

**20/00809/FUL
NON MAJOR**

Victoria Williams

BREWOOD & COVEN

**Cllr Wendy J Sutton
Cllr Joyce Bolton
Cllr Diane Holmes**

Harrow Cottage School Lane Coven WOLVERHAMPTON WV9 5AN

Erection of oak framed building to form garaging and garden store.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application relates to a two-storey semi-detached house on the corner of School Lane and the A449 Stafford Road in the local service village of Coven.

1.1.2 The property, which was one of two dwellings created in the early 1960's from the amalgamation of 4 cottages, benefits from an existing rear extension (previously approved under the larger homeowner prior notification scheme) along with permission to extend this extension across the full width of the entire rear of the dwelling (that was granted approval in February 2020) but otherwise stands now as it was original converted, with no other apparent extensions or alterations. A private garden is located to the eastern side/rear of the property and there is off street parking available at the front of the property.

1.2 Relevant planning history

1963 Conversion of four cottages into two dwellings, approved (CCR 4941)

2016 Single storey larger rear elevation extension (length beyond original rear wall 4.3m, maximum height 3.6m, maximum eaves height 2.475m), approved (16/01103/LHSHLD)

2020 The extension being sought will sit adjacent to the one approved under 16/01103/LHSHLD. 16/01103/LHSHLD has been implemented and fully complete, approved (20/00170/LHSHLD)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The applicant proposes a detached outbuilding to the rear of the dwelling house to provide garaging for 2no. vehicles and a garden store. This will measure 8.02 metres wide by 4.21 metres deep and will have a pitched roof with a maximum height of 3.65 metres and an eaves height of 2.5 metres. The proposed outbuilding will be located a minimum of 2 metres from both the eastern side boundary and the rear boundary.

2.2 Applicant's statement

2.2.1 The application is accompanied by a short statement from the applicant setting out why she believes the development would be classed as limited infilling.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Green Belt

Policy EQ4: Protecting the Character and Appearance of the Local Landscape

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Adopted local guidance

Green Belt and Open Countryside Supplementary Planning Document April 2014

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces

Chapter 13: Protecting Green Belt land

4. CONSULTATION RESPONSES

No Councillor comments (expired 30.10.2020)

No Landscape comments (expired 04.11.2020)

Brewood and Coven Parish Council comments (response 30.10.2020) Concern about traffic onto the A449. No objection

No Neighbour comments (expired 30.10.2020)

Site notice expired 13.11.2020

5. APPRAISAL

5.1 The application is brought before the Planning Committee as the proposal is inappropriate development in the Green Belt, contrary to GB1 of the Core Strategy, 2012 and the provisions of the NPPF.

5.2 Key Issues

- Principle of development
- Impact on the openness of the Green Belt
- Case for Very special circumstances
- Design/Impact on character of the area
- Impact on neighbouring properties
- Space about Dwellings

- Highways/Parking

5.3 Principle of development

5.3.1 The property is within the West Midlands Green Belt. According to the NPPF, the essential characteristics of Green Belt land are its permanence and its openness. Policy GB1 of the Core Strategy and Paragraph 145 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt, unless they fall within a list of exceptions including appropriate facilities for outdoor sport or recreation and purposes directly related to agriculture or forestry.

5.3.2 It is accepted that the proposal is situated within the curtilage of the dwelling, however it cannot be considered as an extension or alteration due to its detached nature. The detached garage would not replace any existing building nor would it fall into any of the other exceptions outlined within the Policy. Outbuildings do not fall into any defined exception within the Policy.

5.3.3 In the applicant's submission it is stated that the proposals should be viewed as limited infilling on site. Paragraph 89 of the NPPF states that limited infilling can be an acceptable form of development in villages. Limited infilling is defined in the Green Belt and Open Countryside SPD as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purposes of including land within it. An example of limited infilling that is also likely to be acceptable is within a tight cluster of buildings, where the additional building is unlikely to impact on the openness of the area, due to its position within the cluster.

5.3.4 The site is not considered to be in a village and the proposed outbuilding is not considered to be in a ribbon/built up frontage or in a tight cluster. A tight cluster is characterised by built development immediately adjacent on all sides and in this instance the nearest buildings are the dwelling and a workshop immediately adjacent to the south. Therefore, I do not consider the proposed outbuilding a form of limited infilling.

5.3.5 As such the proposal is deemed inappropriate development within the Green Belt. The proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF. In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

5.4 Impact on the openness of the Green Belt.

5.4.1 The key characteristic of Green Belts are their openness and their permanence. Any development proposals should not cause undue harm or loss of this openness.

5.4.2 There has been much dispute in recent years in case law in defining openness. A defining case in *R (Timmins & Anr) v Gedling BC & Anr* helps to define whether the visual impact of a development could be taken into account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-

obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

5.4.3 The NPPG has also been updated (July 2019) with guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- "openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation."

5.4.4 In assessing the proposal as to whether the proposal has an impact on the openness of the Green Belt, the overall volume of the proposal is assessed as follows.

5.4.5 The proposed detached garage would be sited within the domestic curtilage of the dwellinghouse. The detached garage is designed as a partially open fronted informal structure, constructed out of a two-three course rendered block brick plinth and timber. The outbuilding will be sited to the rear of the dwelling, and would measure approx. 3.65 m to maximum ridge height with an eaves height of approx. 2.5 m. The structure would only be visible from within the site or from the surrounding dwellings, it would be screened from view of the wider surrounding area by the perimeter fence and landscaping. However, the matter of the physical presence of the proposal by reason of its scale and siting on part of the land which is currently free from development would increase the built-up area of the site.

5.4.6 It is considered that there would be a small degree of reduction to the openness by way of the additional built form within the curtilage of the dwellinghouse. It is therefore considered that as the proposal is within the green belt it would be detrimental to the purposes of including land in the green belt. However, when considered in context with the main dwelling, it is considered that the proposal would have a limited impact on the openness of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 Paragraph 144 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Given the view has been taken with regard to the proposal being inappropriate development there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

5.5.2 The property still holds full Permitted Development (PD) rights, and therefore the applicant could, in theory, erect a very similar detached garage in the same location without the need to gain planning permission from the Local Planning Authority. For example, a building with a similar footprint and not exceeding a maximum height of 2.5m (i.e 1.1m lower than the current proposal), would meet the dimensional requirements of householder PD rights for outbuildings. Alternatively, should the applicant site the building a further 1.7 metres from the rear boundary this could be considered Permitted Development at its current dimensions. In either scenario the proposed use of the building as a double garage

with garden store would also in my view meet a "test of reasonableness" for an incidental domestic outbuilding. As such, it is considered that the hypothetical fall-back position of erecting a very similar outbuilding under PD rights in either a slightly revised location or of a slightly lower height would carry sufficient weight in justifying the current proposal.

5.5.3 The proposed double garage would exceed the height of a hypothetical PD outbuilding by 1.1m, should it be constructed in this location. The additional bulk and massing (volume) involved would not be considered prejudicial to the openness of the Green Belt and it is considered that there would be no material detrimental harm to the openness of the Green Belt as a result of this application. Given the limited harm upon the Green Belt as a result of the detached garage in the context of the main site and the screening afforded by the siting of the proposal, together with the realistic alternative of constructing a similar outbuilding utilising the properties Permitted Development rights; it is considered that this amounts to very special circumstances. It is therefore considered that there are very special circumstances to clearly outweigh the potential harm on the Green Belt by reason of inappropriateness and the automatic policy objection with GB1 in this instance. The principle of the proposal would therefore be considered acceptable.

5.6 Impact on the character of the area

5.6.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area." The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy and provides that extensions should be subservient to the main building, respecting the scale, form and relationship to adjacent buildings.

5.6.2 The proposals would be located within the rear of the site and would be screened from being visible from the public realm by the dwelling and the landscaping surrounding the rear garden and as such would have no impact on the street scene. I consider that the proposals would be sympathetic with the appearance and character of the surrounding area and appropriate in scale, mass, design, materials, layout and siting and would therefore comply with Policies EQ4 and EQ11 of the Core Strategy.

5.7 Impact on neighbouring amenity

5.7.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Appendix 6 sets out minimum separation distances between facing habitable room windows and towards flank walls.

5.7.2 Due to the separation distances involved, the outbuilding will have no impact on any of the existing neighbouring dwellings in respect of loss of light or overbearing. I note that there is a recent planning application for the replacement of the workshop to the rear of this dwelling, however, again given the separation from the potential dwelling and the orientation of the site, there are no concerns arising in respect of neighbour amenity. No

neighbouring objections have been received and therefore there are no objections under Policy EQ9.

5.8 Space about Dwellings

5.8.1 The proposal does not infringe the Council's normal space about dwellings standards.

5.9 Highways/parking

5.9.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. There are no parking or highways issues in respect of this application. The proposed outbuilding/garage would provide further onsite parking utilising the existing access at the front/eastern side of the property and would have no parking or highway-related implications.

6. CONCLUSION

6.1 Whilst the principle of this proposal is inappropriate development in the Green Belt, there are very special circumstances which clearly outweigh the potential harm to the Green Belt.

6.2 The proposal would cause no material harm to the amenity of neighbouring residential properties and would be sympathetic to the character of the existing property and the surrounding area. There are no car parking or highway related concerns, and as such, I recommend this application is approved.

7. RECOMMENDATION – APPROVE subject to conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: Revised block plan received on 18.11.2020, Proposed garage plans and elevation received on 18.11.2020
3. The garage shall be used only for purposes incidental to, and in connection with, the use of the site as a dwelling.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



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