



Your ref:

Our ref: SP/TheFoxResub/2023

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Planning Department
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Date: 5/12/2024

Dear Sir/Madam

Application for Planning Permission: Alterations to the fenestration of the existing property, single garage extension and hard landscaping works at The Fox, Beat Lane, Rushton Spencer, SK11 0RU.

I am instructed by my client Mr Spurrell to submit this planning application.

Planning permission is sought for alterations to the fenestration of the existing dwelling house, for a single storey garage extension to the existing detached garage on site and for hard landscaping works.

Background.

There is an extant planning permission in place at the property ref: **SMD/2023/0159** for a new single storey extension to the rear and side of the property. It was approved on the 24/05/2023. It expires on the 24/05/2026. The application site lies in the

Green Belt and SMD/2023/0159 allows the extension of the existing property by 136m³.

A subsequent planning application ref: **SMD/2023/0437** for a double garage extension to the existing detached garage was refused by the Council on 1/11/2023. As subsequent planning appeal was dismissed. The inspector considered that the proposed development would result in inappropriate development in the Green Belt because its size would not be subordinate to the existing garage and, when viewed in conjunction with extant planning permission SMD/2023/0159, would overall be disproportionate to the existing dwelling.

The proposal.

The applicant no longer intends to implement planning permission SMD/2023/0159 to extend the existing house. Instead, by virtue of this application, the proposal seeks to alter the existing fenestration in the same part of the dwelling to create larger window openings. This work would add no volume to the existing building being contained within its existing envelope.

The property contains no permitted development rights which were removed by planning condition when the property originally obtained planning permission under planning permission SMD/04/0431.

Despite adding no volume, the above fenestration change works fall with Class A (enlargement, improvement, or other alteration of a dwellinghouse), of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed fenestration changes therefore require planning permission.

Under the same principles the proposed garage extension also requires planning permission.

The proposed garage extension has been significantly reduced in size compared to the previous appeal proposal. It is now a single garage as opposed to a double. It therefore has a reduced volume compared to the previous appeal proposal. In terms of its individual characteristics, it is therefore **both**:

- subordinate in design, scale and appearance and;
- less volume (@ 73m³) compared to the previous appeal garage proposal which was significantly larger in both scale and volume (@137m³).

The proposed hard landscaping works are as identified on the accompanying plans. They also require planning permission because Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 was also removed by condition when planning permission was originally granted for the property as described above.

Unilateral Undertaking.

As set out above the applicant no longer intends to implement the extant planning permission to extend the house under SMD/2023/0159. The proposed development (fenestration changes and single garage extension) would result in less overall volume being added to the site. In summary **73m³** of new building would be added instead of **136m³** as approved under SMD/2023/0159. A reduction of **63m³** overall.

To deliver the above the application is supported by a Unilateral Undertaking under S106 of the Act. **The effect of the undertaking is to rescind planning permission SMD/2023/0159 upon the grant of this planning application so that it could no longer be implemented.**

Given that a larger amount of extension can be built at the property at present under SMD/2023/0159 the above scenario represents a beneficial alternative. It would result in less harm to the openness of the Green Belt overall by the reduction of new build addition at the property. It would provide a subservient garage extension that

is subordinate in design, scale, and appearance to the building upon which it would be attached. The attached Unilateral Undertaking will ensure this beneficial alternative is delivered. The original planning condition removing permitted development rights from the property would remain unaffected and effective on the property.

Summary.

The proposed development including the attached Unilateral Undertaking would deliver a less harmful development to the openness of the Green Belt than extant planning permission SMD/2023/0159. In trade off, as an alternative given it results in less new development, the proposed development cannot be deemed to be a disproportionate addition to the property and therefore, in turn, does not represent inappropriate development. The application would therefore result in a scenario that would accord with paragraph 154 (c) of the National Planning Policy Framework (NPPF).

The proposed hard landscaping works are an engineering operation. They do not impact on the openness of the Green Belt or conflict with the purposes of including land within it. They therefore accord with paragraph 155 (b) of the NPPF.

It is therefore respectfully requested that planning permission should be granted by the local planning authority as applied for.

If you have any queries or require further information, please do not hesitate to get in touch on the contacts below.

Kind regards

Jim Seymour

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