

Planning Committee: 29 January 2019

Item Number: 6

Application No: [W 18 / 1141](#)

Town/Parish Council: Lapworth
Case Officer: Helena Obremski
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Registration Date: 31/10/18
Expiry Date: 26/12/18

Land r/o 177 - 179 Chessetts Wood Road, Lapworth, Solihull, B94 6ET
Proposed erection of a three bedroom detached dwelling. FOR Mr & Mrs Yates

This application has been requested to be presented to Committee by Councillor Gallagher.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a detached two storey dwelling, with integral garage and access fronting onto Chessetts Wood Road.

THE SITE AND ITS LOCATION

The application site is a portion of land, currently acting as garden land serving 5 Chapel Lane (to the rear of the gardens serving 177 - 179 Chessetts Wood Road). The application site is located within the Green Belt and the limited infill boundary of Chessetts Wood.

PLANNING HISTORY

W/88/0294 - proposed erection of four detached dwellings, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

W/90/1166 - proposed erection of a dwelling and detached double garage, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

W/90/1167 - proposed erection of two detached dwellings and double garages, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: No objection if the site is within the village envelope / village infill boundary.

Councillor Gallagher: Support, the site is within the limited infill boundary and should be counted as limited infill development.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to condition and notes.

Private Sector Housing: No objection.

Environmental Protection: No objection, subject to conditions.

Waste Management: No objection.

Tree Officer: Insufficient information has been provided.

Public Responses: 6 Objections concerning:

- The impact on nearby trees;
- The impact on neighbouring residential amenity - loss of privacy, light and outlook;
- The detrimental impact on the character and appearance of the area;
- The scale which is out of keeping with properties in the nearby area;
- The proposal not complying with Local Plan policy H11 (limited infilling) and having a detrimental impact on the Green Belt;
- The use of the site for landfill;
- The capacity of the sewerage system;
- The impact on wildlife.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt
- The impact on the Character of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Waste
- Health and Wellbeing
- Other Matters

Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Lapworth is identified as a Limited Infill Village, therefore the development is acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan policy H11, which is explored in more detail below.

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

Limited infilling

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not

have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The applicant contends that the development represents limited infilling and Councillor Gallagher also support this view. However, there have been objections from members of the public that the proposal does not constitute limited infill development.

The fact that the house is not in an isolated location does not mean that this would essentially be an infill development. The site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site is a parcel of open land, at the end of the gardens serving 177 - 179 Chessetts Wood Road and 5 Chapel Lane. To the north of the site lies open paddock land, with over 100 metres between the edge of the application site and nearest neighbouring property.

The site lies at the edge of the limited infill boundary, where the built form becomes more sporadic, and gaps between residential properties become more pronounced. The application site is not read as a small or visible gap within the built up frontage as there is an established hedgerow and mature trees which run along the entire front boundary of the site. The application site forms an important part of the Chessetts Wood Road, as the development becomes sporadic when leaving, creating a soft and open impression. Therefore, it is not considered that the site either represents a "small gap", or that the site context is one which represents a "built up frontage". Therefore, although the site lies within a limited infill boundary, the proposal fails to meet the Council's definition of limited infilling and the requirements of Local Plan policy H11.

It is recognised that the application site has been included within the limited infill boundary. However, it is clear from the Local Plan proposals map that the infill boundary line is simply a continuation of the boundary which runs along the rear gardens of the properties along Chapel Lane, rather than specifically identifying the site as suitable for limited infilling.

Therefore, it is considered that the proposed development would be contrary to Local Plan policy H11 as it does not meet the Council's definition of limited infilling.

Very special circumstances

It is necessary to consider whether there are any very special circumstances which would outweigh the harm caused to openness, and any other harm identified.

The Design and Access Statement notes that there are properties opposite and alongside the application site, and that the proposed dwelling has been designed so as not to have a harmful impact on neighbouring properties or the Green Belt.

Officers disagree that the development would not have a harmful impact on the openness of the Green Belt - the proposed dwelling would create new built form on an currently open plot of land, thus harming openness. The dwelling would be of substantial size. It is not considered that there are any very special circumstances presented which would outweigh the harm caused to the Green Belt.

Therefore, it is considered that the proposed development would constitute inappropriate development in the Green Belt and that there are no very special circumstances identified which outweigh this harm. The development is considered to be contrary to the NPPF and Local Plan policies H11 and DS18.

The impact on the Character of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public that the scale of the proposed dwelling is out of keeping with properties in the nearby area and that the development would have a detrimental impact on character and appearance of the area.

As detailed above, the application site is located outside of the main built-up section of Chessetts Wood Road. Residential properties are more sporadic and there are large gaps in between the properties, including that which forms the application site, which adds to the verdant, rural character of the area. The application site is considered to form an important part of the street scene, and reducing this green aspect by infilling it with built form would harm the character of this rural landscape.

