

7 October 2019

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 15 October 2019
<b>Time of Meeting</b>	10:00 am
<b>Venue</b>	Tewkesbury Borough Council Offices, Severn Room

## **ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**

### **Agenda**

#### **1. ANNOUNCEMENTS**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

#### **2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and advise of any substitutions.

#### **3. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	<b>Item</b>	<b>Page(s)</b>
<b>4.</b>	<b>MINUTES</b>	1 - 13
	To approve the Minutes of the meeting held on 17 September 2019.	
<b>5.</b>	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) Schedule</b>	
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	
<b>6.</b>	<b>CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>	14 - 18
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

**DATE OF NEXT MEETING**  
**TUESDAY, 19 NOVEMBER 2019**  
**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, S A T Stevens, P D Surman, R J E Vines, M J Williams and P N Workman

### **Substitution Arrangements**

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

### **Recording of Meetings**

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.



P N Workman	19/00535/FUL 42 Hillview Lane, Twynning.	Residents had expressed feelings to him in relation to the application but he had not expressed an opinion.	Would speak and vote.
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22.3 There were no further declarations made on this occasion.

## **PL.23 MINUTES**

23.1 The Minutes of the meeting held on 20 August 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.24 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

24.1 The Technical Planning Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

### **19/00424/FUL – 1 Brook Close, Winchcombe**

24.2 This application was for the erection of a single storey annexe with patio area.

24.3 The Planning Officer advised that the application related to 1 Brook Close which was a detached bungalow located within a cul-de-sac towards the south western side of Winchcombe within the settlement boundary as defined on the Neighbourhood Development Plan. The site was located within the Cotswold Area of Outstanding Natural Beauty. Members were informed that the land levels within the application site rose from the front boundary to the rear boundary, resulting in the front elevation of the existing house being located at a higher level than the adjacent highway. The application proposed the erection of a single storey flat roofed building within the rear garden area of the application site to comprise an annexe, to be constructed for an elderly relative of the owner of the property. As detailed within the Committee report, revised plans had been submitted throughout the consideration of the application. Both the originally submitted - and now superseded – plans and the revised plans were included within the Officer report. The revised plans showed the omission of the originally proposed single storey rear extension and a canopy link between the existing house and the proposed annexe; reduction in the height of the proposed annexe building; and the use of stone on the north western elevation in place of the originally proposed larch cladding. The application proposed to lower land levels in this part of the garden to accommodate the proposed annexe building, and the submitted plans showed that the finished floor levels of the existing dwelling and the proposed annexe would be the same. The submitted plans showed the height of the proposed annexe building relative to the height of the existing house and fencing. The Planning Officer explained that the application required a Committee determination due to an objection from Winchcombe Town Council on overdevelopment grounds. For the reasons explained within the Officer report, it was considered that the design of the proposed annexe building would be sympathetic to the original dwelling in scale and form - and would appear ancillary to it - and it would not unreasonably

detract from the open space within the rear garden area of 1 Brook Close. It was therefore recommended that the application be permitted, subject to conditions which would include restricting occupation of the annexe to purposes ancillary to the main house, and preventing it from being occupied as an independent dwelling, and restricting the formation of any windows or openings in the south eastern elevation of the annexe.

24.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member expressed the view that it was important that the proposed annexe was subservient to the main building and he made reference to another property in Winchcombe which had been built 1.5 metres higher than set out in the planning permission. In response, the Planning Officer explained that it would be subject to a standard planning condition requiring the development to be carried out in accordance with the approved plans. The Member raised concern that this would have been the case with the previous application and he sought assurance that the condition would be strictly enforced. Another Member suggested a note could be attached to the planning permission to ask Building Control to keep a close eye on the building works. The Planning and Enforcement Team Leader (South) indicated that this would be reliant upon the Council's Building Control Team being appointed to carry out the building regulations. It was quite clear from the plans how far the building would extend above the fence and, if it became apparent that it was being built beyond that height, he was sure this would be reported by the neighbours and could then be investigated by the Enforcement team.

24.5 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**19/00535/FUL – 42 Hillview Lane, Twyning**

24.6 This application was for a loft conversion with rear box dormer style extension. The Committee had visited the application site on Friday 13 September 2019.

24.7 The Planning and Enforcement Team Leader (North) indicated that, as Members would have seen from the Committee Site Visit, the site was in an existing residential area in Twyning. The proposal was for a large dormer roof extension to the rear of the property and she explained that the plans had been amended through the planning process to reduce the size of the extension - which had originally extended over the existing single storey extension to the rear - to within the width of the roofplane. As a result of the reduction, the proposal was now very close to being within - but was just over - the limits of permitted development rights. Members were advised that objections had been received from local residents and the Parish Council and details of a further objection were set out on the Additional Representations Sheet, attached at Appendix 1. For the reasons set out in the Officer report, the proposal was considered to be acceptable given the reduction in size of the dormer and the impact on the immediate area, therefore, the Officer recommendation was to permit the application.

24.8 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be refused on the basis that it was incongruous and would have an unacceptable impact on the character of the area in terms of the design and on the amenity of neighbouring occupiers. He agreed with the Parish Council that the full height windows were out of keeping with the other dormers in the area and would set an unhelpful precedent. In response to a query as to whether the windows were a valid reason for refusal, the Planning and Enforcement Team Leader (North) clarified that the proposed dormer differed from

other existing dormers in the area due to the full height windows; however, it was noted that they were top opening, as opposed to doors which opened, and viewing when inside the room would normally be through the top section of the window. As such, Officers considered there would be no additional impact on the character and appearance of the area, given the existing dormers in the area. Furthermore, as the views to the gardens of the properties on either side of the application site would be oblique, there would be no direct overlooking, therefore there would be no significant detrimental impact on neighbouring properties by reason of loss of privacy by overlooking. On that basis, it was considered that it would be inappropriate to require the windows to be changed under the current planning policies. A Member questioned whether it would be possible to require the bottom panes to be obscured; her view was that the application should be permitted as proposed but she would be supportive of a condition to obscure windows if this was more palatable to the Committee. Another Member indicated that he could see no planning policy reason to refuse the application. Whilst he had sympathy with the neighbours, the Committee had to make a decision based on the planning policies and guidance and he did not believe a condition to obscure the glazing could be required here. With the proposal to refuse the application not being seconded, he proposed that the application be permitted in accordance with the Officer recommendation. This proposal was duly seconded and it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**19/00615/FUL – 6 Arundel Road, Mitton, Tewkesbury**

24.9 This application was for the erection of a single storey front and rear and a two storey side and rear extension and to replace tile hung wall areas with render.

24.10 The Planning and Enforcement Team Leader (North) explained that the application required a Committee determination because the applicant was an employee of the Council and she apologised for this omission in the Officer report. She went on to advise that the existing dwelling was a detached, brick-built property in a residential area and the application sought planning permission for the erection of a two storey dual-pitched side and rear extension as well as a single storey mono-pitched extension to the front and a single storey flat roof extension to the rear. It was noted that the front elevation would be similar to the property on the left which had been extended. No objections had been received in relation to the proposal and there were no issues over and above those set out within the Officer report.

24.11 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**19/00627/APP – Land Adjacent to the John Moore Primary School, Columbine Road, Walton Cardiff**

24.12 This was a reserved matters application for up to 30 dwellings with affordable housing.

24.13 The Planning and Enforcement Team Leader (South) advised that the application site was adjacent to the John Moore Primary School, within Flood Zone 1, and was unaffected by landscape designations or constraints. Outline planning permission had been granted by the Committee in May 2019, therefore, principle and permission for up to 30 dwellings had been established for the site. The Section 106 Agreement which had formed part of the outline planning permission required 40% of the properties to be affordable housing and secured management of the

