

SITE PLAN ATTACHED

06. OAKDENE DAYS LANE PILGRIMS HATCH ESSEX CM15 9SJ

TWO STOREY REAR EXTENSION AND INSERTION OF WINDOW TO NORTH ELEVATION

APPLICATION NO: 14/00857/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 GB2 GB5 T2 GB1
CASE OFFICER	Mr Martyn Earl		01277 312588
Drawing no(s) relevant to this decision:	SITE PLAN; BLOCK PLAN; 01 EXISTING ELEVATIONS; 02 EXISTING FLOOR LAYOUT; 03 PROPOSED FLOOR LAYOUT; 04 PROPOSED ELEVATIONS;		

This application was referred by Cllr Mrs Davies from Weekly Report No 1659 for consideration by the Committee. The reason(s) are as follows:

My reasons for referral is the exceptional circumstances of the family creating a need for additional accommodation. I am aware this is way over green belt allowance but consider this application to have very special circumstances as the family foster several children and are required by law to provide additional bedroom space. They are prepared to loose the outbuildings in a hope this may compensate for additional floor meterage

Update since publication of Weekly List 1659

The highways Authority have confirmed that they raise no objection to the proposed development

1. Proposals

Planning permission is sought for the construction of a two-storey rear extension and insertion of window to north elevation.

The proposed extension would have a 'Dutch barn' roof design and would have two dormer windows and a roof light on its eastern roof slope. The materials proposed for the external surfaces of the extension are clay roof tiles and black timber boarding and the extension would have painted timber windows to match those on the existing dwelling.

The proposed extension would be (approx.) 2.3m in depth, (approx.) 8.2m in width and up to (approx.) 4.65m in height. The extension would provide additional space to the kitchen and dining room at ground floor and the additional space at first floor would result in the creation of a fifth bedroom, as well as additional space to existing rear bedrooms.

The application is accompanied by a supporting statement that outlines that the applicant currently has three children of their own and that since 2011 they have fostered two other children which are siblings, who are now 12 and 13 and share a bedroom. This arrangement of sharing the bedroom is no longer suitable or sustainable, as the children continue to grow and mature. This view is also shared by the fostering agency that the applicant is registered with.

The agent considers that the proposed extension is the minimum required to achieve the necessary additional bedroom. To provide a bedroom at first floor level with the other bedrooms, clearly necessitates a ground floor extension. The ground floor extension would provide an increased dining and kitchen area. The planning statement sets out that the design of the proposal has been carefully considered to maintain a minimal sized extension, which is visually unobtrusive including the openness of the MGB. It is also considered that the proposal would not be visible from the front of the property and from the rear it will simply appear as if the rear part of the dwelling has been squared off.

It is the view of the applicant that it would have been a lot easier to have sought an alternative form of extension which would have less of an impact on the current living arrangements, however the applicant has chosen to square off the corner of the property which represents a minimal element.

The agent in the planning statement sets out that the foster children were originally housed with the family as a short term measure and they currently share a bedroom. As time has past for personal reasons it is highly unlikely that the children will return to the original parents and therefore a long terms solution needs to be found, which is for the two children to have separate bedrooms. The applicant has tried to sell the house in order for the family to relocate and even tried dropping the asking price by £100,000 but this did not attract any buyers.

2. Policy Context

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 judgement 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). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policies to this application are:

CP1 -General Development Criteria
T2 - New Development and Highway Considerations
GB1- New Development
GB2 -Development criteria
GB5 - Extensions to dwelling

3. Relevant History

- 98/00554/FUL: Erection Of Conservatory At The Rear. -Application Refused
- 04/00781/FUL: Formation Of Mansard Roof Together With Roof Extensions And Dormer Windows To Front, Rear And Both Sides -Application Refused
- 04/01194/FUL: Formation Of Mansard Roof Together With Dormer Windows To Front And Rear -Application Permitted
- 06/00815/FUL: Retention Of Increase In Height And Width Of Garage Together With Conversion To Games Room With Studio Over And The Retention Of Two No. Dormer Windows -Application Refused
- 06/01101/FUL: Retention And Alteration To Garage Comprising Reduction In Height And Increase In Width, Together With The Conversion To Games Room With Studio Over And 3 No. Dormer Windows At The Rear -Application Refused

4. Neighbour Responses

9 neighbour letters were sent out and the application was advertised on site.

Two letters of representation were received objecting to the proposal on the following grounds:

- The property has already been extended twice before over a seven year period and has doubled in size.
- The property has already been over extended compared to original, plus there has been the construction of an authorised separate building on the same plot.
- The existing unauthorised dormers overlook a neighbouring garden
- The proposed development would extend over a common boundary

The outbuildings that have been built on site have been investigated by the enforcement department and the cases have been closed. The construction of the dormer windows were approved under planning reference 04/01194/FUL. Any issues with regards to overhanging the common boundary are a civil matter and not a planning material consideration.

