

**Planning Committee:** 06 April 2011

**Item Number:**

**Application No:** W 10 / 1518

**Town/Parish Council:** Old Milverton  
**Case Officer:** Sandip Sahota

**Registration Date:** 21/01/11

**Expiry Date:** 18/03/11

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**4 Old Milverton Road, Old Milverton, Leamington Spa, CV32 6SA**

Erection of two storey side & rear extension and detached garage FOR Mr Tansey

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

**SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Joint Parish Council:** "The Parish Council does not wish to object to this application, and, indeed, wishes to support it, since the proposed work will do much to preserve the character of Old Milverton".

**Cllr John Hammon:** Requests that application be referred to Planning Committee should the Planning Officer be minded to recommend refusal.

**Public Response:** 1 letter of support has been received in response to the public consultation exercise. A further 10 letters of support from 1, 5, 6/7, 13, 14, 19, 20, Kent Cottage, Park House Farm and Cottage Farm, Old Milverton Road were submitted as part of the application.

**WCC Ecology:** Recommend no objection to a condition to require works to be supervised by qualified bat worker and notes re. birds, amphibians, reptiles, badgers and hedgehogs.

**RELEVANT POLICIES**

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

Planning permission (ref: W90/0214) for 'construction of vehicular access' was granted in 1990.

Building Regulations Approval (ref: BC/96/0830/FP) for 'refurbishment of existing property & conversion of outbuilding' was granted in 1997.

**KEY ISSUES**

## **The Site and its Location**

The application relates to a two-storey semi-detached dwelling situated at the end of a row of similar semi-detached properties on the west side of Old Milverton Road where the road bends and meets Sandy Lane to the north. To the rear of the main house is a single storey flat roofed section which runs across the full extent of the rear elevation, part of which has a parapet wall with a very shallow pitched slate roof to the rear with the remainder built up in felt. This was formerly an outbuilding which was converted to form part of the dwelling in 1997. The modest dwelling is situated within a generous plot and is washed over by Green Belt. The site is abutted on the southern boundary by the other half of this pair of semi-detached dwellings.

## **Details of the Development**

Erection of two storey side & rear extension and detached garage.

## **Assessment**

The main issues in the consideration of this application are:

1. Whether the proposal would constitute inappropriate development harmful to the Green Belt and, if so, whether there are other material considerations sufficient to clearly outweigh the harm.
2. The effect of the proposed development on the living conditions of the occupiers of the neighbouring property.
3. Design, and the effect of the proposal on the character and appearance of the streetscene.
4. Ecology.
5. Parking
6. Renewables

### Green Belt:

The application site lies within the West Midlands Green Belt, and national guidance relating to development in such areas is given in Planning Policy Guidance Note 2 (PPG2) *Green Belts*. This identifies the most important attribute of the Green Belt as being its openness. It goes on to state that, in such areas, inappropriate development is, by definition, harmful. If a development is inappropriate, it rests with the applicant to demonstrate that very special circumstances exist, which clearly outweigh the harm arising from inappropriateness and any other harm. However, this national guidance also confirms that the extension of a dwelling in the Green Belt is not inappropriate provided it is limited and does not result in disproportionate additions over and above the size of the original dwelling. The thrust of this guidance is reflected in policy RAP2 of the Warwick District Local Plan 1996-2011.

Policy RAP2 of the Warwick District Local Plan 1996-2011 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which:

- a). do not respect the character or the original dwelling by retaining its visual dominance;
- b). do not retain the openness of the rural area by significantly extending the visual impression of built development; or
- c). substantially alter the scale, design and character of the original dwelling.

The explanatory text to the policy states that, as a guide, additions which represent an increase of more than 30% to the gross floor space of the original dwelling, excluding any detached buildings, are likely to be considered disproportionate.

The explanatory text following Policy RAP2 defines the "original dwelling" to be that which stood at 1st July 1948.

The start point for the calculation of the increase in size of the dwelling is the original dwelling, in line with national policy and Policy RAP2 of the Local Plan. The original part of the building was built before 1948. The floor area of the original dwelling (including the attached outbuilding) is 102.4 square metres. The increase in floor area that the application proposal would bring would be 45.5 square metres. Thus the application proposal would result in a dwelling 44% larger than its original size, which would normally be precluded by Policy RAP2. The proposed increase would therefore be disproportionate.

