

**Planning Committee:** 28 March 2017

**Item Number: 5**

**Application No:** [W/16/2046](#)

**Town/Parish Council:** Old Milverton  
**Case Officer:** Dan Charles

**Registration Date:** 08/11/16

**Expiry Date:** 03/01/17

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**Llandrecies, Church Road, Old Milverton, Leamington Spa, CV32 6SA**

Erection of replacement dwelling FOR Mr and Miss Hirst and O'Brien

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This application has been requested to be presented to Committee by Councillor Grainger

**RECOMMENDATION**

Planning Committee is recommended to refuse planning permission for the reasons listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Demolition of existing detached, two storey dwellinghouse.

Erection of replacement two storey dwellinghouse positioned forwards on the plot.

The proposed dwelling is to be two storey with four bedrooms. It will have an eaves height of 4.5m and an overall ridge height of 7.6m. The plan is for a simple, twin gabled property with dormer windows to the front elevation serving the first floor rooms. To the rear, a single storey, flat roof projection is proposed.

**THE SITE AND ITS LOCATION**

The application property is a detached two storey dwelling located within the West Midlands Green Belt.

The existing dwelling is a two storey dwelling of fairly modern construction.

The site is flanked by residential properties. To the west, Church Farm House is set well away from the shared side boundary and is set in substantial grounds. To the east is The Stables which is set centrally on the plot with a range of outbuildings forming the side boundary of the site providing a high level of screening.

## **PLANNING HISTORY**

W/16/1224 - Erection of two storey side extension and front porch after demolition of existing single storey extension and alterations to fenestration – Granted 08.09.2016.

W/16/0743 - Application for a Lawful Development Certificate for proposed single storey side extensions and two storey rear extension to the original dwellinghouse as shown on drawing no. 791-04 Revision B received on 25.4.2016, with the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse – Granted 15.06.2016

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Parish Council:** Acknowledge that the existing building is uninspired and lacklustre. The applicants have produced amendments and a minor decrease in volume. Concern that permitted development rights could be used to extend the dwelling further. Moving the dwelling forward on the plot will harm the character of the area. The proposal is considerably larger than the existing. Support a new dwelling in this location that would be in keeping with area. More detail needed regarding materials.

**WCC Landscape Team:** Objection - No details of existing trees on site. Recommend tree survey be submitted.

**WCC Ecology:** Recommend protected species conditions and notes be attached to any permission granted.

**WCC Highways:** Objection - No parking information provided.

**Councillor Grainger:** Support - Proposal will enhance the street scene and will have minimal impact on the openness of the Green Belt.

## **ASSESSMENT**

Whether the development is appropriate development within the Green Belt and if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The application site lies within a rural location washed over by the West Midlands Green Belt.

Paragraph 89 of the NPPF sets out the forms of development that are defined as appropriate development within the Green Belt, which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposed replacement dwelling equates to a 67% increase over and above the existing dwelling. While there is no definition of "not materially larger" in the NPPF or in the adopted Local Plan, it is considered reasonable to conclude that it would be less than "disproportionate" which is defined in adopted Local Plan Policy RAP2 as a guideline of 30%. As such, it is concluded that the proposed replacement dwelling would be materially larger than the one it seeks to replace. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

The applicants have put forward what they consider to be very special circumstances in support of their application. Paragraph 88 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

A Lawful Development Certificate was submitted and approved for two storey rear extensions and single storey side extensions that could be built as 'Permitted Development'. The overall floorspace of these proposed extensions would result in a dwelling that is only fractionally smaller than the replacement dwelling sought as part of the current application. Moreover, a separate application has also been submitted and approved for a two storey side extension. When taken into consideration with the works that can be carried out under Permitted Development, this would amount to a dwelling that has an overall greater floorspace than the proposed replacement dwelling. The applicants have sought quotes for these works and state that this would be a realistic option that provides them with the floorspace that they require for their family's needs should permission not be forthcoming.

The applicants have put forward the case that a dwelling on the site of a similar or slightly larger size could be provided on the site, albeit utilising the body of the existing dwelling and permitted development rights.

However, the permitted development fall-back position is not considered to amount to very special circumstances. This is an argument that could be, and is, put forward time and time again for other properties in the Green Belt and undermines the protection of the Green Belt. This is a view that has also been taken by Inspectors at appeal.