5. Consultation Responses

- **Highway Authority:**
No objection has been raised

6. Summary of Issues

Key Considerations

The main issues in the determination of this application are whether it is appropriate development within the Green Belt; the effect that the proposal would have upon the openness of the Green Belt; whether there are any very special circumstances to overcome inappropriateness or any other harm to the Green Belt; effect on the character and appearance of the area, neighbouring amenities and highway safety in terms of parking provision.

The application dwelling is located over 60m from Days Lane which is to the south. Access to the site is via a track between the properties on Days Lane known as "Alvadrea" and "Flame Tree" which are to the south of the application site. The properties within the surrounding area are of various designs and styles and to the north and east of the application site there is open fields as well as sporadic housing, which forms the openness to the character of the Green Belt in this location.

Whether the proposal is inappropriate development in the Green Belt.

The National Policy For Green Belts appears in Part 9 "Protecting Green Belt land" of the National Planning Policy Framework. The Framework 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. However, paragraph 89 indicates that the extension or alteration of a Green Belt building may not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original buildings (as defined in Annex 2 of the NPPF). Local Plan Policy GB5, takes a narrow approach when assessing the size of extensions within the Green Belt and restricts original habitable floor space to 37sqm, however this does not take into account the size of the original building.

When assessing the Green Belt implications therefore 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, including the massing, height, additional floorspace and scale.

The original property has already been extended by 58.2sqm and with what is currently proposed, this would be a total increase of 93.425sqm. The proposed extension combined with the existing additions would result in the original floor area of the property increasing by 178% and combined with the scale, mass and bulk of the extensions collectively would result in disproportionate additions over and above the size of the original building. As such the proposed development would conflict with Chapter 9 of the National Planning Policy Framework 2012 and Policy GB1 of the Brentwood Replacement Local Plan 2005.

Impact on openness

The proposed extension would result in additional built form and further harming the openness and permanence of the Green Belt which are its essential characteristics and as such the development is contrary to Paragraph 79 of the National Planning Policy Framework 2012 and contrary to Policy GB2 of the Brentwood Replacement Local Plan 2005.

Character and appearance

The proposed extension would have a design and appearance that would be in keeping with that seen on the existing dwelling in terms of the Dutch barn roof design, black weather boarding, clay roof tiles, buff brick and gable end pitched roof dormers. The position of the extension would infill an area to the northeast of the dwelling and given its scale it would not be visible from the highway. The windows and doors on the extension would have strong vertical detailing which would match that seen on the existing property. The design of the dormers that are proposed would be of a scale, mass bulk and design that is in keeping with those found on the existing property. Therefore the proposed extension would accord with Paragraph 60 of the National Planning Policy Framework 2012 and Policies CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005.

Effect on neighbouring occupiers

The extent of the works proposed and the siting of other residential properties means that there would not be a detrimental impact on neighbours in terms of over bearing effect or creating a general disturbance.

The siting of the dormers would facilitate views into the neighbouring garden of Maranatha. However given the existing situation, there would be no material impact on the level of overlooking that already exists. The proposed development therefore accords with Paragraph 17 of the National Planning Policy Framework 2012 and Policy CP1 (ii) of the Brentwood Replacement Local Plan 2005.

Highways

The works would result in the number of bedrooms the property has increasing from four to five. The highways authority have raised no objection to the proposal due to there being at least two plus off road parking spaces provided. As such it meets the adopted parking standards of (2 spaces for a dwelling over 2 bedrooms) and therefore the proposal accords with Policy T2 of the Brentwood Replacement Local Plan 2005.

Green Belt balance

The proposed development constitutes inappropriate development in the Green Belt, and furthermore, is harmful to the openness of the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

The agent makes reference to the fact that the additional space is required to provide additional space for the fostering needs of the family; that the development would be in keeping with the existing dwelling and would not have a detrimental affect on neighbours amenities.

Officers note the reasons stated for the additional space, i.e. that each child needs their own bedroom, however this situation is no different to many other families and is not a unique circumstance. It is considered that such requirements could be accommodated within the existing envelope of the building or by smaller extensions.

If permitted, the harm to the Green Belt will be permanent whereas there is no such requirement for the family to remain within the dwelling.

As a result, it is considered that none of these matters, either alone or in combination, would clearly outweigh the harm the development would cause to the Green Belt. It is recommended below that the planning permission is refused on this basis.

Conclusion

The proposals are inappropriate development in the Green Belt and furthermore are harmful to the openness of the Green Belt. The Government states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances; will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The proposals would not result in harm to the character or appearance of the area nor will they result in harm to the living conditions of the neighbours.

However, no considerations or very special circumstances have been demonstrated that would outweigh the harm identified to the Green Belt and the proposal therefore conflicts with the NPPF and local plan policies GB1 and GB2.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U08694

The site lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. The proposed extensions would be disproportionate to the original dwelling and are a form of inappropriate development. Furthermore the extensions would be harmful to the openness of the Green Belt. No very special circumstances have been advanced that would outweigh the harm to the Green Belt and the proposal therefore conflicts with Chapter 9 of the National Planning Framework 2012 and GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF20

The drawing numbers listed above are relevant to this decision

BACKGROUND DOCUMENTS

DECIDED: