

Application Number:	2012/0060	Application Type:	Full
Proposal:	Increase in Height of Existing Garage to Create a First Floor	Location:	105 Northfield Road, Rising Bridge
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	20 March 2012
Applicant:	Mr D Flynn	Determination Expiry Date:	6 April 2012
Agent:	Hartley Planning & Development Associates		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/> Cllr R Wilkinson <i>So that Members can assess the visual impact of the proposal and when weighed against the alternative open to the applicant using his permitted development rights.</i>
3 or more objections received	<input type="checkbox"/>
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the application be refused for the reasons set out in Section 9 of the Report.

2. SITE

The application relates to a residential property situated on the south side of Northfield Road, in the area of Countryside/Green Belt to the east of the A56 and Urban Boundary of Rising Bridge.

The property is a 2-storey stone and slate end-terraced house, under a hipped roof, which has been extended by two storeys to the side. It has gardens to the front and rear, with off-road parking to the side.

Within the rear garden is a detached garage measuring 7.1m in length x 6.1m in breadth x 2.4m to eaves and 3.9m to ridge. Immediately to the rear are open fields. To the west is the garden of No.103 Northfield Road, an end terrace house of broadly matching design/appearance, also extended by two storeys to the side.

3. RELEVANT PLANNING HISTORY

2011/601 Increase in height of existing garage to create a first floor
Refused by Officers for the following reason :

The proposal relates to a residential property located within an area of Countryside designated as Green Belt. The proposal would result in a disproportionate addition over and above the original dwelling and therefore constitutes inappropriate development within the Countryside/Green Belt. The applicant has not advanced the very special circumstances to outweigh the finding of inappropriateness. In addition, the proposed development would result in an unduly large/tall outbuilding with the curtilage of the property that would detract to an unacceptable extent from the essentially open and rural character of the Countryside/Green Belt and the amenities occupiers of 103 Northfield Road could reasonably expect to enjoy. The scheme is considered to be contrary to the principles of 'good design' of PPS1 and of PPG2 / PPS3 / PPS7, Policy DP1-9 / RDF2 / RDF4 / EM1 of the Regional Spatial Strategy for the NW of England (2008), Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011) and its approved Alterations & Extensions to Residential Properties SPD (June 2008).

4. THE PROPOSAL

This application is for exactly the same scheme as refused under Application 2011/601.

To extend the garage upwards to provide a domestic store in the manner proposed will raise the eaves level by 1.5m from 2.4m to 3.9m and the ridge level by 1.5m from 3.9m to 5.4m respectively. Facing materials would match for the walls and roof would the existing.

The applicant has provided details of an alternative building which they consider could be constructed using 'permitted development' rights if permission is not granted for the proposed extension to the garage; the resulting building would measure 5m x 6m, with a ridge height to 4m.

The applicant states that this would be a far worse option for all concerned, including the neighbours.

The Agent has provided an appeal decision relating to a single storey rear extension which was allowed partly due to a fallback position where a broadly similar extension could be constructed without the need for planning permission.

The Agent has also cited an application permitted at Top o' the Shore Farm in Shawforth in May 2010 in which the case officer at that time considered that outbuildings did not contribute to volume allowances as stated within The Councils Alterations and Extensions to Residential Properties SPD.

5. POLICY CONTEXT

National Planning Guidance

PPS1 Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS7 Rural Areas

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1 Spatial Principles
Policy RDF2 Rural Areas
Policy RDF4 Green Belts
Policy EM1 Environmental Assets

RBC Core Strategy DPD (2011)

AVP 6: Haslingden and Rising Bridge
Policy 1 General Development Locations and Principles
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)
Draft NPPF (2011)

6. CONSULTATION RESPONSES

LCC (Highways)

No objection

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 17/02/12 and 6 neighbours were notified by letter on 14/02/12.

No neighbour representations have been received.

In amplification of Cllr Wilkinson's Call-In he writes:

"The applicant could build a separate building in his back garden without the need to apply for planning permission – but that would be a far worse solution for everybody including his neighbour, himself and the Council. His immediate neighbours are perfectly happy with the plan to raise the garage roof and David's plan B would be a poor substitute – but he'll do it if he has to. If the council agrees to the garage alteration they can, at the same time, remove further permitted development rights and so get some control of matters."

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity/Countryside Impact; 3) Neighbour Amenity and 4) Access/Parking

Principle

PPG2 states that the construction of new buildings within the Green Belt is not inappropriate development if it is a limited extension to an existing dwelling and provided it would not result in a disproportionate addition over and above the size of the original dwelling. The Council, within its Alterations and Extensions to Residential Properties SPD consider that extensions within the Green Belt should not normally result in an increase in volume of over 30% of the original dwelling.

Volume calculations have not been provided by the Agent. However, by virtue of erection of the existing two storey side extension and the detached garage, it is clear that existing additions have increased the volume of the original property by far more than the 30%. The additional space which has already been added is largely to the side of a terrace of houses, and extends towards the gable of a neighbouring terrace, which mitigates its impact on openness. The upward extension to the garage now proposed would add significantly to its volume and, as it sits on the back boundary of the rear garden, do so in a manner impinging on openness.

The Agent has referred to a an approved application for Top o' the Shore Farm in 2010 where the Case Officer indicated that outbuildings need not be considered to contribute to the 'volume allowance' stated within the Council's Alterations and Extensions to Residential Properties SPD. However, in an appeal decision subsequently received in respect of refusal to permit an extension to an outbuilding at Jolly Hall Farm (also within the Green Belt and from the same Agent), the Inspector concluded that the intended extension did contribute to the 'volume allowance'. This conclusion was reached which although that outbuilding was significantly further away from the house than is the outbuilding at 105 Northfield Road. Accordingly, Officers remain of the view that this scheme is inappropriate development within the Green Belt.

PPG2 states that:

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

The Agent does include what they consider to be a fallback position and reference an appeal decision where this has been concluded by an Inspector to be a material consideration that outweighed the finding of inappropriateness. The full details of that case are not before the Council, however, it is clear that it relates to a 1-storey extension that would project only 0.75m further than could be constructed under 'permitted development' rights and it does not directly compare with the current application, which is to increase the height of an outbuilding by 1.5m.

Visual Amenity

The most important attribute of Green Belts is their openness. However, Paragraph 3.15 of PPG2 further requires that:

"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including the land in Green Belts, might be visually detrimental by reason of their siting, materials or design".

The building to be extended does not presently appear unduly prominent or intrusive as viewed from the highway to the front or the land to the rear, being of a siting/size/design/facing materials that might be expected of a domestic garage in a rear garden, even when the land behind is of such open and rural character.

To increase the height/bulk of this building in the manner proposed will mean that it no longer has the appearance of being the domestic outbuilding one might expect in a rear garden, does not reflect the outbuildings in the rear gardens of the neighbouring houses and will serve to erode the essentially open and rural character of the area, contrary to Countryside/Green Belt policies.

Furthermore, the resulting outbuilding will not accord with the Council's approved Alterations and Extensions to Residential Properties SPD as it will be unduly dominating and lack adequate subservience to the house.

The proposed fallback scheme would be different in size, height and prominence to the development for which permission is now being sought and is not considered to be a material consideration that would outweigh the harm caused by the alteration to the existing garage being proposed.

Neighbour Amenity

There are no windows proposed in the resulting building that would unduly affect the privacy of neighbours. The nearest neighbour to the development is at No.103, which has been extended recently with a 2-storey extension to its side, with rear-facing ground and first floor habitable windows. Due to the orientation of the dwelling relative to the application building, I do not consider that there would be a significant loss of light, but there would be a greater loss of amenity for this neighbour in terms of outlook from windows and their rear garden.

Access/Parking

There has been no objection from the Highway Authority. The scheme is considered acceptable in terms of access/parking.

9. REASON:

The proposal relates to a residential property located within an area of Countryside designated as Green Belt. The scheme would result in a disproportionate addition over and above the original dwelling and therefore constitutes inappropriate development within the Countryside/Green Belt. The applicant has not advanced the very special circumstances to outweigh the finding of inappropriateness. In addition, the proposed development would result in an unduly large/tall outbuilding within the curtilage of the property that would detract to an unacceptable extent from the essentially open and rural character of the Countryside/Green Belt and the amenities occupiers of 103 Northfield Road could reasonably expect to enjoy. The scheme is considered to be contrary to the principles of 'good design' of PPS1 and of PPG2 / PPS3 / PPS7, Policy DP1-9 / RDF2 / RDF4 / EM1 of the Regional Spatial Strategy for the NW of England (2008), Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011) and its approved Alterations & Extensions to Residential Properties SPD (June 2008).