

**SITE PLAN ATTACHED**

**06. BELMONT VILLA RECTORY CHASE LITTLE WARLEY ESSEX CM13 3EZ**

**TWO STOREY SIDE AND REAR EXTENSIONS AND A FRONT CANOPY PORCH**

**APPLICATION NO: 14/00565/FUL**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	30.06.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 GB1 GB2 GB5
<b>CASE OFFICER</b>	Ms Sukhi Dhadwar	01277 312604	
<b>Drawing no(s) relevant to this decision:</b>	1120/09A; PLANNING STATEMENT; SITE PLAN; 1120/1 REV 1;		

This application was referred by Cllr Hubbard from Weekly Report No 1657 for consideration by the Committee. The reason(s) are as follows:

My planning reasons for referring the decision are that the plan the applicants have submitted, whilst being two-storeys rather than one, take up less square footage than the permitted development rights do. Furthermore the extensions they have asked for to the sides and rear do not come out as far as the extensions that would be allowed under permitted development rights and the roofing is stepped back and in-keeping with the original build.

**Update since publication of Weekly List 1657**

**Since the publication of the report on the weekly list, the consultation response from the Design and Conservation Officer have been added into the body of the report.**

**1. Proposals**

The construction of a part single and part two storey rear extension; two storey side extension to each side of the existing detached house.

The part ground floor rear element measures 5.2m deep, 9.2m wide this being the full width of the existing rear elevation, and would be 3.35m high to the ridge of the hipped roof.

The first floor rear element would have a double hipped roof design and be 6.75m high, 4m deep and measure the full width of the existing rear elevation.

Each side extension would measure 3.6m wide, 5.2m along each flank; and 6.8m high with hipped roofs.

An open front porch canopy is also shown to measure 3.2m high with a pitched roof.

The existing chimney stacks are shown on the drawings to be repositioned each side of the new extensions.

The application as submitted included the erection of a detached garage but a revised drawing has now omitted this element from the scheme.

The external finishes include painted render for walls, tiles to match existing and plastic framed windows.

## **2. Policy Context**

The National Planning Practice Guidance (NPPG) was published by the Government on 6 March 2014. The Guidance supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgment in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 9 of the Framework sets out the policy criteria for protecting the Green Belt; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 89 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions. The extension or alteration of a building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.

Chapter 7 of the NPPF Requiring Good Design makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Permission should be refused for development of poor design.

The development plan is the Brentwood Replacement Local Plan adopted in 2005.

Local Plan Policy CP1 (General Development Criteria) requires that development should

- (i) Not harm character and appearance of an area;
- (ii) Not harm neighbouring residential amenity;
- (iii) Be of an acceptable design;
- (iv) Raise no significant parking or highway issues; and
- (v) Not give rise to pollution

Relevant Green Belt policies are:

Local Plan Policy GB1 (New Development); planning permission will not be given except in very special circumstances, for the extension of buildings, for purposes other than those appropriate to a Green Belt.

Local Plan Policy GB2 (Development Criteria); development should not conflict with the purposes of including land within the Green Belt, nor should it harm openness. Consideration will also be given of the effect on public rights of way; the impact on existing landscape features and whether it is satisfactorily located in respect of the surrounding landscape and any adjoining buildings.

GB5 (Extensions to Dwellings) Extensions to dwellings within the Green Belt will only be permitted where the total habitable floor space of the extension does not exceed 37 sqm above the original habitable floor space.

### **3. Relevant History**

- 13/01090/FUL: Construction of a two storey rear and two storey side extensions and alterations to the roof. -Application Refused
- 14/00049/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.9m and the proposed eaves height would be 2.5m. -Prior Approval is Not Required
- 13/01365/S192: Two storey rear and single storey side extensions -Application Permitted
- 14/00875/S192: \_single storey side extension and porch to front elevation. -Application Withdrawn
- 14/00891/PN42: Single storey rear extension. The proposed extension would extend 8.0m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.2m and the proposed eaves height would be 2.2m. -Application Withdrawn

### **4. Neighbour Responses**

Letters were sent to occupants of adjoining and nearby properties. A site notice was also displayed. At the time of writing this report no responses have been received.

