

SITE PLAN ATTACHED

GLENGARTH, TALLY-HO DRIVE, HUTTON, BRENTWOOD, CM13 1SP

RAISING RIDGE HEIGHT TO CREATE FIRST FLOOR WITH REAR AND FRONT DORMERS AND ROOF LIGHT TO FRONT. DEMOLISH EXISTING REAR GABLE TO BE REPLACED WITH FLAT ROOF AND LANTERN. NEW OPEN STORM PORCH OVER THE EXISTING FRONT DOOR. PITCHED ROOF TO EXISTING GARAGE.

APPLICATION NO: 22/01011/HHA

WARD	Hutton East	8 Week date	6 September 2022
CASE OFFICER	Jane Lowe	Extension of time	30 September 2022

**Drawing no(s)
relevant to this
decision:** 1724 PL01; 1734 PL02; Site Plan;

This application has been referred to committee at the request of Cllr Hossack for the following reason:

The recommendation for refusal is understood in the context of policy. However, the policy is being applied based on the 'history of the site' namely footprint of the original 1950 building, effectively a 'holiday shack' at this plotlands site. When using this as a baseline it provides limited scope for expansion which the applicant needs at this time. However other properties have differing baselines i.e. larger starting positions and therefore larger dwelling already exist in the immediate vicinity. Therefore, some of the rejection reasons such as based on ridge height negate the fact the LPA has previously approved dwellings in the immediate vicinity with much larger ridge heights.

The issue is the NPPF policy forces planning officers to compare and work from the original dwelling and makes no provision of the context of the app in accordance with what is already there in terms of scale of neighbouring properties and street scene elevations. Therefore the 'impact on the appearance of the area' is not an issue, in fact from a design perspective it is an enhancement.

Previous decisions need to be considered here, the report quotes the Essex Design Guide for dormers and goes onto state that other dormers in the vicinity do not follow this guidance. The dwelling being surrounded by other larger dwellings on this estate means it cannot physically have detrimental impact on

the openness of the GB. The report also states that neighbouring amenity is unaffected i.e. if there was to be a detriment to the GB then it would affect the neighbouring amenity.

In short, I do not believe the recommendation gives account for the reality of the present situation and lacks fairness. I would be most appreciative if the cttee could visit the site to see the present reality at this location (which includes several new builds on empty plots) and then debate my points above.

1. Proposals

Planning permission is sought to raise the ridge of an existing bungalow and add two front dormers and a rear dormer with single rooflights to the front and rear, removal of an existing rear gable, replacing it with a flat roof, providing 2 roof lanterns over the existing kitchen and lounge, continuing the flat roof across the whole rear elevation creating a rear canopy behind the existing garage, the proposed flat roof wraps around over the existing garage which will be raised to the same level, plus the construction of an open porch with a gable roof and alterations to fenestration

Site Description

The application dwelling is on the northern side of Tally Ho Drive, a private road to the south of Rayleigh Road. It benefits from previous additions and now forms a 3 bedroomed detached bungalow with an attached garage.

Tally Ho Drive was originally rural plotland, during the early C20th, where pockets of land were sold for the development of weekend cottages, holiday bungalows or small holdings in rural areas.

The locality is washed over by the Green Belt to a significant distance. This area is characterised by modest bungalows and chalets set back from the main highway with many having had extensions that have been erected under permitted development rights.

This application follows a recent application 22/00168/HHA which was refused on green belt and design grounds. This proposal is for similar works but in addition now also includes 2 front dormers. The previous application which was refused on the following grounds:

1. The proposed extensions, due to its size when combined with a previous extensions, would amount to a disproportionate addition in relation to the size of the original dwelling. As such it would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original dwelling. The proposal therefore conflicts with Brentwood Local Plan 2016-2033 Policies MG02 and Chapter 13 of the NPPF as

regards to development in the Green Belt. There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

2. The rear dormer window is of an unacceptable design, size and bulk that would be sufficient to detract from the character and appearance and the visual amenity of the surrounding area of the host dwelling. The proposal is in conflict with policy BE14 of the local plan and the design principles of the NPPF and NPPG.

That application was determined after the adoption of the new local plan in March 2022 and there have been no changes in planning policy since that time.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Policy MG02 Green Belt
- Policy BE14 Creating Successful Places

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

3. Relevant History

- BRE 281/50 Additions – refused
- PD/0530/63 Conservatory – (exempt)
- BRE/130/74 Extension to and re-roofing of bungalow
- BRW/645/81 Single storey rear extension and garage - Refused
- BRW/1024/81 Garage at side, front porch
- BRW 254/87 Rear Extension – no drawings
- 22/00168/HHA: Raising ridge height to create first floor with rear dormer and rooflight to front. Demolish existing rear gable and construct flat roof over kitchen and lounge, add gable open porch to front, raise garage roof and alterations to fenestration -Application Refused

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- No comments received

5. Consultation Responses

- None Applicable

6. Summary of Issues

Green Belt

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Policy MG02 of the Local Plan states that the Green Belt will be preserved from any form of inappropriate development so that it continues to maintain its openness and serve its key functions and permission will not be granted for inappropriate development unless very special circumstance exists. The policy also states that all development proposals will be assessed and considered in accordance with NPPF green belt policy. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with some exceptions including:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

When judging whether additions over and above the size of the original building are disproportionate, the NPPF does not set out a method of assessing increased size or a threshold for judging whether that increase is disproportionate. Whilst the proposals do not further increase the footprint of the dwelling planning history details the property has already benefited from various extensions.