open space to the southern area of the site. All matters other than access had been reserved in the outline application and this application was seeking approval of the layout, scale, external appearance and landscaping. Whilst layout was a reserved matter at the outline stage, an indicative illustrative layout had been submitted as part of that application and was considered to represent good design. The original site plan submitted with the current application had been amended to broadly reflect the illustrative plan and was deemed to be acceptable. The application submitted was for 30 dwellings which would be a mixture of affordable and market houses. The proposed mix was six four-bed dwellings; 14 three-bed dwellings; six two-bed dwellings; and four one-bed dwellings – this reflected the requirements of the most recent Strategic Housing Market Assessment (SHMA) which was a requirement of the outline application. It was noted that 12 units would be affordable housing which equated to 40% as set out in the Section 106 Agreement. In terms of design, a number of different house types were proposed, many of which were similar to the neighbouring Wheatpieces development - the materials used would also be similar to those properties to ensure continuity. The site provided 56 car parking spaces and 14 additional garages plus six visitor car parking spaces - all of the houses with more than one bedroom would have a minimum of two off-street parking spaces. The Case Officer had worked with the applicant to ensure there was sufficient landscaping which included retention of the mature hedgerow around the northern, eastern and southern boundaries, tree planting throughout the site and additional hedgerows along the front boundaries of properties facing onto the estate road. As set out in the Additional Representations Sheet, attached at Appendix 1, the applicant's agent had submitted a plan highlighting the proposed noise mitigation measures which included 1.8 metre acoustic fencing along the eastern and western boundaries and double glazing with trickle vents. Officers considered that the application was acceptable and it was recommended for approval, as opposed to permission as incorrectly stated in the Officer report.

- 24.14 The Chair invited the applicant's representative to address the Committee. The applicant's representative reiterated that the application was seeking reserved matters approval for 30 dwellings at Land Adjacent to the John Moore Primary School following the grant of outline planning permission by the Planning Committee earlier that year. He did not wish to repeat the matters covered within the Officer report, which provided an excellent summary, but intended to emphasise a few key aspects of the application. He explained that the layout presented to the Committee was a direct result of a number of constructive meetings with the Planning Officer, Urban Design Officer, County Highways Officer and Wheatpieces Parish Council. Through their constructive input, the layout now ensured an acceptable balance between achieving good quality design with a technically acceptable highways arrangement. The layout now received no objections from any of the statutory consultees and also complied with current policies which set out the design requirements for new developments as outlined within the Officer report. The combined housing tenure mix was split between 18 open market and 12 affordable homes which provided 40% affordable housing. The overall housing mix was confirmed as acceptable by the Housing Enabling Officer and complied with the Council's housing mix policy. As Members would be aware, the site directly adjoined and was served by the Tewkesbury Meadows development which was currently under construction for 261 new dwellings; this continued to be a popular and successful development. To benefit the existing community, it was planned that the construction of the site would coincide with the ongoing construction works to minimise the impact of construction traffic. This would also ensure that additional much needed housing was delivered in the short term. To provide seamless connectivity between these developments and the wider Wheatpieces estate there would be three pedestrian access links within the site – one north, one east and one south. The applicant's representative thanked Officers for their constructive advice and support throughout the application

process which had resulted in the recommendation to approve the scheme and he very much hoped Members would be able to support that.

