

## Item No. 10

## SCHEDULE A

<b>APPLICATION NUMBER</b>	<b>CB/09/06668/FULL</b>
<b>LOCATION</b>	<b>Conway, Oldhill Wood, Studham, Dunstable, LU6 2NE</b>
<b>PROPOSAL</b>	<b>Alterations to garage roof (amendment to approved application CB/09/05112/FULL).</b>
<b>PARISH</b>	<b>Whipsnade</b>
<b>WARD</b>	<b>South West Bedfordshire</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>
<b>CASE OFFICER</b>	<b>Simon Barnett</b>
<b>DATE REGISTERED</b>	<b>26 November 2009</b>
<b>EXPIRY DATE</b>	<b>21 January 2010</b>
<b>APPLICANT</b>	<b>Mr A Brewer</b>
<b>AGENT</b>	<b>Briffa Philips Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Mrs Mustoe</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

### **Site Location:**

The application site comprises the former curtilage of 'Conway', a detached single storey dwelling located in Oldhill Wood, Studham (Parish of Whipsnade). The site is flanked by the adjacent properties 'Rustlings' and 'The Shieling'. To the rear of the site is agricultural land.

The application site is washed over by the South Bedfordshire Green Belt and is located within the Chilterns Area of Outstanding Natural Beauty, the Oldhill Wood 'Area of Special Character' and a designated Area of Great Landscape Value.

### **The Application:**

This application seeks planning permission to make amendments to Planning permission CB/09/05112/TP by way of further alterations to the garage roof. Planning permission CB/09/05112/TP granted planning permission for the retention of a replacement dwelling with alterations to the height of the main roof and front projection. This permission has not been implemented, however a subsequent application (CB/09/05509/VOC) has been approved which altered the time limit for the completion of the work to six months from the determination of an outstanding appeal against the refusal by South Bedfordshire District Council of an application to retain the dwelling as built (SB/TP/09/0077). This appeal remains outstanding and a further application (CB/09/05767/FULL) to retain the dwelling in its as built form was refused in October 2009.

In summary, this application again seeks to retain the existing unauthorised dwelling following amendments to the main roof (as previously permitted) and to the roof over the forward projecting garage. The previously approved amendment to the garage roof included the following works:

- the reduction in the roof pitch by approximately 5° thus reducing the ridge height by 0.9 metres; and
- a reduction in the degree of eaves projection.

This application seeks permission for the following works to the garage roof:

- the achieving of an overall reduction in height of 0.9 metres by removing the

uppermost 0.9 metres of roof and replacing it with a flat topped crown similar to that approved for the main roof of the building. The eaves projection and roof pitch would remain unchanged.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development, PPG2 - Green Belts, PPS3 - Housing, PPS7 - Sustainable Development in Rural Areas & PPG13 - Transport

### **Regional Spatial Strategy**

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Bedfordshire Structure Plan 2011**

Policy 7 - Areas of Great Landscape Value

### **South Bedfordshire Local Plan Review Policies**

H14 - Replacement Dwellings in GB

BE6 - Control of Development in Areas of Special Character

NE3 - Control of Development in AGLV

BE8 - Design Considerations

### **Planning History:**

- SB/TP/06/0719 - Permission for insertion of three pitched roof dormer windows into front and rear roof slopes.
- SB/TP/06/1046 - Refusal for erection of detached double garage.
- SB/TP/06/1369 - Permission for erection of link-detached double garage.
- SB/TP/07/0141 - Permission for the erection of single storey rear extension.
- SB/TP/07/0866 - Refusal for erection of replacement dwelling. Subsequent appeal withdrawn.
- SB/TP/08/0300 - Permission for erection of single storey rear extension, garage extension and raising of ridge height incorporating loft conversion.
- SB/TP/08/0901 - Permission for erection of replacement dwelling.
- SB/TP/09/0077 - Refusal for retention of replacement dwelling. *Current appeal not yet determined.*
- CB/09/05112/TP - Permission for retention of replacement dwelling with alterations to height of main roof and front projection (revised application S/TP/09/0077). *Not yet implemented.*
- CB/09/05509/VOC - Permission for variation of Condition 1 of planning permission CB/09/05112/TP relating to timeframe for completion.
- CB/09/05767/FULL - Refusal for retention, as built, of detached four bedroom dwelling. (Resubmission SB/TP/09/0077)

### **Representations:**

#### **(Parish & Neighbours)**

Parish Council None received

Neighbours Rustlings, Oldhill Wood: Objects as proposal will not reduce the bulk and massing of the front projection and that the proposed flat roof would be visually unattractive.

High Trees, The Sheiling & Woodland Ride, all Oldhill Wood and Thatcher's Cottage, 13 Dunstable Road, Studham: Support application

Pebbles & Sans Souci, both Oldhill Wood: Support application but would prefer existing dwelling to remain.

Penzance, Valley Road, Studham: Supports retention of the dwelling as built.

## **Consultations/Publicity responses**

Nil.

