

YEW TREE COTTAGE, DEANS LANE, BALTERLEY
MR S LANE

15/00567/FUL

The application is for full planning permission for a two storey side extension at Yew Tree Cottage, Deans Lane, Balterley

The site is located within the rural area, Green Belt, and within an area of Landscape Enhancement

The 8 week period for the determination of this application expired on the 1st September 2015.

RECOMMENDATION

Permit with conditions relating to the following:

- **Standard time limit for implementation of permission**
- **Approved plans**
- **Tree protection fencing to BS5837:2012 should be installed around any tree that is to be retained, and maintained throughout construction.**
- **Removal of Permitted Development Rights for extensions and external alterations**
- **The existing conservatory to be demolished and appropriately disposed of prior to the occupation of the development**

Reason for recommendation

The proposed development by virtue of its size is a disproportionate addition to the dwelling and would constitute inappropriate development in the Green Belt, which would be, by definition, harmful to the character and openness of the Green Belt. However, it is likely that the applicant would, in the event of a refusal, implement an existing planning permission for extensions of a similar volume to that proposed. This fallback position and the acceptable design of the proposals would amount to the very special circumstances required to outweigh the harm to the openness of the Green Belt. Furthermore, it is considered that the proposed extension would not harm the appearance of the original dwelling, the visual amenity of the area or nearby trees. Subject to conditions removing permitted development rights and requiring the removal of the existing conservatory, the proposed development accords with Policies S3, N12, N17 and N19 of the Local Plan and policy CSP1 of the Core Spatial Strategy and the requirements of the National Planning Policy Framework.

Statement as to how the Local Planning Authority has worked 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.

Key Issues

Full planning permission is sought for a two storey side and rear extension at a detached dwelling located in the Green Belt, and within an area of Landscape Enhancement, as indicated by the Local Development Framework Proposals Map.

Planning permission was granted under reference 13/00032/FUL for a two storey side and rear extension on the 29th April 2013. A further planning application was submitted for a larger extension, however this was withdrawn as it was considered to represent a disproportionate increase in size over the original size of the dwelling amounting to what would have been a 77% increase over the original dwelling and as such was likely to have been refused.

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 trees
- The impact upon residential amenity
- 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 states that the extension or alteration of a building in the Green Belt, provided that it does not result in disproportionate additions over and above the original size of the original building, can be considered to be appropriate development.

The Newcastle-under-Lyme Local Plan saved policy S3 states that the well designed extension or alteration of an existing dwelling, or its replacement, may be acceptable as long as it does not result in disproportionate additions over and above the size of the original dwelling.

The original dwelling measures 316.2 cubic metres. The proposed extensions would measure approximately 175 cubic metres. The proposed extensions have therefore been calculated as a 55% increase over and above the original size of the dwelling.

A 55% increase in volume over the size of the original dwelling is considered to represent a disproportionate increase in size in this Green Belt location, and therefore is considered inappropriate development in the Green Belt.

The extension is therefore considered to conflict with Policy S3 of the Local Plan and the aims and objectives of the NPPF as it represents inappropriate development and should not be approved except in very special circumstances. Whether the required very special circumstances exist will be addressed later in the report.

The design of the extension

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 dwelling is a two storey detached dwelling set back 15 metres from the road behind a well established border of trees and hedgerows. It is traditional in appearance, with outbuildings to the rear.

The proposed two storey side extension would be to the north side of the dwelling, and would project approximately 4.3 metres from the side elevation of the dwelling. The eaves height and ridge height would be slightly lower than the existing eaves and ridge height of the dwelling and the extension would be stepped back slightly from the front elevation of the dwelling. The existing outrigger would be replaced with a new larger outrigger and single storey extension.

It is considered that the proposed extension would relate well to the existing dwelling in terms of its proposed design, size and bulk. Whilst the extensions would be visible from the street, they would not be harmful to the overall character of the street scene.

Materials are proposed to match the existing, which is acceptable.

Overall the extension is considered to be in accordance 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, proposals 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 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 trees

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 and design.

A tree removal plan and tree protection plan have been submitted with the application. The Landscape Development Division has previously considered the information provided, and had no objections to the works and protection plans specified in the submitted information. Therefore, in terms of the impact of the development upon trees, the application is acceptable, provided a condition is included to protect those trees to be retained, in accordance with the submitted tree protection plan.

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 property is located some distance from the nearest dwelling and on that basis it is considered that the proposals would not materially impact upon residential amenity.

Overall, the proposed development is in compliance with the Borough Council's Space Around Dwellings Supplementary Planning Guidance.

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?

Paragraph 79 of the recently published NPPF states that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In the consideration of the proposal permitted under reference 13/00032/FUL the extensions were calculated to amount to a 47% increase over the size of the original dwelling and it was concluded that it represented appropriate development in the Green Belt. However the

volume of the proposed extension has now been recalculated and it has been established that this was incorrect and in fact it represents a 57% increase which would normally be considered to be inappropriate development in the Green Belt.

As indicated above the current proposed two storey side and rear extensions would result in approximately 55% increase in volume over the original size of the dwelling, which is less than the permitted scheme.

The existence of the planning permission, which remains extant and capable of implementation, is considered to represent a genuine fall-back position as it is very probable that the permission would be implemented if the current proposal was refused. The current proposal is considered to be a well designed extension that would have no greater impact on the openness of the Green Belt than the permitted development.

The existence of the fall back position, and that the proposed extension would have a materially greater impact on the Green Belt amounts to the very special circumstances required to justify the proposed development in this instance.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights for further extensions and require the removal of an existing conservatory which is shown to be removed on the submitted plans.

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) (CSS)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle Under Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H18: Design of residential extensions, where subject to planning control
Policy N17: Landscape character – general considerations
Policy N12: Development and the protection of Trees
Policy N13: Felling and pruning of trees
Policy N20: Area of Landscape Enhancement

Other Material Considerations

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Space around dwellings Supplementary Planning Guidance

Relevant Planning History

13/00032/FUL	Approved	29.4.13	Two storey side and rear extension
13/00670/FUL	Withdrawn	28.10.13	Single storey and two storey side extensions
13/00862/FUL	Withdrawn	6.1.2014	Proposed two storey side extension to existing cottage

Views of Consultees

Betley, Balterley and Wrinehill Parish Council has no objections to the application

The **Landscape Division** has no objections subject to tree protection and removals in accordance with the information provided

Representations

None received

Applicant/agent's submission

A tree survey, tree protection plan and tree removal plan have been submitted with the application. These, and all other documents associated with the application can be viewed at the Guildhall or by following this link

www.newcastle-staffs.gov.uk/planning/1500567FUL

Background Papers

Planning File and previous planning files relating to this property
Planning Documents referred to

Date Report Prepared

28th August 2015