

# 19/02814/FUL

**Applicant** Mr A Towle

**Location** 63 Moor Lane Gotham

**Proposal** Demolition of outbuilding. Erection of timber clad, slate roof, triple car port with games room/hobbies room to the loft space with dormer.

**Ward** Gotham

## THE SITE AND SURROUNDINGS

1. The application relates to the site of a detached bungalow, originally approved as an agricultural workers dwelling, (dating from circa 1970) located towards the end of a linear row of two-storey semi-detached dwellings at the south-eastern edge of Gotham village.
2. The site is rectangular in shape and the bungalow sits towards the rear of the plot, some 33 metres back from the highway, with a small paddock between the road and the front of the dwelling. Access is off Moor Lane via a private driveway on the west side of the site leading to a parking area at the front, side and rear of the bungalow. The bungalow has been previously enlarged with an extension off the east elevation. There is also single storey timber kennel type outbuilding at the rear of the bungalow used for storage.
3. The site is enclosed by a 1 metre high post/wire fence along the front (southern), side (eastern) and rear (northern) boundaries and by a mixed evergreen hedge along the western side boundary.
4. To the north is a small paddock (owned by the applicant), beyond which are agricultural fields. To the east is another paddock (upon part of which outline planning permission was granted on appeal in 2019 for a new single dwelling. To the south, on the opposite side of the Moor Lane are fields extending into open countryside. Adjoining the site to the west is a 7.5 metre wide strip of land beyond which are the linear row of semi-detached dwellings extending back towards Gotham.
5. The site is located wholly within Green Belt.

## DETAILS OF THE PROPOSAL

6. Planning permission is sought to demolish the existing timber kennel type outbuilding and erect a triple car port building with games/hobby room in the roof.
7. The existing timber outbuilding is a lightweight structure approximately 10.3 metres long by 2.1 metres wide. It has a low mono-pitched roof measuring 2.2 metres at the front and 1.9 metres at the rear.

8. The proposed car port would be sited at the rear of the bungalow to the north of the extension off the east elevation. It would stand at a right angle to the back of the bungalow facing west. It would measure 9.6 metres long by 6.36 metres deep. It would have a dual-pitched roof measuring 2.5 metres to the eaves and 5.9 metres to the ridge. The exterior of the proposed building would be clad in timber with the roof covered by Marley Eternit “Edgemore” interlocking slate tiles. There would be three 2.9 metre wide openings in the west elevation with a centrally aligned pitched roof dormer above with a single roof light either side. There would be an external stair case on the side (north) elevation leading up to a single door into the games/hobby room above the garage. There would be two roof lights in the east (rear) elevation.

## **SITE HISTORY**

9. 16/01261/CLUExD – Application for a Certificate of Lawfulness for the occupancy of the dwelling without complying with condition 2 of planning permission S/21/345, which retained the dwelling for occupation by a person working the surrounding land for agricultural purposes. Certificate granted on 7 July 2016.
10. 18/02716/OUT - Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission). Allowed on appeal 17 June 2019.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

11. One Ward Councillor (Cllr R Walker) has declared an interest in the application as it borders the property at which he lives. He makes no further comments on the application.

### **Town/Parish Council**

12. At the time of writing this report no comments have been received

### **Statutory and Other Consultees**

13. None.

### **Local Residents and the General Public**

14. At the time of writing this report, no comments have been received.

## **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (*RLPP1*) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (*RLPP2*). The overarching policies in the National Planning Policy Framework (*the NPPF*) are also relevant, particularly where the Development Plan is silent. Additionally, the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is also a material consideration.

16. The Gotham Neighbourhood Plan has reached an advanced stage in the process and has been considered by an Examiner. The report of the Examiner was considered at the meeting of Full Council on 19 September 2019 where it was resolved to approve the holding of a referendum, which will now take place on 30 January 2020. There are no policies within the plan of direct relevance to the current proposal.

### **Relevant National Planning Policies and Guidance**

17. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “*approving development proposals that accord with the development plan without delay*”.
18. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.
19. Chapter 13 of the NPPF concerns protecting the Green Belt and identifies the essential characteristics of the Green Belt as being its openness and permanence (paragraph 133). The NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). It also stresses that substantial weight should be given to any harm to the Green Belt and ‘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, are clearly outweighed by other considerations (paragraph 144).
20. The NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as ‘inappropriate development’ unless it satisfies one of the exceptions outlined at paragraph 145.

### **Relevant Local Planning Policies and Guidance**

21. Policy 1 of the RLLP1 reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
22. Policy 4 of RLPP1 defines the areas in the Borough that are within the Green Belt.
23. Policy 10 of the RLPP1 states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 10 requires new development to be assessed in terms of its treatment of certain elements. Of particular relevance to this application are those elements outlined at paragraphs 2(a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; 2(b) impact on neighbouring

amenity; 2(f) massing, scale and proportion; and 2(g) materials, architectural style and detailing.

