

Item No. 10**SCHEDULE A**

APPLICATION NUMBER	CB/10/01700/FULL
LOCATION	Conway, Oldhill Wood, Studham, Dunstable, LU6 2NE
PROPOSAL	Retention of 4 bed dwelling house as built with alterations to garage roof as previously approved under CB/09/06668/FULL
PARISH	Whipsnade
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Nicola McPhee
DATE REGISTERED	25 May 2010
EXPIRY DATE	20 July 2010
APPLICANT	Mr A Brewer
AGENT	Briffa Phillips Architects
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Mrs Mustoe.
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site comprises a detached 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:

The development for which planning permission is sought is described on the application form as 'Retain, as built, 4 bed dwellinghouse with alterations to garage roof as planning approval No. CB/09/06668/FULL.'

This application seeks to retain the unauthorised dwellinghouse as built, with the replacement of the ridged roof to the garage to a flat crown as approved by Members in 2009 (Planning Permission 09/6668) .

Planning History:

SB/TP/06/0719	Permission for insertion of three pitched roof dormer windows into front and rear roofslopes.
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 Subsequent appeal withdrawn.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.
CB//09/00077/FULL	Refusal of the erection of replacement dwelling (Revised application 08/901) (Appeal Dismissed).
CB/09/5112/FULL	Permission for the retention of replacement dwelling with alterations to roof height of main roof and front projection (Revised application 09/00077).
CB/09/5509/VOC	Permission for the variation of condition 1 of planning permission 09/5112 relating to time frame for completion.
CB/09/5767/FULL	Refusal of the retention as built of detached four bedroom dwelling (Resubmission 09/00077).
CB/09/6668/FULL	Permission for alterations to garage roof (amendment to approved application 09/5112).

Relevant Policies:

National Policies

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

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value

South Bedfordshire Local Plan Review

H14 - Replacement Dwellings in GB
 BE6 - Control of Development in Areas of Special Character
 BE8 - Design Considerations

Representations: (Parish & Neighbours)

Parish Council: None received.

Neighbours: Rustlings, Oldhill Wood (13/06/10): Objects as the house has been built such that the increased bulk of the main house along with the garage that projects further towards the road, with its increased height, creates an urbanising feature in the woodland front gardens of Oldhill Wood. Considers that the approved plans, which specify the correct reduced roof height, will greatly reduce the perceived bulk of the building.

Lyngen, Woodland Rise, Concord, The Shieling, Sans-Souci, All Oldhill Wood. 18 Kensworth Road, Home Reddings, Common Road, High

Wood, Byslips Road, All Studham; Support 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. Appeal Decision
3. Affect on Area of Special Character
4. Design & Appearance
5. Impact on Residential Amenity

1. Principle of development & affect on Green Belt

The principles of development were considered in the previous application to retain the unauthorised dwellinghouse as built (09/00077.) There have been no relevant policy changes since the determination of that application.

Green Belt.

The application seeks permission for the erection 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 existing dwelling. Even with the proposed garage roof modifications, the retained unauthorised dwellinghouse would be substantially larger than both the original dwelling and that previously approved (see ii below). Accordingly the proposal would fail to comply with criterion (i) of Policy H14.

H14 – Part (ii)

The retained dwelling would have a main roof ridge line at least 1.5 metres higher than that of the original dwelling. The proposed modified front projecting garage would have a reduced impact, but taken as a whole the proposal would fail to comply with criterion (ii) of Policy H14.

H14 – Part (iii)

The proposed retention of the dwelling would correspond with the footprint of the original dwelling and the footprint of the approved extensions. Accordingly it is considered that the proposal would meet the requirements of criterion (iii) of Policy H14.

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 size, bulk and massing results 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 as such there is no case for 'very special circumstances' for inappropriate development in the Green Belt.

2. Appeal Decision

Application CB/09/00077/FULL sought permission to retain the dwellinghouse as built. This application was refused under delegated powers and the Appeal was later dismissed. Notwithstanding the Inspector's comments with regard to the preference of a ridged roof as opposed to a flat crown, the main thrust of the appeal decision is clear-cut and supports the Council's view that the dwelling, as built is in conflict with national Green Belt policy as set out in PPG2 and saved policies H14, NE6 and BE8 of the South Bedfordshire Local Plan Review 2004.

As it stands, the existing unauthorised dwelling should be altered to include a flat crown to the main roof (CB/09/05112/FULL), and to the garage (CB/09/06668/FULL), thus reducing the bulk of the entire building. Although the Inspector commented that he preferred the ridged roof design and that the flat crown would be at odds with the prevailing character of Oldhill Wood, nevertheless, he also added that the substituted crown would not be particularly conspicuous and that the negative aspects of the constructed dwelling cancel out the advantage of the ridged roof (Para 23 of APP/P0240/A/09/2109643). In summary, the appeal decision is therefore not supportive of the current proposal to retain the existing ridge roof of the unauthorised dwelling.

3. Affect on Area of Special Character

The Inspector considered that the dwelling as built has a prominent forward-projecting element which is somewhat obtrusive and has an adverse effect on the character and appearance of the Oldhill Wood Area of Special Character. (Appeal Decision APP/P0240/A/09/2109643). Although this element has been addressed by the grant of approval for the front garage projection, as again proposed in this application, there remains the issue of the additional height and bulk of the unauthorised dwelling as discussed below.

4. Design & Appearance

The additional height and bulk of the current, unauthorised dwellinghouse is considered to be significantly greater than that previously approved such that it results in an over intensive, excessively urban form of development located within a semi-rural street scene. The proposal therefore has an adverse affect on the acknowledged character of the designated Oldhill Wood Area of Special Character.

5. 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.

Conclusion:

Representations received from neighbouring dwellings argue that the plot is large, that many houses are larger than the dwelling constructed at Conway and that the house is attractive, However, the Inspector comments that it is the circumstances of the appeal site that must be considered rather than the circumstances of the other dwellings in the vicinity and that the approved dwelling could be as attractive overall as the constructed dwelling

This proposal is not materially different (with the exception of the garage roof) than the application refused in March 2009 and dismissed at Appeal in March 2010 and therefore cannot be supported by the Council.

Recommendation: that Planning Permission be REFUSED for the following:

- 1 The proposed retention of the unauthorised dwelling would by virtue of its size, 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 proposed scheme is therefore contrary to the advice contained within Planning Policy Guidance Note 2: 'Green Belts' and contrary to the provision of Policy H14 of the South Bedfordshire Local Plan Review.

- 2 The proposed retention of the unauthorised development would result in an overly intrusive and urbanising feature within the semi-rural street scene and which makes a significant contribution towards the designated Oldhill Wood Area of Special Character. It would result in a more urbanised form of built development within the street scene, harmful to its character and that of the locality. The proposal is therefore contrary to Policies BE8 and BE6 of the South Bedfordshire Local Plan Review.

DECISION

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