

The application is for full planning permission for the demolition of part of the existing garage, the erection of a single storey rear extension and a detached single garage, and a new visibility splay to Checkley Lane.

The site is located within the Green Belt and an Area of Landscape Enhancement as defined on the Local Development Framework Proposals Map.

**The statutory 8 week period for the determination of this application expired on 25<sup>th</sup> August 2014.**

### **RECOMMENDATION**

**Permit subject to conditions relating to the following matters:-**

- 1. Standard time limit.**
- 2. Approved plans**
- 3. Materials to be those as specified in application**
- 4. New garage to be used for parking vehicles and cycles**
- 5. Prior approval of a landscaping scheme**
- 6. Visibility splays to be kept free of obstructions over a height of 600mm above the carriageway level.**

### **Reason for Recommendation**

The proposed new garage would represent inappropriate development in the Green Belt. It is, however, considered that very special circumstances would exist which outweigh the harm caused in that the permitted development fall-back position would allow for a garage of the same dimensions in the same location to be constructed.

### **Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **Policies and proposals in the approved Development Plan relevant to this decision:**

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026  
(Adopted 2009)

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy S3: Development in the Green Belt  
Policy H18: Design of residential extensions, where subject to planning control  
Policy N20: Area of Landscape Enhancement

### **Other Material Considerations**

### Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)  
National Planning Practice Guidance (2014)

### Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

### Relevant Planning History

13/00799/FUL Permitted Single storey kitchen extension, loft conversion with linked dormers, erection of oak frame garage and car port and new visibility splay to Checkley Lane.

### Views of Consultees

**Betley, Balterley and Wrinehill Parish Council** has no objections

The **Highway Authority** has no objections subject to conditions relating to the following:

- The visibility splay shown on drawing no: JM/LCL/2014/2 rev A shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

The **Landscape Division** of the Council has no objections subject to the submission of a landscaping plan for approval. This should include tree planting to mitigate the loss of the trees that have been removed and hedge planting to the frontage to replace that lost to facilitate construction of the retaining wall.

### Representations

None received.

### Applicant's/Agent's Submission

A case for very special circumstances was advanced during the application process.

The application details are available to view at the Guildhall or using the following link [www.newcastle-staffs.gov.uk/planning/1400489FUL](http://www.newcastle-staffs.gov.uk/planning/1400489FUL)

### Key Issues

Full planning permission is sought for the demolition of part of the existing garage, erection of a single storey rear extension and a detached single garage at the property, which is a two storey semi-detached dwelling located within the open countryside, Green Belt, and within an area of Landscape Enhancement, as indicated by the Local Development Framework Proposals Map. Permission is also sought for works to the visibility splay at the entrance to the driveway.

Planning permission was granted in 2013 for a similar proposal under reference 13/00799/FUL. The current application differs from the previously approved scheme in the following ways:

- The proposed garage now excludes a car port
- The proposed single storey rear extension is now larger than that permitted previously, and would incorporate a living room in addition to the kitchen extension
- The current application does not include the dormer windows as previously permitted
- The previously permitted extension was proposed to be rendered, whereas the extension proposed in the current application proposes brickwork.

The widening of the visibility splay would involve the removal of the corner of the existing raised front garden area, and removal of part of the hedge along the front boundary of the site.

The key issues in the determination of the application are:

- Is the extension appropriate or inappropriate development in the Green Belt?
- The design of the extension
- The impact upon the Area of Landscape Enhancement
- The impact upon Highway Safety
- The impact upon residential amenity
- The impact upon existing trees and hedgerows
- If inappropriate development, do the very special circumstances exist, which outweigh the harm caused to the openness of the Green Belt by the inappropriate development?

#### Is the extension appropriate or inappropriate development in the Green Belt?

The National Planning Policy Framework, at paragraph 89, states that the extension or alteration of a building in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces, can be considered to be appropriate development.

The original volume of the dwelling has been calculated at approximately 578.38 cubic metres. The proposed extension and dormer windows under the previous application would have resulted in an increase in volume of approximately 64.3 cubic metres, which represented an 11.1% increase in volume over the original size of the dwelling.

The current proposal would measure approximately 144 cubic metres in volume, which would represent an approximate volume increase of 25 % over the original size of the dwelling.

A 25% increase is considered a proportionate increase in size of the original building, and therefore represents appropriate development in the Green Belt

The engineering works involved in the formation of the improved visibility splay would preserve the openness of the Green and would not conflict with the purposes of including land in Green Belt. As such, in accordance with paragraph 90 of the NPPF it appropriate development.

Turning to the proposed garage, the NPPF states that the replacement of an existing building within the Green Belt, provided the new building is in the same use and not

materially larger than the one it replaces, can be considered to form appropriate development in the Green Belt.

