

20/02164/FUL

Applicant Ms Margaret Kenney

Location Walnut Tree Farm Cotgrave Road Owthorpe Nottinghamshire NG12 3GE

Proposal Erection of single storey rear extension

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application relates to predominately a two storey detached dwelling of traditional construction being red brick with a clay pantile roof. At the rear a 'courtyard' is formed with the original dwelling on one side and a range of extensions and outbuildings along two other sides. The property is located in an area of a few detached dwellings on the edge of Owthorpe.
2. The dwelling is located in the Nottinghamshire Green Belt.

DETAILS OF THE PROPOSAL

3. The proposal is for a single storey rear extension. It would project into a 'courtyard' at the rear of the property surrounded on three sides by the dwelling and outbuildings Facing materials would match those of the existing dwelling and the roof would be a flat roof with a central lantern.

SITE HISTORY

4. 99/00042/FUL First floor extensions, chimney, outbuildings, garage and Stables – approved and implemented
5. 20/01447/FUL Erection of a single storey rear extension – this application was identical to the application currently under consideration. The local Ward Member did not comment on this application and it was refused as it was not considered that there were 'very special circumstances' in the case which would outweigh the identified harm to the Green Belt. The applicant has appealed this decision and the outcome of the appeal is awaited. Therefore, ultimately the outcome of the appeal may be the deciding factor for the proposed scheme.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Combella) does not object and commented; *"The current property comprises the development of a small cottage and outbuildings combining to form the existing dwelling. Any new build was by way of infill therefore the overall footprint has only slightly increased. The proposal is for a gardenroom/conservatory in the corner of the courtyard to provide a*

secure seating area for the occupants' mother who has dementia, to allow her views of the outside without coming to harm. The extension would not be visible from the public realm as is enclosed on 3 sides of the courtyard by existing structures. Therefore, it does not present intrusive development in open countryside and I do not object."

PLANNING POLICY

7. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 – Land and Planning Policies. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.

Relevant National Planning Policies and Guidance

8. The National Planning Policy Framework (2019) carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
9. Of particular relevance to the consideration of this application is Chapter 13 – Protecting Green Belt land. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. Paragraph 144 states that when considering any planning application, 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.
11. Paragraph 145 states that the construction of new buildings in the Green Belt is inappropriate. Paragraph 145 includes a closed list of the types of development which are exceptions to inappropriate development and includes; 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.

Relevant Local Planning Policies and Guidance

12. Under the Local Plan Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
13. The Local Plan Core Strategy Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on

neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

14. Core Strategy Policy 4 (Nottingham-Derby Green Belt) states that the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist.
15. Local Plan Part 2 Policy 1 (Sustainable Development) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It 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.
16. Local Plan Part 2 Policy 21 (Green Belt) states that the boundaries of the Green Belt in Rushcliffe are as defined on the Policies Map – the proposed development falls within these boundaries, therefore applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework, particularly paragraphs 143, 144 and 145 which cover Green Belt issues.

APPRAISAL

17. The proposed extension would be located to the rear of the dwelling, within the courtyard area and would not, therefore, be visible from the public realm. It would project into a 'courtyard' at the rear of the property surrounded on three sides by the dwelling and additions. The nearest dwelling would be at least 12m away to the west where the boundary consists of an approximately 2.5m high established, substantial shrub hedge.
18. Given the size of the proposed extension and its position on the dwelling it is not considered that there would be any undue impact on the residential amenities of nearby dwellings in terms of over-looking or over-shadowing. There would be no impact on the street scene or the area in general.
19. Facing materials would match those of the existing dwelling and the roof would be a flat roof with a central lantern. The design of the extension is considered acceptable and, therefore, compliant with Policy 1 of the Local Plan Part 2.
20. Whilst the proposal is considered to be acceptable from an amenity point of view, the location of the site within the Green Belt is an important factor and raises fundamental policy issues.
21. Whilst the proposal involves an extension to an existing dwelling, for the purpose of applying Green Belt policy, the extension must be treated as a new building. In accordance with paragraph 145 of the NPPF, the construction of new buildings in the Green Belt is inappropriate, the exceptions to this include; 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. The

proposal should therefore be assessed as to whether the current application, in conjunction with previous extensions lead to disproportionate additions over and above the original dwelling.

22. In the Glossary to the NPPF, 'original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In the case of the property, the subject of the current application, the dwelling has a history of extensions and outbuilding development which postdates 1 July 1948. A previous approval for outbuildings and garages and extensions to the dwelling increased the foot print of the dwelling by circa 121 sqm, the previous cottage having a footprint of circa 85sqm. This increase in itself is significantly greater than the threshold of 50%-60% normally accepted by the Council.
23. In terms of scale, the proposed extension would increase the size of the original dwelling by a further footprint of c.26 sqm. Taking into account the previous extensions and alterations, the overall increase to the dwelling, as a result of the current proposal, would be a footprint increase of c.147 sqm, a circa 170% increase over and above the 'original' building.
24. Whilst it is acknowledged that the extensions would not be visible from the public realm and would not be overly dominant in relation to the property as it exists today, it is an established principle that when a proposal involves development which is inappropriate and harmful by definition, it is irrelevant how conspicuous or inconspicuous the development would be.
25. Overall it is considered that a total footprint increase of 170% would result in disproportionate additions over and above the size of the original building. Moreover, the resulting overall increase of built development on the site would result in harm to openness, which is an essential characteristic of the Green Belt.
26. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF requires that this harm is given 'substantial' weight in the determination of the application, and permission should only be granted if the very special circumstances are sufficient to outweigh this harm. The applicant states in this case that the very special circumstances are the need to provide suitable accommodation for a dependent relative and the existing dwelling has varying internal floor levels not suitable for easy access.
27. The dwelling has a large foot print when the existing attached out buildings are taken into account. These out buildings are to be converted into a bedroom suite with an ensuite bathroom and a sitting area as well as other habitable accommodation becoming part of the residential dwelling and are shown on the application plans but do not require planning permission. The applicant states that it would not be possible to create level access in the existing accommodation, however it is questioned whether such extensive internal alterations cannot include the additional accommodation required by the applicant without the need for a new extension. Furthermore, even if level access could not be provided within the existing building, it is questionable whether such a large addition is necessary to overcome this issue.

28. In this instance, it is not considered that the “very special circumstances” forwarded by the applicant are sufficient to clearly outweigh the harm to the Green Belt, by reason of inappropriateness, which is harmful by definition, and any other harm.
29. The proposal was not subject to pre-application advice. There is a fundamental policy objection to the proposal which it is considered cannot be overcome through negotiations. Whilst additional information has been submitted seeking to address officer’s concerns, it is not considered that this outweighs the fundamental policy objection.

RECOMMENDATION

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

1. The extension proposed, in combination with previous additions to the dwelling, is considered to comprise disproportionate additions over and above the size of the original building. As such, it does not fall within the exceptions set out in NPPF para 145 and 146 and would therefore be inappropriate development in the Green Belt. It is not considered that there are any 'very special circumstances' in this case which would outweigh the identified harm to the Green Belt. The development is contrary to Policy 21 of the Local Plan Part 2: Land and Planning Policies, and section 13 of the NPPF.