



Planning Consult
Designing for your future

HILLSIDE HOUSE

Report for Relaxation

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1.0 Application Details.

Location: Hillside House Hillside Lane

Type: Listed Building and Planning Application

Name of Applicant: Dr S Abernethy

Name of Agent: Planning Consult Ltd.

Planning Number: N/A

2.0 The Proposal

The proposal is to build a single storey rear extension to allow more living space within the property, and to improve safety for the occupants by providing a second exit door. There is little or no data relating to original buildings on the property; however this report will outline what is known and can be used as a guide to Planning Officers in determining a favourable outcome in respect of this application for Planning.

3.0 National Planning Policy.

9. Protecting Green Belt land

79. 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.

(It is considered that the development of Hillside House does not conflict with this policy)

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

(It is considered that none of the above applies to the small extension to Hillside house)

87. **As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.**

88. 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.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- Buildings for agriculture and forestry;(N/A)
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;(N/A)
- **The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**
 1. We believe that the proposed alteration to Hillside House is not disproportionate: there is no established definition of what is disproportionate in terms of percentage in National policy, which is the reference by which local authorities should currently be guided. Therefore it would be argued that the size of the extension would not be disproportionate in respect to the surrounding area and the size of buildings both adjacent and in the immediate vicinity, therefore would not be a disproportionate in terms of the Local Development Framework. We believe disproportion has to be taken in context, not only from the host property but within the terms of the surrounding area and therefore in context the proposal should be supported.
 2. As an extreme example to harmful additions would easily be defined by a bungalow on an estate, in greenbelt, and the dwelling was to increase both in height and size, it could be said that this would be harmful to the street scene and would increase the size disproportionately to that of the original dwelling.
 3. It is a requirement that the Local Planning Authority should in their capacity aim to aid development in a bid to boost the local Economy. All concerned have agreed that what the client is asking for is not unreasonable but feel bound by Policy, however in their capacity they have a duty not to burden development and should look to ways to negotiate and use policy to advantage rather than using it to disadvantage and ultimately prohibit economic growth. The cost of the building works could be in excess of £100k that would go to suppliers and local builders.

- 4. In the opinion of Planning Consult, due to the location of the dwelling and its location within the face of an old quarry it is felt that the development would not cause any visual harm, nor would not undermine the openness of the green belt or the purposes of including land in such areas.**

4.0 Local Authority Policy GS8E

Principle of development - The property lies within an area designated as Green Belt in the Unitary Development Plan, where policy GS8E stipulates in the case of replacement dwellings, the new extension is not materially larger than that which they replace. GS8E does not provide an indication of what is meant by 'materially larger' with reference to a percentage in terms of floor space or volume. The policy states that: Proposals for the extension will need to qualify by size and/or form under criterion (A). The extension as existing and as proposed will be compared by reference to their floor space. However the floor space alone is not indicative to a building being disproportionate as the visual effect of any structure is just as vital.

The proposal involves the demolition of an existing coal outhouse, and replacement with a single storey extension. When considering the floor space account has not been taken of out- buildings that were standing in on the site in 1948. Whilst it would appear that this proposal contravenes PPG2 by reason of its increased floor space, due consideration must be given to the visual improvement and enhancement of the Green Belt, that the footprint of the buildings is not substantially altered, and that percentage increase is to the rear of the property that is not visible due to its location within an old abandoned quarry and the new floor space will not visible and therefore have no impact on the openness of the greenbelt.

GS8E states that when extending existing dwellings within the Green Belt the total floor area can be up to 100% of the original on the proviso that the total size of extensions does not exceed the size of the original dwelling and the original dwelling remains the dominant feature of the dwelling as extended. There is case president for the fact that when considering the proportional increase in size of a building in the green belt that any such proportional increase must be referenced to the size of the building as it stood at the time when the greenbelt was established around it. Since the current extension and an attached garage were in existence at the time of establishment of the green belt they should be considered as part of the original building for the purposes of calculating a proportional increase.

Whilst it would appear that PPG2 and GS8E precludes the proposed development by reason of its increased floorspace in comparison with the dwelling that extension replaces i.e.(an old coal house), that due consideration should also be given to the visual amenity, which is a significant material consideration in this case. This proposal does not appear disproportionate, nor does its increased floor space disproportionately following legislation introduced 6th April 2010. Moreover, the stone finish and architecture is considered to be an overall improvement to the dwelling.

Government advice about dwellings in the Green Belt (PPG2 : January 1995) is that provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of a dwelling is not inappropriate and the replacement of an existing dwelling need not be inappropriate, provided the new dwelling is not materially larger than the dwelling it replaces.