Ward Councillor David Tee has commented : "I know there is considerable support for this application to proceed. My knowledge of the original lean too extension which was removed early last year only goes back to 1974 when I moved into The Old Rectory. I do know the owner and builder, Charlie Thompson, of Belmont Villas died in 1968 so I guess it was there then. I have no information on OS maps of 1957 why do you not look at OS maps of the 1980s? In the days when this house was built Mr Thompson just bought the plot and built the house; he was a church warden it was on church land and the church gave permission in return for a job he did in the church".

### **5. Consultation Responses**

- **Highway Authority:**

Although the internal length of the proposed garage would not comply with Brentwood Borough Council's adopted parking standards, the Highway Authority would not wish to raise an objection to the above application, given the internal width of the proposed garage and the area to be available for parking within the site, excluding the garage, which will comply with Brentwood Borough Council's adopted parking standards for the extended dwelling.

- **Arboriculturalist:**

There needs to be an arb. Survey, - possibly with CEZ [construction exclusion zone], RPA assessment and method statement all as BS5837

- **Design Advice:**

Belmont Villa is one of a pair of detached inter war properties located within Rectory Chase, Little Warley. The pair retain limited original features and detailing. This part of Little Warley has retained its rural quality, the grain evidences a scattering of built forms, not urban in character. Adjacent are a pair of single storey cottages from perhaps an earlier period. All of these buildings demarcate the entry point to The Old Rectory and contribute to the social history of the hamlet of Little Warley.

Belmont Villa itself has a fairly shallow plan form, therefore the principal of additional weight is acceptable. design studies leading to the proposed architecture should take into account the local distinctiveness and rural character. My concerns regarding this application relate to this aspect, as the design approach which proposes a 'mirrored' front elevation would place bulk and mass on the principal frontage and has not taken into account the local character, the design is too 'urban' in approach. In addition the placement of form proposes to build up to the boundary on one aspect, despite the wedge shaped demise, at present there is good punctuation from the soft boundary. Evidently there is opportunity to enhance this location, however the architectural approach and the, material language must not dilute the rural qualities of this green belt location.

Presently I would not support these proposals as being of Good Design in line with National Policy. A greater regard for the local vernacular and setting will achieve a better design, this includes features such as dormers and materials'.

## 6. Summary of Issues

The main issues which are relevant to the determination of this application are:

Is the development appropriate in the Green Belt?

Would the development harm the openness of the Green Belt?

Are there any special circumstances which would outweigh any identified harm to the Green Belt?

Design - Impact of the bulk and extent of the proposal, materials, features and landscaping on the character and appearance of the area

Impact on neighbouring residential amenity

Impact on highway safety.

Other matters:

Is the development appropriate in the Green Belt?

The proposal site comprises a wedge shaped piece of land which contains a 1930's built detached house and curtilage. The site is designated as being within the Green Belt and is within a rural part of Little Warley, originally identified within the Local Plan as being within a Special Landscape Area. To the north are two modest semi-detached bungalows and to the east is a detached house within a large verdant curtilage. The remainder of the surrounding area is made of open fields.

The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The NPPF indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt which include assisting in safeguarding the countryside from encroachment.

The NPPF indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 indicates that the extension or alteration of a Green Belt building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building (as defined in Annex 2 of the Framework).

Although adopted some years before the NPPF the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the NPPF and therefore they still carry weight.

When assessing the Green Belt implications the principal issue to be considered is whether the extensions would be disproportionate. The NPPF provides no guidance on how the "proportionality" of a proposal should be assessed however it is considered that a number of factors should be taken into account when determining whether an extension is disproportionate, for example, floor space, volume, bulk, massing and scale. Local Plan Policy GB5 takes a narrow approach to defining the amount of extensions to buildings in the Green Belt and sets out that no more than 37sqm of habitable floor space should be created; as such, officers attribute limited weight to this particular policy criterion.

