

## Item No. 12

<b>APPLICATION NUMBER</b>	<b>CB/18/01210/FULL</b>
<b>LOCATION</b>	<b>The Quarry House, San Remo Road, Aspley Guise, Milton Keynes, MK17 8JY</b>
<b>PROPOSAL</b>	<b>Replacement of existing tarmacadam tennis court with new dwelling.</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>26 March 2018</b>
<b>EXPIRY DATE</b>	<b>21 May 2018</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Seemarks</b>
<b>AGENT</b>	<b>Paul Seemarks Architecture</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in - Cllr Wells 1) The re-submission follows a material change in circumstances of the case arising from a recently allowed appeal for a similar development PIN Ref: APP/P0240/W/17/3185864 "backland development confirmed as an acceptable form of infill development". Refusal of previous application CB/17/05028 is shown to be inconsistent in the light of this decision. It is in the wider public interest that this application be discussed at DMC.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refused</b>

### **Reason for Recommendation:**

The proposal does not constitute infill development as it would comprise backland development on an existing residential garden. The proposed development would be, because of its siting and excessive bulk, height and scale, materially more harmful to the openness of the Green Belt and character and appearance of the area than the existing use as garden land and as such constitutes an undesirable, backland form of development which is considered would result in harm to the openness of the Green Belt and the character and appearance of the area. No Very Special Circumstances have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual amenity and openness of the Green Belt. The proposal is thus contrary to Sections 7 and 9 of the National Planning Policy Framework and policies DM3 and DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North).

### **Site Location:**

The application site forms part of the large rear garden of the residential dwelling known as "The Quarry House" San Remo Road, Aspley Guise.

The site falls within the Green belt infill boundary of Aspley Guise.

**The Application:**

Planning permission is sought for the erection of a 4 bedroom dwelling set over two floors. The modern design maximises the changing levels of the site and has been developed from the plans of a proposed outbuilding granted a lawful development certificate under planning reference CB/17/01452/LDCP.

The application is accompanied by a combined planning / design and access statement, a tree survey report and a character report.

A very similar application has been previously refused under application reference CB/17/05028/FULL.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

Policy CS1	Development Strategy
Policy DM3	High Quality Development
Policy DM6	Development within Green Belt Infill Boundaries

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018. The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise. The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP4 Development in the Green Belt  
Policy T3 Parking  
Policy HQ1 High Quality Development  
Policy HQ8 Back-land Development

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

## Relevant Planning History:

**Application:** Planning  
**Validated:** 19/10/2017  
**Status:** Decided  
**Summary:**  
**Description:** Removal of existing tarmacadam tennis court & erection of new dwelling within infill boundary on land adjacent to The Quarry House.

**Number:** CB/17/05028/FULL  
**Type:** Full Application  
**Date:** 13/12/2017  
**Decision:** Full Application - Refused

**Application:** Planning  
**Validated:** 21/06/2017  
**Status:** Decided  
**Summary:**  
**Description:** 1. Conversion of double garage into habitable accommodation. 2. Front extension to entrance hall with over sailing roof. 3. Raise eaves and ridge height of single storey wing spanning east to west to align with the eaves and ridge height of the north to south spanning form. Include a dormer window within the north facing roof slope and rooflights in the south facing roof slope. 4. Single storey extension to north elevation with a new hipped roof wrapping over. 5. Single storey extension to north elevation to enlarge bedroom accommodation on the ground floor and form a roof terrace to the proposed master suite on the first floor. 6. 3 no. rooflights within the west facing roof slope above the lounge. 7. Over clad the existing brickwork with monocouche render. 8. Replace and/or create new adjacent terracing and areas of hard and soft landscaping.

**Number:** CB/17/03017/FULL  
**Type:** Full Application  
**Date:** 16/08/2017  
**Decision:** Full Application - Granted

**Application:** Planning  
**Validated:** 23/03/2017  
**Status:** Decided  
**Summary:**  
**Description:** Lawful Development Certificate Proposed: Proposed ancillary outbuilding with new hardstanding

**Number:** CB/17/01452/LDCP  
**Type:** Lawful Development Cert - Proposed  
**Date:** 19/05/2017  
**Decision:** Lawful Dev - Proposed - Granted

## Consultees:

Aspley Guise Parish Council      No response received.

Pollution Team      No comment.

Internal Drainage Board      No comment.

## Other Representations:

Neighbours  
11 Downham Road,  
Woburn Sands      Support (Summary)  
As users of the adjacent footpath we are pleased to see the removal of the dilapidated tennis court and enhancing the site.  
Improvement to appearance, landscape and ecology within the site.