I therefore conclude that the application proposal would result in a dwelling more than 30% larger than its original size and that, because such an increase would considerably exceed the limit set by Policy RAP2 of the Local Plan, it would constitute inappropriate development in the Green Belt. For the reason given in paragraph 3.2 of PPG2 this would be harmful to the Green Belt.

If the ridge height of the proposed garage was no more than 4 metres high it could be built as permitted development. However, the proposed garage has been designed to match the house in terms of roof pitch making it higher than 4 metres. I note that Policy RAP2 excludes detached buildings from the 30% calculation; however, case law in *Sevenoaks DC v SSE and Dawe [1997] QBD* found that a detached outbuilding can be considered as an extension in terms of Green Belt policy. Whilst I do not consider it is unreasonable for this dwelling to have a garage, in my view the garage, as proposed, is excessively large and out of proportion with the modest scale of the dwelling. The impact of the proposed building on the openness of the Green Belt must be considered and I must conclude in this case that the proposed garage would be a disproportionate addition which would harm the openness of the Green Belt.

The proposed development would significantly increase the mass of the existing dwelling and, in that respect, would decrease openness in the Green Belt. The net effect would be one of reduced openness, harming the most important attribute of the Green Belt.

While I have concluded that the proposed development would be inappropriate development in the Green Belt, it is necessary to consider whether there are any very special circumstances to justify a grant of planning permission: A case has been made with reference to the size of the plot, need, design and permitted development rights.

The relative size of the application dwelling is small in comparison to the size of the application plot. However, this is not a material consideration in this case: Green Belt policy does not state that houses must be allowed proportionate in size to their plot, with larger houses being acceptable in larger plots.

The applicants refer to their need for the proposed development but I assign less weight to that than I do to the advice of Planning Policy Statement 1 *The Government's Objective's for the Planning System* that applications for planning permission should be determined in accordance with the Development Plan where relevant, unless material considerations indicate otherwise; I am not satisfied the personal circumstances of the applicants would justify overriding the strong policy objection to this application.

I accept that the proposal would respect the design of the building. However, the development would substantially alter the scale and character of the original property.

As the application site is a corner plot, the erection of a side extension would not be allowed under permitted development. The amount of development which could be built under permitted development would therefore be relatively limited and should not provide justification to grant permission for the development as proposed.

It therefore seems to me that there are no material considerations sufficient to clearly outweigh the harm that the proposed development would cause to the Green Belt.

#### ecology:

Acceptable, subject to condition and notes recommended by the County Ecologist being applied to any approval granted.

#### parking:

The existing dwelling has one bedroom which, in accordance with the Council's Vehicle Parking Standards SPD requires the provision of 1no. off street parking space. The proposed extension will result in the creation of a three bedroom dwelling which, in accordance with the SPD would require the provision of 1 additional off street parking space. There is ample provision for the parking of two cars to the front of the house. The proposal would therefore satisfy the requirements of Policy DP8 and the Vehicle Parking Standards SPD.

#### renewables:

The Sustainable Buildings Statement submitted with the application states that a minimum of 10% of the predicted energy demand of the proposed development will be provided on site through renewable energy in the form of solar thermal panels positioned on the south facing roof slope. I am therefore satisfied that the proposed development accords with Policy DP13 and the Sustainable Buildings SPD.

#### living conditions:

The existing single storey element of the property on the boundary with the adjoining property is not to be extended in depth. The first floor window on the rear elevation of the neighbouring property serves a bathroom. I am therefore of the view that the proposed development would not result in material harm to the living conditions of the occupiers of the neighbouring property.

#### streetscene:

The design incorporates traditional materials and details in keeping with the existing property and adjacent cottages, providing continuity within the streetscene. The design of the extension is in a traditional style which respects the character of the original dwelling. The extension is set back and set down from the original dwelling which allows it to retain its visual dominance.

### **RECOMMENDATION**

REFUSE, for the refusal reason listed below.

### **REFUSAL REASONS**

The property, subject of the application, is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in PPG2 "Green Belts". The PPG states that the limited extension of existing dwellings in green belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling, whilst policy RAP2 of the Warwick District Local Plan 1996-2011 seeks to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling.

It is considered that the proposed development comprising both a substantial extension and a large detached garage would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of residential development likely to affect detrimentally the openness and character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

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