A planning statement submitted in support of the application claims that the original holiday cottage, known as Happy Cott, was removed, and in support of this an Ordnance Survey extract from 1960 has been submitted showing a vacant plot, though another extract provided by the applicant from the same time does show a building on the site. The planning statement refers to the previous application from 1974 (reference BRW130/74) for the construction of single storey side extensions incorporating a bedroom, bathroom and kitchen and new roof. The applicant theorises that the 'original dwelling' known as 'Happy Cot' was replaced not extended at that time. The agent claims that the dwelling's plinth and window reveals would be inconsistent if the extensions were constructed at different times. He therefore claims that the dwelling known as 'Glengarth' was totally re-built at that time, and the larger, 1974 dwelling should be considered to form a new original building as detailed in Para 3.17 as highlighted in Yellow on Page 12 of the statement.

Based on this claim in calculating the footprint of the existing dwelling as it stands presently with the current rear additions, garage and front porch the total additional footprint of the dwelling has increased incrementally by 80.17% which would amount to a disproportionate addition in relation to the size of the original dwelling.

Original (based on 1974 footprint)	Extensions	Total footprint	Percentage increase
80.82 m ²	64.79 m ²	145.61 m ²	80.17%

However, notwithstanding the above, records for application BRW130/74 indicate the proposal incorporated extensions on the west flank of the dwelling forming a bedroom, bathroom and kitchen. No records are provided within the application to show the existing floor layout, however Building Regulation records do indicate the works progress with the commenced on 30/5/74, excavations on 31/5/74, concrete 28/6/74 etc and the final completion of works on 9/6/78. All records detailed for Building Regulations, including notes following site inspections, refer to extensions and new roof, with no mention of a re-building of the dwelling, therefore based on this evidence the 'dwelling' does not appear to have been a re-build/replacement dwelling from 1974, but an extension to the 1950s original. Therefore, that smaller 1950s building remains the baseline for judging 'original' in the context of green belt policy. The total of extensions already carried out and now proposed need to be assessed as whether they fail the 'disproportionate' test set out in green belt policy.

Later history for the site details a 1981 application (ref BRW/645/81) for a proposed single storey side/rear extension (Kitchen & Utility) and garage, this application was refused on green belt grounds:

This application is unacceptable seeking to further increase the habitable floorspace of the dwelling, which if taken together with previous extensions represents an overall increase of by approximately 75% (i.e. 591 sq ft).

591sq ft in metric equates to approx. 54.9 m². This measurement compares to the habitable internal floor area detailed within the existing drawings submitted with this application for all the rooms on the west flank elevation - bedroom 3 / bathroom / utility / part kitchen and porch, plus the proposed side extension to the kitchen as applied for by BRW/645/81. The 1981 proposal was therefore considered to be an extension of a previously extended dwelling and undermines the theory of the 1974 replacement.

A subsequent application was submitted following that refusal applying solely for the attached garage and front porch (BRW1024/81) which was approved with restrictive conditions applied for the garage use. Application ref BRW 254/87 was approved for single storey extension at rear but no drawings are held for this application, only the decision notice where reference is also incorporates restrictive conditions for the garage use. Notwithstanding the information put forward, application ref BRW/645/81 was refused on green belt grounds and it would appear the original dwelling was not demolished and re-built.

Therefore, based on historic planning evidence it would appear the 'original dwelling' known as Glengarth would appear to be two bedrooms and Playroom as detailed within the existing layout, where the following footprint calculation shows:

Original	Existing	Percentage increase
45.18m ²	145.21	221.40%

Case Law [Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)] determined that a detached garage should be considered as part of the dwelling, in the sense that it was a normal domestic adjunct. Therefore, these figures include the existing attached garage which is considered to be adjunct to the dwelling. The property benefits from extensions which calculate to an increase in the footprint by approx. 221.40% therefore the dwelling has already been substantially extended.

Design, Character and Appearance

Notwithstanding the objections on green belt grounds, the proposal needs to be considered on design grounds. This proposed development compares with the previous application to increase the main ridge line of the roof by approx 1.34 metres (comparison between EX01 and PL01) which is considered acceptable in design terms.

The rear gable roof would be removed and a rear dormer is proposed spanning 7.2m in width across the rear elevation of the dwelling; at the front two pitched roof dormers are proposed to create first floor accommodation within the enlarged roofspace.

