

16/00432/FUL**63 BARLING ROAD, GREAT WAKERING, SS3 0QG****ERECT SINGLE STOREY REAR EXTENSION WITH ROOF LANTERNS****APPLICANT: MR AND MRS LINDBERG****ZONING: METROPOLITAN GREEN BELT****PARISH: GREAT WAKERING PARISH COUNCIL****WARD: FOULNESS AND GREAT WAKERING****1 PLANNING APPLICATION DETAILS**

- 1.1 This application relates to a proposed single-storey flat roofed rear extension to a two-storey detached dwelling, located on the west side of Barling Road. The application site is situated on land which is allocated as Metropolitan Green Belt.
- 1.2 The proposal is the same as that included under the previously refused application from 2015 (reference 15/00259/FUL), which was subsequently dismissed at appeal. Although usually a delegated matter, the application is brought before the Committee because if Members accept the recommendation, officers consider it necessary for the applicants to enter into a legal agreement with the Council forsaking existing development rights, which requires a resolution from this Committee.
- 1.3 The proposed rear extension would be to the same 3.1m depth as an existing rear extension, to which it would be attached. The extension would have a width of 6.15m and a height of 3.1m. The rear extension would cover a total floor area of approximately 19.1 square metres. The rear elevation would feature a 4.2m wide set of folding doors. The southern side elevation would contain a 1.85m wide window. The proposed materials would match those of the existing dwelling, consisting of white rendered walls and a flat felted roof. The proposed windows/doors would be white coloured wood or uPVC.
- 1.4 This application, following the dismissed appeal, includes a proposed Legal Agreement which would be instated, should approval be granted for the proposed rear extension. The Legal Agreement details that should this application be approved then the garage, which was approved during 2009 (reference 09/00437/FUL) would not be constructed. The approved garage addition, if constructed, would include a single-story flat roofed addition, which would be attached to the dwelling, located on its front elevation to the northern

end of the property. The previously approved garage would include a total floor coverage of approximately 39.9 square metres.

2 THE SITE

- 2.1 The application site is located on the west side of Barling Road, on a corner plot adjacent to the junction with Rebels Lane. The site is located within the Metropolitan Green Belt. The site is located within a grouping of residential properties, which is surrounded by open land in all directions. The application site is surrounded by residential development to the north, east and west but to the south is a vast area of open land.
- 2.2 The property is two-storey and dates from the early 1900s and has been subsequently extended on a number of occasions. The property benefits from a large rear garden area, which is enclosed by dense, mature vegetation, which reaches a height of approximately 2.5 metres. In addition to this is a low level open weave wire fencing, which measures approximately 1.0 metre in height.
- 2.3 The surrounding properties on Barling Road are largely bungalows, many of which have extended into the roof space; there are also some two-storey dwellings located on Rebels Lane in close proximity to the application site. The neighbouring properties which share a boundary with the application site are a property known as 'Shirley' fronting Barling Road, which is a chalet style bungalow property and a property known as 'West Mayes' which is a bungalow fronting Rebels Lane. The host property is set very slightly forward from the neighbouring property 'Shirley' to the north and is orientated at 90 degrees to the neighbouring property 'West Mayes' to the west.

3 RELEVANT PLANNING HISTORY

- 3.1 Available planning history indicates that the property was originally constructed in the early 1900s and has been subsequently extended on a number of occasions. Council records from a 1968 planning application provide evidence that the floor space of the property at that time measured at approximately 110 square metres. This is the earliest identified floor space of the property and is therefore to be deemed as the original sizing of the dwelling.
- 3.2 Details of the most recent planning history, relevant to the currently pending application are included below:-
- 3.3 Application 09/00437/FUL - Single Storey Flat Roofed Extensions to Both Sides Incorporating Balcony to Southern Elevation, Single Storey Flat Roofed Rear Extension and Provision of New Pitched Roof Over Existing Two Storey Side Addition Including Raising of Walls.

Application Permitted

- It appears from the plans submitted as part of this current application, aerial imagery and a recent site visit that all but the double garage side addition included within this application has been implemented. Subsequent to the decision it was discovered that a garage, which formed a significant part of the proposal, could not be built due to the presence of an Anglian Water manhole and drains.

3.4 Application 13/00226/NMA - Application for a Non-Material Amendment to Approval 09/00437/FUL to Omit Front Garage Extension and to Revise Window Details

Split Decision - NMA Part Permitted Part Refused

- The front garage was not permitted to be omitted from the plans through this application; as such an alteration was considered to be a material amendment.

