

**20/00373/FUL
NON-MAJOR**

Mr and Mrs I Williams

PERTON

Cllr Philip Davis

Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN

Demolition of two existing outbuildings and the erection of a new self-contained detached single storey dwelling.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is north of Holyhead Road, A464. It presently forms part of the garden of the dwelling known as 'The Stone House' a two-storey semi-detached property.

1.1.2 Adjacent to the site to the east is 'Stone Cottage' attached to 'The Stone House' the host property. To the west open farm land. To the north are the rear gardens of properties facing onto the A41, Newport Road.

1.1.3 A number of mature trees are present on the site.

1.2 Planning History:

19/00745/FUL - The development proposes the demolition of two existing outbuildings and the erection of a new self-contained detached dwelling. The existing outbuildings, a garage and store building are ancillary to the existing dwelling on the site and have been only used for domestic non-trade purposes. - withdrawn - 04 05 20

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes the demolition of a garage and shed and the construction of a single storey three-bedroom dwelling. The building is proposed to be rectangular in shape and sited adjacent to the western boundary of the application site. The dwelling is proposed to be constructed of render with facing brickwork and tiles for the roof. Full details of the materials have not been confirmed and are stated to be confirmed at a later date.

2.1.2 The dwelling is proposed to be approximately 17.2 metres long and 6.7 metres wide, 2.3 metres tall to the eaves and 3.9 metres tall to the ridge. A porch is proposed on the eastern elevation of the building which is proposed to be approximately 1.4 metres deep and 2.5 metres wide. The dwelling is proposed to have a floor area of approximately 119m² and a volume of approximately 350 m³.

2.1.3 The two existing outbuildings proposed to be removed are a garage and a shed. The garage measures approximately 6.7 metres wide and 7.4 metres long, 2 metres to the eaves and 3.8 metres tall to the ridge. The shed measures approximately 6 metres wide and 9 metres long, being 2 metres tall to the eaves and 3.8 metres tall to the ridge. They have a

combined floor area of approximately 104m². The buildings have a combined volume of 300m³.

2.1.4 The existing shed on site is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above.

2.1.5 An arboricultural impact assessment survey and report has been submitted to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

2.1.6 The application site is proposed to be accessed via the existing vehicular access to 'The Stone House'. Two car parking spaces are proposed for the new dwelling, two car parking spaces would remain for the host dwelling.

3. POLICY CONTEXT

Within the Green Belt

Core Strategy

Core Policy 1 - The Spatial Strategy for South Staffordshire.

GB1: Development in the Green Belt.

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

EQ9: Protecting Residential amenity

EQ11: Wider Design Considerations

H1: Achieving a Balanced Housing Market

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting Sustainable Transport

Chapter 12: Achieving well designed places

Chapter 13: Green Belt

South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

Ward Councillor - Councillor Philip Davis (received 08/06/2020) - *I would like to call in the Planning application Ref 20/00373/FUL. The applicant Mrs Williams would like to speak in support of the application at the relevant Planning Committee meeting.*

Parish Council (received 16/06/20) - *have no objections to this planning application subject to space about dwellings. This development will have little impact or harm on the openness of the green belt because it is within an existing residential development wedge between the two roads in Kingswood*

Tree Officer (received 27 07 20) - *My previous comments still stand (made on application 19/00745/FUL); I object to the proposed due to insufficient information on regarding the effect on other trees that provide amenity and are important to the street scene.*

The scheme is likely to require further loss of trees which have not been considered by the proposal.

County Highways (expired 22 06 20) - no comments received.

Severn Trent Water *advise that there is a public 150mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.*

Flood Risk Management Team (received 25/08/20) - *The site is not within the uFMfSW 1 in 100 year outline and we hold no records of flooding hotspots within 20m or Ordinary Watercourses within 5m. There appears to be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. The Flood Team therefore have no further comments to offer on this occasion*

Neighbours (received 06/06/20) - *one objection was received from a local resident*

The proposed construction, being on higher ground than my property, will overlook my property.

The proposal to connect the proposed dwelling to the existing drainage system is a cause for concern. The drainage system was constructed in the nineteenth century when the houses were built. It has not been adopted by the local water authority, and drainage from Stone House drains into the drains on my property. There have been problems with the drains at Stone House which have impacted on my property.

The planning proposal does not specify how mains water, or gas, will be supplied to the proposed property. The nearest water-main is outside my property, and would entail excavation of the public footpath along the length of my property, and Stone House, to provide this service to the proposed building. The gas main is further away, and on the opposite side of the road. It would require closure of the road, while excavation took place to establish a gas supply. While this was in progress, supplies to my home would be interrupted.

Stone House, and my own property, Stone Cottage, stand at the lower end of a steep rise. To the West of Stone House, and immediately adjoining the property is a large area of land that slopes down from this rise. The garden of Stone House is on higher ground than mine, and slopes downwards to my property. During heavy rainfall water flows down into my garden, and has flooded my garage and drive, as well as submerging most of my garden. As the slope from my garden to the properties East of mine is much less, it takes time for this water to eventually drain away. At least one of the houses to the East of my property has been flooded during heavy rainfall.

To erect a permanent dwelling house on land that has only held a garage and garden shed would certainly exacerbate the flooding risk to all properties below the level of the construction.

The proposal to build hardstanding for car-parking will also contribute to the flood risk. There are proposals for four cars in total to be accommodated on the property, but as it stands on a busy main road where parking is not practical, visitor parking would be required, with a subsequent higher level of hardstanding needed. This will certainly increase the risk of flooding to neighbouring properties.

The proposal to cut down mature trees, who's roots take up a great deal of groundwater, will also add to the flood risk to neighbouring properties. The proposal to plant new trees would not allieviate this problem, as it would take many years for them to grow sufficiently to be able to take up the excess groundwater.

The area is green belt, and to grant this application would set a precedent, as well as causing serious problems for the properties in the area.

There is no shortage of housing in the area. There are new homes being built in Codsall, Albrighton and Shifnal. There are two park-home sites here in Holyhead Road that provide single-storey accommodation.

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Philip Davis, to enable the applicant to speak at the meeting.

5.2 Key Issues

- Principle of development
- Green Belt
- Impact upon the character and appearance of the area
- Trees
- Impact on neighbouring amenity
- Future occupier amenity
- Highways/Parking

5.3 Principle of development

5.3.1 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth, focusing development in locations which are sustainable through limiting the need to travel and offering a choice of transport modes. This approach of guiding development to areas considered to offer the best potential for promoting sustainable development is reflected in Policy CP1 of the adopted core strategy.

5.3.2 Core Policy 1 of the Core Strategy establishes a settlement hierarchy and strategy for the area. The Policy sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the 'main service villages' for the main focus for housing growth; 'Local Service Villages' for limited development, 'Small Service Villages' for very limited development and 'Other Villages and Hamlets' as not identified for housing growth.

5.3.3 The application site is located within Kingswood. Kingswood is identified to be in the 'Other Village and Hamlet' category by Core Policy 1.

5.3.4 The Core Strategy details that 'Other Villages and Hamlets' in the District have very limited if any community facilities and services and generally rely on the larger villages for schools, social care and health facilities, shops, and the provision of other goods and services. Because of the limited services available, these villages and hamlets are not considered suitable locations for development. The focus for these villages therefore will be for very limited change. Development will be limited to rural affordable housing schemes delivered through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

5.3.5 The proposed development would not meet any of the exceptions that allow for new dwellings in this locations and thus there is clear conflict with Core Policy 1 of the Core Strategy.

5.3.6 There are very few services or facilities in Kingswood to meet everyday needs. The proposed additional dwelling would not alter this. Travel outside the village would therefore be inevitable. There are limited opportunities to use public transport in the location to offer a realistic or reasonable alternative to the car for most trips from this location. As such, there will be the reliance on the private car. This would be contrary to Paragraph 103 of the NPPF and Core Policy 1 of the Core Strategy.