24. In setting out the development requirements for the Borough, policy 1 of the RLPP2 broadly echoes policy 10 of the RLPP1. Specifically, it states that planning permission will be granted for new development provided that there would be no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. New development should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
25. Policy 21 of RLPP2 states that applications for development in the Green Belt will be determined in accordance with the NPPF.

## **APPRAISAL**

26. The main issues to consider in this application are:
  - Whether the proposed development constitutes 'inappropriate' in the Green Belt.
  - The impact of the proposed development on the openness of the Green Belt.
  - Whether there are any 'very special circumstances' to outweigh any harm to the Green Belt.
  - The design of the proposed development and its impact on the character of the surrounding area.
  - The impact of the proposed development on the amenity of neighbouring properties.

### 'Inappropriate development' in the Green Belt

27. As outlined above, the construction of new buildings in the Green Belt must be regarded as 'inappropriate development' unless one of the exceptions set out at paragraph 145 of the NPPF is satisfied. In this regard, of relevance to this application are the exceptions at 145, (c), (d), (e) and (g).
28. Paragraph 145(c) provides an exception for 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. Whilst the proposed car port would be free standing, it would be within close proximity, around 1.7 metres at its closest point, to the dwelling. In previous appeal decisions, Inspectors have treated outbuildings in close proximity to a dwelling as an extension for the purposes of interpreting Green Belt policy. However, in this instance, the combined footprint of the previous extension to the dwelling and proposed car port building would equate to an increase of approximately 81% over and above the footprint of the original dwelling. Such an increase is considered to amount to disproportionate additions and, as such, would not satisfy the requirement of paragraph 145(c) and would, therefore, amount to inappropriate development.

29. Paragraph 145(d) provides an exception for the replacement of an existing building, provided that the new building is in the same use and is not materially larger than the one it replaces. The submitted plans show the existing timber building would be demolished to accommodate the new car port building (although only a very small part at the eastern end of the existing outbuilding overlaps the footprint of the new building). Notwithstanding this, the proposed car port building would be almost 3 times larger in terms of its footprint area and nearly 6 times larger in terms of its volume than the existing timber outbuilding. It would also be significantly taller than the existing outbuilding. As such it is considered that the new car port building would be materially larger than the existing building and therefore would not benefit from the exception at paragraph 145(d) of the NPPF.
30. Paragraph 145(e) provides an exception for limited infilling in villages. The terms 'limited' and 'infilling' are not defined in the NPPF and whilst the term 'small scale infilling' is referred to in the RLLP2 as being "*development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*" this is in respect of policies relating to land supply for housing development not Green Belt policy. The Planning Portal defines 'infill' as being "*the development of a relatively small gap between existing buildings*". In this instance the proposed building would be at the rear of the bungalow beyond which lies open countryside. As such it is considered that the building would not 'infill' a gap within the existing built fabric of the village or indeed between existing buildings. Therefore, the proposed building would not benefit from the exception at paragraph 145(e) of the NPPF either.
31. Paragraph 145(g) provides an exception for limited infilling or partial or complete redevelopment of previously developed land which would, *inter alia*, not have a greater impact on the openness of the Green Belt than the existing development. For the reasons outlined in the preceding paragraph of this report, it is considered that the proposed car port would not constitute limited infilling. Similarly, it would not constitute complete redevelopment of the land. Whilst it might be argued that by demolishing the existing outbuilding the proposed car port would constitute partial re-development of the site, the definition of previously developed in the NPPF excludes land in built-up areas such as residential gardens. Notwithstanding this, even if it were to be accepted that the application site amounted to previously developed land, given the substantial increase in the size and height of the proposed building, it would undoubtedly have a greater impact on the openness of the Green Belt than the existing timber outbuilding. As such it is considered that the proposed building would not benefit from the exception at paragraph 145(g) of the NPPF.
32. In light of the above, it is considered that the proposed building should be regarded as 'inappropriate development' within the Green Belt and, therefore, by definition causes harm to the Green Belt which must be afforded substantial weight.

#### Impact on openness of the Green Belt

33. As outlined above, the NPPF identifies the essential characteristics of the Green Belt as being its openness and permanence. The word 'openness' is generally held to mean an absence of built development and the concept of openness has both spatial and visual aspects to it.

34. Given its large size and height, the proposed building would reduce openness in spatial terms. Furthermore, whilst the building would be at the rear of the existing bungalow, given that it would be almost 6 metres high it is likely that the gable end of the building would be visible from Moor Lane above the ridge of the side extension on the dwelling as well as from other vantage points along Moor Lane to the south-east. The building would also be visible from the public footpath that runs east-west across the fields some 65 metres to the north.
35. Overall it is considered that in both spatial and visual terms the proposed building would undoubtedly reduce the openness of the Green Belt and as such would be harmful to openness, one of the essential characteristics of the Green Belt. In accordance with the NPPF substantial weight must be given to this harm.

#### Very Special Circumstances

36. The applicant has not forwarded any very special circumstances and officers do not consider that any exist that would outweigh the harm to the Green Belt of inappropriate development, both by definition and in terms of the harm to openness discussed above.

#### Design and impact on the surrounding area

37. On its own, the design of the car port is considered to be appropriate as a functional domestic outbuilding. Having said this, its scale and proportions would not be insubstantial compared to the relatively diminutive size of the existing bungalow on the site. As outlined above the proposed building would be visible from both Moor Lane to the south and from the public footpath to the north, although it is acknowledged that such views would be screened somewhat by the intervening hedgerows and trees. The proposal to clad the exterior of the building in timber would not be particularly in keeping with the materials used on either the host bungalow or indeed the majority of the other buildings in the vicinity, although it is acknowledged that the roof materials would match the existing bungalow.
38. Overall, it is considered that the scale and proportions of the proposed building would be too large and would result in a building that would appear overly dominant behind the existing bungalow on the site. As such it is considered that the proposed building would appear as an incongruous and intrusive feature at the edge of the settlement that would cause some localised harm to the rural fringe character of the area.
39. In light of the above, it is considered that the proposed building would be contrary to policy 10 of the LPP1, policy 1 of the LPP2, chapter 12 of the NPPF and the Rushcliffe Design Guide.

#### Impact on amenity

40. The proposed building would be some 30 metres from the side boundary of the nearest residential property to the south-west at 61 Moor Lane, which also stands somewhat forward of the application bungalow. As such it is considered unlikely that the proposed building would have an adverse impact upon the amenities of the occupiers of that property, or indeed the other residential

properties to the west.

41. To the south-east of the proposed building would be some 60 metres from the residential property at Red Roofs and would be reasonably well screened by the existing trees/hedgerow on the west side of that property. Given these factors it is considered that the proposed building would be unlikely to have an adverse impact upon the amenities of the occupiers of that property either.
42. Notwithstanding that there is an extant outline planning permission (with all matters reserved except for access) for a new dwelling on the land immediately to the east of the application site, given the width of that plot it is considered that the proposed building would not prejudice the delivery of that development in terms of its impact on the amenities of future occupiers of the new dwelling.
43. In light of the above it is considered that the proposed building would be in conformity with policy 10 of the RLPP1 and policy 1 of the RLPP2 in respect of its impact upon the amenities of occupiers of neighbouring properties.

### Conclusion

44. For the reasons outlined above it is considered that the proposed building would cause substantial harm by virtue of being 'inappropriate development' in the Green Belt and also because of its impact on the openness of the Green Belt. Moreover, the building would cause some localised harm to the character of the immediate area by virtue of its substantial scale and proportions.
45. It is not considered that the building would have any significant adverse impact upon the amenities of occupiers of the nearby/neighbouring properties, however these are neutral factors that do not clearly outweigh the harm to the Green Belt that has been identified. Furthermore, the applicant has not adduced any other reasons that would weigh in favour of the development.
46. In light of the above it is considered that in this particular instance 'very special circumstances' do not exist that clearly outweigh the substantial harm and other localised harm that has been identified. As such it is considered that the proposed development would be contrary to policies 4 and 10 of the LPP1, policies 1 and 21 of the LPP2, Chapters 12 and 13 of the NPPF and the Rushcliffe Design Guide. It is also considered that there are no conditions that could be imposed which would make the proposed development acceptable in this regard. As such the application is recommended for refusal.
47. There is a fundamental policy objection to the proposed development and it is considered that this cannot be overcome. As such officers have not sought to negotiate amendments to the proposal. The applicant's agent has been made aware of the situation in order to avoid the applicant incurring further abortive cost, consideration of the application has not been delayed.

### **RECOMMENDATION**

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposed development would constitute 'inappropriate development' which is, by definition, harmful to the Green Belt. Furthermore, given its substantial size the building would impact on and cause harm to the openness

of the Green Belt, that being one of its essential characteristics. Moreover, its substantial scale and proportions would result in a building that would be overly dominant behind the existing bungalow and would appear as an incongruous and intrusive feature at the edge of the settlement that would cause localised harm to the rural fringe character of the area. No very special circumstances have been adduced that would clearly outweigh the substantial harm that would be caused to the Green Belt by virtue of the proposed buildings inappropriateness and impact on openness or the localised harm that would be caused to the character of the immediate area. As such the proposed development would be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policies 1 (Development Requirements) and 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Chapters 12 and 13 of the NPPF and the Rushcliffe Design Guide.