The two front dormers would span a width of 2.4m when measured externally wall to wall, they are set down from the roof and are evenly spaced in relation to the porch and existing ground floor windows. The dormers and proposed porch canopy share the same pitch angle and are found acceptable in design terms.

Policy BE14 Local Plan supports the delivery of high quality attractive design and references The Essex Design Guide. This sets out the requirements for dormer windows stating *dormers to be a minor incident within the roof plane, with a purpose of allowing light into the roof space and not to gain extra headroom over any great width. Dormers should not be located close to verges of hips and should be gables, cat-slide or flat lead roofs.*

Whilst the proposed front dormers would comply with this guidance, the proposed rear dormer with a length of 7.2m would be considered as inappropriate scale and size in relation to the roof slope and would not appear subservient to the existing building or a minor incident within the roof plane. It is considered as an obtrusive addition that would detract from the character and appearance of the host dwelling. It is noted the neighbouring property Rose Cottage has an existing front dormer.

The roof of the existing garage would be replaced with a raised roof with a maximum height of 3.55m with a raised front pitch which continues with a flat roof over the existing single storey rear and side elements, creating a canopy overhang to the rear, plus the insertion of 2 raised roof lantern serving the lounge and kitchen. Two further rooflights are proposed to serve the existing windowless central playroom and first floor landing area. Alterations to the fenestration include the insertion of a patio door within the rear garage and a side window within the raised flank wall these proposals would be acceptable in design terms.

In design terms whilst the proposal is acceptable with regard to the proposed ridge raise, front dormers, porch canopy and roof alterations, the rear dormer would fail to comply with Policy BE14 of the Brentwood Local Plan.

Residential Amenity

The host dwelling is set in a private road and is sited between 2 detached bungalow/chalets.

Rose Cottage is sited on the Western boundary and is set forward to the application dwelling nearer to the private road. Rose Cottage has an existing garage sited adjacent to the side boundary which is attached to the dwelling. The front facing dormers would overlook the private Road and the side garage with the rear dormer facing into the garden of the host dwelling. The proposal is not of a size or design that would result in a harmful impact upon the living conditions of the neighbouring occupiers by way of overbearing impact, loss of privacy or loss of light.

Foxleigh shares a common boundary on the east side of the application dwelling, the properties share the same building line with the dwelling set away 3.2m away from the boundary. The proposal would not be of a size or design that would result in a harmful

impact upon the living conditions of the neighbouring occupiers by way of overbearing impact, loss of privacy or loss of light.

The proposed development is suitably distanced as to not amount to an overbearing impact, loss of light or outlook or create any undue overlooking or loss of privacy to the adjacent occupiers. The proposed development is compliant with policy BE14 of the local plan.

Comments on matters raised in referral to committee

The scope for extensions at the site is constrained by Green Belt policies and the potential for permitted development extensions appears limited. The original dwelling was small in comparison to neighbouring properties and therefore the starting point and scope for extension was limited. It has been significantly extended in the past to the point where further additions would be disproportionate.

The Brentwood Local Plan states that the authority will implement national green belt policies (the NPPF) and those policies do not support proposals which, in combination with previous and proposed extensions, result in disproportionate extensions to the original building (defined as either as it existed in 1948 or if newer as originally built). These policies concentrate on the dwelling itself and the green belt assessment does not have regard to the size of neighbouring properties. The approach taken by established national policy on green belt is not beyond criticism but when determining applications, decision makers, be they officers, committees or appeal inspectors, need to consider policies as they are written. No matters amounting to very special circumstances exist and therefore the application is recommended for refusal.

Conclusion

The proposed development constitutes inappropriate development in the Green Belt which the NPPF determines is 'by definition harmful' and would harm the openness of the Green Belt, by way of raising the ridge and adding front and rear dormers to accommodate additional first floor habitable floorspace. The applicant has not demonstrated very special circumstances to justify permission for inappropriate development in this case. The proposals rear dormer fails to comply with Policy BE14 by creating a dormer which is inappropriate in scale and size and would not appear subservient to the existing building. It is considered as an obtrusive addition that would detract from the character and appearance of the host dwelling

The proposal would therefore be contrary to Policy MG02 and BE14 of the Brentwood Local Plan and the NPPF.

7.0 RECOMMENDATION

The Application be REFUSED for the following reasons:

1 R1 U0047679 Inappropriate development in the Green Belt

The proposed extensions, due to its size when combined with a previous extension, would amount to disproportionate additions in relation to the size of the original dwelling. As such it would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original dwelling. The proposal therefore conflicts with Brentwood Local Plan 2016-2033 Policies MG02 and Chapter 13 of the NPPF as regards to development in the Green Belt.

There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

2 R2 U0047680 Unacceptable design, size and bulk of rear dormer

The proposed rear dormer window would be of an unacceptable design, size and bulk that would be sufficient to detract from the character and appearance and the visual amenity of the surrounding area of the host dwelling. The proposal is in conflict with policy BE14 of the local plan and the design principles of the NPPF and NPPG.

Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14, MG02 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF25 Application Refused Without Discussion

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: