook this area in the absence of section drawings, it is considered that the shallow pitch of the roof would prevent any views being gained of this area. I do not therefore have any concerns in relation to these windows from an amenity perspective.

### Third party representations

As noted above a letter of objection has been received from the occupiers of the adjoining property known as 'The Byre'. Reference is made to Condition 1 of appeal ref. APP/P1805/A/03/1109927 which allowed the retention of the replacement building on the site for use for ancillary garaging and domestic storage in connection with the existing dwelling on the site. Condition 1 of that permission states that:

*"The building hereby permitted shall not be occupied at any time other than for the purposes of garaging and domestic storage ancillary to the residential use of the dwelling known as Little Dodford Barn."*

The objector infers that this condition would restrict the use of the building to that purpose in perpetuity. This is however a misunderstanding. The purpose of the condition is to define the ancillary use of the building and to clarify the scope of the planning permission. An ancillary residential building would be a Class C3 Use, as would a separate dwelling. Thus, without the abovementioned condition the building could have been used as a separate dwelling without the need for planning permission, as no change of use would have occurred (i.e. a C3 use would have been changed to a C3 use). The condition does not mean that the building can never be used as a separate dwelling, it purely means that a separate application for planning permission will be required if the building is to be used for such a purpose.

It is noted that the Inspector considered the condition to be necessary as it would avoid harm being caused to the amenity of the adjoining barn (Little Dodford Barn). This proposal is however different to that assessed by the Inspector as it involves obscure glazing in the offending windows.

I note the objectors concerns over residential and visual amenity. I am not concerned over domestic noise as this is to be expected at residential developments and there are appropriate measures in place to control this under the Environmental Health system. I consider that the remaining concerns are adequately addressed in the earlier parts of the report thus I will not reiterate such assessments here.

### Conclusion

The proposed re use of the building is acceptable in principle and it is considered that the bulk of the new fenestration would preserve the original character of the building and the rural setting of the area. Although I would have concerns over the addition of rooflights to the building I am mindful of the fallback position in this respect. Taking these points into consideration I am generally of the view that the proposal would be in accordance with Policy C27 of the BDLP, the guidance contained in SPG4 and the advice on the re use of rural buildings contained in PPG2.

The potential for the new windows to harm the amenity of the adjoining occupiers has been duly considered. I am of the view that the existing window in the north gable wall has the greatest potential to cause overlooking, but it is considered that this can be appropriately mitigated by the use of a condition to secure the installation of obscure glazing in this opening. I am not therefore of the view that any adverse loss of privacy would result to the adjoining occupiers.

On the above basis I am of the view that the proposal accords with the relevant policies of the adopted Development Plan and there are no other material considerations that would justify refusing planning permission. I therefore recommend that planning permission is approved subject to conditions.

### **RECOMMENDATION:** that permission be **GRANTED**

1. C001 (time limit for implementation).
2. Prior to the commencement of the development hereby approved details of the form, colour and finish of the materials to be used for the new windows and doors, including the associated wooden panels, shall be submitted to any approved in writing by the local planning authority. The proposed development shall be carried out in accordance with the approved details.
3. Prior to the occupation of the building for the use hereby permitted, the existing first floor window in the north side elevation shall be fitted with obscure glazing and fixed shut. The said window shall remain as such in perpetuity unless otherwise agreed in writing by the local planning authority. A sample of the proposed glazing shall be submitted to and approved in writing by the local planning authority. The proposed development shall be carried out in accordance with the approved details.
4. C022 (removal of permitted development rights for all householder developments i.e. extensions, new windows and outbuildings).

### Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To protect the visual amenity of the area and the rural character of the Green Belt in accordance with policies CTC.1, D.16, D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004, the guidance contained in Supplementary Planning Guidance Note 4 and the advice contained in PPG2: Green Belts.
3. To protect the amenity of the occupiers of the adjoining properties in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained in the Council's Residential Design Guide (SPG1).
4. To protect the character and openness of the Green Belt and the amenity of the adjoining occupiers in accordance with policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2 and DS13 of the Bromsgrove District Local Plan 2004, the guidance contained in Supplementary Planning Guidance Note 1 and the advice contained in PPG2: Green Belts.

## Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WCSP	CTC.1, D.38, D.39, D.16
BDLP	DS2, DS13, C27
Others	PPS1, PPG2, SPG1, SPG4

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.