

Application No: 13/2051C

Location: RUE MOSS COTTAGE, BACK LANE, SMALLWOOD, SANDBACH, CHESHIRE, CW11 2UN

Proposal: First floor extension (Resubmission of 13/0766C)

Applicant: Mr R Stockwell

Expiry Date: 11-Jul-2013

**SUMMARY RECOMMENDATION:**

**REFUSE**

**Main issues:**

- The principle of development
- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity
- The impact upon protected species

**REASON FOR REFERRAL**

This application was deferred from Southern Planning Committee on the 26<sup>th</sup> June 2013 because the Members wanted a clearer understanding of the planning history of the site and also sought a site visit.

The application was originally called in to Southern Planning Committee by Councillor John Wray for the following reasons;

- *'The extension proposal is not disproportionate to the size of existing dwelling.*
- *Other similar extensions in the area much larger than this have been approved. The footprint of the property is not increased by this proposal.*
- *There is no objection from the Parish Council or neighbours, who actually support this modest extension.*
- *The extension is essential to accommodate the needs of a growing family to provide separate bedroom accommodation for the children.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a detached, two-storey dwelling located on land north of Back Lane, Smallwood within the Open Countryside and Jodrell Bank Radio Telescope Consultation Zone.

The property has an open brick finish, white uPVC fenestration and a dual-pitched pain grey tiled roof.

## **DETAILS OF PROPOSAL**

Revised plans have been submitted for a first floor domestic extension.

The proposed extension would measure approximately 3 metres in depth, 7 metres in width and would have a dual-pitched roof approximately 2.8 metres in height and 5.6 metres in height from ground floor level.

The original submission consisted of a hipped roof.

This proposal is a re-submission of withdrawn application 13/0766C which was to be recommended for refusal by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would have been contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It was also considered that the proposal would have been contrary to the NPPF.

## **RELEVANT HISTORY**

**13/0766C** - First Floor Extension – Withdrawn 15<sup>th</sup> April 2013

**05/0094/FUL** - Proposed two storey extension comprising sitting room and bedroom – Approved 7<sup>th</sup> April 2005

**34494/3** - Proposed stables – Approved 5<sup>th</sup> July 2002

**30643/3** - Detached double garage & porch for domestic use – Approved 26<sup>th</sup> February 1999

**28571/3** - Change of use of existing rural building and agricultural land to single dwelling with domestic garden – Approved 26<sup>th</sup> November 1996

**25983/5** - Application for certificate of lawfulness in respect of the proposed use of rue moss cottage as a dwelling – Negative certificate 9<sup>th</sup> March 1994

**24118/1** - To provide retirement cottage/bungalow – Withdrawn 20<sup>th</sup> March 1992

## **POLICIES**

### *National policy*

National Planning Policy Framework (NPPF)

### **Local Plan policy**

PS8 – Open Countryside

GR1 – New development

GR2 – Design

GR6 – Amenity and Health

H16 – Extensions to Dwellings in the Open Countryside and Green Belt

NR2 – Wildlife and Nature Conservation – Statutory Sites

## **CONSULTATIONS (External to Planning)**

**University of Manchester (Jodrell Bank)** – No objections

**Public Rights of Way (PROW)** – No objections, but would like to remind the applicant of their responsibilities

## **VIEWS OF THE PARISH COUNCIL:**

**Smallwood Parish Council** – No comments received at time of report

## **OTHER REPRESENTATIONS:**

No comments received at time of report

## **APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement

## **OFFICER APPRAISAL**

### **General Information**

On November 26<sup>th</sup> 1996 planning permission 28571/3 was granted to change the use of this rural building and a portion of surrounding land into a dwelling and domestic garden. It has been calculated that this dwelling, as approved in 1996, measured approximately 277.13 metres cubed in volume.

Since the approval of this domestic use, 5 planning applications have been received that relate to the dwelling. These applications relate to both extensions and outbuildings.

In February 1999, planning permission was granted for a detached double garage and the addition of a porch to the dwelling. This porch was subsequently consumed by a later addition.

In July 2002 planning permission was granted for a stable block consisting of 2 stables, a hay store and a tack room.

In April 2005 planning permission was granted for a two-storey extension and a conservatory.

It has been calculated that the two-storey aspect of the development measured approximately 71.75 metres cubed and the conservatory measured approximately 25.06 metres cubed.

In total, the 2005 addition measured approximately 96.81 metres cubed which represented an approximate 35% increase in the volume of the original dwelling as approved in 1996.

In April 2013, planning permission was sought for a first floor rear extension. This application was subsequently withdrawn as the applicant was advised during the application process that the application would be recommended for refusal due to the fact that the dwelling had already been extended beyond that recommended by the Congleton Local Plan Open Countryside policy subtext (30%). Furthermore, the first floor addition did not include a drop in ridge height compared to the main unit, a feature usually sought in order for the development to appear subordinate to the associated house.

The applicant now seeks to re-apply for this first floor extension that, when considered in conjunction to the previous applications at this dwelling, would represent an approximate overall increase of 50% in the original dwelling's volume.

### **Principle of Development**

The applicant's property is located within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005. As such, the determination of the application is dependent on its compliance with Policy PS8 (Open Countryside) and general policies; H16 (Extensions to Dwellings in the Open Countryside and Green Belt), GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and NR2 (Wildlife and Nature Conservation – Statutory Sites) of the Local Plan.

Paragraph 17 of the NPPF details the core principles of sustainable development. It is stated; inter alia that planning should recognize *'the intrinsic character and beauty of the countryside.'* It is also a principle that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'* As such, the NPPF supports the Local Plan policies that apply in this instance.

Policy H16 of the Local Plan advises that within the Open Countryside the original dwelling must remain as the dominant element with the extension subordinate to it. To help ascertain this dominance, the policy subtext advises that *'A large extension may, if approved, lead to a loss of identity of the original dwelling and could be tantamount to the erection of a new dwelling in the countryside which would not normally be permitted. In the context of this policy a 'modest' extension would normally comprise in the region of a 30% increase in the volume.'*

Within the Officer's report relating to the last extension at this property in 1996 (Application number 05/0094/FUL), it was advised that *'...The proposal will involve an increase in volume of approximately 30%...'*

When taking the previous additions and demolitions into consideration, combined with the current proposal, the development would represent an approximate 50% increase in the volume of the original property.

As such, it is considered that the proposed development, when considered in conjunction to previous extensions, would lead to a loss of identity of the original dwelling and could be deemed to be tantamount to the erection of a new dwelling in the countryside. As such, it is considered that the proposed extension is contrary to Policy H16 and subsequently Policy PS8 of the Local Plan and would be unacceptable in principle.

## **Design Standards**

Notwithstanding the above, the proposed extension would not appear subordinate to the existing dwelling as its ridge height would mirror the height of the existing roof. It is normal practice to opt for a lower ridge height in order to create a subordinate appearance.

It would be constructed from materials and finishes that would match the main dwelling (exposed brick, a grey concrete tiled, dual-pitched roof and white uPVC fenestration) and it is acknowledged that it would not be readily visible from the streetscene as the dwelling is situated well away from the closest road. However, this would not outweigh the harm to the character and appearance of the Open Countryside and the loss of the identity of the original dwelling.

Also, in particular, Paragraph 64 states that, *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

In this instance, it is considered that the cumulative increase in size of this dwelling would have a detrimental impact upon the character and quality of this rural area and as such, it is deemed to be contrary to the design aspect of the NPPF.

## **Amenity**

The closest neighbouring unit to the development site is Rue Moss Hall which would be located over 50 metres away from the proposed development.

As a result of this separation distance, it is not considered that the proposed development would create any neighbouring amenity issues and would adhere with Policy GR6 of the Local Plan.

## **Nature Conservation**

The Council's Nature Conservation Officer has advised that he considers that there would be no protected species concerns with the proposal. As such, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

## **Other Matters**

The land edged red on this site location plan includes land which is considered to be outside of the lawful domestic curtilage of the property. This application is a householder proposal, which does not seek consent for or infer any change of use of land to domestic curtilage and it is recommended that an informative to this effect is added to the decision notice.

## **CONCLUSIONS**

The property is located within the Open Countryside where extensions to dwellings are permitted provided that they are modest and do not result in a loss of the character and identity of the original dwelling.

Modest extensions are defined as being in the region of a 30% increase in the volume of the original dwelling. This proposal, when taken cumulatively with previous additions would result in a 50% increase and a loss of the identity of the original dwelling contrary to Local Plan Policy H16.

Furthermore, the design of the proposal is such that it would not appear subordinate which would exacerbate this problem and would detract from the character and appearance of both the property itself and the surrounding Open Countryside, contrary to Policy GR2 of the Local Plan.

Whilst the dwelling is well screened from the public road, and the proposal is acceptable in terms of its impact upon amenity and protected species, this does not outweigh the concerns outlined above and accordingly it is recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE** for the following reasons;

1. The proposed extension by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original

dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would be contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It is also considered that the proposal would be contrary to advice within the NPPF.

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