

Agenda Item 41.

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
171187	19/08	Wargrave	Remenham, Wargrave & Ruscombe	Cllr Halsall

Applicant Mr and Mrs C Copland

Location 5 Hatchgate Cottages, Hatchgate Lane, Cockpole Green, Wargrave, Berkshire **Postcode** RG10 8NE

Proposal Householder application for the proposed erection of a part single/part two storey side, rear and front extension to dwelling plus erection of an open front porch.

Type Householder

PS Category 21

Officer Omar Sharif

FOR CONSIDERATION BY Planning Committee on 13th September 2017
REPORT PREPARED BY Head of Development Management and Regulatory Services

SUMMARY

The application site is a two storey semi-detached dwelling set along a row of similar properties overlooking Cockpole Green along a country lane. The site is located within the Metropolitan Green Belt and open countryside.

The application proposes the demolition of the storage/garage outbuildings and extension of the property to the side and rear by two storeys as well as the creation of a new front porch. Vehicular parking will be provided on-plot and the site will make use of existing arrangements.

Strict policies are in place to prevent inappropriate development in the Green Belt, restricting extensions to dwellings to a limited scale (35% increase in volume). The proposed development would represent an increase in volume of 102% and by definition is inappropriate development. There will also be an adverse impact on the dwelling as it not of a subservient scale when compared to the original dwelling. This will also adversely impact on the attributes of the Green Belt.

PLANNING STATUS

- Green Belt
- Groundwater Protection Zone
- Designated Countryside
- Contaminated Land Consultation Zone
- Wind Turbine Safeguarding Zone

RECOMMENDATION

That planning permission be REFUSED for the following reason:
The proposed extensions would enlarge the volume of the original dwelling beyond 35%. As such the proposal would result in extensions which are excessive in scale and detrimental to the open and rural character of the Green

Belt and therefore represents inappropriate development within the Green Belt, contrary to Policy CP12 of the Core Strategy, Policy TB01 of the MDD Local Plan and Section 9 of the National Planning Policy Framework.

PLANNING HISTORY

Although there is no direct recent planning history for the application site, there are a plethora of applications submitted on adjacent sites over the years as demonstrated below:

F/1996/63920 - 3 Hatchgate Cottages - Proposed Single And Two Storey Rear Extension – APPROVED

F/1997/66247 - 4 Hatchgate Cottages - Proposed Single Storey Rear Extension To Dwelling – APPROVED

F/2000/0277 - 4 Hatchgate Cottages - Proposed first floor rear extension to dwelling – REFUSED

F/2011/1533 - 3 Hatchgate Cottages - Proposed erection of single storey side extension to dwelling – REFUSED

CLP/2013/0026 - 3 Hatchgate Cottages - Application for a certificate of lawfulness for the proposed erection of single storey side and rear extensions to dwelling – APPROVED

For the volume calculation of recent appeals in the area please see Appendix 1.

CONSULTATION RESPONSES

WBC Ecology	Offered a condition with regards to the implementation of a bat license
WBC Drainage	No comments received
WBC Environmental Health	No comments received.
WBC Highways	No comments received.
WBC Tree & Landscape	No comments received
WBC Conservation	No comments received.

REPRESENTATIONS

Parish/Town Council	On balance the design is compatible with neighbouring development and contained within the existing building line and therefore will not impact upon the openness of the Green Belt.
Ward Member(s)	<p>Cllr Halsall has called the scheme into committee on the basis that:</p> <ul style="list-style-type: none"> • The proposal does not do harm to the openness of the Green Belt. • It makes a property habitable. • Is consistent with what has happened to the neighbouring property.

Neighbours	<p>11 letters of support for the application were received on the basis of:</p> <ul style="list-style-type: none"> - The size, design and scale are considered subservient to other properties. - General upgrade and maintenance of the building - Enables young families to stay and expand in the village
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PLANNING POLICY

National Policy

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Wokingham Borough Core Strategy policies:

CP1 – Sustainable development

CP3 – General Principles for Development

CP7 – Biodiversity

CP9 – Scale and location of development proposals

CP11 – Proposals outside Development Limits (including countryside)

CP12 – Green Belt

Managing Development Delivery Local Plan (MDD LP) policies

CC01 – Presumption in Favour of Sustainable Development

CC02 – Development limits

CC09 – Flood Risk

TB01 – Development within the Green Belt

Supplementary Planning Documents

Borough Design Guide Supplementary Planning Document

CIL Guidance + 123 List

PLANNING ISSUES

Principle of Development:

1. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
2. The Government attaches great importance to Green Belts. Paragraph 87 of the National Planning Policy Framework (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. 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. This approach is reflected in the NPPF as well as Core Strategy Policy CP12 and Adopted Managing Development Delivery Local Plan Policy TB01, which aligns with the NPPF test that permits extensions provided they are not disproportionate over and above the size of the original building.
3. The NPPF says the following with regard to Green Belts:

4. *“87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
5. *“88. 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.”*
6. *“89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: inter alia:*
 - ***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;***”
7. As can be seen above, paragraph 89 establishes that an extension or alteration to a dwelling within the Green Belt providing the extension of any building does not result in disproportionate additions over and above the size of the original building, and that any development contrary to this would be inappropriate in a Green Belt location.
8. The application site is located outside of settlement limits and within designated countryside outlined by policy CP9 of the Core Strategy; as such an assessment against policy CP11 is also required. In line with the NPPF, Core strategy policy CP11 seeks to protect the intrinsic beauty of countryside locations. The policy advises that;
9. ‘In order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where: inter alia:
 - 1) ***It does not lead to excessive encroachment or expansion of development away from the original buildings; and***
 - 2) ***In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;***
10. The proposed development is considered to have an adverse impact on the on dwelling as it not of a subservient in scale when compared to that of the original dwelling and this will adversely impact on the attributes of the Green Belt countryside as further detailed below. The principle of development is therefore not acceptable.
- Impact on the Character of the Area and Openness of the Green Belt:**
11. It is thus apparent that the policy context presented by the Local Plan, and by the NPPF, requires an assessment of the size, scale and design of any proposed extension in order to establish whether the proposal is in keeping with the original building and does not result in a disproportionate addition. Policy TB01 of the MDD requires that extensions to dwellings in the Green Belt are of a ‘limited’ scale, defining limited as 35% over and above the volume of the original dwelling. Any extensions over 35% would therefore be considered to be inappropriate development.

12. The location of the proposed extension would lead to an encroachment of built form into an undeveloped part of the site within the Green Belt. The volume of the existing house as measured on the supporting information submitted by the applicant measures some 300 cubic metres and that of the volume of the proposed development subject of this application measures some 308 cubic metres. It is therefore clear that this application would lead to the dwelling house being extended considerably above the tolerances of 35% of the original building as set out in policy TB01 of the MDD. The increase in volume amounts to some 102%, which is considered excessive and, by definition, harmful.
13. The proposed extension would project from the rear/side elevation of the existing building spreading over two storeys, in terms of its addition to the original house, and would lead to an appreciable reduction in the openness of the Green Belt by virtue of its width, depth and height representing a clearly disproportionate addition to the original building. The proposals therefore represent inappropriate development which is, by definition, harmful to the Green Belt, its openness and rural character.
14. The proposed development does not fall within an exception listed under paragraphs 89 or 90 of the Framework and as such it is inappropriate development as defined by the NPPF and would fail to safeguard the Green Belt from encroachment as set out in Paragraph 80 of the Framework.
15. A list of other applications at other Green Belt sites, including 3 Hatchgate Cottages that have considered at appeal is appended to this report as APPENDIX 1. These applications demonstrate that Inspectors have overwhelmingly upheld the Council's position with regards to protecting the Green Belt and refusing even small increases over 35% in volume.
16. With regards to no.3 Hatchgate Cottages, this was refused on the basis that it significantly exceeded the limit of 35% increase in volume over the original dwelling. The original property was approx 305m³ and 244m³ had already been added to the dwelling. The proposals submitted were approximately 55.5m³ and increase the volume from 305 m³ to 604.5m³ which was considered by the case officer as 98.1% increase on original volume and therefore it was viewed that such an increase in cumulative volume in a Greenbelt location would cause harm to its openness and rural character.

Design and Appearance

17. The design is considered to be compliant with the existing appearance of the dwelling with regard to design, and as such the proposal is not considered to detract from the character of the property.

Very Special Circumstances

18. Whilst 'openness' is not defined in the Framework, it has been held by the Courts (*Gallagher Homes Limited v Solihull Metropolitan Borough Council* [2014] EWHC 1283) that it is not necessary for development to be visible to harm openness, but the degree of visual impact is nevertheless a criterion along with the volume of built development. As such, development should not be approved except in very special circumstances and these 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.

19. With openness as a criterion for whether development is inappropriate, and with the need to balance 'very special circumstances' against harm, it is considered that given that the original dwelling is measured to be in the region of 300 cubic metres, and the extensions to be in excess of 300 cubic metres i.e. over a 100% increase in volume. It would therefore be inappropriate development. Whilst the applicant has not made reference to any very special circumstances in the submission, this is considered to be a very high threshold. Therefore in this instance creating larger accommodation for a family is not considered to represent very special circumstances which would outweigh the harm to the openness of the Greenbelt.

20. The applicant has argued that neighbouring properties have been given planning approval for similarly large extensions as the submitted application and that this should be considered as a precedent in the determination of the proposal. As the planning history has shown and as documented in Appendix 1, recent applications were refused on the basis that the proposals represented a cumulative increase in volume which would have a detrimental impact to the openness of the Green Belt and therefore the matter of precedent cannot be considered as a 'very special circumstance' to outweigh the harm.

Neighbouring Amenity:

21. *Overlooking:* Due to the space available and the relative position of adjacent buildings, it is unlikely that the proposed extensions would result in any impact to outlook or result in any further overlooking than already exists from the existing dwelling on neighbouring properties.

22. *Loss of Light:* it is considered there will be negligible loss of impact to neighbouring properties in terms of loss of light or outlook.

23. *Overbearing:* Whilst there are not considered to be any direct overbearing relationship with any adjacent dwellings, the lack of harm to neighbouring properties is outweighed by the intensification of the proposal in the Green Belt and a reduction in its visible openness by virtue of the proposals scale and volume representing a clearly disproportionate addition to the original building.

Amenity Space:

24. It is considered that the proposal would not give significant rise to a loss of amenity space within the site for present and future occupiers of the dwelling.

Highway Access and Parking Provision:

25. The Highways officer has not objected to the proposal, and it is considered that the proposal would not be detrimental to highway safety. Therefore the proposal is considered to accord with Core Strategy policy CP6 and MDD Local Plan policy CC07.

Ecology:

26. Policy CP7 of the Core Strategy 2010 requires the conservation of sites for nature conservation in accordance with national, regional, county and local biodiversity action plans. Development is permitted where the need for the proposal outweighs the need to safeguard nature conservation.

27. Policy TB23 of the MDD requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.
28. The Council's Ecologist has stated that the application site is located within habitat that matches that where bat roosts have previously been found in the borough, and have stated that the development can be suitably controlled through the applicant obtaining a license from Natural England to determine the adequateness of otherwise of further surveys and mitigation for the proposed scheme.
- Trees and Landscape:**
29. The proposed development would not impact any soft landscaping on site. It is therefore considered not to harm the landscape character of the site and accord with policies C03 and TB21 of the MDD Local Plan.

CONCLUSION

The proposal would be contrary to Green Belt Policy in that the scale of the extensions proposed would amount to disproportionate additions over and above the volume of the existing dwelling. As such, it would represent inappropriate development in the Green Belt and no exceptional circumstances are submitted to overcome the presumption against inappropriate development.

CONTACT DETAILS

Service	Telephone	Email
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APPENDIX 1

A number of appeals against refusal of permission for extensions in the Green Belt in the vicinity of the site of which a very large majority have been dismissed at appeal due to being considered inappropriate development in the Green Belt by virtue of their increase in volume including no. 3 Hatchgate Cottages; many dismissed appeals have been for lower increases in volume than this proposal. A list of recent appeal decisions is provided below:

LPA Reference	PINS REF	Summary	PINS DEC
F/2011/1533	APP/X0360/D/11/216552 9	Significantly exceeds the limit of 35% increase in volume over the original dwelling	Dismissed at Appeal
F/2008/1323	APP/X0360/A/09/209271 7	Refusal due to significant increase in size in Green Belt location	Appeal Dismissed

F/2008/0260	APP/X0360/ A/08/208038 1	38% increase in volume to domestic dwelling. Considered inappropriate development in Green Belt by inspector. (small 8% conservatory allowed)	Dismissed 38% increase as inappropriate. (conservatory with 8% increase allowed with split dec)
F/2008/0374	APP/X0360/ A/08/207708 4	Extension over 35% increase in volume in Green Belt. Refused inspector highlighted consistency of refusing such applications in vicinity.	Appeal Dismissed
F/2007/1459	APP/X0360/ A/07/206022 1	Appeal against refusal of permission for an extension. Appeal inspector allowed appeal as he calculated only a 34% increase in volume which fell within the 35% maximum.	Appeal Allowed as within 35% guidelines.
F/2007/0386	APP/X0360/ A/07/205522 3	13% conservatory increase with cumulative mass over 35% of original./ Allowed as the inspector found there were other material considerations that outweighed the Green Belt concerns.	Appeal allowed
F/2007/0280	APP/X0360/ A/07/204704 3	Small extension leading to over 35% cumulative extensions on original dwelling. Dismissed due to impact on Green Belt.	Appeal Dismissed
F/2006/7595	APP/X0360/ A/07/203331 5	100% increase in volume ruled to impact unacceptably on the openness of countryside.	Appeal Dismissed
F/2006/6001	APP/X0360/ A/06/201210 7	Conservatory extension that lead to cumulative 73% increase from original volume. Inappropriate development in Green Belt.	Appeal Dismissed
F/2005/5916	APP/X0360/ A/06/119759 0	Replacement dwelling 185% over original. Inappropriate development in the Green Belt.	Appeal Dismissed
F/2004/3093	APP/X0360/ A/05/117839 3	80% increase in volume. Inappropriate development in the Green Belt.	Appeal dismissed
F/2005/4222	APP/X0360/ A/05/119420 4	38% extension in Green Belt. Inappropriate development	Appeal Dismissed