The planning statement submitted by the applicant considers that 'disproportionate' should be considered as over and above that which can be achieved under the GPDO (permitted development) allowance. In giving consideration to a fall back position, the applicants agent considers the proposal as 'appropriate'. Setting aside the fact that the GPDO limitations fail to take into consideration the original size of the building to be extended, in this case the proposal exceeds the limitations of permitted development and therefore using the applicants agents own assessment, is 'disproportionate', and must, therefore, in accordance with the definition contained within the NPPF be 'inappropriate'. Whether the fall back position is a consideration that outweighs the harm caused by inappropriateness is a different matter entirely, and is assessed separately.

In this instance, the extensions would provide an additional 158sqm of floor; the existing floor space is measured at 100sqm, therefore increasing the floorspace of the house by over 150%.

The side extensions would increase the width of the property at the front from around 9m to 16m and at the rear, the extensions would be the full width of the existing property.

The proposed will result in a 380% volume increase in comparison with the original building. This compares with a 182% increase as a result of the permitted development application approved under reference 14/00049/PN42 and a 298 % increase as a result of the certificate application approved under reference 13/01365/S192.

The cumulative extensions, by reason of their height, width and bulk, including volume and floorspace, would be disproportionate additions, which by definition is inappropriate development in the Green Belt.

A material consideration in the determination of this current application is a previous scheme, reference 13/01090/FUL for the 'construction of a two storey rear and two storey side extensions and alterations to the roof'. This application was refused (weekly list 1616); the grounds for refusal were that the size of the extensions with an increase of 145 sqm floorspace would be disproportionate additions and therefore inappropriate development. It was considered that there were no very special circumstances that outweighed the harm by reason of inappropriateness. This current application proposes extensions that exceed that which the Council has previously refused on the basis of inappropriate development in the Green Belt.

Conclusion: The proposal constitutes inappropriate development in the Green Belt which conflicts with the NPPF and local plan policies GB1 and GB5.

Would the development harm the openness of the Green Belt?

The building would be around 150% larger in floor space (over two floors) than the original house and would take up two thirds of the frontage of the site (the site has a width of 25m and the proposed house is 16m wide). The substantial extension to the rear has a dual pitched roof and adds considerable bulk to the original building at both ground and first floor. The extensions by reason of their bulk scale and mass would seriously harm the openness of the Green Belt in this location and therefore conflict with the NPPF and Local Plan Policy GB2.

Are there any 'very special circumstances' which would outweigh the harm created to the Green Belt?

The Council has granted a Certificate of Lawfulness for permitted development extensions (ref 13/01365/S192); a further Prior Approval certificate has been granted for a single storey rear extension (ref 14/00049).

The applicant argues that the 'fall back' position is a 'very special circumstance'.

Background:

Following the Council's refusal of the smaller scheme under reference 13/01090/FUL Officers met with the applicant to offer advice on what might be an appropriate scheme. The applicant was advised that given the Green Belt constraints of the site, an even larger extension would not be supported by officers, and that any extension should not be greater than the amount allowed under the 'permitted development' limitations as set out within the GPDO legislation.

The applicant subsequently queried the outline of the footprint of the house, asserting that it is larger than that shown on the refused plans, as there was previously a 'lean to' projection which has now been demolished. The applicant was advised that if this projection was part of the original house, or if it was built prior to 1948 then it could be classified as being part of the original foot print of the building. However, there was no evidence from the Council records, or the applicants records to suggest that the house had been originally built with this lean-to element. If it could be proved that the lean-to was part of the original structure, then it may have a marginal affect when considering any new extensions in terms of proportionality or where extensions allowed under permitted development could be located.

A further meeting discussed the fall back position, and officers reiterated the above points on the fall back position. The applicant strongly believed that there were original structures which have now been removed but were in place on or before 1 July 1948. As part of any future application, it was recommended that he provide supporting evidence.



No supporting evidence was submitted as part of the second round of certificate applications (see Relevant History section). Historical Ordnance Survey maps dating to 1957 indicate that a lean-to extension did not exist at that time. The applicant's agent was advised that in the absence of any evidence of the existence of the lean-to when the house was built, then it would not be considered part of the original house. The applicant's agent was informed that these applications would not constitute 'permitted development' and as a result they decided to withdraw both applications before the Council's formal determination of the applications.

Therefore, an optional fall back position to the one originally granted has not been established.

