

<b>DECISION DATE</b> 23 January 2009	<b>APPLICATION NO.</b> 08/01360/FUL A9	<b>PLANNING COMMITTEE:</b> 12 January 2009
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF A REPLACEMENT GARAGE		<b>SITE ADDRESS</b>  BRANTHOLME HASTY BROW ROAD SLYNE LANCASTER LANCASHIRE LA2 6AG
<b>APPLICANT:</b>  Mr P Rogerson Marine Lodge 25 Hest Bank Lane Lancaster Lancs LA2 6DG		<b>AGENT:</b>  JMP Architects Ltd

#### REASON FOR DELAY

N/A

#### PARISH NOTIFICATION

**Slyne-with-Hest** - No comments were received by the time this report was submitted to meet the January Committee deadline. Any comments subsequently received will be reported verbally to Members.

#### LAND USE ALLOCATION / DEPARTURE

The site is situated south of Hest Bank and south east of Slyne in an area that is designated as both Green Belt and a Countryside Area.

An area known as Reanes Wood is designated as a County Biological Heritage Site (BHS). The southern end of this nature conservation area falls immediately to the east of the applicant's site. An important element within this BHS is a pond that borders the application site.

There is also a Tree Preservation Order that protects the trees that surrounds the area that accommodated the house and driveway.

#### STATUTORY CONSULTATIONS

None.

## **OTHER OBSERVATIONS RECEIVED**

To date no letters have been received in relation to the proposed garage.

**Tree Officer** - No comments were received by the time this report was submitted to meet the January Committee deadline. Any comments subsequently received will be reported verbally to Members.

## **REPORT**

### **The Site and its Surroundings**

Brantholme is a substantial detached house set on a hill within its own extensive grounds. The replacement dwelling, permitted earlier this year (08/01020/FUL) is being constructed in stone with a slate covered pitched roof.

The site is accessed off Hasty Brow Road along a narrow country lane (named Townfield Lane) that continues up to the properties gates. Except for a few agricultural fields, the lane serves only the site. Once through the gates, a long, tree-lined driveway continues up the hill to the south elevation of the house.

The extensive grounds fall away to the west, south and east of where the house is being built, providing views not only over the site, but beyond. However, despite its elevated position, it is not very visible from neighbouring areas due to the mature trees that surround the house on 3 sides. It is only open on the western side, but even here the property is generally screened due to the local topography.

### **Planning History**

- |                |                            |           |
|----------------|----------------------------|-----------|
| • 08/00217/FUL | Alterations and Extensions | Withdrawn |
| • 08/00566/FUL | Alterations and Extensions | Approved  |
| • 08/01020/FUL | Replacement dwelling       | Approved  |

### **The Proposal**

It is proposed to remove the existing garage (sited to the north of the dwelling) and build a new triple garage in its place. The existing garage measures 11.1m in length, 5.55m in width and 5.1m in height. In comparison, the proposed replacement would measure 10.85m in length, 11.3m in width and 4.2m in height.

The existing garage is pebble-dashed with a slate roof and a large white garage door, but it is proposed that the replacement garage would be built in natural stone to match the house. The slate roof and cast iron rainwater goods would also match those being used on the house. In place of one large garage door, it is proposed to use 3 single black painted garage doors. The roof would be constructed using 2 pitches (one behind the other) with a gully running between the 2 gable ends. A row of solar panels would be fitted to the south facing pitch on the rear pitched roof.

It is also proposed to construct a stained timber, glazed covered walkway from the garage to the house alongside the existing high garden wall.

### **Planning Policy**

Given the nature of the development proposals, a range of national and local policies are relevant, however the most pertinent are summarised below.

#### ***National Policy Guidance***

**PPG2** - Green Belts - The construction of new buildings inside a Green Belt is inappropriate unless it is a limited extension, alteration or replacement of an existing dwelling. Provided that it does not result in

disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is acceptable in Green Belts. The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of their siting, materials or design.

### ***Lancaster District Local Plan (LDLP) 1996-2006***

Policy **E4** (Countryside Area) - Development within the Countryside Area will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **E20** (Re-use of Buildings in the Countryside) - In the Countryside Area outside the settlements, conversion of permanent and substantial buildings will be permitted where it not result in major reconstruction or demolition of important architecture or historic features or the loss of traditional architectural character, it safeguards the roosting or nesting habitat of any protected species present in the building, it can be serviced without adversely affecting the character of the area, it can be carried out without major extensions to the existing building or the construction of ancillary buildings, and it does not adversely affect the character and appearance of the surrounding countryside or the amenity of the nearby residents.

### **Assessment**

As stated, the property falls within the Green Belt. National Green Belt policy states that “the construction of new buildings inside a Green Belt is inappropriate unless it is a limited extension, alteration or replacement of an existing dwelling”. This is expanded slightly further when it states that “provided it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is acceptable in Green Belts”.

Unfortunately, there is no definition within PPG2 as to what is ‘limited’ or what ‘disproportionate’ means. Each application has to be determined on its own merits. When considering a development in the Green Belt, it is the impact the development has upon the openness of the Green Belt which is a critical factor.

The proposal's length is reduced by 2% in comparison to the existing garage whilst its height has been decreased by as much as 18%. However, the width would be increased by 50%. The footprint would effectively double in area.

The application includes the size of the original garage (which was larger than the existing garage) as this was in situ when the Green Belt was designated in 1991. However, the reduction in size between the original and the existing was taken into account when assessing the impact of the replacement dwelling application, and therefore cannot be re-considered again in relation to this proposal.

The proposed development does not seem to have any direct impact upon the protected trees (TPO Ref. 406) that surround the application site, but it is essential that these trees are adequately protected during demolition and construction. This can be dealt with by way of a condition.

### **Summary**

Though the replacement garage has about twice the footprint of the existing garage, the proposed scheme seeks to make significant improvements.

The proposed garage is 0.9m lower than the existing structure which would allow it to sit better within the landscaping and have a positive impact on the openness of the Green Belt.

It is also proposed to use materials more in keeping with its associated property, Brantholme. The natural stone elevations, slate roof and cast iron rainwater goods would tie the house and garage together, allowing the building to blend into its setting rather than being in contrast to it.

Furthermore by positioning the proposed garage between the existing garden walls, in the same location as the existing garage, and in close proximity to the main dwelling the openness of the Green Belt is not compromised. Equally the garden walls screen the covered walkway.

Though the replacement building is twice the footprint of the existing garage, and therefore it could be argued that the development is inappropriate, the design and siting of the proposal minimises its impact on the openness of the Green Belt and as such permission is recommended.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATION**

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard 3 year consent
2. Development to accord with plans
3. Use of natural slate - to match house
4. Use of natural stone - to match house
5. Use of cast iron rainwater goods - to match house
6. Tree protection required during demolition and construction