## **Determining Issues:**

The main considerations of the application are;

- 1. Principle**
- 2. Affect on the Character and Appearance of the Area**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

## **Considerations**

- 1. Principle**
  - 1.1 The application site is located within the Green Belt, and is within the Green Belt infill boundary of Aspley Guise. Therefore Section 9 of the National Planning Policy Framework (NPPF) and Policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (CSDMP) are key considerations in the determination of this application.
  - 1.2 Section 9 of the NPPF explains that the government places great importance on the protection of Green Belts. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
  - 1.3 Paragraph 88 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'very special circumstances' will not exist unless the harm that would be caused to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
  - 1.4 Paragraph 89 explains that the construction of new buildings should be regarded as inappropriate development, unless it falls within the provided list of exceptions. The applicant is relying on exception 5: limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.
  - 1.5 However, the preamble to policy DM6 defines infill development as small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development. The application site forms part of the rear garden of the existing dwelling.
  - 1.6 The glossary provided in the NPPF makes it clear that residential gardens do not fall within the definition of brownfield or previously developed land. Paragraph 53 advises Local Planning Authorities to consider setting out policies to resist inappropriate development of gardens, for example where development would cause harm to the local area. Policy CM13 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (CSDMP) requires new development to respect the local context.

- 1.7 San Remo Road is predominantly linear in form, whilst it is acknowledged that the residential dwellings to the eastern end of San Remo Road are larger and benefit from wider separation they still generally conform to the linear pattern of development. As the proposed dwelling would be sited to the rear of the existing dwelling it would not follow the existing linear form of development and would be out of keeping with the surrounding pattern of development. The proposed dwelling also does not "infill" a gap between existing residential properties, rather it proposes a backland development, as such the proposal is not considered to constitute an "infill" development.
- 1.8 There are two other exceptions within paragraph 89 of the NPPF. The replacement of a building, provided that it would be in the same use and would not be materially larger which is not applicable in this case and the partial or complete redevelopment of previously developed land (brownfield land). However, as earlier stated, the site is currently within the residential curtilage of another dwelling and therefore is specifically excluded from the definition of previously developed land.
- 1.9 The applicant makes reference to the fact that an outbuilding has been permitted under a lawful development certificate ref: CB/17/01452/LDCP for a building of a similar footprint located in a similar location within the plot. This confirms that the site does constitute the rear garden of The Quarry House, and as such the proposed is considered to be a "backland" development as opposed to an "infill" development.
- 1.10 Whilst the proposal is not considered to be an infill development, considering the position of the proposed dwelling outside of the existing linear form of development the proposal is a clear encroachment into the open countryside and would result in detrimental harm to the openness of the Green Belt.
- 1.11 As the proposal would not meet any of the exceptions provided within paragraph 89 of the NPPF, it would constitute inappropriate development within the Green Belt. There is also a concern that allowing this form of development within the infill boundary would set a precedent for future backland development within the Aspley Guise infill boundary, which cumulatively would have a significant and detrimental impact on the character of the area and the openness of the Green Belt.
- 1.12 The planning statement labelled as the "resubmission cover letter" submitted with this application refers to a number of recent appeal decisions within Aspley Guise in an attempt to justify this proposal. However, each application must be dealt with on its own merits. Notwithstanding this statement the sites subject to the successful appeals which have been quoted in support of this application (CB/17/00944 - Valentine Cottage, CB/16/00211/FULL - Woodcote and most recently CB/17/05028/FULL - Timber Ridge) are considered to be significantly different in their setting. All of these application sites are either to the side of existing dwellings and follow the linear form of existing surrounding development

(Valentine Cottage) or are entirely surrounded by residential development on all sides (Woodcote and Timber Ridge) as such their impact on the openness of the Green Belt is significantly reduced in comparison to the application site subject to this application which is only bordered by residential properties to the south. Whilst it is noted that a number of appeal decisions have previously allowed infill development to the rear of residential plots (as with the Timber Ridge appeal) it must be established that by allowing such development there is no harm to the Green Belt. In this specific application, as outlined throughout this report, the development proposed would result in an undue detrimental impact on the openness of the Green Belt.

- 1.13 The proposed application is very similar to application reference CB/17/05028/FULL made for the same site, which was refused for the reasons as set out above. This subsequent application does not appear to have addressed the refusal reasons of the original application.
- 1.14 The removal of the existing tarmac tennis court, whilst noted, is not considered to provide a substantial net gain in openness of the Green Belt. Whilst the proposed dwelling would have a reduced footprint in comparison to this tennis court it would have a significantly increased, height, bulk and mass and as such would be harmful to the openness of the Green Belt. For the reasons outlined above the removal of the existing tennis court does not constitute very special circumstances.
- 1.15 No very special circumstances have been established to outweigh the harm that would be caused to the Green Belt by the proposed development. As such, the proposal is considered to conflict with Section 9 of the National Planning Policy Framework and Policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North) and would result in inappropriate development which, by definition, would result in detrimental harm to the openness of the Green Belt. As such the proposal is considered to be unacceptable in principle.

## **2. Impact on the Character and Appearance of the Area**

- 2.1 The proposed dwelling would be of a modern design, similar to the previously approved remodelling and extensions to "The Quarry House".
- 2.2 This area of Aspley Guise is characterised by the linear built form of the existing residential dwellings along San Remo Road. The siting of the proposed dwelling is considered to constitute backland development which is out of keeping with the general built form of this area of Aspley Guise. Therefore, the proposal would not respect the existing pattern of surrounding development, this break in the existing development pattern is considered to be detrimentally harmful to the character and appearance of the area through its encroachment into the open countryside.
- 2.3 The existing site is defined by a sense of openness given it's Green belt location, the proposed dwelling, through significantly increasing the built form of the site is

considered to result in undue, detrimental harm to the openness of the Green belt and to the character and appearance of the area.

- 2.4 It is considered that the proposal would result in a detrimentally harmful impact on the character and appearance of the area and that it is therefore in conflict with policies in the Core Strategy and Development Management Policies Document dated 2009, Chapter 7 of the NPPF and the Central Bedfordshire Design Guide.

### **3. Neighbouring Amenity**

- 3.1 The proposed dwelling would be sited to the rear of "The Quarry House" in a small valley, as such the ground level is considered to be significantly lower than the ground level of neighbouring dwellings. The dwelling would be sited a minimum of 25 metres from the rear of the neighbouring property to the east at "The Quarry House" and a minimum of 34 metres from the rear of the neighbouring property to the south at "The Orchard".
- 3.2 The separation distances from these two neighbouring properties is considered to be adequate, as such and considering the difference in ground levels the proposed dwelling would have no impact on these neighbouring properties in terms of loss of light or privacy and it would not appear as unduly overbearing.
- 3.3 All other neighbouring properties are considered to be far enough removed from the application site for the proposal to have no impact on neighbouring amenity.
- 3.4 In conclusion, the proposed dwelling is considered to have an acceptable impact on neighbouring amenity.

### **4. Highways**

- 4.1 Access to the site is proposed utilising the existing driveway, front garden, and gated rear access of "The Quarry House". This is an established access, due to the nature of the proposal the intensified use of the existing access would not be as such to result in an unacceptable impact on highways safety.
- 4.2 The application site benefits from an extensive frontage which could easily accommodate the parking required for this size of dwelling.
- 4.3 The proposal is not considered to have an undue impact on highway safety subject to condition.

### **5. Other Considerations**

#### **5.1 Ecology:**

The site is within the Greensand Ridge and the green roof provides a welcomed opportunity to deliver net gains for biodiversity. Therefore the proposal is considered to have a positive impact on biodiversity and is considered to be acceptable in this regard.

## 5.2 Human Rights issues:

The development has been assessed in the context of human rights and would have no relevant implications.

## 5.3 Equality Act 2010:

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

### **Recommendation:**

That Planning Permission be **REFUSED** subject to the following:

### **RECOMMENDED REASONS**

- 1 The site is located in the South Bedfordshire Green belt, within the infill boundary for Aspley Guise. The proposal does not constitute infill development as it would comprise backland development on an existing residential garden. The proposed development would be, because of its siting and excessive bulk, height and scale, materially more harmful to the openness of the Green Belt and character and appearance of the area than the existing use as garden land and as such constitutes an undesirable, backland form of development. No Very Special Circumstances have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual amenity and openness of the Green Belt. As such the proposal is considered to represent inappropriate development and would therefore be harmful to the Green Belt by definition. The proposal is thus contrary to Sections 7 and 9 of the National Planning Policy Framework and policies DM3 and DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North).
- 2 The proposal would involve backland development without adequate road frontage resulting in an unsatisfactory standard of development which would conflict with the existing form of surrounding development, as such the proposal would result in a significant undue impact to the character and appearance of the surrounding area. The proposal is therefore contrary to the principles of good design set out in Policy DM3 of the North Core Strategy and Development Management Policies 2009 and Chapter 7 of the National Planning Policy Framework.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework



(paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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