

Application No: [W 22 / 1728](#)

Town/Parish Council:	Beausale	Registration Date:	31/10/22
Case Officer:	George Whitehouse	Expiry Date:	26/12/22
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Claywood, Clattyland Lane, Beausale, Warwick, CV35 7AF
 Demolition of existing dwelling and outbuildings. Erection of replacement dwelling with all associated works (resubmission of W/21/2243) FOR Mr and Mrs Slatem

This application is being presented to Committee as it has been called in by Councillor Hales

RECOMMENDATION

It is recommended that the application is refused for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

Demolition of existing dwelling and outbuildings. Erection of replacement dwelling with all associated works (resubmission of W/21/2243).

The existing dwelling is a dormer bungalow and has a floor area of 288.2m2 not including a separate outbuilding at the site which has a floorspace of 180m2 and is positioned 6.8 Metres away from the main dwelling at its closest. The eaves height of the dwelling is 2.3m.

The proposed dwelling is predominantly 2 storey with an eaves height of 5.3m and a floorspace of 450.2m2.

The existing and proposed building have volumes of 479.04(m3) and 1042.38(m3) respectively such that the proposed building is of increased bulk and massing relative to the existing building.

THE SITE AND ITS LOCATION

The application site is a dormer bungalow with attached garage within the West Midlands Green Belt. It is set back from the narrow Clattyland Lane and is accessed by a drive shared with the adjacent, family run, commercial enterprise which specialises in the manufacture, servicing and sale of forestry equipment. It is largely surrounded by woodland. A large detached garage has recently been erected within the site and parking is provided to the front of the house.

PLANNING HISTORY

W/21/2243: Withdrawn for: Demolition of existing dwelling and outbuildings.
Erection of replacement dwelling with all associated works

W/20/1987: Lawful Use for: Application for Lawful Development Certificate for proposed erection of outbuilding comprising a garage, workshop and tool store, as shown on drawing 1488-0500-04 submitted to the LPA on 1st March 2021.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Parish Council: Supports the application: no reason is given for that support.

CLLR Richard Hales: Supports the application as it supports the Local Community.

Tree Officer: Recommended condition for tree protection measures.

WCC Ecology: Recommended condition for a bat worker to be present on site during roof stripping and notes relating to nesting birds and hedgehogs.

ASSESSMENT

Principle of Development

The proposed development comprises the erection of a replacement dwelling. Officers raise no objection with the demolition and the principle of the replacement of the existing dwelling which is of no notable historic or architectural value above properties typical to the locale.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any other considerations which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm identified, so as to constitute 'very special circumstances'.

The site lies within the Green Belt and it is necessary to assess the proposal under Section 13 of the NPPF and DS18 of the Warwick Local Plan. The NPPF states that new buildings shall be regarded as inappropriate development which is, by definition, harmful to the Green Belt. Exceptions to that are set out in paragraph 149 of the Framework.

Paragraph 145 of the NPPF is consistent with Policy H13 of Warwick District Local Plan and sets out those categories of new buildings which may be regarded as not being inappropriate in the Green Belt, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

One of the key purposes of the Green Belt is to retain its openness.

For that reason, Paragraph 149.d. states that replacement buildings are appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

Where that is not the case, and the new building is materially larger than the existing building, there is an objection in principle to that development which is inappropriate development within the Green Belt.

In assessing the proposal for the replacement dwelling, the assessment for determining whether a building is materially larger is an assessment comparing the floor space of the existing and proposed buildings. The respective volumes of the existing and replacement buildings can also be helpful in that consideration.

In this case, the existing dwelling has a floor space of 288.2m². That figure doesn't include the separate outbuilding which has a floor space of 180m².

The proposed dwelling has a floorspace of 450.2m²

Without including the recently erected outbuilding within the calculation the proposed dwelling would be materially larger than the existing property in terms of floor area by 56%.

With regard to volume, the proposed building would be 117.5% larger than the existing building and from the submitted drawing is significantly more bulky within

the area. Again the recently erected outbuilding has not been included in these calculations.

The applicants consider that the recently erected permitted development outbuilding should be considered an extension to the dwelling and not its own separate building. The applicants therefore consider that the replacement building is not materially larger than the one it replaces (comprising the dwelling and the detached outbuilding) and is in fact it is smaller. The applicants cite its proximity and recent appeal decisions. Namely (Warwick DC v S of S for Levelling Up, Housing and Communities, case number CO/820/2022 and W/20/0331 for The White House, Five Ways Road, Shrewley which proposed to amalgamate a garage, an outbuilding and a house and was refused but subsequently approved at appeal.

Officers consider that the case of Seven Oaks District Council v SOS and DAWE 1997 (the DAWE judgement) which concerned an extension to a detached garage is also important in the consideration of this application. In that case, it was found that a domestic adjunct such as a garage could be regarded as part of the existing dwelling in the absence of any physical attachment between the two buildings. However, this does not mean that all domestic adjuncts can be considered to be part of the original dwelling . The domestic adjunct "test" is concerned with the role of the building and its relationship to the main building both functionally and visually. As stated in the DAWE judgement, whether or not a domestic adjunct can be considered to be part of the existing dwelling is "a matter of fact and degree in every case."