The previous proposal involved the removal of the existing garage, therefore would have represented a replacement building in the Green Belt. The existing garage is not being removed as part of this application; therefore the garage would be a new building within the Green Belt. New buildings for the garaging of cars are not listed as an exception in the Green Belt, therefore the proposed new garage is inappropriate development in the Green Belt, and should not be approved unless very special circumstances exist that would outweigh the harm to openness caused by reason of the inappropriate nature of the development.

#### The design of the extension and garage

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy H18 of the Local Plan relates specifically to the design of residential extensions and considers that the form, size and location of the extension should be subordinate in design to the original dwelling, the materials and design of each extension should fit in with those of the dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The proposed single storey rear extension would not be visible within views from the street scene. The design of the extension is considered to be subordinate to the original dwelling in terms of its scale and bulk. It is considered that the extension would not detract from the overall character or appearance of the dwelling, or from the group of dwellings that form the immediate surrounding street scene.

The proposed garage would be finished in weatherboarding and would be located to the side of the dwelling. It is considered an appropriate scale and design, which would not detract from the appearance of the dwelling.

The proposed block plan shows the removal of part of the front boundary hedge. It is considered necessary to ensure the reinstatement of the hedge along the entire front boundary to ensure the satisfactory appearance of the site. It is also considered appropriate to condition replanting of trees to mitigate the loss of the trees removed from the site, through the prior approval of a landscaping scheme to replace those removed from the site.

Overall the extension and garage are considered to be of an appropriate design and appearance, and would accord with Policy H18 of the Local Plan and the aims and objectives of the NPPF.

#### The impact upon the Area of Landscape Enhancement

The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is within an Area of Landscape Enhancement, and Policy N20 of the Local Plan states that within these areas, the Council will support, subject to other plan policies, proposal that will enhance the character and quality of the landscape. Within these

areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

It is considered that the extension to the dwelling and the garage would not erode the character or quality of the landscape, and overall the proposal is considered to have an acceptable impact upon the area of Landscape Enhancement.

#### The impact upon Highway Safety

The proposal involves the widening of the access to the site which will improve visibility when exiting the site onto Checkley Lane. The widening of the access would involve removing the corner of the raised front garden. The Highway Authority has no objections to the proposal and overall the proposal is considered acceptable in terms of highway safety.

#### The impact upon residential amenity

It is important to assess how a proposed development will impact upon residential amenity in terms of loss of light or privacy.

The proposed extension and garage would not cause any loss of privacy or light to any of the neighbouring residents and is therefore considered to comply with the Borough Council's Space Around Dwellings Supplementary Planning Guidance.

#### The impact upon existing trees and hedgerows

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The Landscape Division of the Borough Council has recommended replacement tree planting and re-planting of the part of the front boundary hedge proposed to be removed. This can be dealt with through a prior to commencement condition.

Overall, provided a suitable landscaping condition is included, the application is considered acceptable in terms of landscaping, and accords with Policy N12 of the Newcastle-under-Lyme Local Plan.

#### If inappropriate development, do the very special circumstances exist, which outweigh the harm caused to the openness of the Green Belt by the inappropriate development?

As part of the proposal the proposed new garage is considered inappropriate development, there is a requirement for the applicant to demonstrate that very special circumstances exist that outweigh the harm caused by inappropriate development.

A case for very special circumstances has been advanced and is summarised below:

- The approved scheme proved to be uneconomic to develop, so it was considered best to proceed with a single storey extension similar to the adjoining dwelling's extension already approved and constructed. This

comprised of a single garage, clad externally with timber, similar to the approved garage but smaller.

- The existing garage is to be partially demolished but the rear store area retained as it forms part of the rear boundary and will act as a foil to the existing oil tank location. The provision of timber doors off the remaining section of garage will complete the screening of the tank.
- In total the additions to the house are 37 square metres, the approved scheme is 20 sq. m, but the configuration of the roof on the current proposal links the house together in a successful manner and includes the existing external boiler. The previous scheme had not considered this fact. The existing garage is 43 sq., the proposal is to reduce this by 29 sq. m. The proposed new single garage is 20 sq. m. there is an overall reduction of 9 sq. m provided with this new submission.
- It should be noted that this garage is within the permitted development class and could be constructed as such.

A garage of the same dimensions (or larger) in the same location as proposed would be considered to fall within the scope of Class E permitted development rights, as set out in the Town and Country Planning (General Permitted Development) Order (as amended) therefore, even if the garage was removed from the proposal, it could still be constructed using permitted development rights. The permitted development fall-back position that would exist for the construction of a detached outbuilding(s) under permitted development rights is considered to represent a very special circumstance in this case.

This circumstance is considered very special, and overcomes the harm to openness caused by inappropriate development in the Green Belt. The proposal should therefore be permitted.

#### Background Papers

Planning File

Development Plan

National Planning Policy Framework (2012)

#### Date report prepared

22<sup>nd</sup> August 2014