5.4 Appropriate development in the Green Belt

5.4.1 Section 13 of the NPPF deals with protecting Green Belt land. It details the Government attaches great importance to Green Belts and the fundamental aim of the Policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 details that the construction of new buildings as inappropriate development and lists a number of exceptions.

5.4.2 The applicant contends that the development falls within the provisions of one of these exceptions. The partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

5.4.3 The applicant has made reference to the Court of Appeal judgement Dartford Borough Council V The Secretary of State for Communities and Local Government and Others [2017]. As the application site is within a private garden in a rural area and therefore land not in a built up area, it is accepted, based on the Court of Appeal Judgement that the application site would constitute Previously Developed Land and therefore be an exception to inappropriate development within the Green Belt as detailed by paragraph 145 g of the Framework

5.5 Impact upon the openness of the Green Belt

5.5.1 The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

5.5.2 The proposed dwelling would result in an increase in volume of building of approximately 17% and increase of floor area of approximately 14%.

5.5.3 The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) states that in considering whether a new building is materially larger or not the floor area should fall within a 10-20% range of the existing building.

5.5.4 The proposal would on paper not constitute a materially larger development on site. However, existing buildings on site are not all of a permanent sound construction. Existing buildings on site to be replaced consist of a block work and rendered garage and a shed. Whilst the garage is of a permanent construction, it is noted the existing shed is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above. It has been consumed by onsite vegetation and has been very much absorbed into and blended into the landscape. It is considered the shed is a temporary building and not a permanent structure.

5.5.5 Existing buildings are well screened, particularly the shed which is overgrown with vegetation. The proposed dwelling would be substantially more visible and could not be concealed in a similar manner as existing buildings. As a consequence, this would lead to the erosion of the visual openness of the locality.

5.5.6 There would be benefits to openness due to the removal of the existing outbuildings, however, these buildings, particularly the shed, are more temporary buildings and would not outweigh the harm arising to openness from a permanent form of development, the proposed dwelling. The proposed dwelling would also likely lead to ancillary domestic structures, paraphernalia and parking which would further erode the openness of the Green Belt.

5.5.7 The proposed dwelling would be larger in scale than the existing buildings and structures and would be more visible, such that the development would have a greater impact on the openness of the Green Belt.

5.5.8 It is acknowledged the site falls within the parameters of previously developed land. However, due to the overall size of the development and condition of existing temporary building on site, it would have a greater impact on openness. Consequently, the development constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GB1 of the Core Strategy.

5.6 Impact upon the character and appearance of the area

5.6.1 Policy EQ11 of the Core Strategy states that all developments should respect local character and distinctiveness including that of the surrounding development and landscape. The policy goes on to state 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'.

5.6.2 The proposal is sited amongst a small group of detached dwellings which are well spaced in good size plots, near the road junction of the A41 and A 464. Dwellings are predominantly two storey detached and facing the public highway. In order to accommodate the proposed dwelling on the application site, the proposed dwelling has been set back from the highway and facing towards the private amenity area of the host dwelling. The proposed unconventional position and siting supports the view that the proposal is a cramped and

contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy

5.7 Trees

5.7.1 Policy EQ4 states that the rural character and local distinctiveness of the landscape should be maintained and where possible enhanced. This includes the protection of trees and hedgerows unless it can be demonstrated that removal is necessary.

5.7.2 The applicant has submitted an Arboricultural Impact Assessment in order to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

5.7.3 Despite the report the Council's Tree Officer considers insufficient information has been submitted to determine the effect on the trees that remain and provide amenity to the street scene and that the scheme is likely to result in further loss of trees which have not been considered by the proposal. There are also concerns regarding the long term effect on retained trees when a new residential dwelling is in place with future occupiers wishing to remove retained trees due to shading, detritus from trees and an overbearing effect of the trees.

5.7.4 The removal of the trees would be harmful to the character and appearance of the area; the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area.

5.7.5 The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

5.8 Impact on neighbouring amenity

5.8.1 Policy EQ9 of the Core Strategy states that all development proposals should take into account the amenity of any nearby residents with regard to privacy, noise, disturbance and provision of daylight.

5.8.2 The proposal is for a low-level single storey dwelling. The proposal would be sufficient distance away from adjacent dwellings to prevent any overlooking, loss of light or other issues to harm adjacent residential amenity. Appropriate boundary treatments could be conditioned on any approval to ensure protection of privacy of adjacent residents.

5.8.3 Objection comments submitted have detailed concerns regarding on site drainage, the application site is within flood zone 1 so is at very low risk of river flooding. Surface water drainage issues could be addressed by an appropriate drainage condition on any approval to mitigate any potential surface water drainage issues.

5.9 Future occupier Amenity

5.9.1 Appendix 6 of the Core Strategy sets out the Council's Space About Dwellings standards. The standards require that dwellings have access to a reasonable area of private

amenity space to provide outdoor space for activities such as gardening, garden stores and children playing. The minimum requirement for a private rear garden to a 3 bed roomed dwelling is 10.5m in length and 65 sq.m in area. The application proposes a garden of an irregular shape. Whilst it is of an irregular shape, the garden has a length of at least 11.5 metres in length and significantly in excess of the required 65 sq.m in area. The proposal would therefore comply with the Council's Space About Dwellings in terms of private amenity area and internal room sizes.

5.10 Ecology

5.10.1 A preliminary Ecological appraisal was submitted in support of the application. In regard to protected species the report detailed that, the poor structure of the building and heavy vegetation encroachment were considered to limit the overall suitability of the building for roosting bats. The buildings on site to be demolished were also assessed to have a negligible suitability to support roosting bats. There was no current evidence of breeding birds was recorded at the time of the survey; however, the assessment was undertaken outside of the active nesting period. There was no evidence that breeding birds had previously occupied the building during the internal inspection. No evidence of reptiles was recorded during the survey; however, the site supported some habitats considered suitable to support individual reptiles such as grass snake. The habitats on site are considered to be sub-optimal and limited in size with poor site connectivity in the locality.

5.10.2 In response to the recent identical application on the site withdrawn in May 2020 the Council's Ecologist had no objection to the proposal although recommended the appropriate conditions. It is therefore considered the proposed development would have no adverse impact upon local wildlife and protected species.

5.11 Highways/Parking

5.11.1 The site is proposed to be accessed via the existing site access for the dwelling.

5.11.2 Policy EV12 and Appendix 5 (Parking Standards) of the Core Strategy specify a minimum parking requirement of 2 spaces for 2 and 3 bed dwellings.

5.11.3 The plan provided indicates that the parking requirement could be accommodated within the frontage of the application site and sufficient car parking would remain for the host dwelling.

5.11.4 Whilst County Highways have not commented on this application in response to the recent identical application withdrawn may this year County Highways had no objection to the application.

6.0 Conclusion

6.1 The new dwelling would be located within an area not identified for growth, offering limited opportunities for public transport, sustainable forms of travel and public services, representing an unsustainable location for new development.

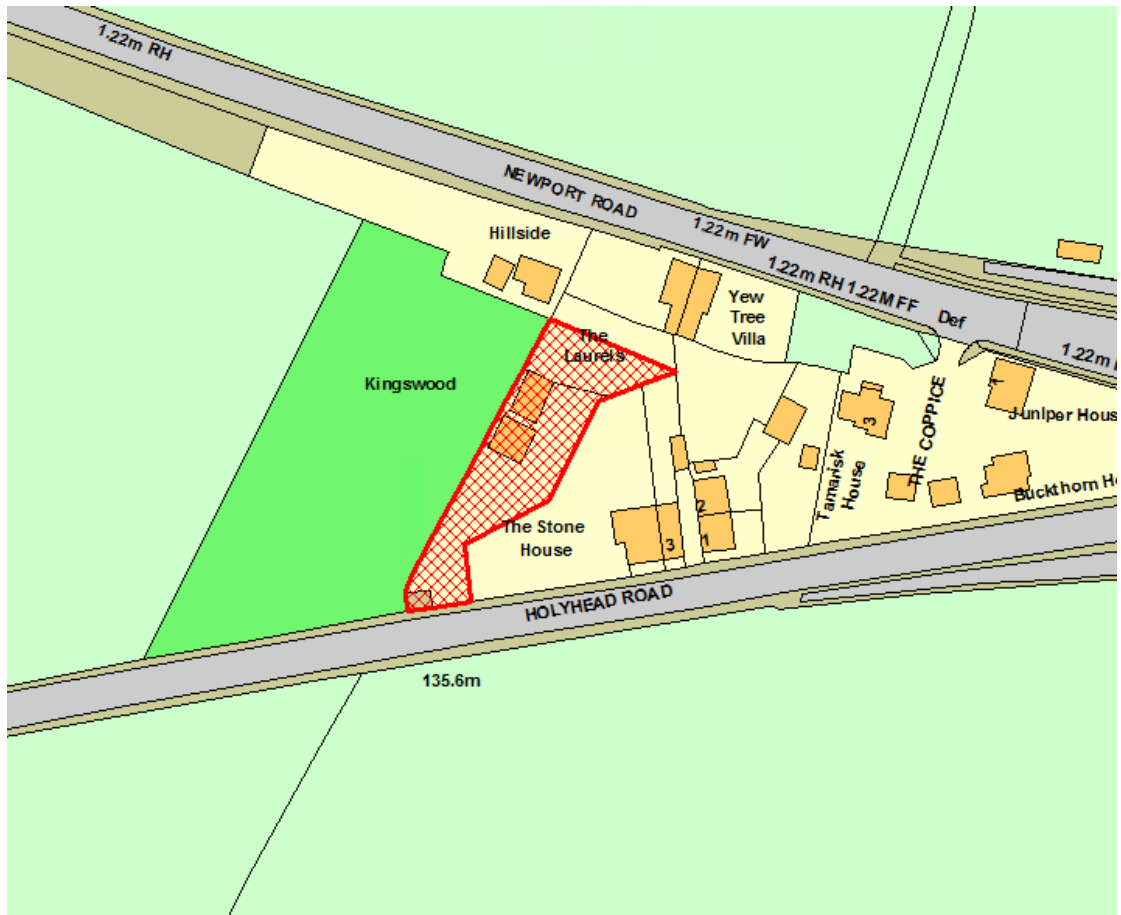
6.2 The development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with the purposes of including land within it. As such it would be contrary to Policy GB1 of the CS which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

6.3 The proposal is a cramped and contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy. The development is also contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

7. RECOMMENDATION - REFUSE

Reasons

1. The proposed development fails to comply with Core Policy 1 of the Core Strategy which states that Other Villages and Hamlets are not identified for growth. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. It is noted that Kingswood has limited public transport and services or facilities to support the development. The occupants of the new dwelling would therefore be dependent on the use of a private car to gain access to everyday facilities, contrary to paragraph 103 of the NPPF.
2. The proposed development would be an unnecessary visual intrusion into the Green Belt and would be prejudicial to the openness, character and amenity of this part of the Green Belt, contrary to the policies set out in policies GB1 and EQ4 of the adopted Core Strategy.
3. The removal of the trees would be harmful to the character and appearance of the area, the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area. The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.
4. The proposed dwelling would appear cramped and physically constrained within the application site. The predominant character of the area is of large well- spaced properties in good sized plots. The proposal would not reflect the existing character of the area and as such would be contrary to Policy EQ11 of the Core Strategy and the National Planning Policy Framework.



Stone House, Holyhead Road, Kingswood, WOLVERHAMPTON WV7 3AN