In conclusion, it is not considered that very special circumstances have been demonstrated which outweigh the harm identified.

#### Impact on character of surrounding area

While it is acknowledged that the existing dwelling on the site does not fit with the rural character of the area in terms of the design, appearance or use of materials within the existing building and does not reflect the character and rural charm of the adjacent properties.

In this respect, a replacement dwelling would be the most appropriate form of development for the site insofar as it provides an opportunity to begin from the ground up with a more appropriate design.

The proposed dwelling has been the subject of a revised design to provide a simple form of dwelling with an appropriate facing brick in lieu of the originally proposed render. The design has also reduced the overall height of the dwelling compared to the original submission.

The design of the dwelling is simple and the use of high quality materials and traditional detailing would provide a form of development that greater respects the rural character of the area than the dwelling that it is proposed to replace.

For the above reasons, I consider that the proposed replacement dwelling would result in an enhancement of the character and appearance of the area. However, this is not considered to outweigh the harm to the Green Belt which the NPPF should be afforded significant weight.

#### Impact on adjacent properties

The application site is set away from the adjacent properties. The windows on the proposed dwelling would be primarily front and rear facing as per the existing dwelling on the site. It is considered that due to the separation between dwellings, the proposed development would not result in harmful overlooking of the adjacent properties.

The proposed dwelling would be set well away from the site boundaries and would not result in any harmful overbearing impact on the amenity of neighbouring properties.

Overall, it is considered that the proposed development would not have any significant detrimental impact on the amenity of neighbouring properties.

### Access and Parking

The site benefits from an existing highway access which is to be retained as part of the development.

The County Highways officer has raised objection to the scheme due to the lack of annotation on the plan setting out the proposed parking area. Whilst not explicitly indicated on the submitted plans, there is clearly an area marked out to the side of the dwelling providing parking for two vehicles together with a turning area in front of the dwelling.

On this basis, it is considered that the proposed development would provide adequate parking and turning facilities within the site. The use of the existing highway access would not result in harm to highway safety in this location.

### Energy Efficiency / CO2 reduction

No energy statement was submitted with the planning application. However, it is clear that the provision of a replacement dwelling to replace the existing affords a significant opportunity to incorporate energy saving measures to greatly reduce the CO2 emissions of the site.

In this respect, it is considered that adequate details could be secured through the use of an appropriate planning condition to ensure compliance with Policy DP13 and the associated SPD.

### Other Matters

#### Trees and Hedgerows

The site currently contains a mature tree on the site frontage that is proposed to be removed to make way for the new dwelling. The applicants submitted a tree survey stating that the tree was of limited value and had a limited lifespan and due to its condition would need to be removed.

During the course of the application, the tree was also assessed by the Council's tree specialist. In making the assessment of the tree, the officer noted that the tree was subject to a limited lifespan and would not recommend any protection for the tree. No objection was raised to the removal of the tree.

The loss of any tree is unfortunate but in this case, the proposed site plan indicates the provision of multiple trees to compensate for the loss of the existing tree. Therefore, it is considered that there would be a net gain in the potential number and quality of trees on the site.

### Ecology

The County Ecologist has assessed the proposal and identified that the site may be used by protected species. On the basis of this, the ecologist has recommended that in the event of permission being granted, a suite of conditions be imposed to ensure that protected species are not harmed by the

proposed development. It is therefore considered that potential harm to protected species can be adequately mitigated.

## **Conclusion**

The development has been assessed against the Green Belt Policy contained within the NPPF and is considered to represent inappropriate development which is harmful by definition and by reason of harm to openness. No very special circumstances have been submitted for this development that would outweigh the harm identified.

## **REFUSAL REASONS**

- 1 The application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

Paragraph 89 of the NPPF states that replacement buildings in the Green Belt may be appropriate provided that they are in the same use and not materially larger than the one it replaces.

In the opinion of the Local Planning Authority, the proposed 67% increase in floor space compared to the existing dwelling would result in a building that is materially larger than the existing residential property thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

The proposal is considered to be harmful by definition and by reason of harm to openness and is contrary to the aforementioned policies. No very special circumstances have been presented which are considered to outweigh the harm identified.

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