3.5 Application 13/00324/FUL - First Floor Pitched Roof Extension to Southern Elevation, Single Storey Flat Roofed Rear Extension and Provision of New Pitched Roof Over Existing Two Storey Side Addition Including Raising of Walls (Revised application following approval of 09/00437/FUL and split decision of non-material amendment application 13/00226/NMA).

Application Permitted

- Through this application it was permitted to omit the garage structure, proposed in 2009, from the plans. However, it is also noted within the application that sections of the proposal approved in 2009 had either been constructed or were under construction. Therefore the 2009 application (reference 09/00437/FUL) had been started and therefore remains valid.

3.6 Application 14/00899/FUL - Raise Walls and Add Pitched Roof to Existing Garage Annex, Change Garage to Habitable Accommodation With Alterations to Elevations

Application Permitted

- This application appears to have been implemented. It does not include any development in the space occupied by the garage proposed in the 2009 application.

3.7 Application 15/00259/FUL - Construct Single Storey Flat Roofed Rear Extension

Application Refused

Appeal Dismissed

- This application was refused by Rochford District Council for the following reason:-

The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt and the proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. Within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policy DM17 of the Development Management Plan or other policy compliant exceptions). Any development which is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.

Policy DM17 of the Development Management Plan provides that the total size of a Green Belt dwelling as extended, including any extension which may have previously been added, will not normally exceed the original floor space by more than 25%. The proposal would add floor space that would, together with previous additions, greatly exceed this policy limit. The proposal is considered excessive, rather than reasonable, resulting in a substantial change in the appearance and character of the property having a significant impact on the openness of this part of the Green Belt contrary to local and national planning policy.

The subsequent appeal was dismissed in line with the Council's decision. The proposal was concluded to be inappropriate development within the Green Belt due to its excessive scale and the harmful effect upon the openness of the Green Belt.

It is, however, noted within the Planning Inspectorate's decision that the proposed single-storey attached double garage included within the application granted permission in 2009 (reference 09/00437/FUL) had not been implemented. It had been suggested by the applicant that should the proposed single storey rear addition be granted then they would not build the garage extension, which would be more prominent on the property. The Planning Inspectorate stated that the implementation of an existing permission cannot be prevented by a condition attached to a subsequent permission and that with the lack of a suitable mechanism in which to prevent the construction of the garage they were not able to allow the appeal as it could result in the construction of both of the developments.

4 CONSULTATIONS AND REPRESENTATIONS

- 4.1 There have been no comments received in relation to this application.

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The site is located within the Metropolitan Green Belt. The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. Within the Local Plan the area was also designated as Rural Settlement Area within the Green Belt and proposals for residential

extensions were afforded much less restriction than those to Green Belt dwellings outside such areas.

- 5.2 The adoption of the Allocations Plan during 2014 removed the status of Rural Settlement Areas, in which the application site would have previously been classified, and the property became subject to district wide Green Belt policies regarding domestic extensions.
- 5.3 As the site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014), the proposal needs to be assessed against local Green Belt policies and in relation to the National Planning Policy Framework. There is a general presumption against inappropriate development within the Green Belt and development should not be approved, except in very special circumstances (shown in paragraphs 79-92). Inappropriate development is, by definition, harmful to the Green Belt.
- 5.4 The Government attaches great importance to Green Belts. 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.
- 5.5 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.
- 5.6 Paragraph 89 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt; with the exception of extensions that do not result in disproportionate additions over and above the size of the original building.
- 5.7 The NPPF should be considered alongside the Council's Development Plan policies. Of particular relevance to this proposal is Development Management Policy DM17, which reads as follows:-

Applications for extensions to dwellings in the Green Belt will be considered favourably provided that the proposal would result in no more than a 25% increase in internal floor space of the original dwelling, and provided that:-

- (i) the proposal does not involve a material increase in the overall height of the dwelling; and
- (ii) the proposal has been designed so as to avoid a negative impact on the character and appearance of the Green Belt through its scale, mass and orientation.

Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature

conservation interests are protected.

Any grant of planning permission will be conditioned to remove permitted development rights which would allow the dwelling to be extended in order to control their scale, appearance and impact.

- 5.8 The property had been previously extended by a vast extent before the implementation of the current Allocations Plan, whilst it was still considered to be within a Rural Settlement Area, which included more relaxed controls. Council records from a 1968 planning application provide evidence that the then floor space was approximately 110m². Previously approved applications, as detailed above, have allowed the internal floor space of the property to be increased to approximately 310 square metres. This represents an approximate 182% increase upon the original floor space of the property. Although the previous additions to the property pre-date the current policy, they are still to be taken into consideration under the current policy guidance as additions to the dwelling in excess of the acceptable 25% increase.
- 5.9 The proposed extension the subject of this application would include an internal floor space of approximately 19.1 square metres. This would take the internal floor space of the property to approximately 329.1 square metres, which would represent an overall increase upon the original floor space of the property of approximately 199.2%. Under the current policy guidance the proposed addition would therefore be deemed as inappropriate development within the Green Belt, causing an unacceptable level of impact upon its character and openness.
- 5.10 As noted above, the application reference number 09/00437/FUL includes a flat-roofed front and side addition which would take the use of a double garage. To date, this section of the application has not been implemented. It is considered that this application remains valid as the other sections of the application have been instated and therefore it can be deemed that works included within the application have been started and the application would not have expired under the usual three year time condition. The proposed garage included within this application would cover an area of approximately 39.9 square metres and would be located in a more prominent position on the property in relation to impact upon the street scene.
- 5.11 Within the submitted documentation, the applicant has put forward an offer in which, should the currently pending application for the rear addition be approved, the previous outstanding permission for the front double garage would be sacrificed as part of a Legal Agreement, approved by all parties involved.
- 5.12 This concept was originally brought forward during the appeal attached to the previously refused application for the same development as currently proposed (15/00259/FUL). Within the appeal the Planning Inspectorate considered the proposal to revoke the right to build the garage on the front elevation of the dwelling, but came to the conclusion that the construction of a

previously granted planning permission could not be prevented by a condition attached to a subsequent permission and that with the lack of a suitable mechanism in which to prevent the construction of the garage they were not able to allow the appeal as it could result in the construction of both of the developments. The proposed Legal Agreement has been brought forward as a solution to this issue as part of a fresh application.

- 5.13 The previously approved garage structure would not count towards any addition of internal floor space of the property as it is not considered to be a habitable area. Therefore with regard to policy DM17 of Rochford District Council's Development Management Plan the proposed rear addition would be considered to offer a more significant addition in terms of the growth of the habitable floor area of the dwelling. However, the garage structure would result in a ground coverage of approximately 20.0 square metres greater than that of the proposed rear addition and, although it would not add to habitable floor space, it could therefore be considered to have a greater impact upon the openness and visual amenity of the Green Belt than the proposed development.
- 5.14 The previously approved garage would include a flat roof design, measure approximately 7.1 metres in width and 5.7 metres in depth and would be positioned on the front elevation of the property within an existing recess. In contrast to this the proposed rear addition would measure approximately 6.1 metres in width and 3.1 metres in depth and would be positioned to the rear of the property within an existing recess to the dwelling. Akin to the previously approved development the addition would include a flat roof design.
- 5.15 The rear garden area of the property is largely screened from view from the surrounding public and private areas by a dense and mature hedging, which currently reaches quite an excessive height. It should, however, be noted that vegetation cannot be considered to have any permanence. Furthermore, in paragraph 79 of the NPPF, 'openness' broadly means an absence of buildings or development, regardless of how obtrusive or screened they may be.
- 5.16 In comparison to the previously approved development, the proposed rear addition would cover a far smaller area and would be positioned on a less prominent position on the property, when viewed from the street scene. It is therefore considered that the proposed development would have a lesser impact on the character and openness of the Green Belt than the previously approved development and would therefore be a preferable development for the location.
- 5.17 The proposal includes a relatively modest single-storey rear extension, which would not protrude further in any direction than the existing built form on the site. The addition would cause a less than significant impact upon the appearance of the dwelling and the extension would not create a prominent feature on the property. In increasing the amount of built development the proposed scheme would have an impact on the openness of

the area, albeit, with regard to its single storey form, modest size and footprint, that impact would be limited and considered to be lessened compared to that of the previously approved form. It is therefore considered that the proposed development would be acceptable as an alternative to the previously approved garage structure, subject to an approved Legal Agreement which would prohibit the right to complete the construction of the previous approval.

- 5.18 The proposed addition would adhere to the other requirements included within Policy DM17, as the proposed roof would not exceed the ridge height of the existing dwelling and the design, appearance and locality of the addition are not considered to have any significant unacceptable impact upon the street scene, residential amenity or character of the Green Belt.
- 5.19 In line with policy DM17 due to the extent to which the property has been previously extended, plus the further extensions to the dwelling included within this application, it has been deemed appropriate to include a condition on the decision notice to remove the property's Permitted Development Rights. This is to protect the Green Belt from further development to the detriment of its open character.
- 5.20 Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in policy DM1 of the Rochford District Council Local Development Framework Development Management Plan (2014), which states that 'the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity'.
- 5.21 The proposed addition would extend upon an existing addition to the rear of the property and would therefore relate well to the existing built form of the dwelling. It is therefore considered that the proposed rear addition would complement the design of the existing dwelling and would not cause an unacceptable impact on the visual amenity of the area or the character of the area as a whole.
- 5.22 The proposed materials of the rear addition would either match or complement those of the existing dwelling adhering to the guidance set out in the Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design. The materials used would therefore cause no negative impact on the visual amenity of the property or the character of the area as a whole.
- 5.23 The property has a substantial garden area, which would not be negatively impacted by the addition of the extension and would exceed requirements for minimum garden size, as set out in Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design.

- 5.24 The proposed extension is single storey and therefore it is not considered that the development would have any unacceptable impact on the amenity of the neighbouring properties in terms of overshadowing, overbearing impact or overlooking. The development is therefore deemed compliant with part (ix) of Policy DM1 which requires the avoidance of overlooking structures, ensuring an adequate level of privacy is maintained for neighbouring properties and the promotion of visual amenity.
- 5.25 The proposed windows on the rear elevation of the extension would result in views down the garden and no direct overlooking to the immediate area to the rear of neighbouring properties and as such are not objectionable. The proposed windows on the south facing side elevation would give views to Rebels Lane and the following area of open land. There are no residential dwellings to this side of the application site. Therefore there would be no issues of privacy caused.
- 5.26 The proposed single-storey addition would be located within an existing recess on the south side of the rear of the property. Therefore the development would not be viewable from the neighbouring property known as Shirley and would not cause any additional impact. The neighbouring property to the rear of the site known as West Mayes is situated at a 90° angle to the host dwelling, with a separation between the built forms of approximately 18.0 metres. Due to the modest proportions of the proposed addition and the positioning of the dwellings it is not considered that there would be any unacceptable impact on this neighbouring dwelling.
- 5.27 In order to protect the privacy of the neighbouring dwellings it is considered necessary to include a condition to ensure that the flat roofed structure of the proposed addition is not utilised as a further balcony space on the rear of the property.
- 5.28 No comments have been received from neighbouring properties in relation to this application.
- 5.29 The proposal would not likely result in harm to bats or any other protected species.

6 CONCLUSION

- 6.1 It is considered that the proposed addition would cause less of a visual impact on the property than the previously permitted double garage (approved under Council reference number 09/00437/FUL). It is therefore considered that the proposed rear extension would be an acceptable addition to the property, subject to the grant of permission being the subject of a Legal Agreement, in which the applicants would waive rights, including compensation for loss of development rights to implement the previously approved garage structure.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That the application be approved, subject to the completion of a legal agreement under Section 106 of the Act in which it would be agreed that any incomplete elements of the old planning permission (reference 09/00437/FUL) would be abandoned indefinitely, whether commenced or not, and that any past and/or future compensation rights under the various planning legislation relating to the old planning permission insofar as would be payable by the Council would be surrendered.

Further to the required Legal Agreement it is recommended that the below conditions are attached to any prospective approval of this application:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The external facing materials shall match the existing parts of the building or site and/or be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- (3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2016 (including any Order revoking or re-enacting that Order, with or without modification) no further extensions or out buildings shall be erected on any elevation of the property or within the surrounding curtilage.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions, in the interests of protecting the open character of the Metropolitan Green Belt.

- (4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B or Class C, of the Town and Country Planning (General Permitted Development) Order 2016 (including any Order revoking or re-enacting that Order, with or without modification) no balustrading, or similar means of enclosing any part of the roof area (including any roof void) of the extension hereby permitted, shall be erected (or otherwise

installed), nor shall any part of the said roof area be used as a balcony, roof garden, amenity or other sitting out area or similar purpose.

REASON: To enable the Local Planning Authority to retain adequate control over such development.

The following informatives should also be included on the decision notice:-

- (1) Prior to commencement of the permitted development the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

- (2) The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton
Managing Director

Relevant Development Plan Policies and Proposals

National Planning Policy Framework

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – GB1, CP1, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014 - DM1, DM17, DM30

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

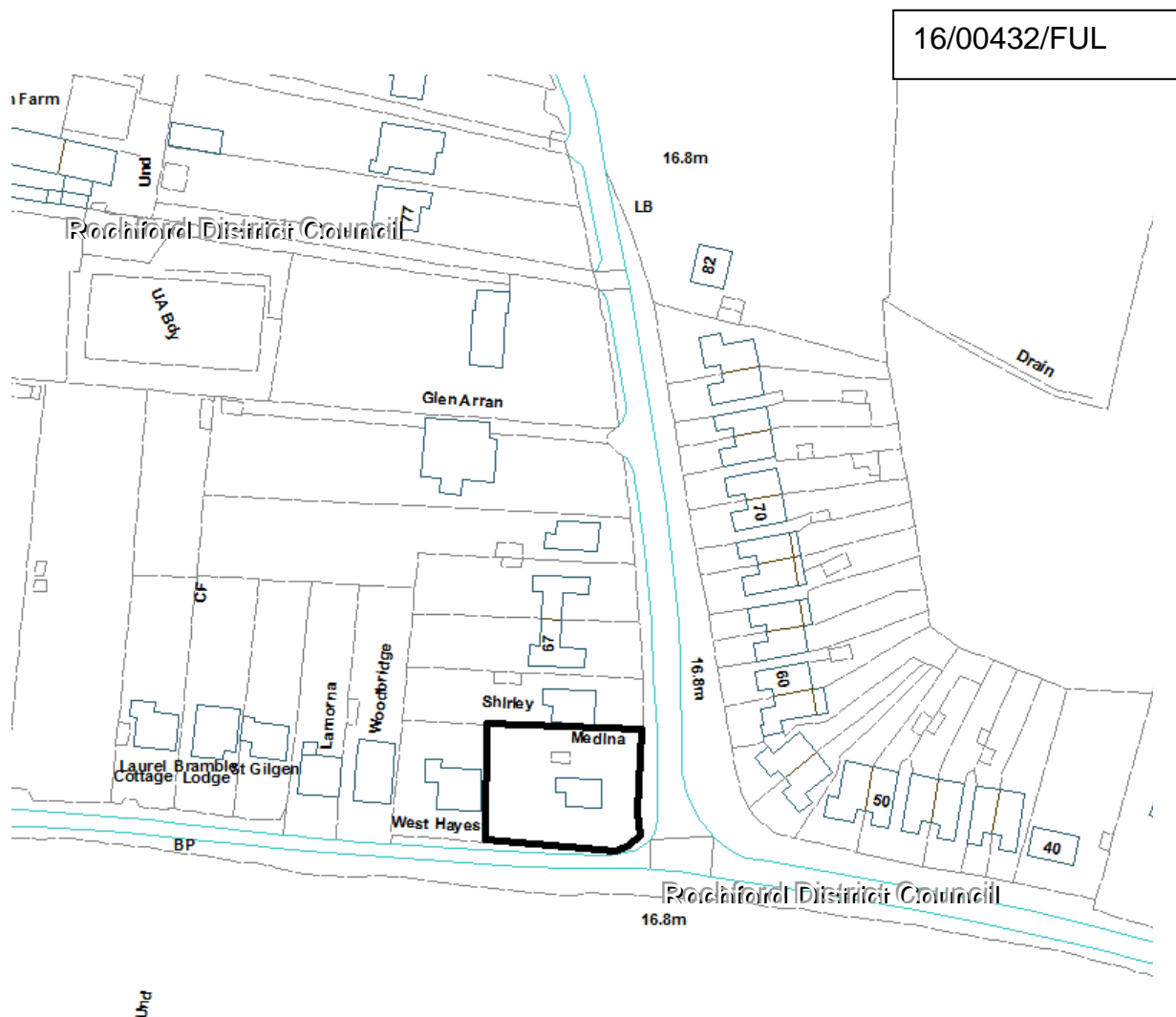
Parking Standards Design and Good Practise (2009)

For further information please contact Holly Ripp on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.



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