The Council Policy has a presumption to permit defined types of development in green belt including extensions or alterations cited as follows:

NOTWITHSTANDING POLICY GS8A, PROPOSALS TO REPLACE **EXTEND** OR ALTER DWELLINGS IN THE GREEN BELT WILL BE PERMITTED PROVIDED THAT ALL THE FOLLOWING CRITERIA APPLICABLE TO A PROPOSAL ARE SATISFIED:

The presumption to permit is subject to a number of criteria that must be met, these include, for extensions and alterations:
B) IN THE CASE OF EXTENSION OR ALTERATION, THE TOTAL SIZE OF THE PROPOSED AND PREVIOUS EXTENSIONS DOES NOT EXCEED THE SIZE OF THE ORIGINAL DWELLING AND THE **ORIGINAL DWELLING FORMS THE DOMINANT VISUAL FEATURE OF THE DWELLING AS EXTENDED.**

Whilst national policy refers to 'disproportionate' and 'materially larger' BMBC policy has clearly defined the size criteria over which there is a presumption to permit development. This criteria is referenced to the size of the original dwelling.

The original dwelling or building is defined as:

Original building - The original building is defined as a building as it existed on 1 July 1948 (if it was built before that date). or as it was built when built after 1 July 1948. The original building will therefore not include **any extension to a building** that has been built at any time since 1 July 1948. The original building does not, however, include any new building that has been built at any time without the need for planning permission as a result of the legislation introduced on 6 April 2010.

There may be more than one original building within the curtilage of the premises. Where this is the case, and the buildings are used for the same undertaking, they will be treated as a single original building for the purposes of measurement. Thus the gross floor space of the original building will be calculated on the basis of the gross floor space of every original building within the curtilage of the premises.

There is a clear distinction in the National Policy of what is defined by the original building, this conflicts with the Local Policy GS8E, where outbuilding appear to be inclusive in the bulk calculation. While this is a retained policy, this is against the grain of the National Policy and attempts by central Government in its efforts to boost the economy. While it is appreciated that the Local Authority has a responsibility to protect the openness of the greenbelt it is felt that in this case the greenbelt and its openness would remain unaffected. We believe that including an old commercial building in the calculation for development of hillside house as against guidance from the NPPF and therefore should be discounted.

There is additional evidence that there were other original buildings that were attached to the side of the listed building (probably an attached garage) which was then re- located to the rear of the property to create a circular one way access and egress.

5.0 Site History

1931-1954 Hillside House consisted of the main dwelling and a number of outbuildings as per Conveyance 1954. These are clearly documented on historical maps of the 1930's and in the conveyance of 1954. It is beyond doubt therefore that these buildings were standing in 1948.

1961- The outbuildings have been demolished by this time

1976 - Extension to Hillside House to the Rear. (Possibly Garage was built in unison)

1976 – 2003 – Garage used as a Commercial entity. We believe that by president, the longstanding use of the garage as a commercial building establishes it as such even if no such permission was originally sought or granted.

1978 - Greenbelt Established around Hillside House.

1983 – Hillside House Listed

1983- Present. (No change)

6.0 Conclusion

- i. On balance the proposal would not affect the openness of the greenbelt; there is little or no evidence of how long the garage has been located within the curtilage of the property and whether planning permission was obtained. The garage was built and used commercially for a number of years, from evidence it is unclear whether the commercial use was indeed for the operational use from the garage, however if the garage was the commercial entity this was ceased by virtue of the sale of the property. The planning permission for business use was therefore extinguished on sale of the property.**
- ii. There is also evidence that the original building as it stood in 1948 was in fact materially larger than that of the remaining building, the larger building can be clearly seen on deeds and from historic maps dating back to the 1930's, from mapping the larger host dwelling then reduces in size in the 1960's if the definition of the original building is how it stood in 1948 then the calculation of this additional building should be entered into the calculation.**
- iii. As the proposed extension to the rear of the property is small in comparison we deem that this would fulfil the constraints set by GS8E.**

We also draw your attention to a recently allowed appeal APP/R4408/D/12/2174367 where the inspector gives greater weight to that of paragraph 89 of the NPPF which is the effect on the openness of the green belt, We believe that the design would not affect the openness of the greenbelt and from discussions with the conservation team would have little or no effect on the listed building.

Hillside house is closely surrounded on 3 sides by the existing buildings of a small but long established hamlet. The fourth (South East) elevation faces a steeply rising slope topped at its apex by a working quarry. The site is therefore so circumscribed that considerations of encroachment, merging or sprawl are not relevant to this proposed scheme.

Secondly, and of paramount importance, is that Hillside House is built within an excavated site. This means that the whole proposed scheme, including its roofline, lies below the level of surrounding native land. As proposed, the finished extension would be invisible from the front elevation (the listed aspect) and will not lay on the horizon from any viewpoint. We suggest therefore that it is unreasonable to argue that the scheme can in any way compromise the openness of the green belt.

In summary therefore we have demonstrated that the property included original outbuildings which were standing in 1948 but were subsequently demolished. These should be considered as part of the original buildings.

We have further demonstrated that there is good reason to view the garage as a redundant commercial building, since it was built and used for this purpose for about 25 years.

We have demonstrated that both the establishment of the green belt and the listing of the buildings can be considered (by presidents established at appeal) to redefine the original size of the building.

Finally we have demonstrated that, by reason of its low lying location and position at the rear of the building, the proposed scheme violates none of the established restrictions that apply to extensions proposed in the green belt.

We therefore feel that the proposal should be supported.

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