

Planning Committee:

Item Number: 12

Application No: W 18 / 1550

Town/Parish Council: Cubbington

Registration Date: 20/08/18

Case Officer:

Emma Booker

Expiry Date: 15/10/18

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West Hill, Westhill Road, Cubbington, Leamington Spa, CV32 6RA

Erection of detached 4no. bay garage with 1no. room to the rear and walled courtyard to accommodate a further 4no. cars. FOR Mr G Raeburn

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Committee is recommended to refuse the application for the set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant proposes to erect a single storey detached outbuilding with a walled courtyard to the front. The proposed outbuilding is intended to accommodate 4 cars within the garage and a room to the rear. A further 4 cars are to be accommodated within the courtyard. The intended use of the room to the rear of the garage has not been detailed within the application. The applicant proposes the use of red brick to match the existing house, with natural stone detailing and a natural slate roof. The proposed building is to be erected forward of the principle elevation of the dwellinghouse on an area of land within the residential curtilage currently occupied by an enclosed tennis court.

THE SITE AND ITS LOCATION

The application site is located in open countryside approximately 0.3 miles from north Leamington. It is accessed via a private drive that serves three properties in total. The dwelling has large private gardens that wrap around the property. The property is washed over by Green Belt.

PLANNING HISTORY

Application number	Description of development	Decision
W/18/0959	Application for a Lawful Development Certificate for the erection of a walled courtyard 1.50 metres in height with 2.0 metres end pillars and the erection of wall 1.50 metres in height and a single storey outbuilding to accommodate a garage, as shown on	Lawful Use - 05/07/2018

	drawing no(s). AR_120_001_C and AR_120_002_B submitted to the LPA 2nd July 2018.	
W/17/2183	Erection of single storey rear extension to accommodate a pool and gym; Demolition and rebuilding of north east wing.	Granted 16/01/2018
W/99/1384	Conversion of main house and outbuildings to a single dwelling unit, erection to outbuilding to form a garage and store.	Granted 23/12/1999

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Cllr Trevor Wright - Support, for reasons relating to Local Plan Policies BE1, BE3, NE3, DS18.

WCC Ecology - Requested further information to be provided by the agent with regard to the surrounding trees.

WDC Arboricultural Consultant - Advises that any development with encroaches into the RPA will cause harm to the tree. In the short-term the tree could be protected by Condition. It is not immediately obvious that long term protection measures are required, but officers advised to assess whether the tree is worthy of a TPO.

Public Response - 1 letter of support has been received from the neighbour at The Coach House, West Hill Road with regard to Local Plan Policy BE1 and BE3.

ASSESSMENT

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.

- Design
- Impact on neighbours
- Impact on nearby trees

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

The application property is located within the Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 145. of the NPPF states that the construction of new buildings within the Green Belt are inappropriate. However, there are a few exceptions, including, extensions to existing buildings & replacement buildings, which are not materially larger than those they replace. The NPPF (Para 143.) states, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Plan Policy DS18 states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

The application proposes the erection of a single storey detached outbuilding forward of the principle elevation of the dwellinghouse. The proposed development is comprised of a walled courtyard area to the front large enough to accommodate 4 cars, a 4 bay garage and a room to the rear. The intended use of the room to the rear has not been detailed within the submitted planning statement nor on the proposed plans.

The proposed building would be a substantial structure located within a relatively open area of the curtilage of West Hill. There are no other outbuildings in close proximity to the proposed building. As the proposal is for a new building in the Green Belt, it represents inappropriate development which would be harmful by definition and by reason of harm to openness.

The comments in support of the application which have been put forward by the applicant have been considered, but these are not considered to amount to very special circumstances sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt and therefore the proposal does not comply with the National Planning Policy Framework. Within the Planning Statement, the agent puts forward the argument of a 'Permitted Development fall-back position'. West Hill is in receipt of a Lawful Development Certificate (planning application ref: W/18/0959) for the proposed erection of a walled courtyard in the front of the dwellinghouse and a single storey outbuilding to the rear. The applicant has stressed that if planning permission is not granted for this application, there is a real possibility that the detached garage and walled courtyard which meet the limitations of Classes A and D of the GPDO will be built.

Walled Courtyard (Lawful Development Certificate) = 220.60 m²

Detached Garage (attached wall not included) (Lawful Development Certificate)
= 186.34 m²

Total = 406.94 m²

Proposed Garage (Planning application) = 259.25 m²

It is easy to see how the works to be erected through the implementation of the Lawful Development Certification issued under planning application ref: W/18/0959, will overall have a far greater impact on the openness of the Greenbelt by virtue of bulk and mass and the spread of new buildings within the open countryside. However it is important to note that significant weight should not be afforded to alternatives which could be built under Permitted Development. This is verified by the approach taken by Inspectors at appeal. It should also be acknowledged that the applicant could if they wished to, erect the garage to the front of the dwellinghouse (as proposed in this application) and still implement the works approved within the Lawful Development Certificate (ref: W/18/0959).

The agent and residents of 'The Coach House' have suggested a barrier to this within the planning statement, by offering that the Class E Permitted Development Rights could be removed from the property by condition. This would serve to prevent the construction of anymore outbuildings under Permitted Development which would cause further harm the openness of the Green Belt. However, Government guidance suggests that such rights should only be removed by condition in exceptional cases and to do this in this case would set a dangerous precedent for similar development in the Green Belt.

The Coach House also highlight that the proposed building, within the context of the site makes 'complete logical sense in terms of overall layout'. While the LPA is largely in agreement with this neighbour, a more advantageous resultant layout of the site when compared with the alternative PD fall-back position is not a good enough reason to warrant the approval of this application, as it is considered that this benefit does not outweigh the overall significant harm to the openness of the Greenbelt and rural character of the site.

The proposal is therefore regarded as unacceptable development within the Greenbelt and is contrary to paragraph 143 and 145 of the NPPF and Local Plan Policies DS18.

Design

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

It is the opinion of the LPA that the proposed outbuilding constitutes good design. The proposed garage will be constructed using red brick and natural slate roof tiles to match the existing house. 'The Coach House' has submitted comments in support of the proposed design, stating that it has been designed sympathetically with the existing dwelling, and will enhance West Hill as a substantial imposing Victorian residence.

Officers are mindful of the fact that the proposed walled courtyard, garage and room to the rear will not be readily visible from any public vantage points, and therefore will have minimal impact on the overall character of the streetscene. The proposed structure will also be obscured from view when observed from the neighbouring 'The Coach House' and 'The Lodge' to the north west and north respectively. The proposed structure will be surrounded by mature trees and hedgerows, to be retained as stated on the application form, which currently provide a relatively high degree of privacy between West Hill and the neighbours.

Impact on neighbour amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that the proposed walled courtyard, garage and room to the rear will not result in any material harm on the amenity of the neighbours. The proposed development is in excess of 40.0 and 50.0 metres from the rear elevation of 'The Coach House' and 'The Lodge' respectively.

The owner/occupiers of The Coach House have submitted comments in support of the proposed building on the grounds that it will have a far lesser impact on neighbour amenity when compared with the potential implications of the proposed garage detailed within the Lawful Development Certificate (planning application ref: W/18/0959). Although the PD fall-back position has not been formally considered in the assessment of this application, it is agreed that the proposed development will not result in an unacceptable amount of harm to the amenity of this neighbour.

The proposal is therefore acceptable with regard to neighbour amenity and is in accordance with Local Plan Policy BE3.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposed development will replace an existing enclosed tennis court forward of the principle elevation of the dwellinghouse. The existing tennis court is sited within close proximity to the mature hedgerows which define the shared site boundary between The Lodge and the application property. The existing tennis court has an area of 590.7 m². When compared with the scale of the proposed detached garage (259.25 m²), the existing tennis court is significantly larger.

It is therefore it is considered that because the proposed development is no larger in footprint than existing tennis court, the proposal will not have an unacceptable impact on the ecology.

Impact on nearby trees within falling distance of the proposal

The Ecologist at Warwickshire County Council has requested information regarding the retention of the existing trees in the area adjacent to the proposed walled courtyard, garage and room to the rear.

The applicant has indicated on the application form that trees within falling distance of the proposal will not be removed or pruned as a result of the proposed development. Within planning application ref: W/17/2183, the Planning Officer raised concerns over the proposed detached garage being within close proximity to a large and mature House Chestnut tree to the south of the proposed development. In response to this feedback, the proposed garage has been shifted northward towards The Lodge. A tree survey submitted by the applicant indicates that footprint the proposed development will be outside of the Root Protection Area, and therefore should have an acceptable impact on the health and lifespan of the tree.

Due to the size of the tree and its potential to make a significant contribution to the character of the surrounding area, Officers requested that the Tree Consultant make a visit to the site to make an independent assessment of the tree and to ascertain whether it is worthy of a Tree Preservation Order. The Tree Officer concluded that the Horse Chestnut tree is coming to the end of its useful life, and when read within the context of the site it doesn't make a significant enough contribution to the character of the area to warrant a TPO. Officers are mindful that the tree is surrounded by an abundance of mature trees, and when observed from Leicester Lane to the east, the loss of the Horse Chestnut would not be readily apparent.

Conclusion

As set out above, it is considered that the proposal is unacceptable because it comprises inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified. The proposed position of the garage is considered to be out of character within the context of the site, and therefore the proposed is contrary to BE1.

REFUSAL REASONS

- 1 The erection of a detached outbuilding within the Green Belt is inappropriate development which is harmful by definition and by reason of harm to openness. In the opinion of the LPA no very special circumstances have been put forward to outweigh the harm identified. The 'Permitted Development fall-back position' put forward by the applicant is not considered to constitute very special circumstances to outweigh the harm identified and to take such an approach would set a dangerous precedent.

The development is therefore contrary to Paragraphs 143 - 145 of the NPPF and Local Plan Policy DS18.