The granted Certificates have established that extensions would provide an additional area of 122 sqm predominantly at single storey level. Given that this area is smaller than the 158sqm proposed in this application, the permitted development fallback position is considered to be less harmful to the openness of the Green Belt, compared to what is proposed under this current application.

The second consideration raised by the applicant is that the house is run down and the cost of renovating the house can only be justified if the dwelling was larger. This issue was also raised in the previously refused application. This justification relates only to requirements which are personal to the applicants without specifying what those costs would be and are neither unique or special circumstances.

Officers are not aware of any other material planning considerations that would amount to 'very special circumstances' which would clearly outweigh the harm arising from the inappropriateness of the proposal or the significant harm to the openness of the Green Belt, and as such the proposal conflicts with the NPPF and Policy GB1 of the local development plan.

Impact on the character and appearance of the area:

This part of Warley has a rural quality with only sporadic development, as identified by the Design officer. The existing house, the subject of this application has a fairly modest plan form; based on the response from the design officer, the principle of some extension here is acceptable but the current proposal adds unacceptable bulk and mass to the front elevation which is unsupportive of the local distinctive character of the area.

Furthermore, the extensions, together with the hardstanding and any other domestic paraphernalia required to facilitate the dwelling will conspicuously and substantially add to the urbanisation of the site; the massing and volume of the resulting built form would unacceptably dominate long views of the site compared with the more discreet forms of dwellings close to the site, resulting in significant and demonstrable harm to the character and appearance of the area. The design and form of the development would be out of keeping with the surrounding area, detrimental to the character and appearance of this rural area, in conflict with Local Plan Policy CP1 and paragraph 64 of the NPPF.

Other matters:

One unprotected tree has been removed from the garden. Given that there are a number of trees on or close to the boundary of the site, the Arboricultural Officer has requested that if approval is recommended, then a condition should be imposed requiring that details of an arboricultural survey of all trees which adjoin the site should be submitted to and approved by the Council and then implemented prior to the commencement of any works on site. These details should comply with the requirements of BS 5837:2012. On this basis the proposal would accord with the requirements of policy C5 of the Local Plan.

Impact on highway safety.

The Highways Authority is satisfied that there is sufficient space for adequate parking and safe access into and out of the site in accordance with CP1 (iv).

Impact on the living conditions of neighbouring residential properties.

There will be no significant impact on neighbouring residential properties in terms of light, outlook and privacy. The proposal is therefore considered to comply with the requirements of policy CP1(ii).

In conclusion the proposal constitutes inappropriate development within the Green Belt and will create significant and demonstrable harm to the openness of the Green Belt. The design of the extensions are out of keeping with the existing house and do not reflect the local distinctive character of the area. The planning history of the site and householder permitted development rights have been taken into account and while these matters are capable of being material considerations they do not constitute very special circumstances that clearly outweigh the harm to the Green Belt. The proposal is therefore contrary to the requirements of the NPPF, CP1, GB1, GB2, GB5 of the Brentwood Replacement Local Plan 2005.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08564

The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan 2005 and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green belt and would result in significant and demonstrable harm to the openness of the Green Belt, in conflict with Chapter 9 of the National Planning Policy Framework and Local Development Plan Policies GB1, GB2 and GB5 of the Brentwood Replacement Local Plan 2005.

R2 U08565

Notwithstanding reason 1 above, the proposed extensions, by reason of their size, siting, and hardstanding required to facilitate the dwelling, would be out of keeping with the existing house and fail to reflect the local distinctiveness and character of the area, resulting in significant and detrimental harm to the character and appearance of this rural location, in conflict with the aims and objectives of the NPPF and Policy CP1 of the Brentwood Replacement Local Plan.

R3 U08588

No 'very special circumstances' or other considerations have been clearly demonstrated to outweigh the significant harm caused by the inappropriate development or the harm to the openness of the Green Belt and the development is in conflict with the National Planning Policy Framework Chapter 9, and Local Development Plan policies GB1 and GB2.

### Informative(s)

1 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, C8 the National Planning Policy Framework 2012 and NPPG 2014.

*BACKGROUND DOCUMENTS*

**DECIDED:**