The applicants state that this principle should be applicable to this application and that the detached outbuilding and the dwelling should be viewed together for the purposes of applying paragraph 149(d) of the NPPF. However in this case the outbuilding is 60% of the size of the existing dwelling and it is considered to be its own visually distinct building separate in form and design to the existing dwellinghouse. It is therefore officers view that it is not considered reasonable to consider the detached outbuilding and the dwelling together given its size, design and siting.

Having regard to the Dawes judgment, whilst the two buildings have a functional relationship, as a matter of fact and degree, it is considered that in this case the visual relationship is not sufficient for the recently erected outbuilding to be considered together with the main dwelling for the purposes of paragraph 149(d). The fact that the dwelling and the outbuilding are visually two distinct, separate buildings is key to this assessment.

As the outbuilding and the dwelling can't reasonably be considered together in your officer's view, the floor area of the outbuilding should not be counted as forming part of the existing building. For this reason the proposals fall outside the exception contained in Paragraph 145 d.

In addition to this should the application be granted the outbuilding could be replaced using permitted development rights following the erection of the replacement dwelling, unless permitted development rights were removed by condition.

The development is therefore considered to be inappropriate by definition and harmful to openness. The proposal has a significant impact in both visual and spatial terms. No very special circumstances have been identified which would outweigh the harm identified.

Impact on Openness

The concept of openness is both visual and spatial. It is generally held to refer to the freedom or absence from development. The NPPF is clear that the fundamental aim of the Green Belt is to keep land permanently open.

The proposed dwelling is taller and bulkier than the existing property and would therefore be more prominent in the Green Belt. In making this judgement, Officers are mindful of the screened character of the topography surrounding the application site, however that screening wouldn't in itself override the harm to openness. Overall, the effect of the proposed development is that it would result in harm materially reducing the openness of the Green Belt.

It is considered that the proposed development represents inappropriate development within the Green Belt and there are no very special circumstances identified which would outweigh this harm. The proposal is considered to be contrary to Local Plan Policies H13, DS18 and the NPPF.

Impact on the character of the surrounding area

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.

Local Plan policy H13 states that the replacement dwelling must not be materially larger than the existing dwelling and not have a greater impact on the character and openness of the area and that particular regard will be had to retaining and enhancing the appearance and character of the rural area. In terms of scale, architectural form and materials, any replacement dwelling must not be more dominant than the existing dwelling within the landscape.

The scale of the dwelling, resulting plot size and siting of the building are not considered to harmonise well with the surrounding area. Although it is of no particular merit the existing dormer bungalow effectively sits well within the landscape due to its limited size especially at first floor. The proposed dwelling would be at odds with this character given the significant difference in design, scale and bulk especially at first floor it is not considered that proposed replacement dwelling would comply with this part of policy H13.

It is therefore considered that the proposed dwelling would fail to harmonise well with the character of the area. It therefore provides a harmful form of

development. The proposal is considered to be contrary to Local Plan Policies BE1 and H13.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for 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 requirement 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 SPD 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.

The proposed development is not considered to result in harm to neighbour amenity.

The proposed replacement dwelling is considered to provide appropriate living conditions for future occupiers. The outdoor amenity space is extensive, and all habitable rooms will benefit from a reasonable outlook and natural daylight.

Therefore, the proposal is considered to be acceptable and in accordance with Local Plan Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

There is sufficient on site parking to accommodate the dwelling. The access remains unaltered.

It is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

The County Ecologist has been consulted and raises no objection to the proposal. subject to conditions and notes.

Biodiversity

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has noted that the proposal is likely to result in a very small loss in net biodiversity and so to comply with the NPPF, a condition has been recommended to ensure there will be no biodiversity net loss. Again, this could be conditioned if the application were being approved.

Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has advised that if recommended for approval, a condition should be imposed to secure the implementation of the proposed tree protection measures set out in the report. In order to protect the leafy and rural character of the site and biodiversity, it would be considered reasonable and necessary to impose the recommended condition.

Water Efficiency

This could be secured by condition to ensure compliance with Policy FW3.

Climate Change / Sustainability

Neighbourhood Plan policy KP15 states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance such as the Passivhaus or similar approach.

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

Applicants are required to set out how the design and layout of the development has incorporated the above points. This information can be secured by conditions.

CONCLUSION

The proposed replacement dwelling is materially larger than the existing property and would be constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. No very special circumstances exist which outweigh the harm identified.

The proposed replacement dwelling also fails to harmonise with the existing streetscene and character of the surrounding area. It therefore provides a harmful form of development.

The proposed development would conflict with the NPPF and Local Plan Policies DS18, H13 and BE1. The proposal is therefore recommended for refusal.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and the NPPF states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed under Para.149 and therefore the proposal constitutes inappropriate development which is harmful by definition. The proposal would also result in harm to openness. There are considered to be no very special circumstances which outweigh the harm identified.

The proposal would be contrary to the NPPF and Local Plan Policy DS18.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The 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.

In the opinion of the Local Planning Authority The scale of the dwelling, resulting plot size and siting of the building are not considered to harmonise well with the surrounding area

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