

PLANNING DECISION NOTICE

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Bromsgrove
District Council
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Refusal of Planning Permission

APPLICATION REFERENCE:	17/00646/FUL
LOCATION:	Four Stones Restaurant, Adams Hill, Clent, Stourbridge Worcestershire DY9 9PS
PROPOSAL:	Demolition of existing sunroom and erection of a replacement glazed sunroom (retrospective)
DECISION DATE:	19th July 2017

Bromsgrove District Council as the Local Planning Authority refuses planning permission in accordance with the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the proposal described above. This is for the following reasons:

- 1) The development represents a disproportionate addition to a building which is inappropriate in the Green Belt. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. The scheme is materially taller and deeper than application 16/0403 resulting in further harm to Green Belt openness. No fall back or very special circumstances in terms of local benefits exist. The development therefore fails to comply with Policy BDP 4.4d) of the Bromsgrove District Plan 2017 and Para 89 of the NPPF.
- 2) The development by virtue of its form and scale would neither preserve nor enhance the character or appearance of the Clent Conservation Area. The development therefore fails to comply with Policy BDP 20.3 and 20.9 of the Bromsgrove District Plan 2017, S72 of the Planning (Listed Buildings and Conservation Areas) Act 1992 and the NPPF.
- 3) The Sunroom by virtue of its scale, bulk, materials and siting will cause substantial harm to the character of the original buildings contrary to Policy BDP19.1e) of the Bromsgrove District Plan, the provisions of SPG1 and the NPPF.



Ruth Bamford
Head of Planning and Regeneration

How this decision was reached

This proposal has been assessed against the following documents:

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Planning Permission was granted under application 16/0403 for; '*Demolition of front sunroom and replace with new flat roof sunroom*'. The development has been implemented on site, but not in accordance with the approved drawing FS/11A.

This application has been submitted in order to regularise the development; the proposal raises issues associated with the sites location in the Green Belt and within the Clent Conservation Area.

With respect to Green Belt considerations, the premises were originally a pair of dwellings which have been extended and converted to an alternative use. With reference to policy BDP4.4 d) the cumulative scale of those additions is 'disproportionate' and thus inappropriate. The Framework states (Para 87) that inappropriate development is by definition harmful and should not be approved except in very special circumstances (VSC'S). Para 88 identifies that substantial weight should be attributed to this harm.

In terms of considering if VSC's exist, application 16/0403 allowed for the general extent of the sunroom as it reflected the floor space of a previous conservatory. However I note the current structure is taller than that previously approved and that the associated canopy also increases the depth of the compound building. This addition has a glazed roof and is open to the sides, but its resultant bulk and mass is markedly greater than that previously approved under 16/0403. These features materially impact upon openness and represent further harm. The application has not claimed any significant benefits to the local economy and or community as detailed in Policy BDP4.4d) and the Council is not aware of any. It is concluded therefore that the previous scheme does not represents a fall-back position of sufficient weight to represent a very special

circumstance that clearly outweighs the harm resulting from the inappropriate nature of the development and the additional impact the scheme has upon Green Belt openness.

With respect to design, Application 16/0403 allowed the replacement of a conservatory whilst retaining the character of the original cottages; this was achieved in part by the simplicity and height of the new sunroom sitting below the fenestration on the original building. In contrast the asymmetrical nature of the current sunroom roof means that when viewing the site from Adams Hill, the fenestration of the original building is truncated by the rising form of the sunroom roof. This impact is compounded by the addition of the canopy which sits in the foreground; collectively the development therefore appears as a discordant feature in relation to the scale and form of the original building, a matter which is further exacerbated by the sloping nature of Adams Hill. It is considered that the development is therefore poorly designed in relation to the host building.

Furthermore in the context of the Conservation Area (which is characterised by simple brick cottages with modest additions/porches of a domestic scale on their front elevations) the development appears overly large and dominant in the street scene. The development has attracted objections from the Conservation Officer; with respect to its impact upon the character and appearance of the Conservation Area, as well as from the Parish and interested parties.

In terms of the NPPF, as the harm to the Conservation Area is 'less than substantial', paragraph 134 of the Framework would be engaged. This requires that the harm be weighed against the public benefit of the proposal. The Council is not aware that this structure provides any public benefit which would outweigh harm to the Conservation Area.

The scheme does not raise any amenity issues, but this does not override the impacts of the scheme upon the openness of the Green Belt, its design or on the character and appearance of the Conservation Area as set out above.

Informatives

- 1) The Council have set out their concerns about the impact of the development and have encouraged the applicant to undertake onsite amendments in order that the scheme conforms to the approved plans. The applicant however chose to submit a revised application.

For your information

Appealing the decision

If you feel aggrieved by the decision of Bromsgrove District Council to refuse permission you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 17th January 2018 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found online at www.planningportal.gov.uk/pcs or by contacting the Planning Inspectorate Customer Services Team on 0303 444 5000.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the decision of your local planning authority, the you must do so within: 28 days from when the enforcement notice is served, or within 6 months of the date of this decision, whichever expires earlier.

Purchase notices

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the District Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at: <http://www.legislation.gov.uk/ukpga/1990/8/part/VI>