Furthermore, the wider street scene is characterised by modest detached and semi-detached properties. The proposed dwelling would have a considerably

larger footprint than these nearby dwellings and is not considered to harmonise well with, or reinforce the established character of the street scene. The proposed dwelling would dominate and detract from the modest nearby properties and the rural character of the area.

Also, the loss of established hedgerow and mature trees are considered to be harmful to the street scene, which again, form part of the established rural character of this section of Chessetts Wood Road.

Therefore, the proposed loss of the openness of the application site and established trees and hedgerow are considered to be harmful to the rural character of the area. The proposed dwelling also fails to harmonise well with the street scene as it would appear out of keeping and dominant in comparison to nearby properties. The proposed development is therefore considered to be contrary to Local Plan policy BE1.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Impact on neighbouring residential amenity

There have been objections from members of the public that the proposal would result in a loss of privacy, light and outlook to neighbouring properties.

There are no proposed first floor windows facing towards the closest neighbours to the south of the site. It is therefore not considered that there would be any loss of privacy or overlooking as a result of the development to these properties.

There is a bathroom window at first floor which would face towards the north of the site. However, the nearest neighbour to the north of the site is more than 100 metres from the proposed dwelling, and therefore it is not considered that it would be reasonable to require that this window be permanently obscurely glazed.

There are neighbours diagonally opposite to the site, however, these are separated from the application site by a road and the application property would not face directly towards this neighbours property. There would be no breach of the Council's adopted 45 degree guidance from any neighbouring properties.

Living conditions for the future occupiers

The proposed dwelling would provide appropriate living conditions for the future occupiers of the dwelling. The development would provide sufficient private amenity space in accordance with the Council's adopted relevant guidance.

The proposed development is therefore considered to comply with the NPPF, Local Plan policy BE3 and the Residential Design Guide.

Car Parking and Highway Safety

Sufficient space for two cars and cycle storage can be accommodated within the site boundaries in accordance with the Council's adopted Vehicle Parking Standards guidance.

WCC Highways have assessed the application and have no objection to the proposed development, subject to a condition requiring that the access cannot be used unless a public highway verge has been laid out. This is considered to be reasonable and could be added if the application were being approved.

The development is considered to be in accordance with the NPPF and Local Plan policies TR1 and TR3.

Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition if the application were being approved.

Ecological Impact and Trees

Members of the public have expressed concerns regarding the impact of the proposed development on wildlife and the impact on nearby trees. WCC Ecology have assessed the application, and have no objection to the proposed development. They have requested that conditions are attached to ensure that a tree protection plan and biodiversity enhancements are provided.

These could be attached if the application were being approved.

The agent has also submitted an arboricultural impact assessment which has been assessed by the Council's Tree Officer. The Tree Officer has expressed concerns regarding the information provided by the applicant in reference to tree protection measures. The Tree Officer has stated that the information provided is generic and that further information such as a tree protection plan and alternative construction techniques are required.

The applicant has been informed of the Tree Officer's comments and is obtaining additional information to satisfy their requirements. Planning Committee will be updated on this matter prior to their meeting.

Waste

Appropriate waste storage can be accommodated within the site boundaries.

Health and Wellbeing

There are no health and wellbeing benefits identified.

Other Matters

Members of the public have noted that the application site was previously used for landfill. Environmental Protection have therefore been consulted and note that the development would be located in an area where contamination is suspected. They therefore recommend a condition requiring that investigation works are carried out prior to the commencement of works on site. They also recommend a condition requiring that further details are provided to meet the Council's low emission strategy. If the application were being approved, both of these conditions are considered to be reasonably necessary for the purposes of the application, and could be added.

Members of the public have also raised concerns regarding the impact of the proposed development on the sewerage system. This would be a matter for Building Control and cannot be assessed as part of this application.

CONCLUSION

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 145 of the NPPF. The development is considered to be incongruous and harmful to the street scene by virtue of a loss of an important open space within the street scene, loss of established hedgerow and trees, and an inappropriately sized dwelling which is at odds with the existing character of the area. The development is therefore considered to be contrary to Local Plan policies H1, H11 and BE1. Therefore, it is recommended that the proposed development should be refused.

REFUSAL REASONS

- 1 Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore comprises inappropriate development in the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposed scale of the dwelling is at odds with the existing nearby properties within the street scene. The dwelling would dominate and detract from the existing modest properties within the street scene, providing an overbearing and alien feature within the street scene. Furthermore, the loss of the established hedgerow and mature trees along the application boundary is considered to be harmful to the rural character of the area. Finally, constructing a large dwelling on the site would result in the loss of openness, which forms an important part of the character of the area and would be harmful to the established rural character.

The development is thereby considered to be contrary to the aforementioned policy.