## **Determining Issues**

The main issues considered relevant in the determination of this application are:

1. Principle of Development & Affect on Green Belt
2. Affect on Area of Special Character
3. Design & Appearance
4. Impact on Residential Amenity

## **Considerations**

### **1. Principle of development & affect on Green Belt**

The application seeks permission for the retention of a replacement dwelling on a site which is located within the Green Belt. Replacement dwellings within the Green Belt are controlled by way of Policy H14 of the South Bedfordshire Local Plan Review which states that:

PLANNING PERMISSION WILL NOT BE GRANTED FOR A REPLACEMENT DWELLING IN THE GREEN BELT UNLESS IT WOULD:

- (i) NOT BE MATERIALLY LARGER THAN;
- (ii) BE NO MORE INTRUSIVE IN THE LANDSCAPE THAN; AND
- (iii) OCCUPY THE SAME FOOTPRINT AS;

THE DWELLING IT REPLACES.

The supporting text for this policy states that only in exceptional circumstances should planning permission be given for a replacement dwelling, as sympathetic renovation and restoration will usually be more appropriate. Only where this option is impractical is replacement a viable option.

#### **H14 – Part (i)**

This part of the policy states that the replacement dwelling should not be materially larger than the dwelling being replaced. The alterations proposed as part of this application result in the front projection over the garage having a greater bulk and mass than previously approved. Accordingly the proposal would fail to comply with criterion (i) of Policy H14.

#### **H14 – Part (ii)**

The current proposal relates to the alteration of the roof over the garage with the main roof and the remainder of the dwelling to be altered in line with the previous permission. The proposed amendment would result in a bulkier and more prominent front projection than approved which would increase the prominence of the

development within the streetscene. Accordingly the proposal would fail to comply with criterion (ii) of Policy H14.

#### H14 – Part (iii)

The footprint of the proposal would not be altered by this application, such that the footprint would remain larger than that of both the original and previously approved dwellings. Although the proposal would therefore not strictly meet the requirements of criterion (iii) of Policy H14, the previous permission has accepted this position.

It is clear that the proposal fails to comply with the provisions of Policy H14 and can therefore be considered as inappropriate development in the Green Belt. In addition to the harm by inappropriateness the current proposal by virtue of its bulk and massing would result in a further harmful reduction in the openness of the Green Belt.

#### Very Special Circumstances

The current application is not accompanied by any justification for the retention of the dwelling as built and proposed to be modified and no formal case for 'very special circumstances' has been submitted.

The previous permission for a modified dwelling was approved by the Development Management Committee who found that 'very special circumstances' existed. These 'very special circumstances' are quoted in the decision notice as being 'the planning history and circumstances of the site, the reduced impact of the proposal on the character of the area and also the likely adverse impact of further works on the residential amenities of the occupiers of adjacent properties'.

The previously accepted 'very special circumstances' are not considered to apply to the current proposal, and no new case for 'very special circumstances' has been advanced to support a proposal that is clearly contrary to the long established provisions of both Planning Policy Guidance Note 2: Green Belts and Policy H14 of the Local Plan Review.

The applicants solicitor has written in support of the application, however the submission appears to be on the basis that the proposal should be considered as an 'extension' to an existing dwelling. As the building currently occupying the site is not authorised and this application relates to the modification of an erected dwelling the matters raised are not directly relevant to this application.

## **2. Affect on Area of Special Character**

The current proposal would be similar to that previously approved which were, on balance, considered not to result in undue harm to the acknowledged character of the designated Oldhill Wood Area of Special Character. Furthermore the current proposal would have no significant impact upon the character and landscape quality of either the Chilterns Area of Outstanding Natural Beauty or the Area of Great Landscape Value.

## **3. Design & Appearance**

The proposed flat 'crown' roof, whilst approved for the main roof of the dwelling, would by virtue of its location appear as an incongruous and prominent feature in the streetscene. It would be at odds with the projecting gable of the porch and hipped roofs over the dormer windows. Consequently we consider that the current proposal would be out of character with the dwelling as to be retained and the wider streetscene. Accordingly the current proposal would fail to comply with the principles of good design set out in the national and local planning policy framework.

#### **4. Impact on residential amenity**

We are satisfied that the current proposal would have no significant impact on the residential amenities of the occupiers of neighbouring properties in terms of overlooking, loss of privacy, loss of sunlight and daylight or overbearing appearance having regard to the previously approved development.

#### **Recommendation: that Planning Permission be REFUSED for the following:**

- 1 The garage roof as proposed to be modified would by virtue of its incongruous design, bulk and massing, appear out of character with the building and have a harmful affect on the visual amenities of the streetscene. Furthermore the proposed alterations would result in a replacement dwelling that by virtue of its bulk and massing be both materially larger than, and more intrusive in the landscape than the original dwelling to the detriment of the openness of the Green Belt. The proposed scheme is therefore considered to be inappropriate development within the Green Belt and no very special circumstances have been justified in support of the proposal. The proposal is therefore contrary to the principles of good design set out in Planning Policy Statement 1: Delivering Sustainable Development and Policy BE8 of the South Bedfordshire Local Plan Review and would constitute inappropriate development in the Green Belt contrary to Planning Policy Guidance Note 2: 'Green Belts' and to Policy H14 of the South Bedfordshire Local Plan Review.

#### **DECISION**

.....  
.....