

## PLANNING APPLICATION NUMBER:P08/1041

Type of approval sought	Full Planning Permission
Ward	GORNAL
Applicant	Ken Walmsley Homes Ltd
Location:	<b>2, COOPERS BANK ROAD, LOWER GORNAL, DUDLEY, DY3 2PT</b>
Proposal	<b>DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NO. 4 BEDROOM DETACHED DWELLINGS</b>
Recommendation Summary:	<b>REFUSE</b>

### SITE AND SURROUNDINGS

1. The application site is 0.076 ha located at the junction of Coopers Bank Road and comprises a 2 storey house, adjoining outbuildings and garden area. Adjoining the site on two sides are open fields whilst to the south are residential properties and to the west the entrance to Gornal Cemetery.
2. The existing house is empty and together with the outbuildings in a state of deterioration. The house and building is adjacent to the field area with the gardens adjacent to the road junction. The garden area is overgrown and the site as a whole appears visually unattractive.
3. The application site is located within confirmed Green Belt and adjoins the boundary of a Landscape Heritage Area and in the immediate vicinity of a Site of Importance for Nature Conservation and a Site of Local Importance for Nature Conservation.

### PROPOSAL

4. This full application seeks to demolish the existing house and erect 2 no. 4 bed detached houses with integral garages, front parking area and rear gardens. The

houses are of modern design with access onto Coopers Bank Road. The houses are set back some 11-13 m from the frontage and have 11 m long rear gardens. The side elevation of plot 1 is 2 m from the carriageway.

5. The application is accompanied by a design and access statement and a bat and barn owl survey report.

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P06/2037	Demolition of existing dwelling and erection of 6 no. 5 bed and 3 no. 4 bed detached dwellings with associated access road (outline application). Note: This site included an adjoining much larger parcel of land in the applicant's ownership	Refused Appeal dismissed	01/03/07 24/12/07

7. There is also a relatively recent history of residential redevelopment in the Green Belt at the junction of Coopers Bank Road and Hunts Mill Drive, 400m from the current application site. The history of the site is as follows:-

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
P01/1961	Demolition of cottages and erection of two, four bedroom detached houses with detached double garages	Refused	14/02/02
P02/0504	Demolition of two cottages and erection of two, four bedroom detached houses and garages	Granted	14/10/02

8. The application P01/1961 was refused for the following reason:-

1. The proposed development is contrary to detailed guidance contained within the adopted Dudley Unitary Development Plan for replacement dwellings in the Green Belt and Government Planning Policy Guidance Note 2 – Green Belts, in that the proposed houses are substantially larger than those they are to replace and are consequently of a scale that is detrimental to the character and setting of the Green Belt.

9. The revised plans submitted with the subsequent application (P02/0504) reduced the footprint of the proposed houses, double garages were reduced to single garages and the proposed houses were sited as close as possible to the area occupied by the existing cottages. The reduction in scale and mass of the two dwellings when compared with the previous refusal allowed the application to be recommended for approval.

## PUBLIC CONSULTATION

10. No comments have been received as a result of the public consultation procedure.

## OTHER CONSULTATION

11. Group Engineer (Development): – No objection is raised subject to the planning obligation contribution being paid prior to any works commencing on site, and conditions preventing means of enclosure in the shared driveway and the standard condition relating to the surfacing of the parking area.
12. Head of Environmental Health and Trading Standards: – No adverse comments.

## RELEVANT PLANNING POLICY

13. Dudley Unitary Development Plan (2005)

- AM14 – Parking
- DD1 – Urban Design
- DD4 – Development in Residential Areas
- DD6 – Access and Transport Infrastructure
- DD7 – Planning Obligations
- DD10 – Nature Conservation and Development
- H1 – New Housing Development
- H3 – Housing Assessment Criteria
- H6 – Housing Density
- HE1 – Local Character and Distinctiveness
- NC1 – Biodiversity
- NC4 – Local Nature Reserve and Sites of Importance for Nature Conservation
- NC5 – Sites of Local Importance for Nature Conservation
- NC6 – Wildlife Species
- NC9 – Mature Trees
- NC10 – The Urban Forest

- S8 – Housing
- S01 – Green Belt

14. Supplementary Planning Documents

Nature Conservation

New Housing Development

Parking Standard & Travel Plans

15. Supplementary Planning Guidance

PGN3 – New Housing Development

16. National Policy Documents

PPG2 - Green Belts

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS9 - Biodiversity and Geological Conservation

## ASSESSMENT

17. The key issues for consideration in this application are as follows:

- Principle
- Density
- Residential Amenity/Street Scene
- Design
- Highways and Parking
- Nature Conservation
- Planning Obligations

### Principle

18. The application site is an existing residential plot located next to residential dwellings. The site is also located within the Green Belt boundary therefore the principle of development is especially important.
19. Paragraph 3.4 of the Governments Planning Policy Guidance Note 2: Green Belts states that 'the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:
  - Agriculture & forestry
  - Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including in it.
  - Limited extension, alterations or replacement of existing dwellings.
  - Limited infilling in existing villages and limited affordable housing for local community needs under development plan policies.
  - Limited infilling or redevelopment of major existing developed sites identified in adopted local plans'.
20. Reflecting this advice in PPG2 – Green Belts, the Council's adopted UDP Policy SO1 confirms that within the Green Belt development will not be permitted except in very special circumstances unless for limited extension and/or alterations to buildings or the replacement of dwellings.
21. Members will appreciate that no very special circumstances have been put forward by the Applicant. It is noted that the proposed development comprises the demolition of an existing dwelling house and outbuildings to the rear and the erection of 2 no. 4 bed detached houses, therefore it does not constitute a straight replacement of the existing. In order to assess the harm floor areas have been compared which indicate the existing floor area to be removed (including outbuildings) is 236m<sup>2</sup> whilst the total floor area of the proposed 2 no. 2 storey dwellings would be 337m<sup>2</sup>. This also does

not account for the overall height and bulk of the dwelling with the impact on openness being a key assessment.

22. The proposed scheme would result in an increase in the overall floor area of 42% and an additional residential dwelling in a designated Green Belt area. It is considered that in this case that special circumstances do not exist to outweigh the harm of the development to the openness of the Green Belt in this location. The development would not accord with adopted policies of the Council's Unitary Development Plan and PPG8 'Greenbelt' 1995.
23. It is important to remember that 'very special circumstances' must really be 'very special'. Cases determined by the Courts have established that circumstances that occur in a number of cases, such as a family's need for more space, or a site being an eyesore, should not be regarded as very special circumstances. In addition, granting a permission because a site is an eyesore would set a precedent that would encourage other land owners to allow their sites to deteriorate so as to gain a planning permission.
24. It is likely that a scheme for one replacement dwelling on the site would be acceptable in principle. The floorspace of the outbuildings could be taken into account in establishing the size of such a replacement. The current scheme, though, is for two dwellings and of too large a size, and is therefore unacceptable in principle.

#### Density

25. The proposed development of 2 no. dwellings would result in development at a density of 27dph. The properties in the locality are characterised by a mix of detached, semi detached and terraced properties. The variety in house types ensures the density, in the local area, ranges from 25dph to 60dph. As such the density of the development would be in accordance with the varied local context of the area and in compliance with policy H6 of the Adopted UDP (2005).

### Residential Amenity/Street Scene

26. The scheme comprises the demolition of an empty detached house with outbuildings and the erection of 2 no. 4 bed detached houses.
27. The existing property is set 5m from the back of pavement along Coopers Bank Road and the two proposed properties would be set 6m further back allowing for driveways and sufficient off road parking.
28. The two plots would immediately adjoin open fields and the nearest residential property is no. 8 Coopers Bank Road, that is separated from the application site by Coopers Bank Road itself. Due to a change in levels along Coopers Bank Road i.e. the road slopes down from the north east to the south west the properties to the south of the application site are at a lower level.
29. Although the application site is at a higher level than properties to the south of the site in Coopers Bank Road it is considered that the siting of the proposed dwellings due to their distances from adjacent residential properties would not prejudice the amenities neighbouring occupiers could reasonably expect to continue to enjoy. However, when viewed from Coopers Bank Road itself, the increase in size, bulk and scale of the proposed dwellings, when compared with the existing buildings, would adversely impact on the openness and severely detract from the visual amenity of the area and would be detrimental to the street scene.
30. The location of the proposed residential development bordering a designated Landscape Heritage Area would unduly interrupt and harm existing views into this Landscape Heritage Area disrupting adversely impacting upon the character, quality and historic integrity of the landscape.



### Design

31. There are a number of residential designs in the locality ranging from terraced, detached, semi detached (houses and bungalows) from a variety of eras. The proposed development would be of brick built dwellings with clay tile roofing and would not look out of place or adversely impact upon the character of the area, in compliance with UDP policies DD1 and DD4.

### Highways and Parking

32. There are no objections subject to the planning obligations contribution being paid prior to any works commencing on site.

### Nature Conservation

33. Further information had been requested regarding the presence of Great Crested Newts, Badgers and Bats. This information has been received and appraised and subject to conditions the nature conservation issues have been satisfactorily concluded.

### Planning Obligations

34. Policy DD7 requires applicants to enter into obligations where the scale and impact of development proposals can be shown and make appropriate provision for the infrastructure requirements of the development. Should permission be granted a Section 106 Agreement would be required in respect of contributions to off site public open space/play improvements, transport improvements and libraries. The contributions based on the Council's formula would be £3,492.25. The applicant has agreed to the payment of the planning obligation costs.

## CONCLUSION

35. The application site lies within land which is designated as Green Belt where the construction of buildings is inappropriate unless there are very special circumstances which would outweigh inappropriate development. The scheme proposes the removal of 1 no. residential dwelling and outbuildings to be replaced by 2 no. 4 bed detached dwellings. It is considered that the principle of the development is inappropriate and no special circumstances have been offered to outweigh the harm to the openness of the greenbelt, which would severely detract from the visual amenity of the area. The proposed development is therefore contrary to PPG2: Greenbelts and policies DD1, DD7, DD8, H3, HE2, LR1 and SO1 of the adopted Dudley UDP (2005).

## RECOMMENDATION

36. It is recommended that the application be refused for the following reasons:

### Conditions and/or reasons:

1. The proposal presents inappropriate development in the Green Belt contrary to the advice contained in paragraph 3.4 of Planning Policy Guidance Note 2 – Green Belts (1995). Inappropriate development is by definition harmful and no very special circumstances have been proven or exist to outweigh the harm to the openness of the Green Belt in this location. The development is therefore contrary to PPG2 – Green Belts and Policies DD1, H3, S8 and SO1 of the adopted Dudley UDP (2005).
2. The location of the proposed residential development would unduly interrupt and harm existing views into designated Landscape Heritage Area disrupting and adversely impacting upon the character, quality and historic integrity of the landscape. The proposed development is therefore contrary to Policies DD10, H3 and HE2 of the adopted Dudley UDP (2005).
3. The lack of an undertaking to make a contribution towards planning obligations would result in the proposed development increasing the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community and is contrary to Policies DD7, DD8 and LR1 of the adopted Unitary Development Plan (2005).

Location Plan

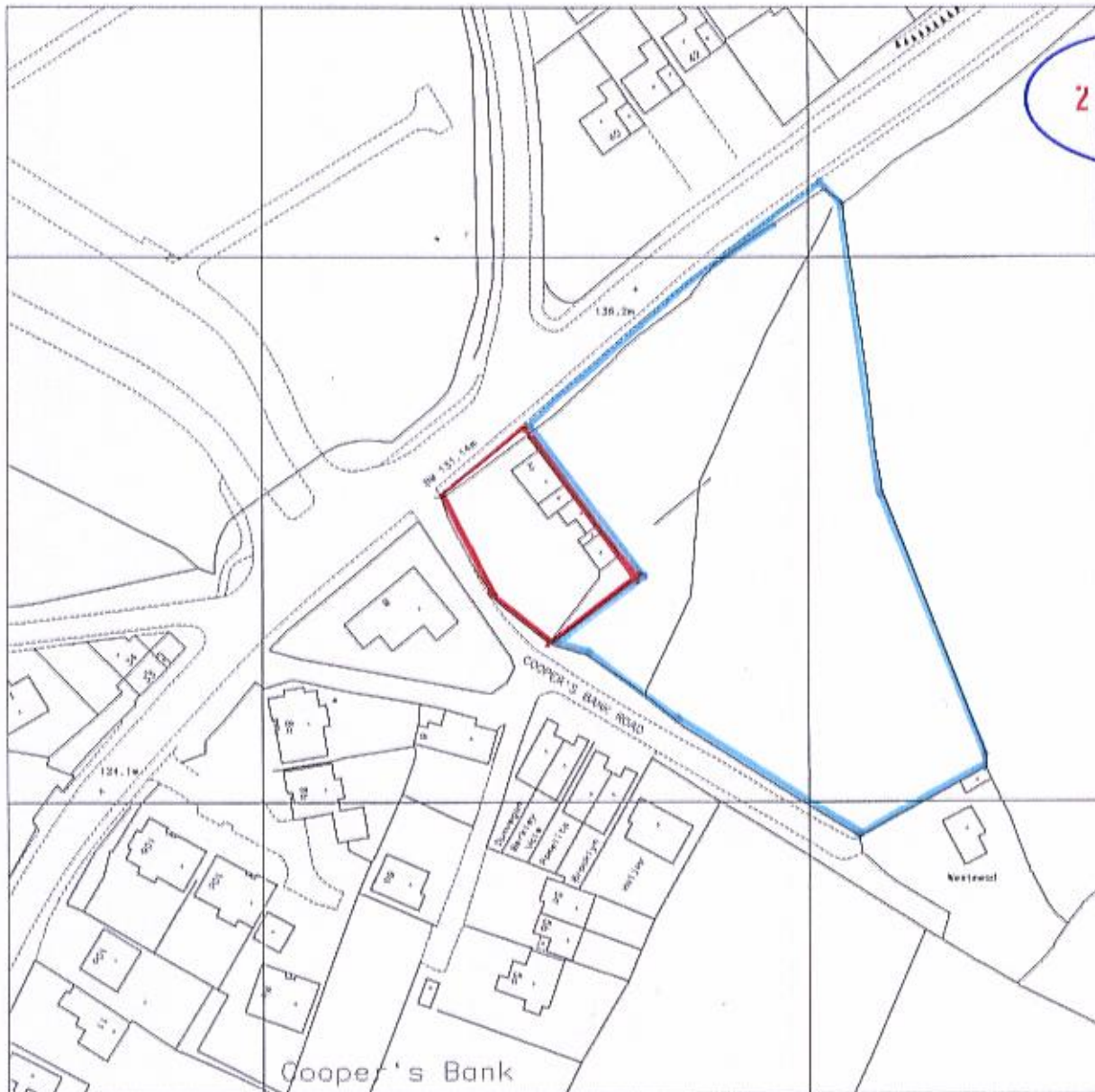
P08/1041



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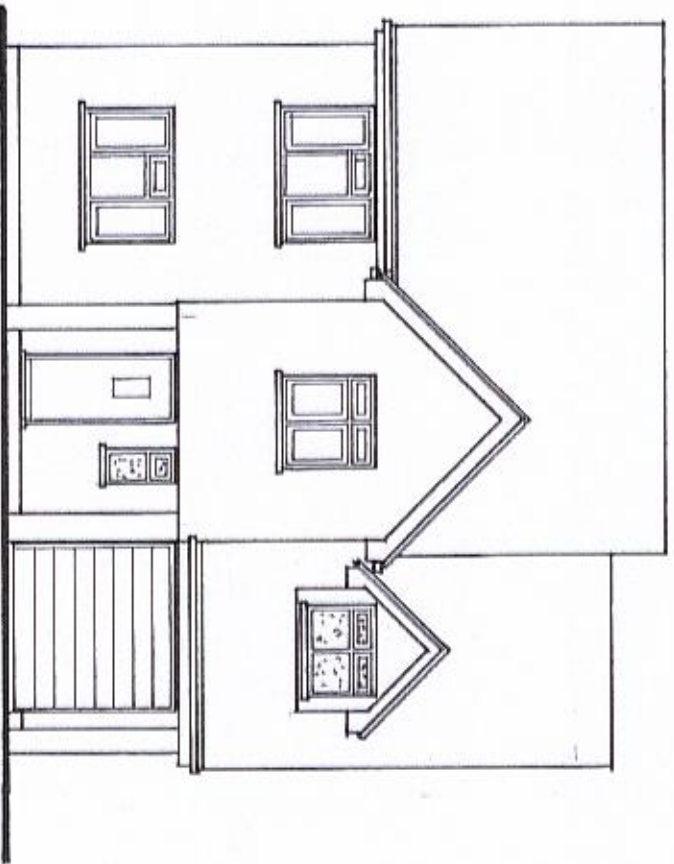


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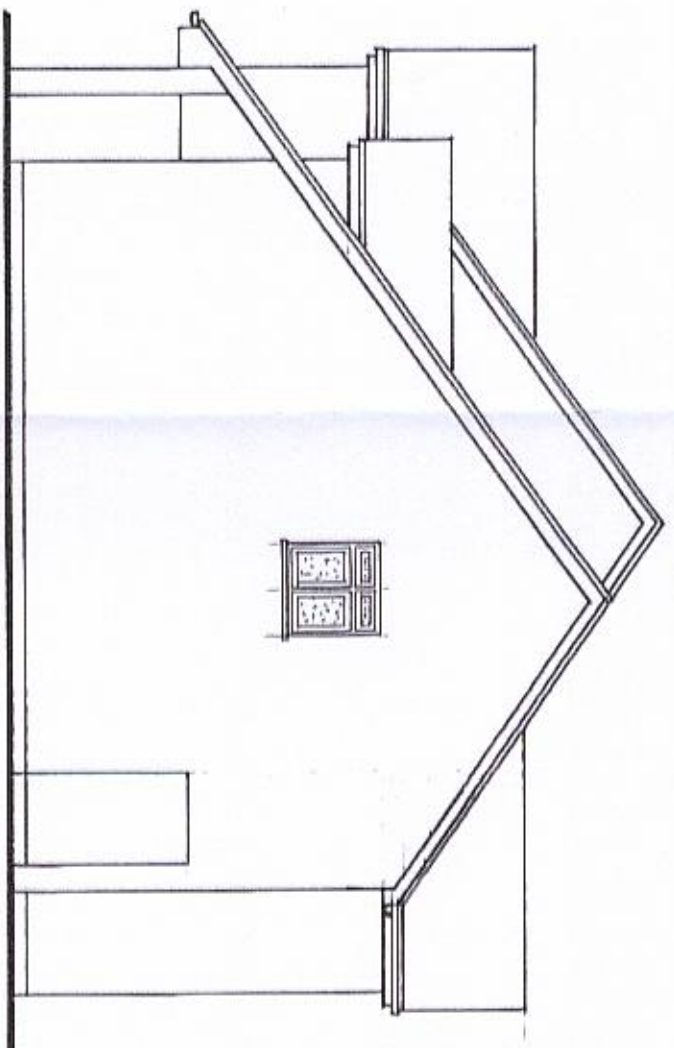
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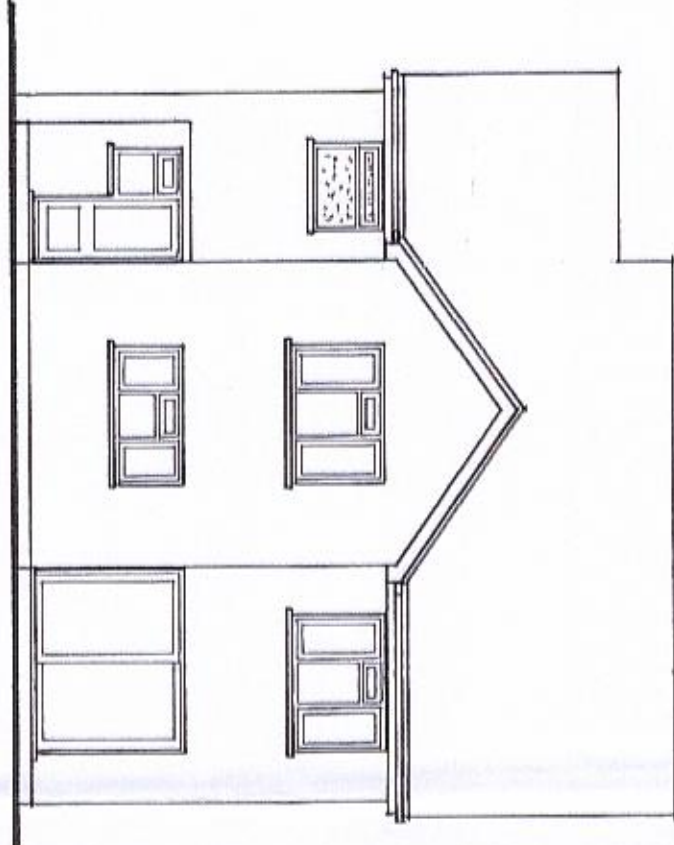




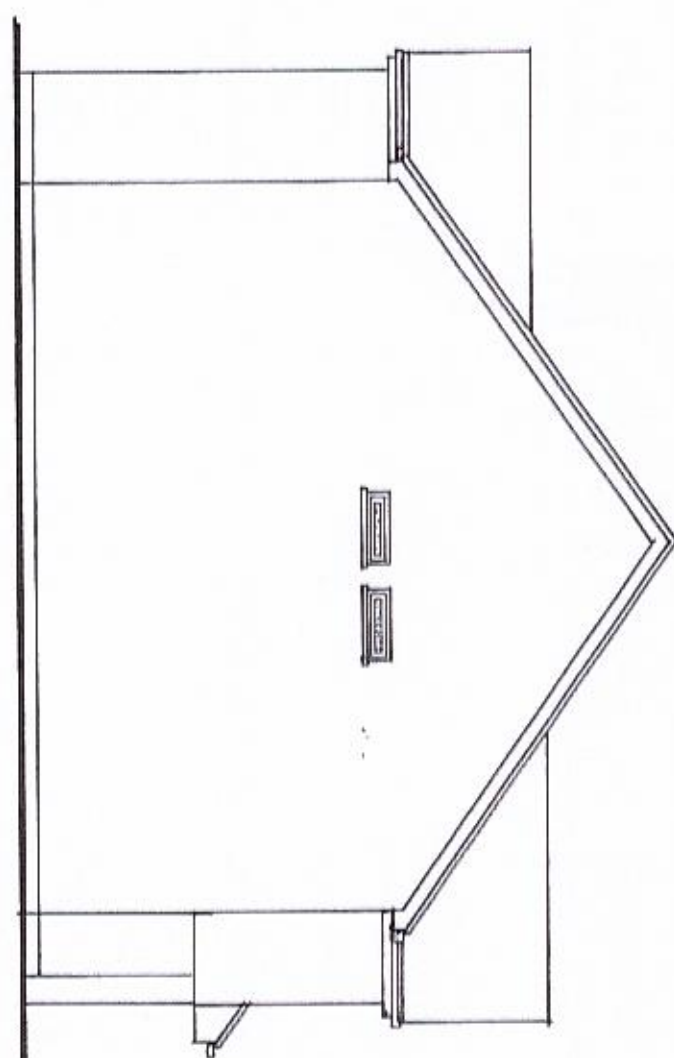
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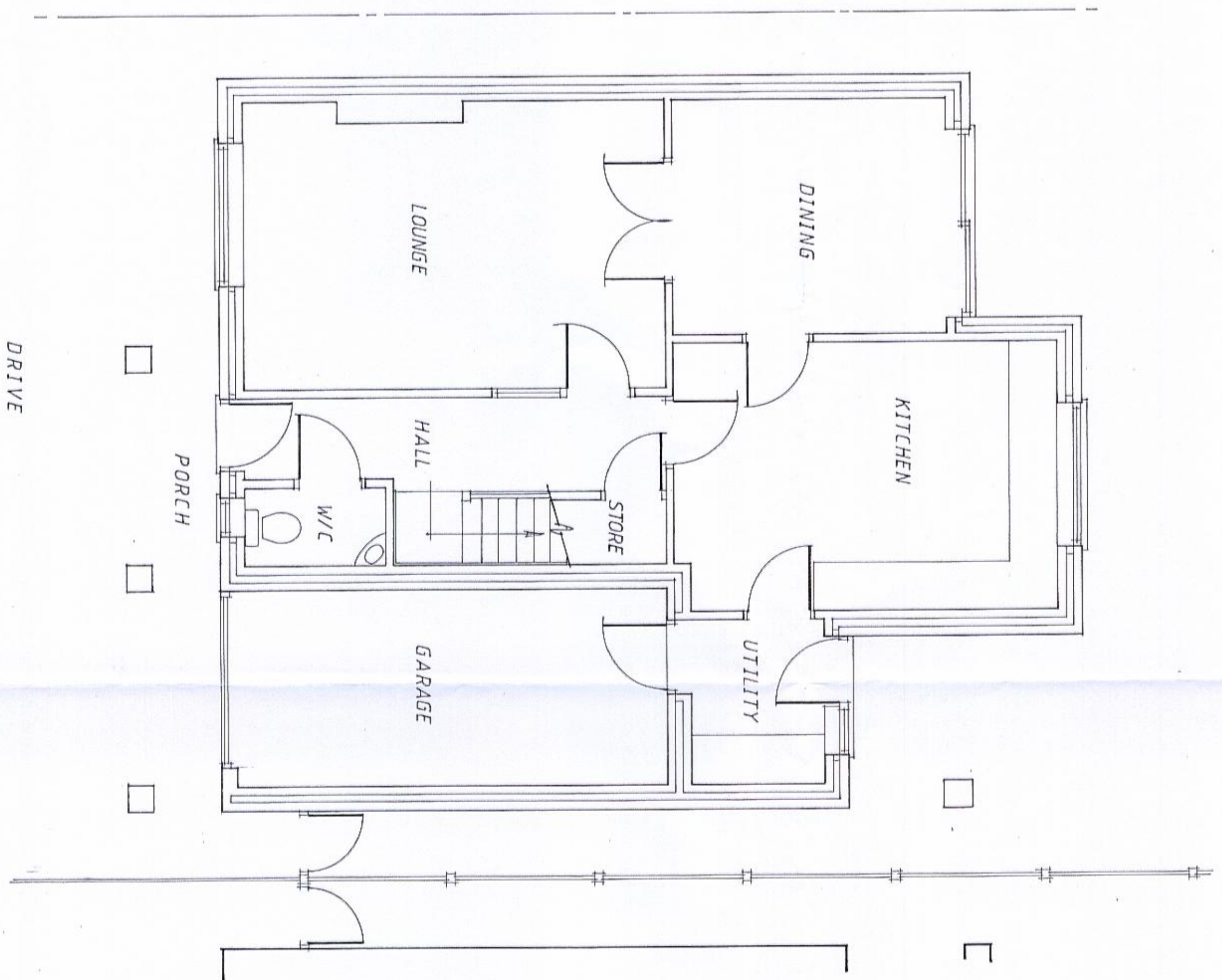
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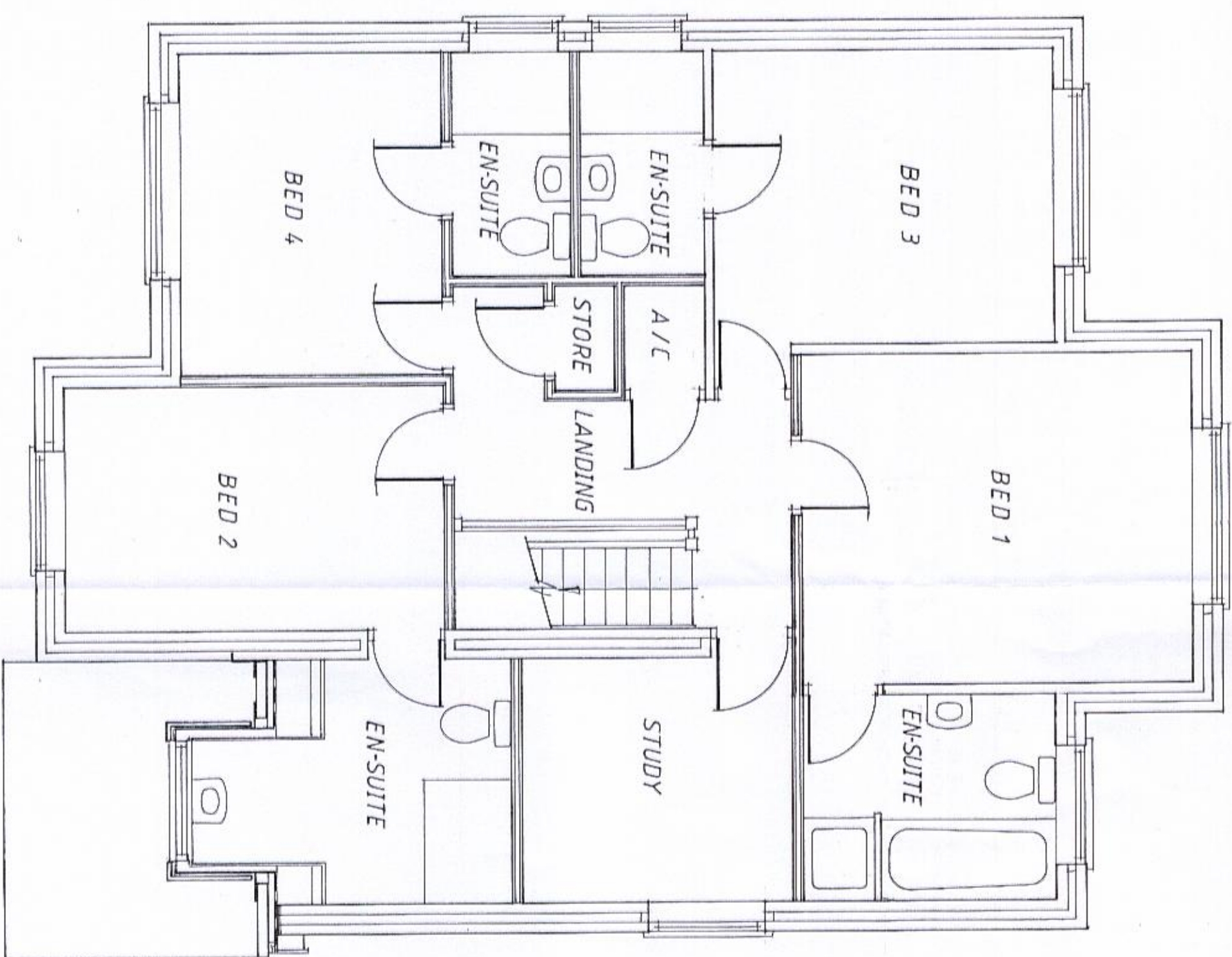
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SIDE



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



**AZIMUTH**  
**ARCHITECTURE**

67 Braemar Avenue, Wordsley, Stourbridge,  
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A	Date	Revisions

Client: KEN WALMSLEY HOMES LTD.

Job Title: RE-DEVELOPMENT OF SITE AT 2 COOPERS BANK ROAD, 1 COOPERS BANK, DUDLEY, TO INCLUDE THE ERECTION OF TWO, FOUR BEDROOM DETACHED HOUSES.

Drawing Title: PLOT 2. PROPOSED FLOOR PLANS, PROPOSED ELEVATIONS.

Scale: 1:50, 1:100.

Date: 14th MAY 2008.

Dwg No: ZCBR/003-2008. Rev:

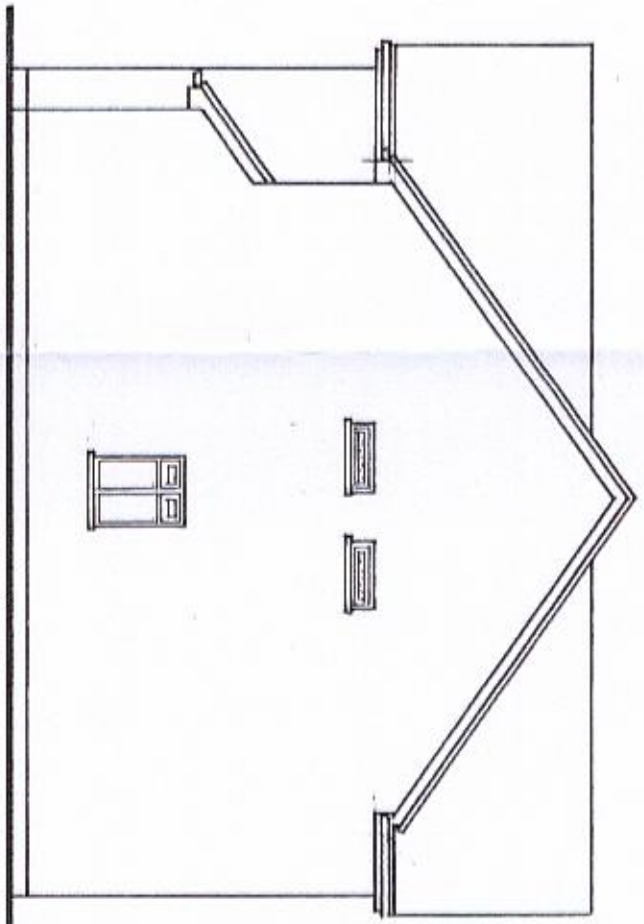
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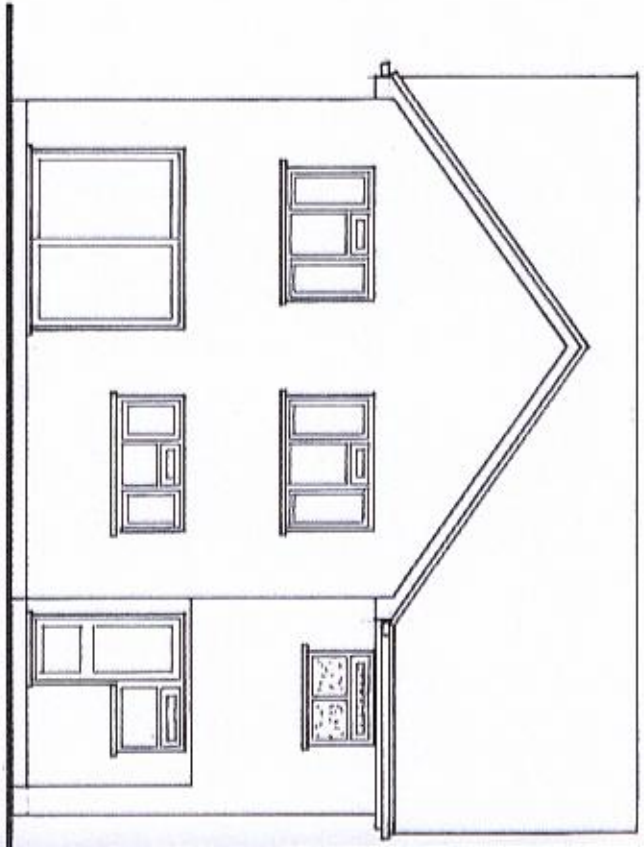
PLOT 1



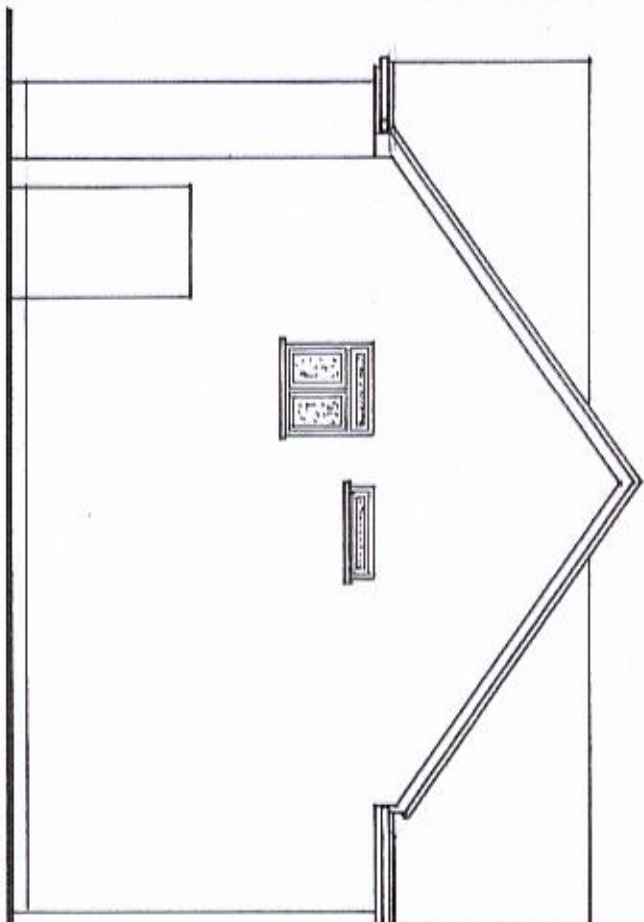
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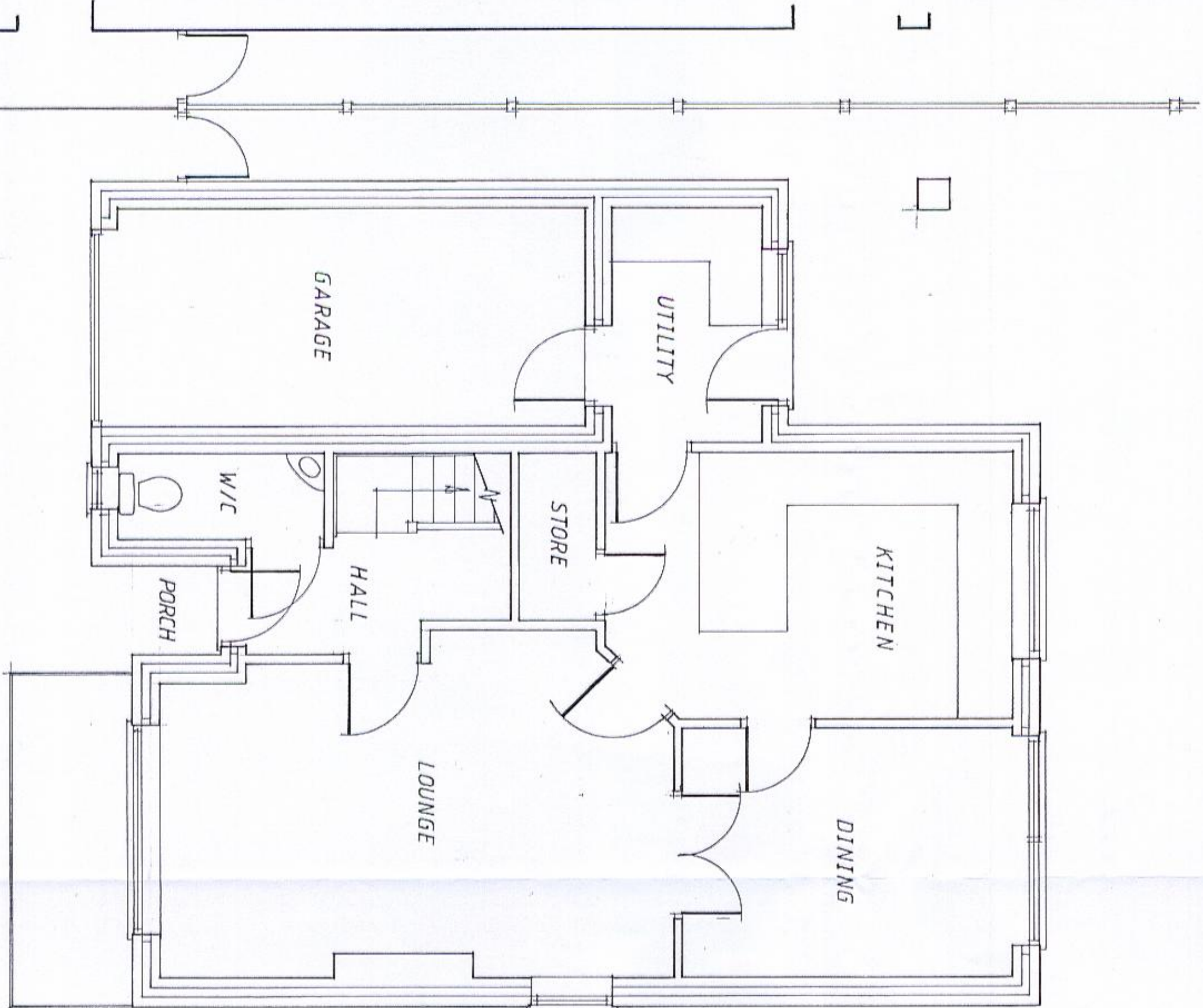
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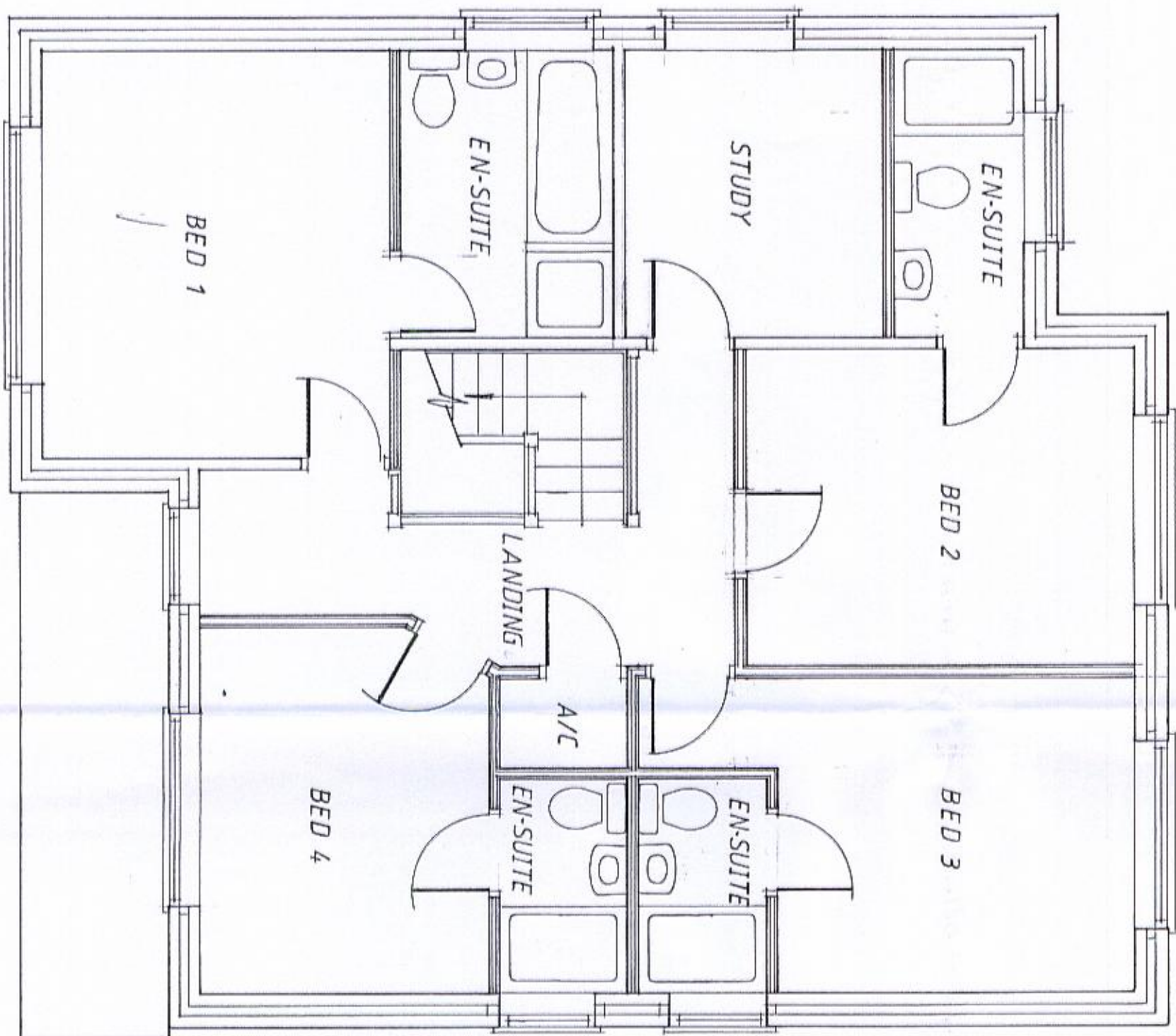
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SIDE



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

P001-1021041



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Client

KEN WALMSLEY HOMES LTD.

Job Title

RE-DEVELOPMENT OF SITE AT 2 COOPERS BANK ROAD,  
LOWER GORNA, DUDLEY, TO INCLUDE THE ERECTION OF  
TWO, FOUR BEDROOM DETACHED HOUSES.

Drawing Title

PROPOSED FLOOR PLANS,  
PROPOSED ELEVATIONS,  
PLOT 1.

Scale

1:50, 1:100.

Date

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Date	Revisions

Client

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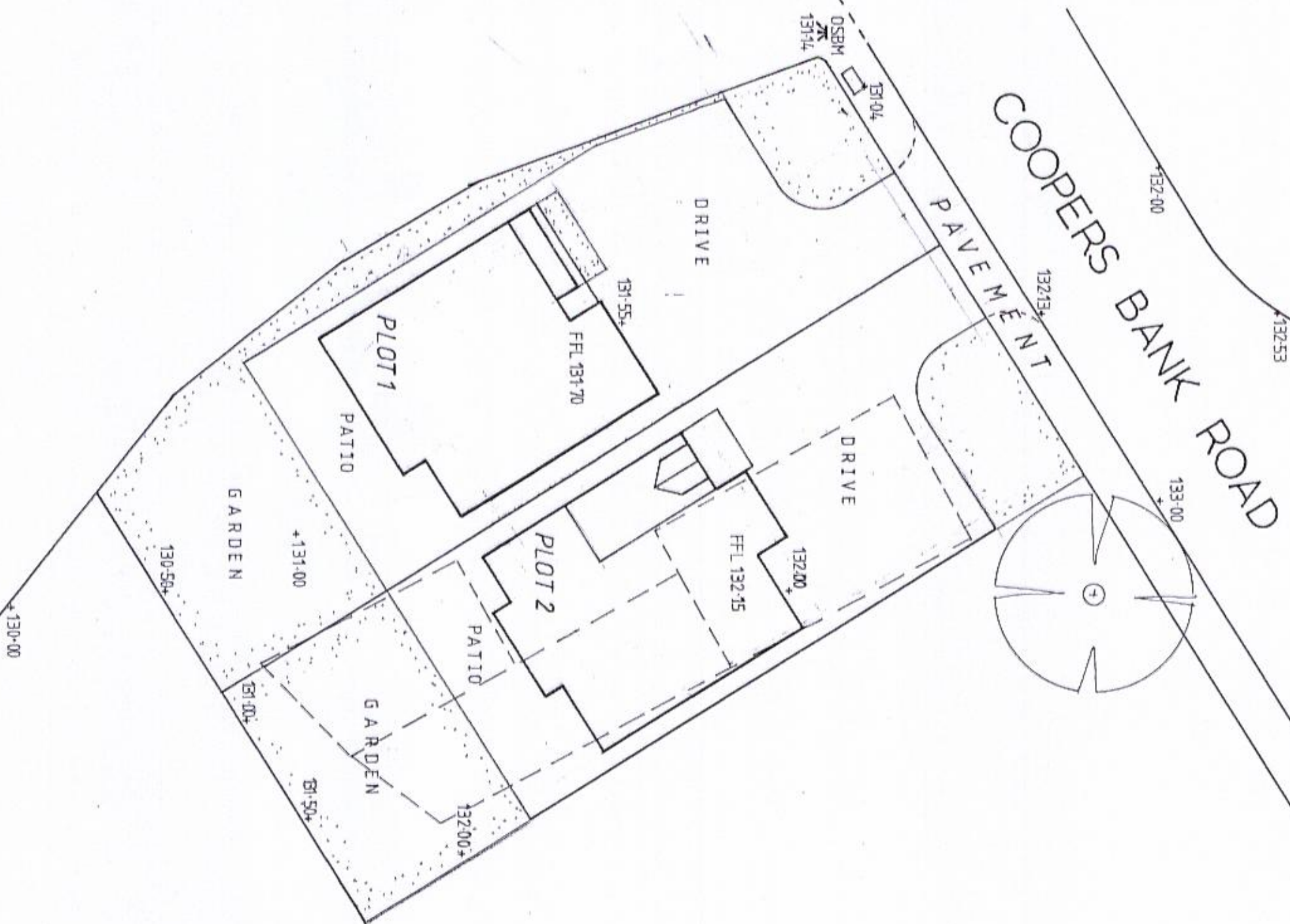
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PROPOSED SITE PLAN