- 24.15 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member questioned what efforts had been made to make the properties environmentally efficient in terms of energy saving and carbon emissions. In response, the Planning and Enforcement Team Leader (South) advised that this would have been dealt with at the outline stage and it was his understanding that a condition was included in that planning permission requiring the developer to install electrical vehicle charging points, or at least to facilitate that throughout the development, and that there was also a condition in respect of boiler emissions. He relayed that building regulations were gradually becoming more stringent to reflect the government's commitment to carbon neutrality. The Member went on to query whether there was any potential for solar power at the properties. The Planning and Enforcement Team Leader (North) confirmed that this had been introduced on other estates; however, government policy was that it was not appropriate to insist upon additional measures over and above the requirements of the building regulations and, in any event, such measures must be secured at the outline planning stage. The Member stated that there was a climate change emergency and sources other than the burning of fuel should be required. The Planning and Enforcement Team Leader (North) stated that this was something which the Council had tried to address through the Joint Core Strategy but this principle been removed by the Inspector at the examination in public. It may be possible to establish such principles through the Tewkesbury Borough Plan and that was a matter for the Planning Policy team. He recognised that this was disappointing for Members but, as things stood, additional requirements could not be justified at this stage. He pointed out that there was nothing preventing developers from offering improvements themselves. Several Members expressed their concerns and felt that the Council should be taking more action against climate change. The Chair sympathised with Members but reiterated that it was difficult to insist upon such measures with no backing from government policy.
- 24.16 Upon being put to the vote, it was  
**RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.
- 19/00688/FUL – 35 Church Road, Bishop's Cleeve**
- 24.17 This application was for proposed alteration of existing windows to create four display windows of the same height, lowering the bottom of three windows to main front section of the building by 300mm and raising of the sill to one window by 275mm to remove ATM slot; new windows and doors to side and rear.
- 24.18 The Planning Officer advised that the site was the former bank on Church Road, Bishop's Cleeve. The building had been constructed in the 1960s and was considered a landmark building which occupied a prominent corner plot. The site was adjacent to the Conservation Area and in close proximity to listed buildings within the retail centre of Bishop's Cleeve. The existing building had A2 use for financial and professional services such as banks and building societies and professional services (other than health and medical services) including estate agents and employment agencies. The proposed alterations to create display windows would enable a permitted change of use to A1 – retail use such as shops, hairdressers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaner, funeral directors and internet cafes – under the terms of part three of the General Permitted Development Order 2015. The proposal was considered appropriate to the retail centre in terms of design and the formal character of the landmark building would be retained. The degree



of harm to heritage assets was considered less than substantial and the public benefit of the increased provision of commercial premises, and securing the future of the vacant building, outweighed any harm that would be caused. As such, the application was recommended for permission subject to conditions requiring full details of the windows and doors, sills and heads.

- 24.19 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion expressed the view that would allow the redundant bank to be put to a very good use. Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**18/00825/FUL – Woodfold Court, Down Hatherley Lane, Down Hatherley**

- 24.20 This application was for change of use of existing self-contained living accommodation and garage and store room as annexe to Woodfold Court to detached dwelling.
- 24.21 The Planning Officer advised that the application related to a parcel of land and detached outbuilding which currently formed part of the residential curtilage of Woodfold Court, Down Hatherley. The site comprised a single storey pitched roof L-shaped former stable building with a single storey corrugated tin sheeting store and canopy on the rear elevation. Planning permission had been granted in 1995 for the conversion of the stable building to annexe accommodation to be used ancillary to the main dwelling and this application sought permission for the renovation and conversion of the existing building to provide a detached dwelling. The overall footprint and volume of the building, other than the two stores on the rear elevation which would be removed, would remain the same as existing. The Officer report provided an assessment of the material considerations which included impact on the Green Belt, design and visual impact, impact on residential amenity and impact on highway safety. Since the publication of the Officer report, County Highways had commented on the proposal and raised no objection, subject to conditions. As such, the highways matter had been resolved and there was no longer a need for the granting of planning permission to be delegated to the Technical Planning Manager, as such, the recommendation had been changed to permit as set out on the Additional Representations Sheet, attached at Appendix 1. Two additional conditions had been recommended by County Highways the first of which required amendment to take account of the fact that vehicular access had already been approved via an earlier planning permission. It was therefore proposed that the first condition set out on the Additional Representations Sheet be amended to read: ***The vehicular access hereby permitted shall not be brought into use The dwelling hereby permitted shall not be occupied as an independent unit*** until the existing roadside frontage boundaries have been set back to provide visibility splays, ***as demonstrated on drawing no.18.46.05A***, extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 24.22 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member queried whether the site was within safeguarded land and clarification was provided that it was not within

safeguarded land but was within the Green Belt. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**PL.25 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

25.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 38-43. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

25.2 It was

**RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 10:42 am

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 17 September 2019

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

<b>Page No</b>	<b>Item No</b>	
298	2	<p><b>19/00535/FUL</b></p> <p><b>42 Hillview Lane, Twyning, Tewkesbury</b></p> <p><b>Further letter of Representation (attached)</b></p>
305	4	<p><b>19/00627/APP</b></p> <p><b>Land Adjacent To The John Moore Primary School, Columbine Road, Walton Cardiff, Tewkesbury</b></p> <p>The agent has submitted a plan (AS8237/NMP1.2) highlighting the measures that are being undertaken to meet the recommendations within the Noise Report, this includes 1.8m acoustic boundary fencing along both the eastern and western boundaries, and the upper floors will have standard thermal double glazing with trickle vents.</p>
315	6	<p><b>18/00825/FUL</b></p> <p><b>Woodfold Court, Down Hatherley Lane, Down Hatherley</b></p> <p><b>Further Representations</b></p> <p><u>County Highways</u> - No highway objection subject to conditions.</p> <p><b>Revised Recommendation</b></p> <p>Following receipt of the comments from County Highways as no highway objection has been raised the recommendation for the application is now <b>Permit</b>.</p> <p><b>Condition Update</b></p> <p><b><u>Additional conditions</u></b></p> <p><b>County Highways has recommended the following conditions and informative note:</b></p> <p>1. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.</p> <p>Reason - To avoid an unacceptable impact on highway safety by ensuring</p>

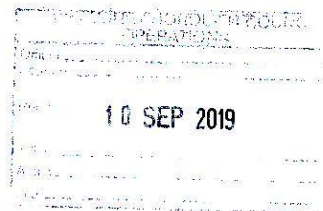
	<p>that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.</p> <p>2. The dwelling hereby permitted shall not be occupied as an independent unit until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.</p> <p>Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.</p> <p><b>NOTE:</b> This planning permission does not give any authority to the Applicant to carry out any hedge cutting works on the public highway referred to in Condition 1. The hedge cutting must be carried out by either the owner of the hedge or the Local Highway Authority under sc154 of The Highway Act 1980. Sc154 requires the Local Highway Authority to serve Notice on the owner of the hedge and the owner has the right to appeal the Notice to the Magistrates Court.</p> <p>The above conditions are recommended in addition to the conditions detailed on Pages No.321-322 of the Planning Schedule.</p>
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Item 2 – 19/00535/FUL - 42 Hillview Lane, Twyning, Tewkesbury



7th September 2019

Tewkesbury Borough Council  
Planning Application Objections



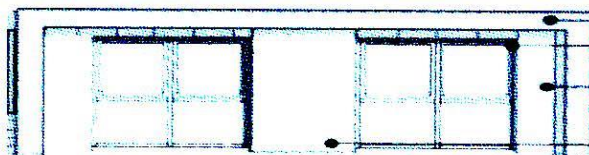
Dear Sir/Madam,

**Re: Planning Application 19/00535/FUL revision**

I had hoped that some sort of assurances would be given that this proposed roof extension construction would not interfere or adversely affect our property but none forthcoming. Nor any confirmation of compliance regarding our wishes for no trespassing or lifting and tampering with our roof tiles during construction. Instead letters of complaint have been subjected, quite unnecessarily, to what resembles war time postal censorship. No-one has been accused of voyeurism or inappropriate visual practices. Quite simply, most of us value our own privacy and that of our families and naturally feel threatened by exposure to others.

Photographs taken by No. 42 themselves clearly display the extent of this exposure, although remarkably they state the opposite. Our garden is quite literally laid bare to full view by No. 42 as are neighbouring properties, who will suffer more so during those months of the year when trees shed their leaves. So overlooking is most definitely an issue as is over-shadowing given the fact that everything on earth's surface creates its own shadow and therefore must over-shadow something else.

With regard to window height; it must be said that surrounding neighbours with roof/loft extensions do seem to be of similar structural dimensions with reasonably sized windows. Again this is shown in photographs of garden connected Paxhill Lane bungalows submitted by No. 42. Smaller windows do have the advantage of appearing less threatening where the privacy of others is concerned. Large dormer windows do announce the fact that they are primarily for viewing rather than affording some light, although this in no way implies that anyone is a 'peeping tom'. From the unmeasured architect's image below do I take it that only the upper half is window. Hopefully, not full height, although not indicated, or in anyway permitting access/use of lower extension flat roof as a terrace, which I feel sure would offer a more than tempting attraction.



It does seem a little odd that actual dimensions and measurements are absent from the architect's proposed design documents. Surely this should be mandatory!

Design drawings do little to fully illustrate size and impact. For example, when looking at a map, Prague may only be an inch away from Budapest but actual distance when travelled is considerable. Obviously, the local parish is fully aware of our village layout but I submit photos for the benefit of those Tewkesbury Borough members who may not be.

As for references made to No. 59 Hillview Lane's loft extension, I refer to a previous comment; dwellings on the opposite street side to ours are afforded the pleasure of entire rear views overlooking extensive fields and therefore not the same scenario as ours.



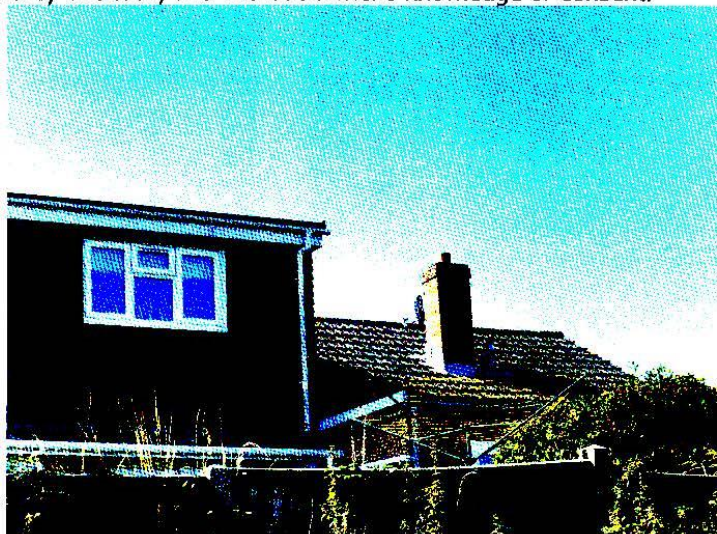
*Rear views of No.59 and other properties on the opposite side of Hillview Lane shown above.*

Also No. 59 does not appear to have a ground floor extension, however, their attached neighbours do. This means that the upper view No. 59 has does not affect their privacy as fully as No. 42's would us.



*in case you do not want this for public viewing*

The below photograph of [redacted] for reference. I should point out it was taken from rear fields, which they overlook, and without owner's knowledge or consent.

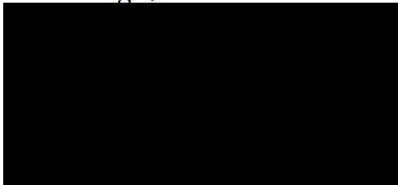


As you can see, the roof line extension with, I might add, smaller windows, has a restricted view of their adjoining neighbour due to that property's ground level extension. We do not have a ground level add on or indeed any structural modifications. [redacted] also does not have a ground floor extension, whereas our [redacted] property [redacted] does. Therefore, No. 42 would look down directly across the entire area [redacted] unimpeded (*as previously stated and photograph displays*). Citing [redacted] as a 'like for like' instance is obviously not the case.

Imagine the scenario of the above roof extension with large windows coupled with lower ground protruding add on [redacted]. I doubt very much that a builder could construct this without lifting neighbouring tiles and clambering all over their roof.

Living in close proximity to others is never easy. Respect and understanding of each other's privacy and requirements is something we all have to bear in mind. These small bungalows originally intended for easy retirement in the 1970's have morphed somewhat and if unchecked additional builds will spiral out of control. I am concerned about future application proposals and strongly feel that planning notices should be boldly placed in prominent positions outside the properties to which they refer. No-one should have to rely on a keen eyed neighbour spotting a crumpled sign wrapped around a post somewhere within walking distance of the site.

I do thank you for taking the time and trouble to read this essay like letter. I realise that decisions made will always fall in favour of one and not the other. My intention has only been to proffer as much information as possible so that you may make yours.



## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	15 October 2019
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

<p><b>Executive Summary:</b></p> <p>To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.</p>
<p><b>Recommendation:</b></p> <p><b>To CONSIDER the report.</b></p>
<p><b>Reasons for Recommendation:</b></p> <p>To inform Members of recent appeal decisions.</p>

<p><b>Resource Implications:</b></p> <p>None.</p>
<p><b>Legal Implications:</b></p> <p>None.</p>
<p><b>Risk Management Implications:</b></p> <p>None.</p>
<p><b>Performance Management Follow-up:</b></p> <p>None.</p>
<p><b>Environmental Implications:</b></p> <p>None.</p>



## 1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

## 2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

<b>Application No</b>	15/00752/FUL
<b>Location</b>	Leigh Court Church Lane The Leigh Gloucester GL19 4AF
<b>Development</b>	Construction of three new poultry units for up to 155000 birds, feed bins, new access road, landscaping (including associated hard surfacing), flood mitigation and associated works.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismiss</b>
<b>Reason</b>	<p>The main issues in consideration were landscape impact, heritage assets and the impacts of noise and odour on nearby residential property.</p> <p>The Inspector considered that the sheds and feed bins would be visible from a number of vantage points both in the immediate vicinity along Church Lane as well as from further afield, including nearby public rights of way. Here, the Inspector considered that the sheds would appear more industrial in nature, out of keeping with the agricultural landscape and at odds with the sensitive rural character of the surroundings.</p> <p>Likewise, the Inspector considered that the introduction of the proposed passing bays along Church Lane, would materially erode the pleasant and attractive appearance of the picturesque rural lane which is dominated by the Church and its rural character contributes to the setting of that important heritage asset.</p> <p>Consequently, the Inspector found that the proposal would be harmful to the character and appearance of the surrounding landscape and would negatively impact on local distinctiveness. This would be detrimental to the Landscape Protection Zone in conflict with Local Plan Policy LND3 as well as JCS Policy SD6</p> <p>For the reasons set out above, the Inspector also considered there would be 'less than substantial' harm to the Grade 1 Church of St Catherine. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. The Inspector did not consider the public benefits identified by the appellant would outweigh the harm to the Church and as such, the proposal is also in conflict with the guidance</p>

	<p>set out in the Framework.</p> <p>Furthermore the Inspector was not satisfied that the appellant has demonstrated that there would not be significant impacts on nearby receptors in respect of noise and odour, including the church which was considered a 'highly sensitive receptor'. Accordingly, the Inspector found that the proposal was in conflict with Policy SD14 of the JCS and paragraph 170 of the Framework which advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution.</p> <p>For these reasons, the Inspector considered that the proposal is in conflict with a number of development plan policies which are fundamental to the effective operation of the development plan as a whole as well as the guidance set out in the Framework and concluded that the appeal should be dismissed.</p>
<b>Date</b>	05.08.2019

**3.0 ENFORCEMENT APPEAL DECISIONS**

3.1 None.

**4.0 OTHER OPTIONS CONSIDERED**

4.1 None.

**5.0 CONSULTATION**

5.1 None.

**6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

6.1 None.

**7.0 RELEVANT GOVERNMENT POLICIES**

7.1 None.

**8.0 RESOURCE IMPLICATIONS (Human/Property)**

8.1 None.

**9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

9.1 None.

**10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

10.1 None.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

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**Background Papers:** None.

**Contact Officer:** Appeals Administrator  
01684 272062 [AppealsAdmin@tewkesbury.gov.uk](mailto:AppealsAdmin@tewkesbury.gov.uk)

**Appendices:** 1: List of Appeals received.

## Appendix 1

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
19/00025/OPDEV	Parcel 8384 Broadway Road Winchcombe Cheltenham Gloucestershire	Appeal against alleged unauthorised fencing	12/09/2019	W	WIC	24/10/2019

### Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry