



**APPENDIX A  
Agenda Item No. 5A**

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 5 July 2016

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(63 - 76)	(77 - 90)

**PLEASE NOTE:**

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

**CONTAINING PAGE NOS. ( 63 - 90 )**

### Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

### National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

## INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 5th July 2016

Ashleworth 16/00485/FUL <a href="#">Click Here To View</a>	The Hayricks Longridge Lane Ashleworth Gloucester	Permit	4
Bishops Cleeve 16/00448/TPO <a href="#">Click Here To View</a>	9 Stoke Park Close Bishops Cleeve	Consent	8
Brockworth 16/00137/FUL <a href="#">Click Here To View</a>	10 St Annes Close Brockworth	Permit	6
Dumbleton 16/00335/FUL <a href="#">Click Here To View</a>	St Chloe Main Street Dumbleton Evesham	Permit	2
Elmstone Hardwicke 16/00579/FUL <a href="#">Click Here To View</a>	Part Parcel 8227 Tewkesbury Road Elmstone Hardwicke	Decline to determine application	1
Shurdington 16/00470/FUL <a href="#">Click Here To View</a>	Old Meadow House Crippetts Lane Leckhampton	Refuse	5
Winchcombe 16/00369/FUL <a href="#">Click Here To View</a>	26 The Hyde Winchcombe GL54 5QR	Permit	3
Woodmancote 16/00363/FUL <a href="#">Click Here To View</a>	12 Beverley Gardens Woodmancote	Permit	7

16/00579/FUL

Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke

1

Valid 07.06.2016

Erection of two buildings for Industrial/Factory development (Use Classes B1(c), B2 and B8) with ancillary offices (Use Class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019) and improvements to junction with Stoke Road.

Grid Ref 389820 226285

Parish Elmstone Hardwicke

Ward Coombe Hill

Piffs Elm Limited  
c/o Agent

## **RECOMMENDATION Decline to determine application**

**Planning Officers Comments:** Miss Joan Desmond

### **1.0 Application Site**

1.1 The application site is an arable field of approximately 5ha on the A4019 next to the Gloucester Old Spot public house. To the east is Elmstone Business Park which is a small group of commercial and office units and to the south and west is the village of Boddington. The M5 (Junction 10) is approximately 500m to the east (see attached location plan).

### **2.0 Planning History**

2.1 An application for the erection of two buildings for Industrial/Factory development (Use Classes B1(c), B2 and B8) with ancillary offices (Use Class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019) (Ref:15/01126/FUL) was refused in February 2016 following a site visit by the Committee. The application was refused on the following grounds:

1. The proposed development would result in an unwarranted intrusion into the rural landscape which would have a significant harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the NPPF, Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).
2. The proposed development would have an adverse impact upon the setting of the nearby listed Gloucestershire Old Spot public house and has the potential to affect heritage assets with archaeological interest and no field evaluation has been undertaken together with an assessment of the impact of the proposed development on the significance of archaeological heritage assets in conflict with the requirements of the NPPF and Policy SD9 of the Submission Joint Core Strategy (November 2014).
3. There is alternative employment land available for this development and the proposed scale of the development is inappropriate in this open countryside location and is unsustainable as it does not provide safe and suitable access for all people, in conflict with the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1 and INF2 of the Joint Core Strategy Submission Version November 2014.

2.2 On the 8th April 2016, a further and virtually identical application (Ref:16/00323/FUL) to that refused in February, was submitted to the Council. The application was for the erection of two buildings for Industrial / Factory development (Use Classes B1(c), B2 and B8) with ancillary offices (Use Class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019) and improvements to junction with Stoke Road (Ref:16/00323/FUL) changes made to this application from the one that was refused in February included the specification of the cladding material to be a dark muted green colour, green roofs to the office buildings and additional planting to the boundaries. In addition, the name of one of the companies intending to occupy the largest unit was named. The application was refused in May 2016 using delegated authority and for reasons identical to the February decision (see 2.1 above).

2.3 The current application (Ref 16/00579/FUL) is identical to application (Ref: 16/00323/FUL) which was refused in May 2016.

### **3.0 Relevant Planning Legislation/Guidance**

Section 70A of the Town and Country Planning Act 1990  
PPG on 'Making an application'

#### **4.0 Power to decline to determine subsequent application**

4.1 An identical application to that recently refused in May 2016 has been submitted. Section 70A of the Town and Country Planning Act provides a local planning authority with a power to decline to determine a relevant application (defined as "an application for planning permission for the development of any land") if:

1. The authority think there has been no significant change in the relevant considerations since the refusal of the previous application and:
2. In the period of two years ending with the date the subsequent application is received the local planning authority has refused more than one similar application and there has been no appeal to the Secretary of State against any such refusal.

4.2 Section 70A of the Town and Country Planning Act 1990 defines applications for planning permission as 'similar' if (and only if) the local planning authority thinks that the development and the land to which the applications relate are the same or substantially the same. In this case the application relates to the same land and is for development which is identical to the previously refused application in May and virtually identical to the development refused by the Planning Committee in February 2016.

4.3 The PPG on 'Making an application' provides guidance on this matter and advises that 'Where an authority considers that an application is similar, it is not automatically obliged to decline to determine the application. The purpose of these powers is to inhibit the use of 'repeat' applications that the local planning authority believes are submitted with the intention of, over time, wearing down opposition to proposed developments. They are, however, designed to be flexible and to give local planning authorities the discretion to entertain 'repeat' planning applications where they are satisfied that a genuine attempt has been made to overcome the planning objections which led to rejection of the previous proposal or there has been a material change in circumstances.' In this case, there has been no genuine attempt to overcome the planning objections to the development and there has been no material change in circumstances.

4.4 As such, it is recommended that the power to decline to determine this application is exercised under the provisions of Section 70A of the Town and Country Planning Act 1990.

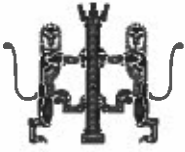
#### **RECOMMENDATION Decline to determine application**

Reason:

Planning permission has been refused for more than one similar application within the last two years and there has been no appeal to the Secretary of State. There has also been no significant change in the development plan (so far as relevant to the application) and any other material considerations since the similar application was refused.

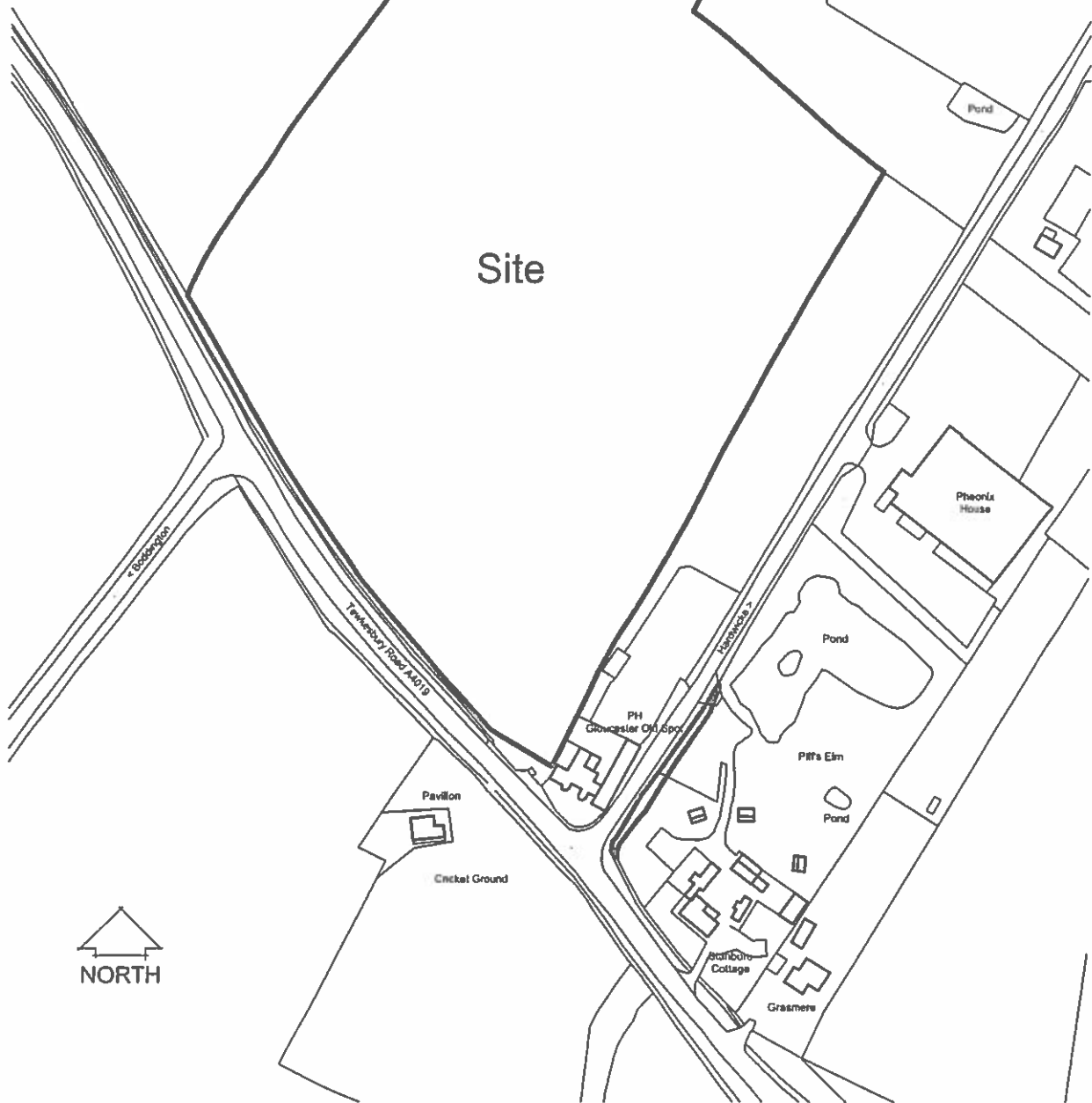
16/00579/FUL

RIBA  
Chartered Practice



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TEWKESBURY	BOROUGH COUNCIL
OPERATIONS	
Officer:	Scarlett
Rec'd:	24 MAY 2016
Ack'd:	
Ans'd:	
File:	



coombes : everitt architects limited

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Winchcombe  
Gloucestershire  
GL54 5JE

t: 01242 807727 f: 0845 5575833  
e: info@ce-architects.co.uk  
www.ce-architects.co.uk

Drawing title: Site Location Plan

Client: Elmstone (Cheltenham) Ltd

Drawn by: AH Checked: JE

Job number: 15.30.002

Project: Elmstone Piffs,  
Cheltenham.

Scale: 1:2500 @ A4

Date: September 2015

Draw no: PL001

coombes : everitt architects

04/1A

16/00335/FUL

St Chloe, Main Street, Dumbleton

2

Valid 29.03.2016

Conversion and extension of existing attached garage. Construction of a new detached garage and shed in garden.

Grid Ref 401675 236151

Parish Dumbleton

Ward Isbourne

Miss Vicky Locke

St Chloe

Main Street

Dumbleton

Evesham

Worcestershire

## RECOMMENDATION Permit

### Policies and Constraints

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8 and HEN2

Joint Core Strategy Submission Version - November 2014

Cotswolds Area of Outstanding Natural Beauty

Conservation Area

Multiple Listed Buildings

### Consultations and Representations

**Dumbleton Parish Council - Objects -** The reasons for objection are as follows:

*"These were not the easiest or clearest of plans to read, and whilst the proposed changes to the house seem OK, we have some reservations about the new garage proposal. It is of considerable size and its proposed location is in front of the current building line, and will be out of keeping with its surroundings. To make its location even worse is the fact that this plot is elevated by some 1.5 meters and this may only exacerbate its unsuitability.*

**Conservation Officer -** No objections.

**Public Representations -** No representations received at the time of writing this report

**Planning Officers Comments:** Mr James Lloyd

### 1.0 Application Site

1.1 The application relates to a detached bungalow ('St Chloe') located along the Main Street in the village of Dumbleton. The property and its grounds are set higher than the adjacent road level and the property has been constructed using re-con stone and concrete inter-locking roof tiles. The site is situated within Dumbleton Conservation Area and the Cotswold Area of Outstanding Natural Beauty (AONB) (see attached site location plan).

### 2.0 Planning History

2.1 Planning application 11/01191/FUL for dormer windows to the front and rear and a proposed rear extension was Permitted in 2012

### 3.0 Current Application

3.1 The current application seeks planning permission for the conversion of the existing attached garage with a first floor side extension over, the erection of a domestic shed and the erection of an Oak frame double garage and associated works to the parking/turning area. (see attached plans)

## 4.0 Policy Context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.2 Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment and requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. This is reflected in Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 which states that particular attention should be paid to the preservation and, wherever possible, enhancement of the character, appearance and setting of conservation areas and listed buildings in terms of their scale, form, materials and quality. It specifies that particular attention should be attached to the retention of traditional materials in the repair and refurbishment of existing buildings.

4.3 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.4 The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF. One of the core planning principles of the NPPF is to preserve the intrinsic character and beauty of the countryside. This is also reflected in Policy SD8 of the emerging Joint Core Strategy (JCS).

## 5.0 Analysis

5.1 The main considerations in relation to the current application are: the design and any impact on the setting of the AONB & Conservation Area; and the impact of the proposed development on the amenities of neighbours.

### *Design, Size and Impact on the Cotswolds AONB & Conservation Area*

5.2 The side extension would be constructed over the existing footprint of the attached garage on the Southern elevation. The proposed extension would follow the same ridge line as the existing bungalow. The eaves line at the front would follow the existing and the rear wall would be raised with a higher eaves height to give more headroom internally (**see proposed elevations**). A dormer is proposed on the front roof slope with a rooflight at the rear. No windows are proposed on the side elevation facing the adjacent property and a new chimney flue would be constructed from Bradstone. The extension would be finished in Bradstone with roof tiling to match the existing bungalow.

5.3 Main Street is characterised by varying sizes, styles and designs of property where extensions are not uncommon. In this particular case, it is considered that the first floor side extension with a front dormer would represent an acceptable arrangement that would be in keeping with the scale and proportion of the existing dwelling and the character of the surrounding area. Given the relatively modest size of the proposed extension it is not considered to be overdevelopment (with only a bathroom proposed at first floor level and a study area at ground floor level) and would comprise a proportionate addition to the existing dwelling. The design of the proposed dormer is intended to match that of the existing dormer on the western side creating a level of symmetry on the front elevation. Overall, it is therefore considered that the extension would not be inappropriate in terms of its scale or design in relation to the existing house or in relation to the surrounding area.

5.4 The Parish Council have objected to the proposal on the grounds that the proposed garage would be of considerable size and its proposed location would be in front of the current building line causing it to be out of keeping with its surroundings.

5.5 The two-bay garage would be constructed using an Oak frame with Larch infill panels (left to weather naturally) and a tile roof to match the existing bungalow. The garage would be approximately 6 metres by 5.5 metres with a maximum height of 4.2 metres. An extension of the existing drive is proposed creating a larger turning area.



5.6 The proposed garage would be located to the front of the bungalow and by virtue of its height and elevated position above the garage would be visible in the streetscene. However, this side of Main Street is characterised by a varied building line with some properties fronting straight onto the road, with others set back with large front gardens. The application site itself has a large front garden and the garage would be set back approximately 9.50 metres from the highway and would be finished in materials that are considered sympathetic in relation to the surrounding area. Furthermore, the garage would be situated within close proximity to the bungalow and would be read well against the existing building. With a maximum roof height of approximately 4.2 metres, it is considered that it would not appear overly large or prominent in the street scene.

5.7 The proposed shed would be situated in the area between the garage and the bungalow to the north of the site and would not be visible from the street scene or public vantage points.

5.8 The proposed extension would form a noticeable addition to the existing dwelling but would not be out-of-character with the surrounding area. Other properties have similar extensions in this part of Dumbleton and it is not considered that the current proposal would cause any significant intrusive harm to the AONB or Conservation Area. Similarly, and for the reasons given above, it is not considered that the proposed garage would be harmful in this regard. The Conservation Officer has raised no objections to the proposed scheme.

#### *Impact on neighbouring living conditions*

5.9 The proposed side extension would bring the existing building closer to the shared boundary with 'Rectory' at first floor level. The intervening boundary consists of mature hedging which currently exceeds the height of the existing garage. 'St Chloe' is positioned at a different angle to its adjacent neighbour, given the orientation of the properties; it is not considered that the attached garage would result in a loss of light or have an unduly overbearing impact on the neighbouring property that would warrant a refusal on these grounds.

5.10 The proposed dormer window and roof light would not directly overlook adjacent sites, and would be well distanced from dwellings located on the opposite side of the highway. There are no windows proposed on the side elevation facing the adjacent property 'Rectory', and it is not therefore considered that the proposal would result in any overlooking.

5.11 The impact of the proposed garage and shed upon neighbouring properties has also been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan.

## **6.0 Conclusion & Recommendation**

6.1 While the concerns of the Parish Council are noted, it is considered that the proposed extension, garage and shed would all be of acceptable sizes, scales and designs and would have an acceptable impact on the street scene within the Cotswolds AONB and Dumbleton Conservation Area. Furthermore, it is considered that the scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring properties. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan and is recommended for **Permit**.

### **RECOMMENDATION Permit**

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following:
  - Details within the application form received by the Local Planning Authority on 24th March 2016
  - The approved Drawings Nos. VL03 & VL02 & details within the Design & Access Statement received by the Local Planning Authority on 22nd March 2016
- 3 The external materials of the proposed side extension shall match as near as possible the materials of the existing dwelling.

- 4 The external materials of the proposed first floor extension shall comprise of Larch infill panels/cladding left to weather naturally and plain roofing tiles to match the existing dwelling unless otherwise approved in writing by the Local Planning Authority.
- 5 No development shall commence until details of existing and proposed finished floor levels of the garage have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 5 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

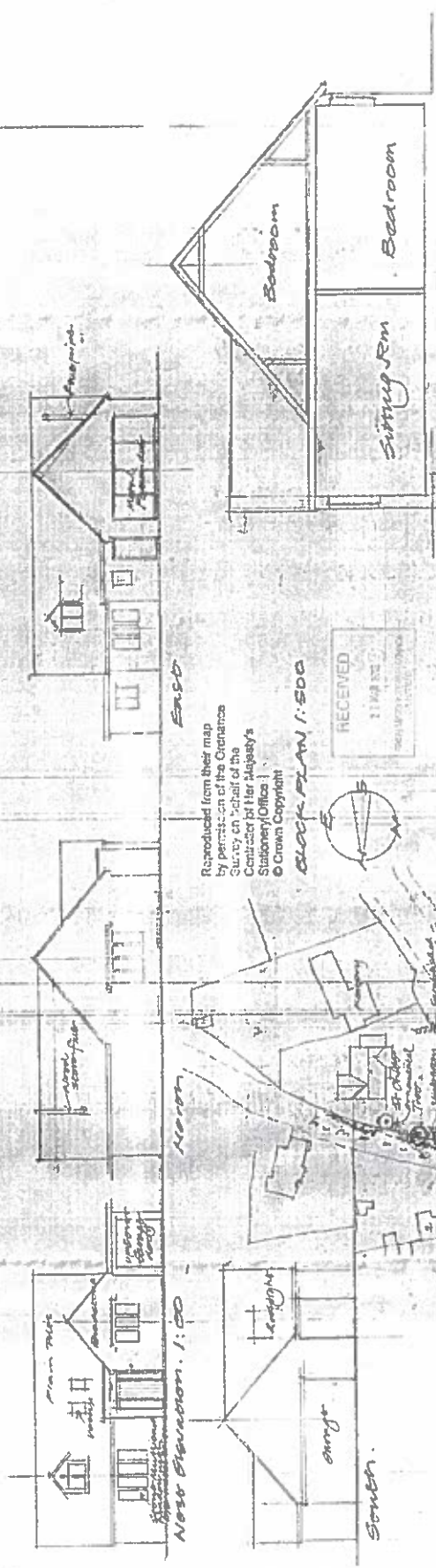
Note:

**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

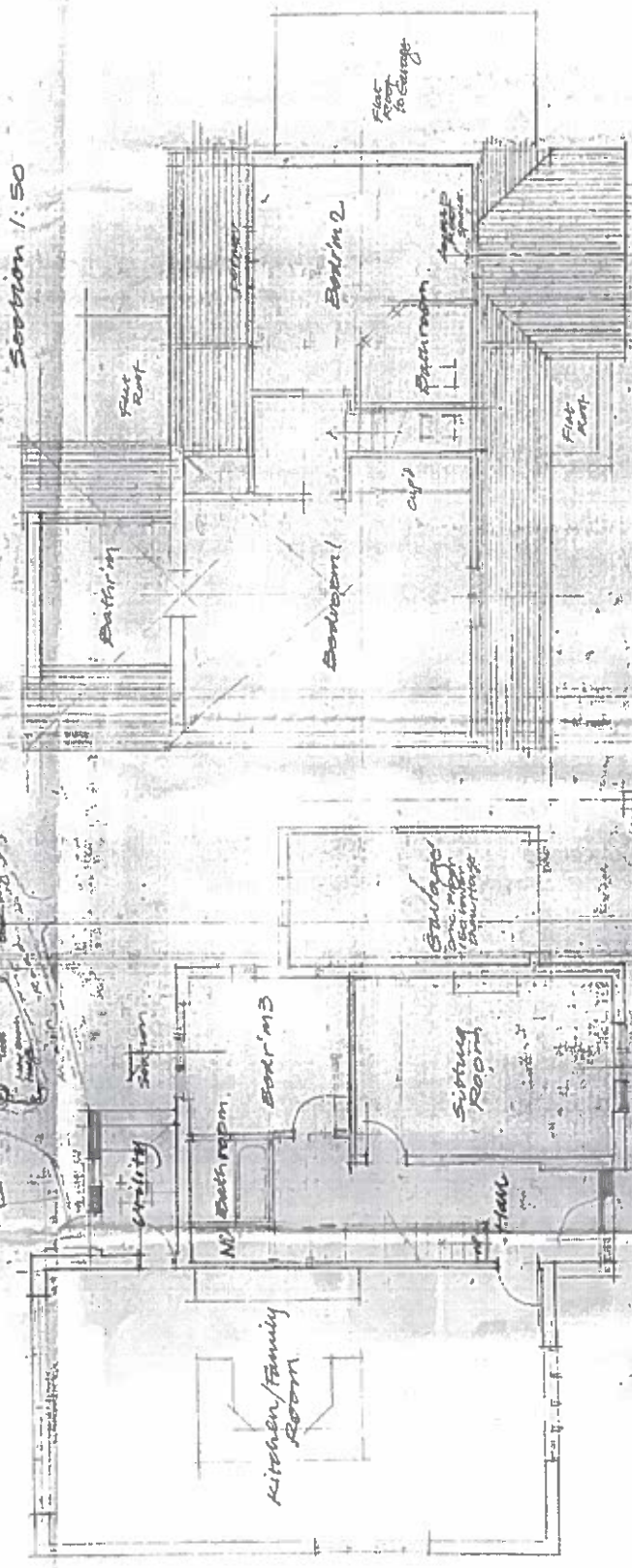
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23 JUL 2011  
PLANNING DEPARTMENT

68/A



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RECEIVED  
21 MAR 2011  
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STONE  
MANN STREET  
COURTNEY APR 11 7 17  
THE EXHIBITION  
FEB 2011

PROPERTY VL.01

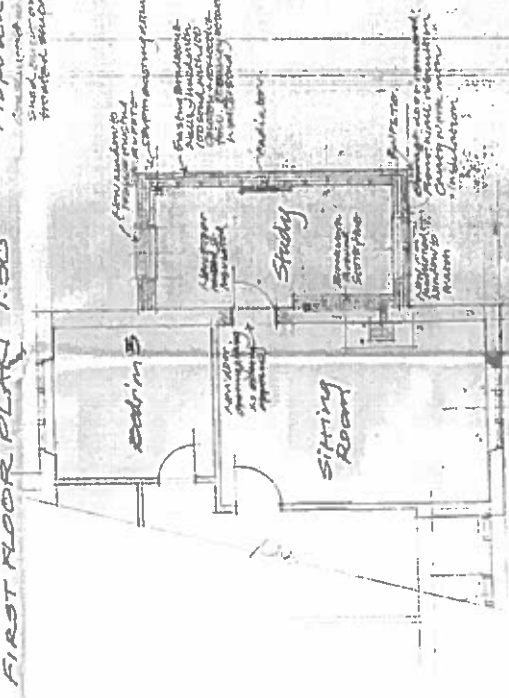
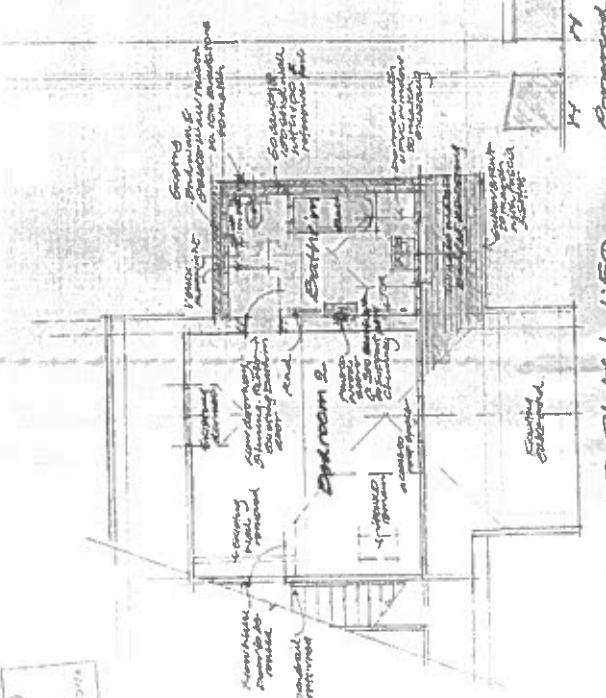
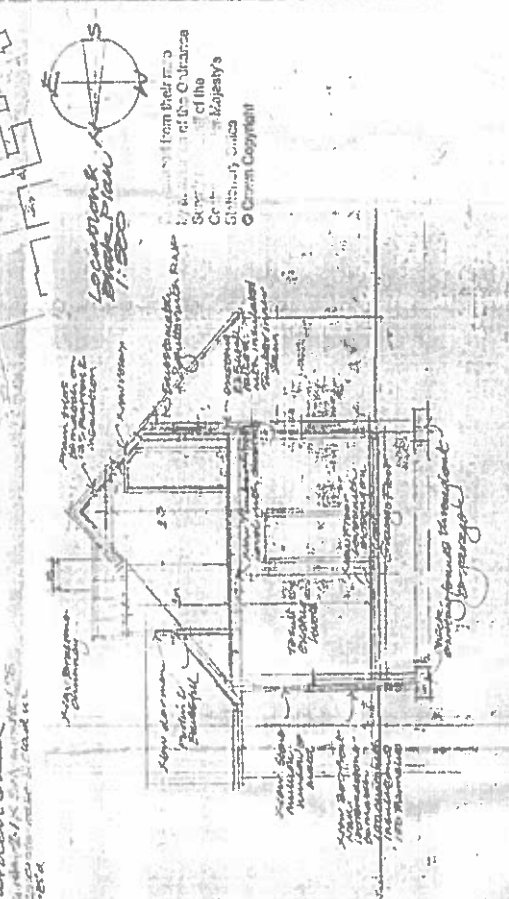
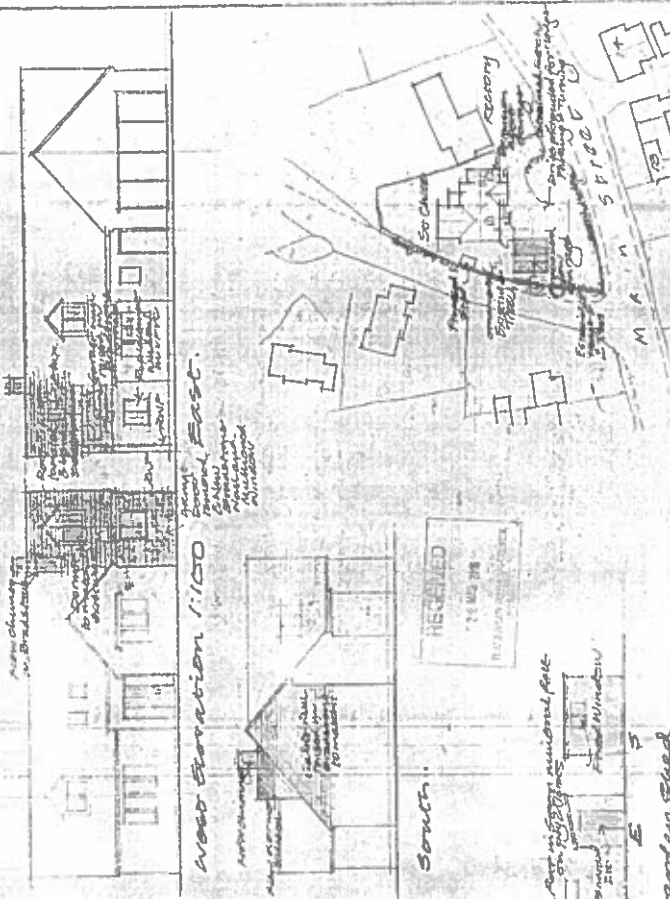
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21 MAR 75  
FRENCHVILLE RECORDS  
STANLEY

RECEIVED  
21 MAR 75  
FRENCHVILLE RECORDS  
STANLEY

Mrs V. Locke  
50-CHIPS  
Kiln Street  
Furberton April 7 1974  
Proposed Alteration  
to existing building  
and new building  
10 March  
D.M.C. V.L. 02

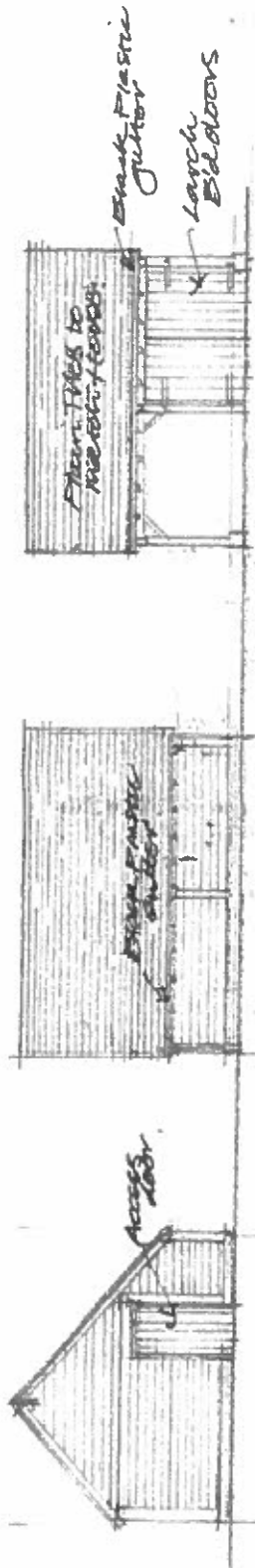
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Gloucestershire GL54 5JF  
01453 80001  
www.martinpodd.co.uk



SECTION AND STUDY & NEW BUILDING 1:50

GROUND FLOOR PLAN 1:50

68/B



South

North

East Elev. 1:100  
West is a mirror of this, but no door

RECEIVED  
22 MAR 2016  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

Miss V. Cooke  
St. Chiles  
Main Street  
Dumbleton WR11 7TH

Detail of Proposed  
Low Double Garage

10 March  
2016 VL.03

MARTIN PODD A.A.dipl.  
Architectural Consultant  
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Gloucestershire GL54 5LF  
01242 609011  
M.podd@btinternet.com  
mpodd@btinternet.com

Exp to water out  
with a flow to soakaway

Oak frame  
with larch weathering  
on boardwork  
all on 225 Bradstone base  
masonry

Concrete Floor  
& DPM with  
sight fall to front

7-7 framed  
Aluminum  
doors

Corner of house

225  
Bradstone  
masonry

Plan of Double  
Garage 1:50  
Standard Building by Oakwrights 6.065 x 5.51 deep

Valid 04.04.2016

Front single storey porch extension, garage conversion into an office and a rear single storey extension

Grid Ref 401743 228032

Parish Winchcombe

Ward Winchcombe

Mr Paul Kirby  
26, The Hyde  
Winchcombe  
CHELTENHAM  
GL54 5QR

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)  
Planning Practice Guidance  
JCS (Submission Version) November 2014  
Tewkesbury Borough Local Plan to 2011 (March 2006) - policy HOU8  
Flood and Water Management Supplementary Planning Document  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Winchcombe Town Council objects to the proposal on the grounds of inappropriate design. This relates to details of the windows and the forward projection of the extension which is considered to be out of keeping with the street-scene which is very visible from the approach up Tobacco Close to The Hyde.

The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 statutory consultation period or since.

### Planning Officers Comments: Emma Blackwood

#### 1.0 Application Site

1.1 The application property is a detached two storey dwelling with Bradstone facing materials. The dwelling is located on the western side of the highway and its front elevation faces onto the junction with Tobacco Close. The principal dwelling is designed with a dual-pitched roof and a gable end on each side elevation, and there is an existing single storey element comprising 2 no. garages attached to the northern side elevation, which is designed with a flat roof and which projects forward of the front elevation of the principal dwelling. There is an existing flat roofed canopy extending across part of the front elevation of the principal dwelling at ground floor level.

1.2 The application site is located within the Residential Development Boundary of Winchcombe and within the Cotswolds Area of Outstanding Natural Beauty (AONB).

#### 2.0 Relevant Planning History

2.1 None

#### 3.0 Current Application

3.1 The application seeks planning permission for the conversion of 1 of the 2 existing garages into an office, and the erection of a single storey extension across the front elevation of this garage and part of the front elevation of the principal dwelling, to comprise part of this office area, hallway and porch. The application also seeks planning permission for the erection of a single storey extension towards the northern side of the rear elevation, which would comprise a sun room. The rear extension would be flat roofed and would not extend beyond the rear elevation of the dwelling (see proposed elevations).

3.2 The proposed extensions would have a stone finish to match the existing dwelling, and the roof tile covering on the proposed front extension would match those on the existing dwelling. The proposed plans also show the installation of replacement windows on the front elevation of the principal dwelling.

#### **4.0 Policy Context**

##### National Planning Policy Framework

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan.

4.2 According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or where specific policies in the Framework indicate development should be restricted. The NPPF makes it clear that these restrictive policies include land within AONBs.

##### The Development Plan

4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006).

##### Tewkesbury Borough Local Plan to 2011 (March 2006)

4.4 Policy HOU8 of the Local Plan specifies that extensions to existing dwellings will be permitted provided that:

1. The proposal respects the character, scale, and proportion of the existing or, where appropriate, the original dwelling.
2. The detailed design reflects or complements the design and materials of the existing dwelling.
3. The proposal does not result in inadequate car parking or manoeuvring space.
4. The proposal does not have an unacceptable impact on adjacent property and the protection of residential amenity, in terms of bulk, massing, size, and overlooking.
5. The proposal respects the character and appearance of surrounding development.

4.5 Policy HOU8 of the Local Plan referred to above is consistent with the aims of the NPPF in terms of its core planning principles to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to take account of the different roles and character of different areas, and is therefore afforded considerable weight.

##### Emerging Development Plan

4.6 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. In December 2014, the Town Council agreed a draft Winchcombe and Sudeley Neighbourhood Plan for formal public consultation and, having considered the responses received during the formal consultation period, will soon be ready to bring a revised Plan to the Town Council for consideration.

4.7 The Submission Version of the JCS (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Policies SD1 (Presumption in Favour of Sustainable Development) and SD8 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS relate to the development currently proposed under this application.

4.8 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.9 The Submission version of the JCS was submitted to the Secretary of State in November 2014 for public examination which is currently taking place. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

4.10 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage.

## **5.0 Analysis**

### Impact on Character and Appearance of Area

5.1 The proposed front extension would not project beyond the front elevation of the existing garage and the proposed rear elevation would not project beyond the rear elevation of the principal dwelling. It is considered that the design of the proposed extensions would be sympathetic in scale, form and materials to the existing dwelling, and would not unreasonably detract from the existing garden area within the curtilage of the dwelling. The alterations to the existing windows on the principal dwelling are modest in nature. Overall, it is judged that the proposed development would respect the character and appearance of the area and would protect the visual attractiveness of the AONB.

### Impact on amenity of adjacent occupiers

5.2 The proposed front extension would not project beyond the front elevation of the existing garage and would be set back some 6 metres from the southern side boundary of the application site, which is shared with the front garden area and driveway of no. 27 The Hyde. 1 no. window is proposed for installation on the southern side elevation of this extension to serve the porch, which is an example of a non-habitable room. By virtue of the scale and form of the proposed front extension and its proximity to adjacent sites, it is considered that it would not unreasonably affect the amenity of adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

5.3 The proposed rear extension would not project beyond the rear elevation of the principal dwelling and would be set back approximately 1.15 metres from the northern side boundary which is shared with the rear and side garden area of no. 25 The Hyde. No fenestration is proposed for installation on the northern side elevation of the rear extension. The proposed fully glazed sliding doors on the rear elevation would not directly overlook adjacent sites, and would be no nearer to the rear site boundary than existing windows on the principal dwelling. There is existing boundary treatment along the northern side boundary in the form of close boarded fencing some 1.8 metres high, with some vegetation on the other side of this within the curtilage of no. 25 The Hyde. By virtue of the scale and form of the proposed rear extension, its proximity to adjacent sites, and the extent of existing screening along the northern side boundary, it is considered that the proposed rear extension would have no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

### Impact on Highway Safety

5.4 The proposed conversion of 1 of 2 existing garages would result in the loss of 1 existing car parking space within the curtilage of the dwelling. However, it is judged that the driveway and remaining garage would provide a sufficient amount of off-road parking spaces, and it is therefore considered that the cumulative residual impact of the proposed development on highway safety would not be severe.



## 6.0 Summary

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details in the application form and approved drawing nos. '543184-16-2', '543184-16-4' and '543184-16-5' received by the Local Planning Authority on 1st April 2016, and any other conditions attached to this permission.
- 3 The external facing materials to the development hereby permitted shall match in colour, form and texture those of the existing building.

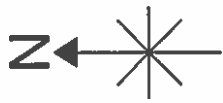
#### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To ensure that the development hereby permitted is in keeping with the existing building in accordance with Policy HOU8 of the adopted Tewkesbury Borough Local Plan to 2011 (March 2006).

#### Notes:

- 1 **Statement of Positive and Proactive Engagement**  
  
In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

<b>Client:</b> Paul Kerby 26 The Hide Wincombe GL545QR	<b>Description:</b> Proposed Location Plan
<b>Drawn:</b> DS	<b>Job:</b> 543184
<b>Scale @ A3:</b> AS SHOWN	
<b>Date:</b> 24.03.16	
<b>Dwg No:</b> 543184 -16-5	
<b>H.A. Planning</b> 67 Cleevemount Road Cheltenham, Gloucester GL52 3HD 01242 222250	

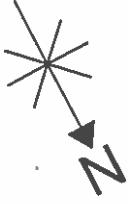


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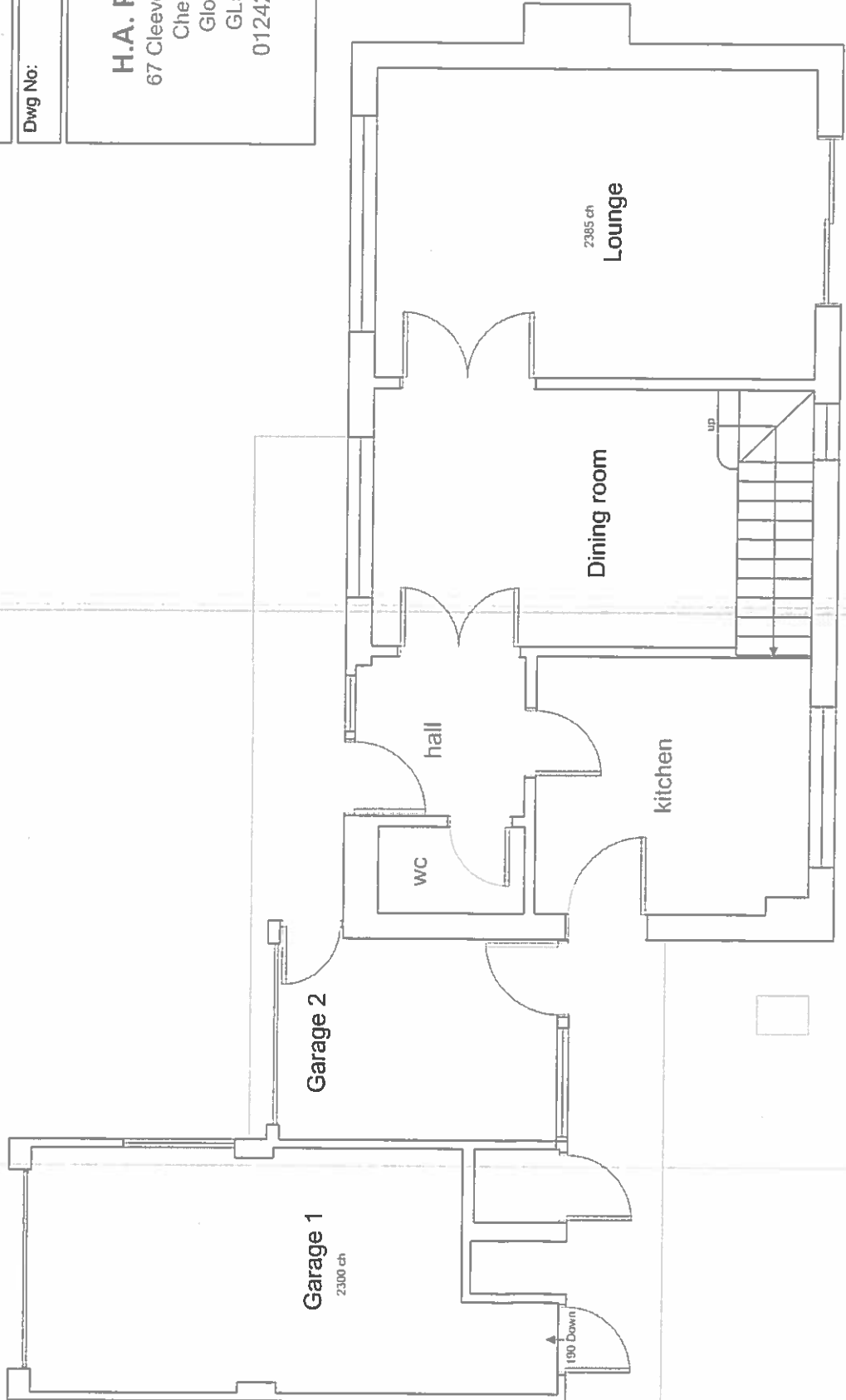


SCALE 1:500

72/A

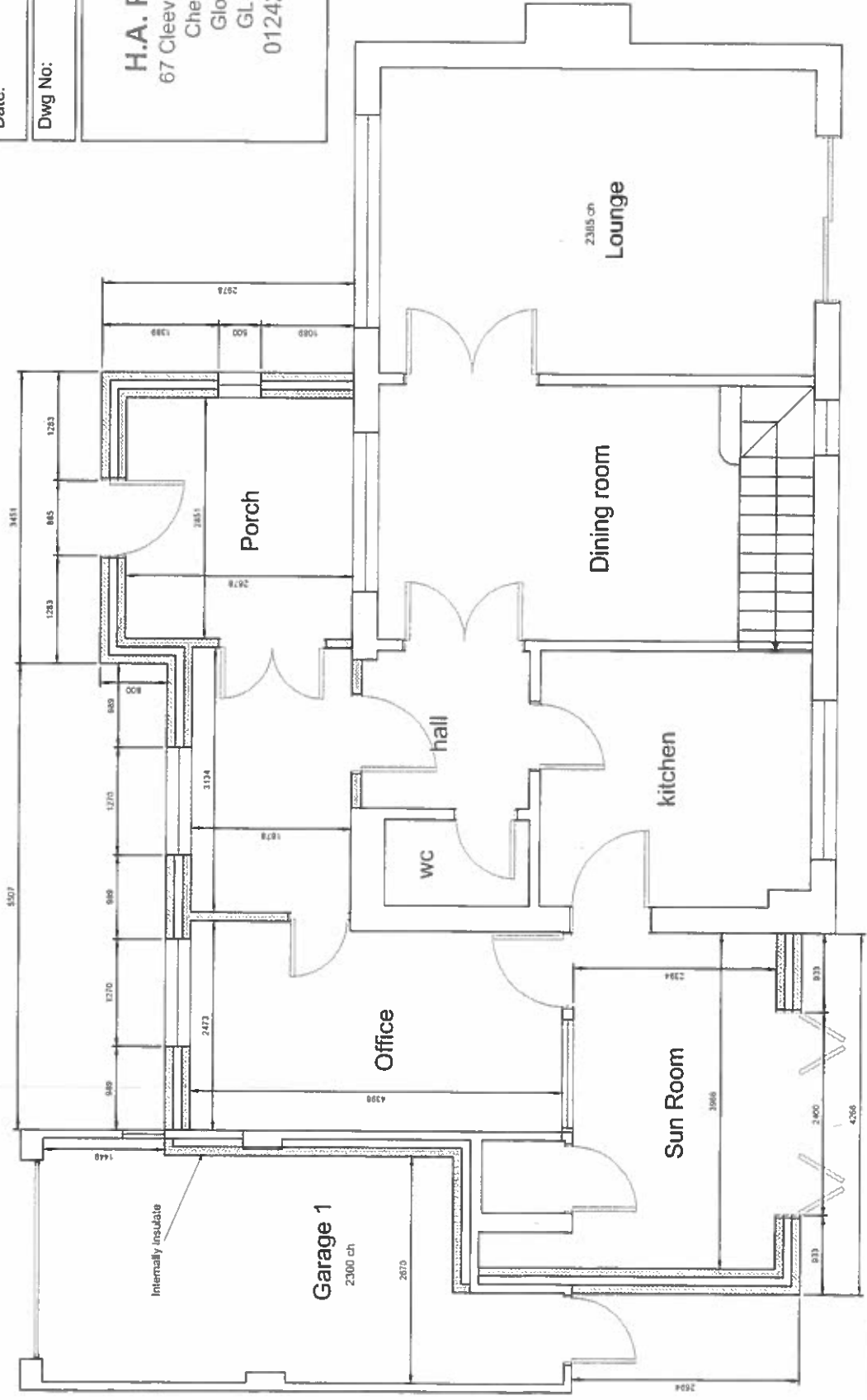


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<b>Drawn:</b> DS	<b>Job:</b> 543184
<b>Scale @ A3:</b> 1:50	
<b>Date:</b> 24.03.16	
<b>Dwg No:</b> 543184 -16-1	
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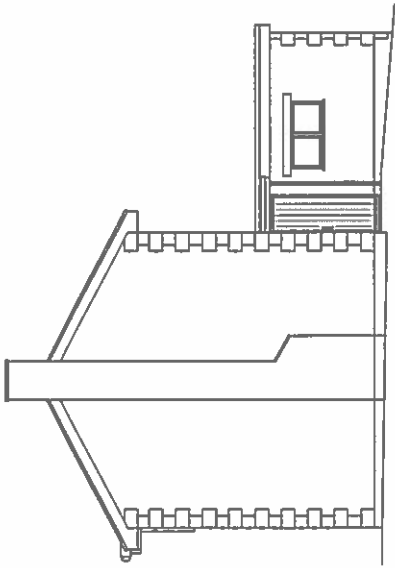
72/B

<b>Client:</b> Paul Kerby 26 The Hide Winchcombe GL545QR	<b>Description:</b> Proposed GF Plan
<b>Drawn:</b> DS	<b>Job:</b> 543184
<b>Scale @ A3:</b> 1:50	
<b>Date:</b> 24.03.16	
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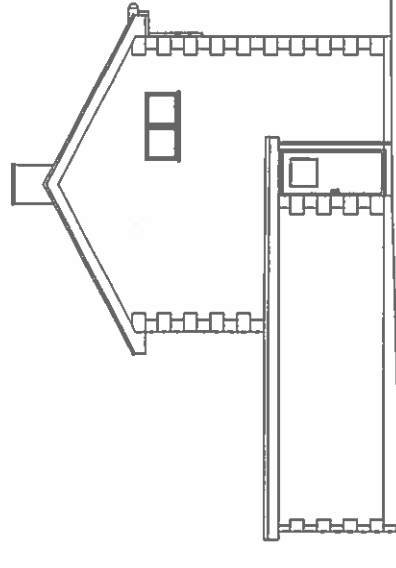


72/c

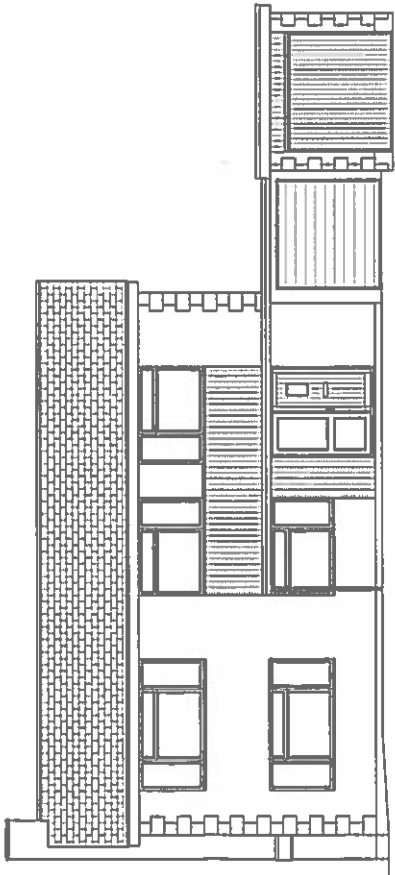
<b>Client:</b> Paul Kerby 26 The Hide Winchcombe GL545QR	<b>Description:</b> Existing Elevations
<b>Drawn:</b> DS	<b>Job:</b> 543184
<b>Scale @ A3:</b> 1:100	<b>Date:</b> 24.03.16
<b>Dwg No:</b> 543184 -16-3	<b>H.A. Planning</b> 67 Cleeve Mount Road Cheltenham, Gloucester GL52 3HD 01242 222250



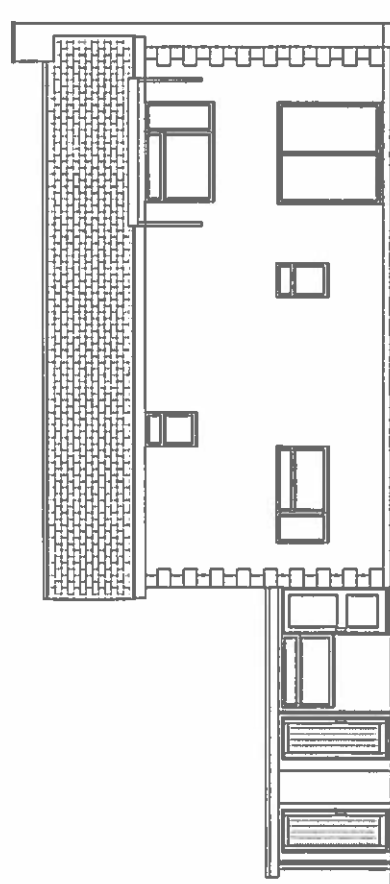
LEFT ELEVATION



RIGHT ELEVATION



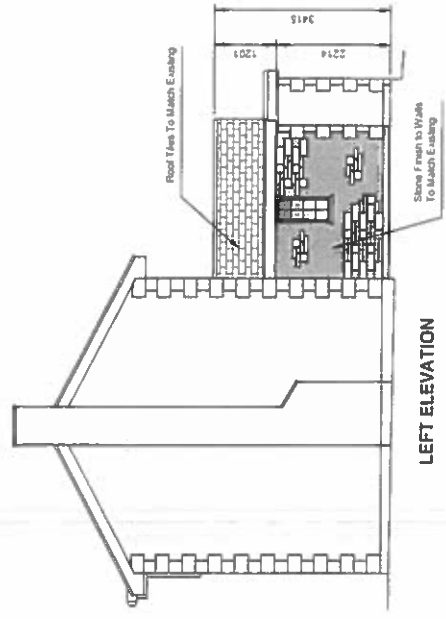
FRONT ELEVATION



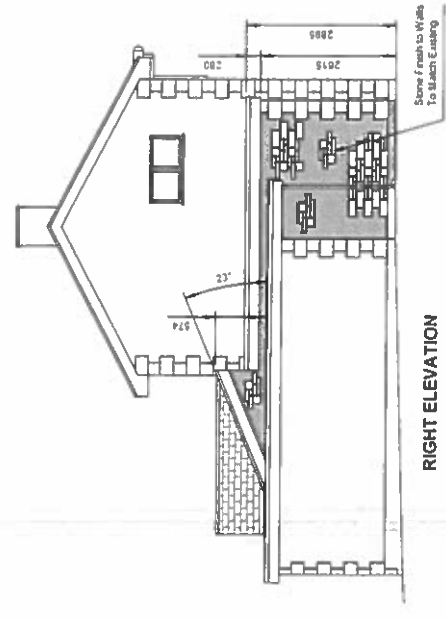
REAR ELEVATION

72/0

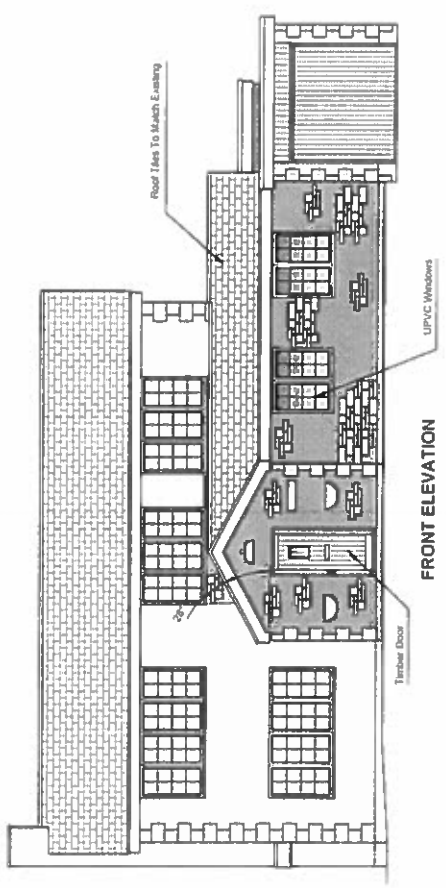
<b>Client:</b> Paul Kerby 26 The Hide Winchcombe GL545QR	<b>Description:</b> Proposed Elevations
<b>Drawn:</b> DS	<b>Job:</b> 543184
<b>Scale @ A3:</b> 1:100	<b>Date:</b> 24.03.16
<b>Dwg No.:</b> 543184 -16-4	
<b>H.A. Planning</b> 67 Cleevemount Road Cheltenham, Gloucester GL52 3HD 01242 222250	



LEFT ELEVATION

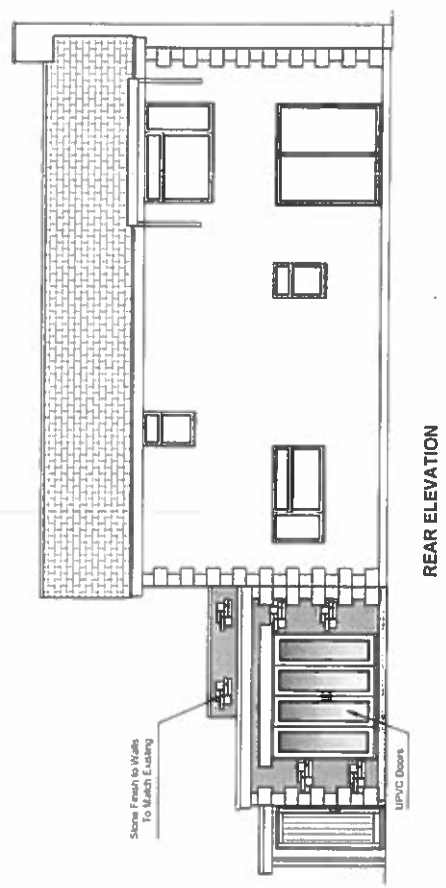


RIGHT ELEVATION



FRONT ELEVATION

**NOTE**  
Front elevation windows to be replaced with the style windows as shown.



REAR ELEVATION

72/E

16/00485/FUL

The Hayricks, Longridge Lane, Ashleworth

4

Valid 12.05.2016

Demolish existing garage and erection of detached 3 bay oak framed garage

Grid Ref 381015 224720

Parish Ashleworth

Ward Highnam With Haw Bridge

Mr Damian Carter

The Hayricks  
Longridge Lane  
Ashleworth  
GLOUCESTER  
GL19 4HX

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8 and LND3

Joint Core Strategy Submission Version - November 2014

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Ashleworth Parish Council - Objects -** The reasons for objection are as follows:

*"APC has no objection to the principle of demolishing the existing garage and building a new garage.*

*However, APC does object to the size of the proposed development -*

*a) It would have a negative impact on a rural area in the Landscape Protection Zone and*

*b) It is considered to be disproportionately large relative to the existing residential property."*

The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

**Planning Officers Comments:** Mr James Lloyd

### 1.0 Application Site

1.1 The application property is a detached bungalow, The Hayricks, located on the east side of Longridge Lane, Ashleworth, about 1 mile out of the village. There is an existing detached garage on site. The application site, given local topography, is located above Longridge Lane, which is a single track highway serving sporadic development. The site is surrounded by open countryside / agricultural land (**See attached location plan**)

1.2 There is an area of hardstanding towards the north-eastern corner of the application site which is currently used for off-road parking; this is the proposed area for the detached garage. Fencing has been erected around the site, separating it from the surrounding agricultural fields.

1.3 The application property is located within the Landscape Protection Zone (LPZ), as defined in the Local Plan Proposals Map.

### 2.0 Planning History

11/00210/FUL - Erection of replacement bungalow with ancillary works. (Demolish existing bungalow) - Permitted 2011.

### 3.0 Current Application

3.1 The current application seeks permission for the demolition of an existing garage and erection of a detached 3 bay oak framed garage with a studio at first floor. The garage would have an L-shaped footprint with the first floor studio accessed via an external staircase located on the side (southern) gable end facing the main dwelling. The garage would be located in the north eastern corner of the application site adjacent to the existing bungalow facing the highway. The garage would have a ridge height of approximately 5.2 metres with eaves at approximately 2.2 metres (see proposed plans and elevations). Two roof lights are proposed on the roof slope of the front elevation facing the highway. The garage would be constructed with an oak frame clad externally in timber weather board and would be tiled to match the existing bungalow.

3.2 The existing garage to be removed is located to the front of the site adjacent to the road - whereas the proposed garage would be sited further back into the site (see layout plans).

### 4.0 Policy Context

4.1 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.2 The site is located within a Landscape Protection Zone (LPZ). Policy LND3 of the Local Plan specifies that, within the LPZ, special protection is given to the ecology and visual amenity of the river environment and that development will not be permitted which:

- Has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale.
- Has an adverse impact on the water environment.

4.3 It is considered that these policies from the Local Plan are consistent with the aims of the NPPF in terms of its core planning principles to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking into account the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside, and they are therefore afforded great weight.

### 5.0 Analysis

5.1 The main considerations in relation to the current application are: the design and the effects the proposal would have on the character and appearance of the surrounding countryside; and the on the amenities of neighbours.

#### *Design, Size and Setting*

5.2 The Parish Council have objected to the proposal on the grounds that the garage would be of a size that is disproportionate to the existing dwelling and would have a negative impact on a rural area in the Landscape Protection Zone.

5.3 The existing single storey garage is set on the boundary, forward of the building line of the bungalow, adjacent to the highway. It is currently in a poor state of repair and the overall footprint measures approximately 36.61 square metres, adding very little to the current street scene and the removal of this building would be considered an enhancement.

5.4 The proposed garage, although comprising two stories, would be in the form of a one and a half storey unit with an external access staircase situated in the side elevation. The garage would be set back from the building line of the existing dwelling, the ridge line would be approximately 1.2 metres lower than that of the existing bungalow with a lower eaves height. Although the garage would be larger than the building that it would replace, it would be of a better design, in a more suitable less prominent location and constructed from better quality materials (Oak frame and staircase, timber clad walls, tiled roof covering to match the bungalow). Furthermore, it is considered the proposal would not appear substantially different to existing outbuildings in the locality.



5.5 Overall, given the generous size of the application site, positioning of the garage in relation to the dwelling, the choice of natural materials and simple design it is considered that the proposed garage would respect the character, scale and proportion of the existing dwelling and the surrounding ancillary buildings. It is also considered that the proposal would appear subservient to the main dwelling and would not harm the character and appearance of the surrounding area. A condition is required to ensure the removal of the existing garage.

#### *Impact on the LPZ*

5.6 Whilst the application site is surrounded by agricultural fields the proposed garage would be positioned in close proximity to the existing dwelling within the residential curtilage. The existing character of the area comprises clusters of detached dwellings and farm buildings. The current boundary treatment around the site comprises of a post and rail fencing with mature trees to the western boundary facing the highway. The nearest public footpath is situated some 190 metres to the South East of the site, it is considered that any views of the garage from this perspective would be read in context with the existing property.

5.7 Although the garage would be noticeable addition to the site it would not be out of character with the surrounding area, other properties along Longridge Lane have outbuildings and garages and it is not considered that the current proposal would cause any significant intrusive harm to the landscape and would have an acceptable impact on the qualities of the LPZ in line with Policy LND3.

#### *Impact on neighbouring living conditions*

5.8 Given the distance to neighbouring properties and the site's relatively isolated position, it is not considered that the proposed garage would cause any undue detrimental impacts upon the amenities of the surrounding properties and therefore complies with Policy HOU8 of the Local Plan in this regard.

#### *Other Matters*

5.9 Given the size of the proposed development, with its first floor accommodation, it is considered necessary to impose a condition to ensure use is ancillary to the main use of the dwelling house. The garage would not be considered appropriate for use as a separate dwelling by virtue of its isolated location, remote from existing services and facilities and its close proximity to the existing dwelling. As stated above, a condition requiring the removal of the existing garage is also considered necessary.

## **6.0 Conclusion & Recommendation**

6.1 Whilst the concerns of the Parish Council are noted, it is considered that the proposed garage would be of an acceptable size, scale and design and would have an acceptable impact on the street scene and open countryside within the LPZ. Furthermore, it is considered that the scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring properties. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policies HOU8 & LND3 of Tewkesbury Borough Local Plan and is recommended for **Permit**.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following:
  - Details within the application form received, Drawing 'Proposed Floor Plan, Elevations & 3D View @ A3' and Drawing No. GA/DT/RS/180416/01 all received by the Local Planning Authority on 3rd May 2016
  - Details within the Design & Access Statement received by the Local Planning Authority on 23rd May 2016
  - The approved Drawings 'Site Plan' & 'Proposed Floor Plans & Elevations @ A2' received by the Local Planning Authority on 17th June

- 3 Within one month of the new garage being brought into beneficial use, the existing garage shown on the attached plan 'Site Plan' shall be demolished and all resulting materials and debris removed from the site.
- 4 The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as 'The Hayricks'
- 5 The external materials of the proposed first floor extension shall comprise of timber clad Wavy edge oak/Larch weather board treated in Dulux naked wood treatment, Anthracite Black 4" plain concrete roofing tiles and All brickwork up to DPC will be of grey engineering bricks to match the host dwelling.

Reasons:

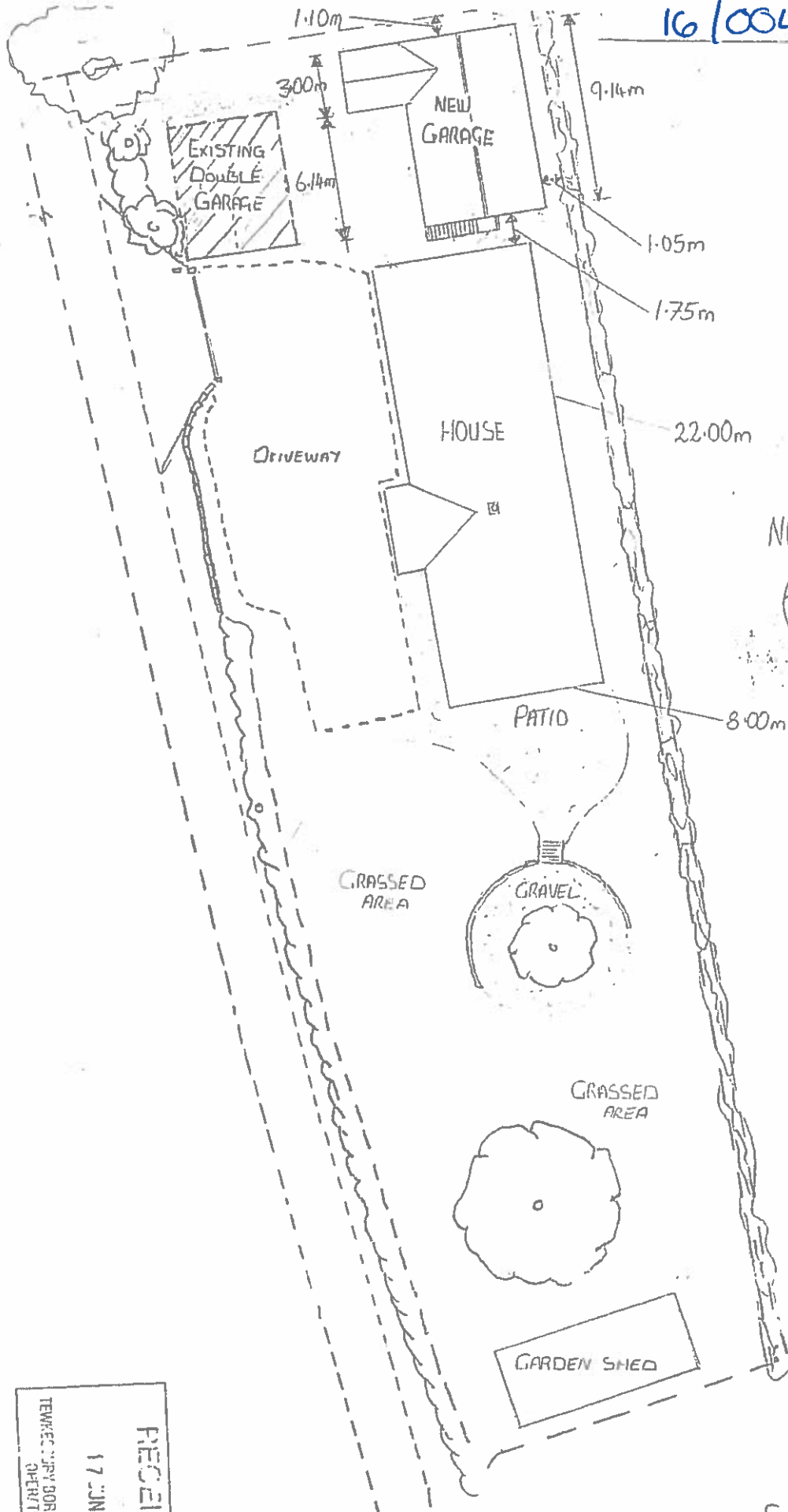
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 In order to secure the most appropriate development of the application site in accordance with Policy HOU8 of the Tewkesbury Borough Council Local Plan.
- 4 The development is not appropriate for use as a separate dwelling by virtue of its isolated location, remote from existing services and facilities and its close proximity to the existing dwelling which may result in unacceptable loss of residential amenity to the occupiers of both units, should unrestricted use be granted.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Note:

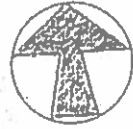
**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

16/00485/FUL



NORTH



RECEIVED  
 17 JUN 2016  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS

Site Plan

Scale - 1:200

THE HAYRICKS, LONGRIDGE LANE, ASHLEWORTH, GLOS. GL19 4HX  
 APPLICATION - TO REPLACE EXISTING GARAGE.

76/A

Drawings Remains THE COPYRIGHT  
OF THE AUTHOR - MRS D. CARTER  
SCALE: 1:100  
DATE: 29 MARCH 2016

NOTES:  
PROVISIONAL DESIGN PRESENTED  
TO TEWKESBURY BOROUGH COUNCIL  
DUTY PLANNING OFFICER  
- LISA DIXON

PLANNING REF: PP-05D 65524  
PROPOSAL:

- DEMOLISH EXISTING CONCRETE  
BLOCK GARAGE AND  
REPLACE & REPOSITION NEW  
GARAGE WITH STUDIO.
- PICTURES OF SITE ATTACHED

CONSTRUCTION DETAILS:

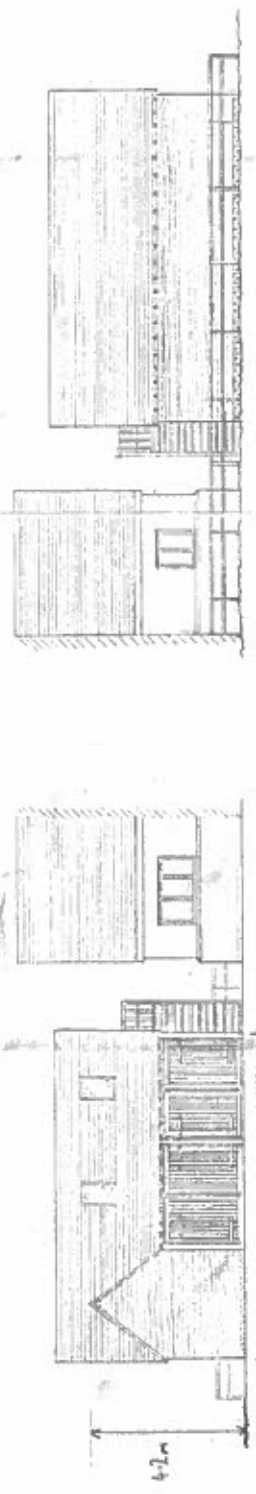
- ONE FRAME - 205mm x 1 BEAM
- FRAMES TREATED WITH OULIX
- NANGU WOOD, MATCHING HOUSE
- CLAD WITH USE OF TIMBER
- WEATHER BOARD

- ROOF COVERING: UNGLAZED TO MATCH  
HOUSE - LOCAL ANTI-RUSTIC PURLIN  
TILES

BENEFITS:

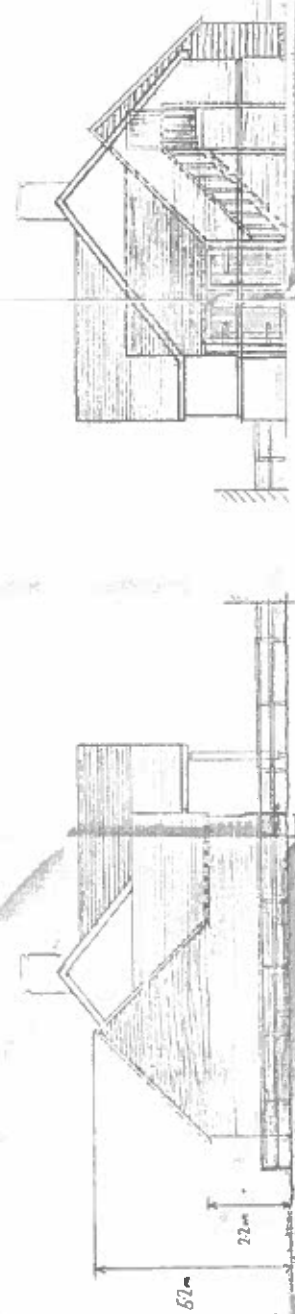
- EXISTING DRIVEWAY IS NOT  
INTERFERED WITH EITHER THE PROPOSED  
OR THE CURRENT SIDE SURROUNDINGS
- PROVIDES A SEPARATE UNIT...
- STUDIO PROVIDES AN AREA FOR  
SINGING TO STUDY AND THEIR  
ART AND MUSICAL INTERESTS.
- ALLOWING TO PROVIDE ADEQUATE  
NATURAL LIGHT IN THE NEW ROOF  
LIGHTS.

SITE ADDRESS:  
THE HAYRICKS, ZIMMERHOGE LANE,  
FARLEBOROUGH, WILTSHIRE, SN17 4HX  
MRS D. CARTER (APPLICANTS)



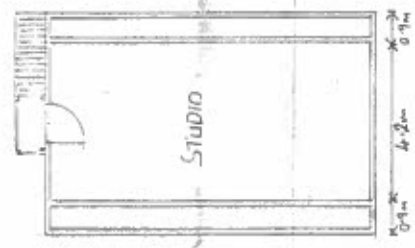
REAR ELEVATION

FRONT ELEVATION

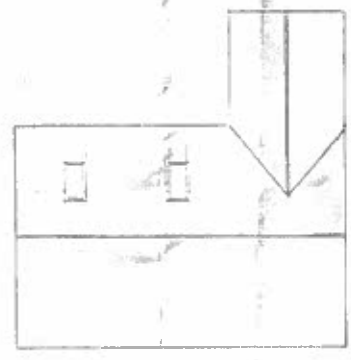


SIDE ELEVATION

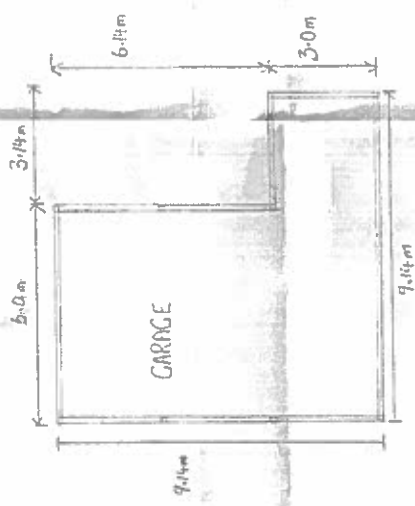
SIDE ELEVATION



FIRST FLOOR



ROOF



GROUND FLOOR



RECEIVED  
17 JUN 2016  
TEWKESBURY BOROUGH COUNCIL  
OFFICE

76/13

Valid 04.05.2016  
 Grid Ref 393808 219125  
 Parish Shurdington  
 Ward Shurdington

Erection of first floor rear extension - revised scheme

Mr Sheppard  
 Old Meadow House  
 Crippetts Lane  
 Leckhampton  
 Cheltenham  
 GL51 4XT

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, GRB1  
 Joint Core Strategy Submission Version November 2014  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Parish Council - supports

Local residents - three letters of support have been received from Local residents at:

- Moonhill, Crippetts Lane - no objections, see no reason why the proposal should not be granted permission.
- Carleston Rise, Crippetts Lane - the proposal would not detract from the character of the house or the surrounding area.
- Green Acres, Crippetts Lane - the proposal would not detract from this attractive area. It would not be very visible from the lane. No increase in traffic created.

Two letters of objection have been received from the following properties:

- Three Springs, Church Lane - a similar application was turned down before. Harmful impact on the AONB and the surrounding countryside.
- Loss of view
- Little Crippetts, Crippetts Lane - strongly objects. The original application was refused on the grounds of its impact on visual amenity and this should still stand. Extending the roof line as such would result in the loss of view of Leckhampton Hill from their property. This view is of great value to his family.

**Councillor Surman has requested a committee determination to assess the impact on the Green Belt and whether the proposal is over development.**

**Planning Officers Comments:** Mrs Sarah Barnes

#### 1.0 Application site

1.1 'Old Meadow House' is a detached dwelling located along Crippetts Lane in Leckhampton (**site location plan attached**). The site is located in the Green Belt and the Area Of Outstanding Natural Beauty.

#### 2.0 Planning History

2.1 In 1965 permission was granted for a study and a bedroom.

2.2 In 1997 permission was granted for a single storey extension and garage.

2.3 In 2015 (15/01082/FUL) an application for a first floor rear extension was refused permission **plans attached**. The refusal reasons were as follows:

1. The proposed development would result in disproportionate additions over and above the size of the original dwelling. The proposal therefore represents inappropriate development in the Green Belt in conflict with Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the provisions of the NPPF.

2. The proposed extension, by virtue of its size and design, would create an over-dominant, unsympathetic addition that would be harmful to the character and appearance of the existing dwelling. The proposed development would therefore conflict with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Section 7 of the National Planning Policy Framework (NPPF).

### **3.0 Current application**

3.1 The current application is a revised application for a first floor rear extension (**plans attached**). The extension is virtually the same size as the previous 2015 application although the design has been improved.

### **4.0 Policy Context**

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning. Paragraph 64 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.2 Policy HOU8 of the Local Plan conveys that any development should respect the character, scale and proportion of the existing house, compliment the design and materials of the existing and should not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

4.3 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This approach is followed in Policy GRB1 of the Tewkesbury Borough Council Local Plan to 2011 - March 2006.

### **5.0 Analysis**

#### **Design and visual impact**

5.1 Policy HOU8 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.2 It is considered that the proposed revised extension would be of an appropriate size and design in keeping with the character and appearance of the property. The ridge line of the extension has been lowered so it would now read as more subservient. Therefore, the proposal would have an acceptable impact on the character of the area and complies with the requirements of Policy HOU8 in this regard.

#### **Residential Amenity**

5.3 Policy HOU8 also states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.4 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

#### **Green Belt**

5.5 Both the NPPF and local Green Belt policy indicate that extensions or alterations need not be inappropriate in Green Belts providing that they are limited and do not result in disproportionate additions over and above the size of the original dwelling. Inappropriate development should not be permitted unless there are very special circumstances, in planning terms, that clearly outweigh the level of harm that would be caused.

5.6 The original dwelling occupied a floor space of approximately 136 sq. metres. The proposed extension (27 sqm), together with the existing extensions to the property (90 sq metres), would result in a total additional floor area of 117 sq. metres. This increase in floor space would equate to an 86% addition. In Green Belt terms, this would clearly represent a disproportionate addition. This is considered to be a significant increase in the size of the dwelling, and would represent disproportionate additions over and above the size of the original dwelling and would have an adverse impact on the openness of the Green Belt.

5.7 As such, it is considered that the proposal would conflict with Green Belt policies contained within the NPPF, and Policy GRB1 of the Local Plan. Furthermore, no very special circumstances have been put forward which might warrant a departure from the strict presumption against allowing inappropriate development in such areas.

## **6.0 Conclusion**

6.1 In conclusion it is considered that the proposed extension, together with the existing extensions to the property, would result in disproportionate additions over and above the size of the original dwelling. Such disproportionate additions are considered to be harmful to the openness of the Green Belt and the proposal would therefore represents inappropriate development. The proposal is therefore recommended for **refusal**.

## **RECOMMENDATION Refuse**

### **Reason:**

The proposed development would result in disproportionate additions over and above the size of the original dwelling. The proposal therefore represents inappropriate development in the Green Belt in conflict with Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the provisions of the NPPF.

### **Note:**

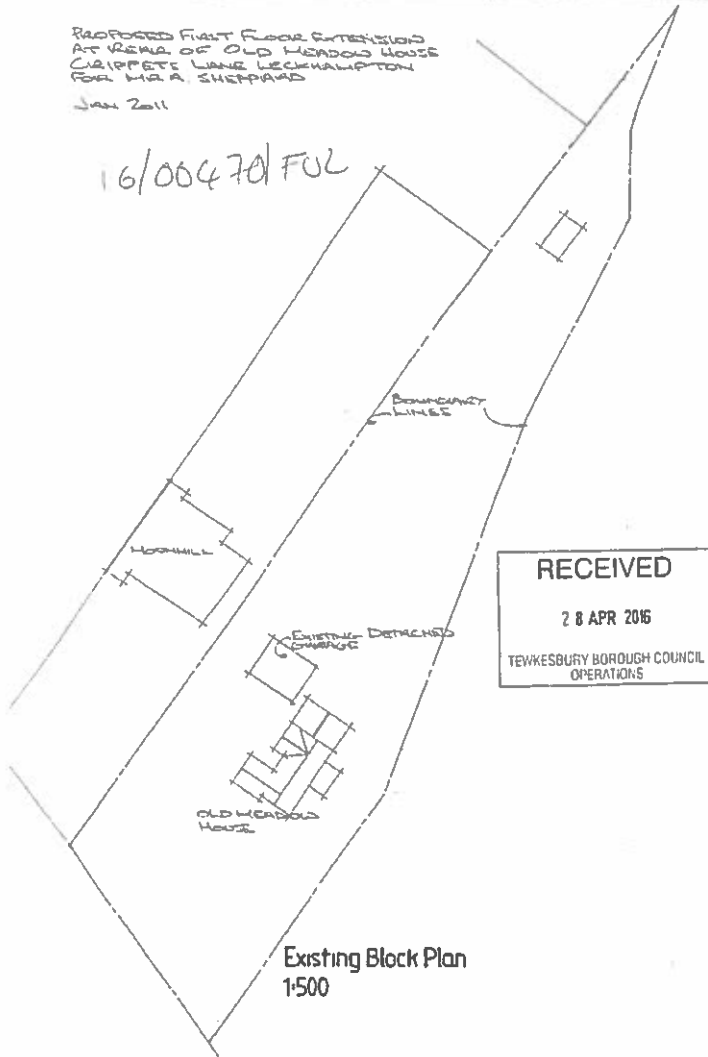
#### **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

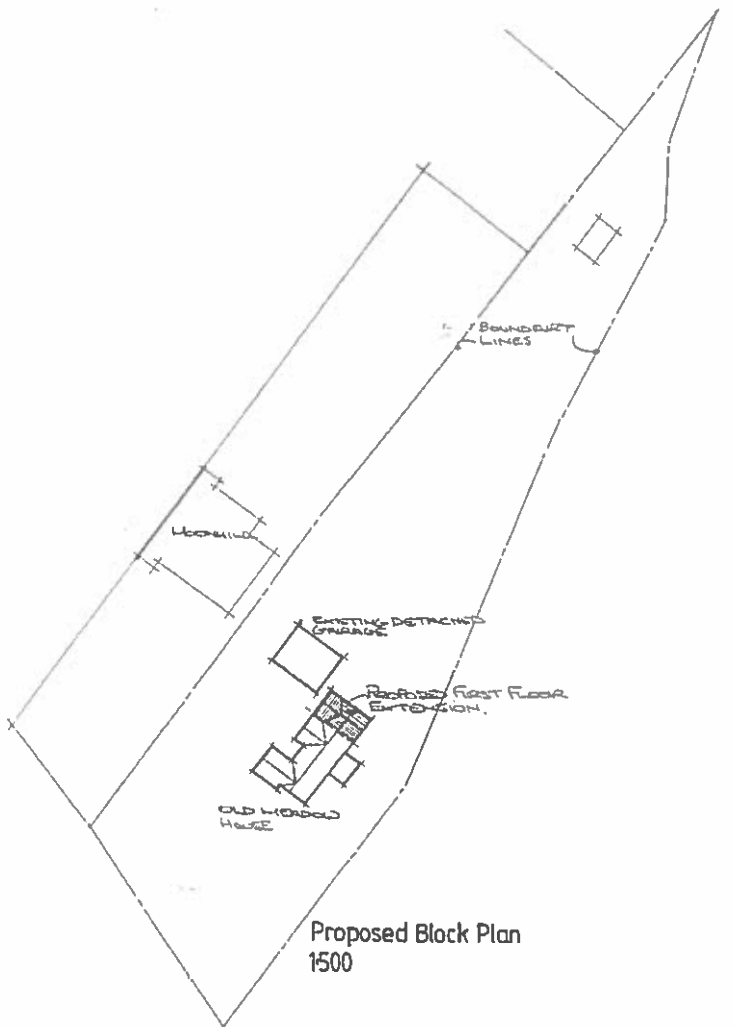
16/00470/FUL

PROPOSED FIRST FLOOR EXTENSION  
AT REAR OF OLD MEADOW HOUSE  
CLIPPETT LANE, LECKWALPTON  
FOR MIA A. SHEPPARD  
JAN 2011

16/00470/FUL



RECEIVED  
28 APR 2016  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

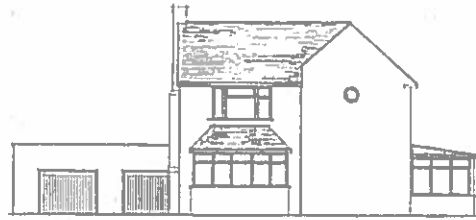




16/00470/fel



Existing Rear Elevation



Existing Front Elevation



Existing Side Elevation



Existing Side Elevation

Notes  
All dimensions must be checked on site and not scaled from this drawing.

No.	Date	Remarks

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Client

Mr A. Sheppard

Job Title

Proposed First Floor  
Extension at Rear of  
Old Meadow House  
Crippets Lane  
Leckhampton

Drawing Title

Existing Elevations

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28 APR 2016

TEWKESBURY BOROUGH COUNCIL

Scale: 1/100

Date: Jan 2011

Drawn by: [Signature]

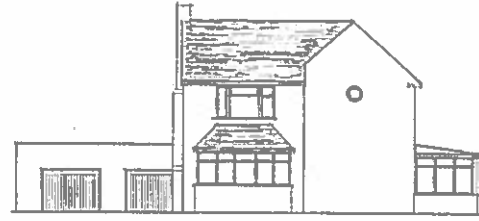
Drawn by

Drawn by	Rev

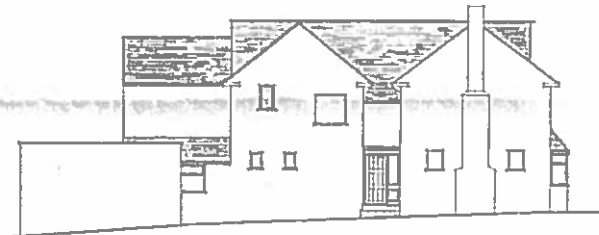
16/00470/rel



Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Side Elevation

Note  
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No	Date	Revisions

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Mr A. Sheppard

Proposed First Floor  
Extension at Rear of  
Old Meadow House  
Crippets Lane  
Leckhampton

Proposed Elevations

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28 APR 2016

OPERATIONS

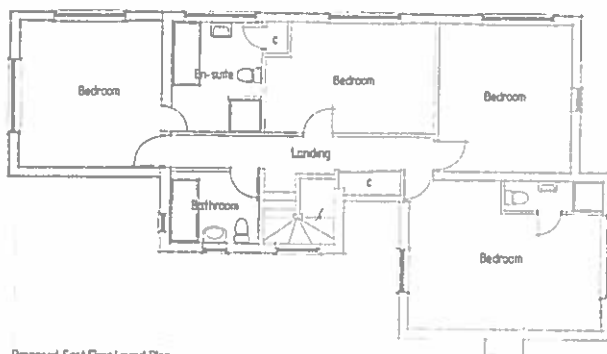
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Date Jan 2016 Drawn by

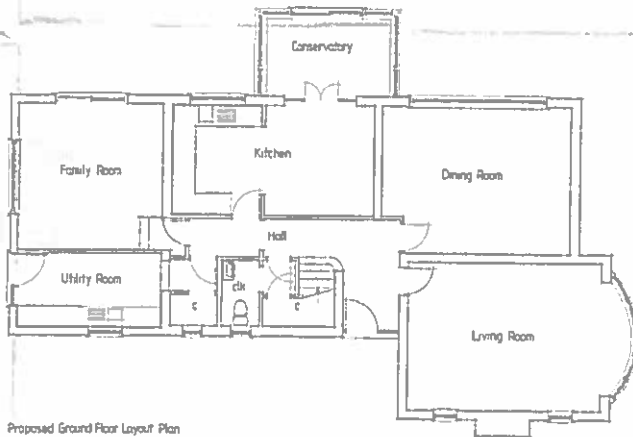
Orig. No. Rev

79/C

16/00470/rel



Proposed First Floor Layout Plan



Proposed Ground Floor Layout Plan

Notes:  
All drawings must be placed on site and not  
removed from the drawing

Client:  
Mr A Sheppard

RECEIVED  
23 APR 2016  
PLANNING DEPARTMENT  
CANNON ROAD  
LUTHERTON

Job No:  
Proposed First Floor  
Extension of Rear of  
Old Meadow House  
Cripps Lane  
Lutterhampton

Drawing Title:  
Proposed Layout Plan

Scale: 1:50  
Date: Jan 2016  
Drawn by: J  
Check by:  
Date:

2015 application -  
15/01082/FUL



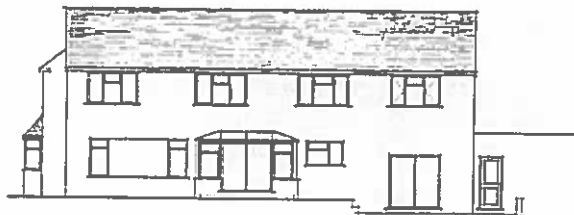
Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Side Elevation

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A. \_\_\_\_\_  
Job No. \_\_\_\_\_ Date \_\_\_\_\_

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Client  
Mr A. Sheppard

Job Title  
Proposed First Floor  
Extension at Rear of  
Old Meadow House  
Crippels Lane  
Leckhampton

Drawing Title  
Proposed Elevations

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05 OCT 2015  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

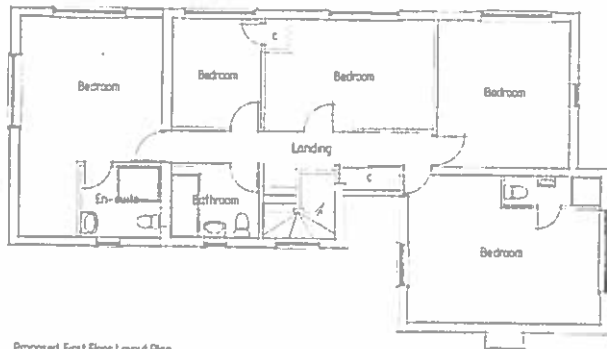
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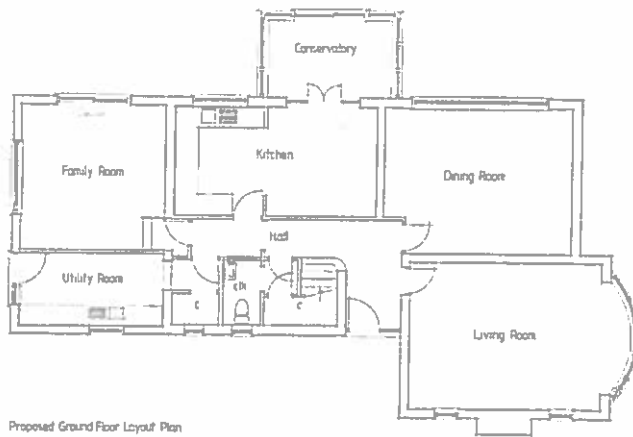
Draw No. \_\_\_\_\_ Rev. \_\_\_\_\_

79/E

2015 application -  
15/01082/fel



Proposed First Floor Layout Plan



Proposed Ground Floor Layout Plan

65 077 228  
WELLS ARCHITECTURAL SERVICES  
LONDON, W12 7LJ

Notes:  
All drawings shall be checked on one set and not  
issued from the drawing

Rev	Description	Author	Check
1	Issue		

Client:  
Mr A. Sheppard

Job No:  
Proposed First Floor  
Extension of Rear of  
Old Meadow House  
Crippers Lane  
Lackhampton

Drawing No:  
Proposed Layout Plan

Date: 15/01/15

Issue: Apr 2015

Drawn by: J.S.

Check by:

Valid 03.05.2016

Proposed side extension

Grid Ref 389017 216809

Parish Brockworth

Ward Brockworth

Mr Phillip Hawkins  
 10 St Annes Close  
 Brockworth  
 Gloucester  
 Gloucestershire  
 GL3 4BZ

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

Joint Core Strategy Submission Version November 2014

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Parish Council - Objects - the proposed changes will cause overlooking and loss of privacy. The neighbours have also voiced their concerns over increased traffic generation and vehicular access.

**Revised plans** - neither objecting to nor supporting the Planning Application. The Parish Council are uncertain about this application. Dependent on site visit.

Fifteen letters of objection have been received from 8 local residents. The planning objections raised are summarised below:

#### Original plans:

- The proposed rooflights would not be in-keeping with the rest of the close and the extension would not be in-keeping with the street scene
- The plans do not appear to be to scale
- There would be very limited garden space around the proposed extension
- Loss of parking at the site. The driveway would be reduced even further in size should the proposal go ahead
- The possible increase in traffic in the street during building works and after completion
- Concerns that the extension may in the future be turned into flats or a separate dwelling
- Overlooking and loss of privacy to the dwellings in Fairhaven Avenue (particularly no 5)
- Loss of light to no's 5, 6 and 8 Fairhaven Avenue
- Concerns about drainage
- Requests that the planning committee visit the site

#### Revised plans:

- The extension would still be out of keeping with the houses in the close
- Impact on the residential amenity of 5 Fairhaven Avenue
- Loss of garden area
- Requests that the committee visit the site

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 10 St Anne's Close, a semi-detached brick dwelling located in Brockworth (site location plan attached).

### 2.0 Planning History

2.1 In 2015 an application was submitted for a new dwelling at the side of the existing house (15/00416/FUL). This application was however withdrawn.

### **3.0 Current application**

3.1 The current application is for the erection of a two storey side extension (see attached plans). It would create an additional bedroom, a utility room and WC at ground floor, and a further bedroom and bathroom at first floor.

### **4.0 Policy Context**

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

### **5.0 Analysis**

5.1 The main issues to be considered with this application are the impact on the neighbouring dwellings residential amenity, the overall size / design of the proposal and the impact on the street scene.

#### **Design and Size**

5.2 The Parish Council and local residents have raised concerns about the design of the extension not being in-keeping with the existing street scene. The concerns raised were taken into consideration and revised plans were submitted on the 3rd June 2016 omitting the rooflights and reducing the size of the rear dormer. The rear dormer (as revised) would now be of a very similar size and design to the adjoining dwelling's so it would not appear out of keeping with the street scene.

5.3 Overall it is considered that the proposal (as revised) would be of an appropriate size and design in keeping with the character and appearance of the property and would comply with the requirements of Policy HOU8 in this regard.

#### **Residential amenity**

5.4 The Parish Council and the neighbours at the rear (in Fairhaven Avenue) have objected on the grounds that the development would create overlooking and result in the loss of privacy. Concerns have also been raised about the loss of light to no's 5, 6 and 8 Fairhaven Avenue.

5.5 In terms of overlooking, whilst the applicant has offered to obscure glaze the new bedroom window at the rear it is not considered to be reasonable or necessary as the outlook from this window would be an oblique angled view of the neighbour's garden area (rather than direct overlooking). Obscure glazing the bedroom window would also result in an unacceptable level of amenity for that room. A condition would however be attached to the permission to ensure that the bathroom window is obscure glazed and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm.

5.6 In terms of the loss of light to no 5 Fairhaven Avenue, given that the proposed extension would be about 6 metres away and there are not any habitable windows on the nearest side elevation, the loss of light is not considered to be harmful. With regards to the impact on no's 6 and 8 Fairhaven Avenue, the proposed extension would be about 23 metres away so there would not be any harm to the occupants residential amenity.

5.7 Overall, after careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring dwellings and would be in line with Policy HOU8 of the Local Plan.

#### **Visual amenity**

5.8 Whilst none of the other dwellings in this 1960's cul de sac have been extended in this way, given that the extension (as revised) would be of a suitable size, design and constructed from materials to match the existing dwelling, it is not considered that the proposal would be harmful to the street scene and there would not be any reasons to warrant the refusal of permission on these grounds.

5.9 The neighbours have raised concerns about the precedent that could be set if this extension were to be permitted. Each application is however assessed on its own merits.

#### **Other issues**

5.10 Concerns have been raised about the extension being used as a separate dwelling. If in the future the applicant wanted to sub-divide the dwelling then planning permission would be required. Also, given the relatively modest increase in accommodation it is considered that it would be impractical to sub-divide the dwelling.

5.11 Concerns have been raised about the loss of parking at the site and the creation of extra traffic. Given the nature of the proposal (an extension) rather than a separate dwelling it is unlikely that there would be an increase in parked cars at the site. The applicant has confirmed that the only increase in traffic generation and parked cars would be during the build itself. A note was also added to the revised plans stating that the existing garage would also either be demolished or reduced in size so there would be space for two cars on the existing drive.

5.12 Concerns have been raised about the accuracy of the original plans. The revised plans have however been checked on site and they are accurate.

5.13 Concerns have been raised about drainage at the site. This is not however a planning issue.

#### **6.0 Conclusion**

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene. The proposal (as revised) would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

#### **RECOMMENDATION Permit**

##### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.
- 3 The first floor window in the rear elevation serving the bathroom shall be glazed in obscure glass and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

##### **Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 To safeguard the privacy of residents in the locality in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.



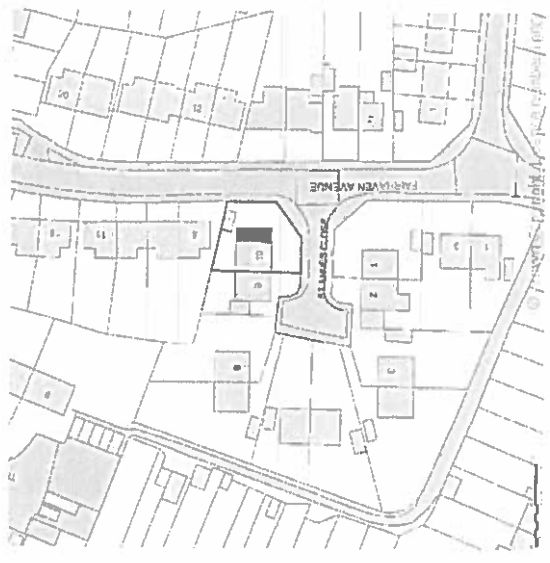
Notes:

**1 Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating design.

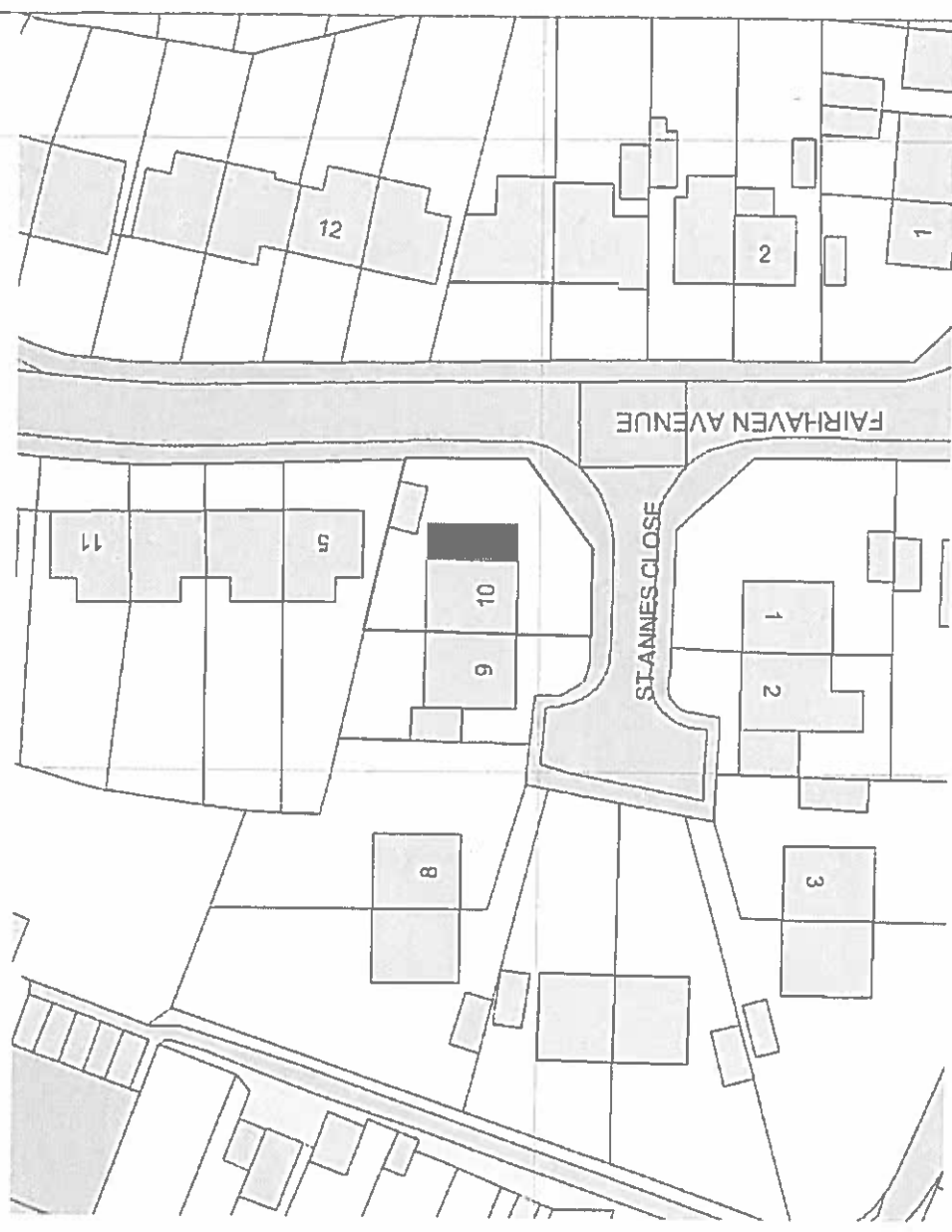
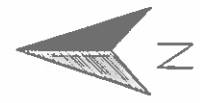
**2** This decision relates to the revised plans received by the Local Planning Authority on 3.6.2016.

16/00137/fuel



1:1250

Garage to be demolished or size reduced to make additional room for parking to clients specification



1:500

83/A

Mr Phillip Hawkins  
 10 St Annes Close  
 Brockworth  
 Glos  
 GL3 4BZ

DWG No: HAWGL3006 REV: E 03.06.16

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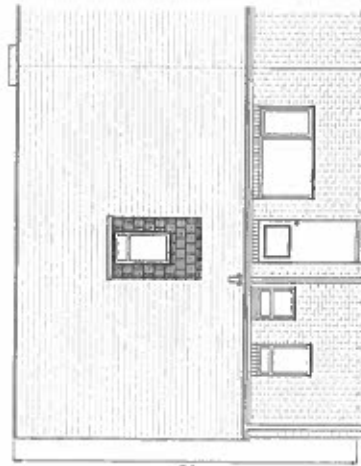
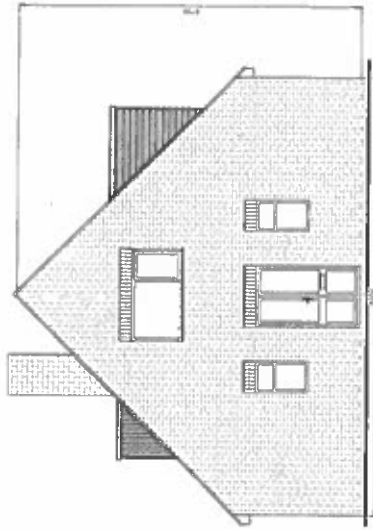
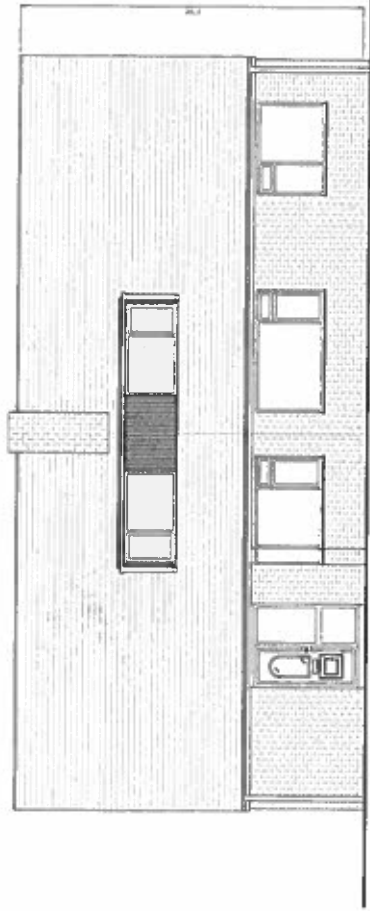
LOCATION & BLOCK PLANS

SCALE @ A3: AS SHOWN



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16/00137/fal



83/B

Mr Phillip Hawkins  
10 St Annes Close  
Brockworth  
Glos  
GL3 4BZ

DWG No: HAWGL3004 REV: E 03.06.16

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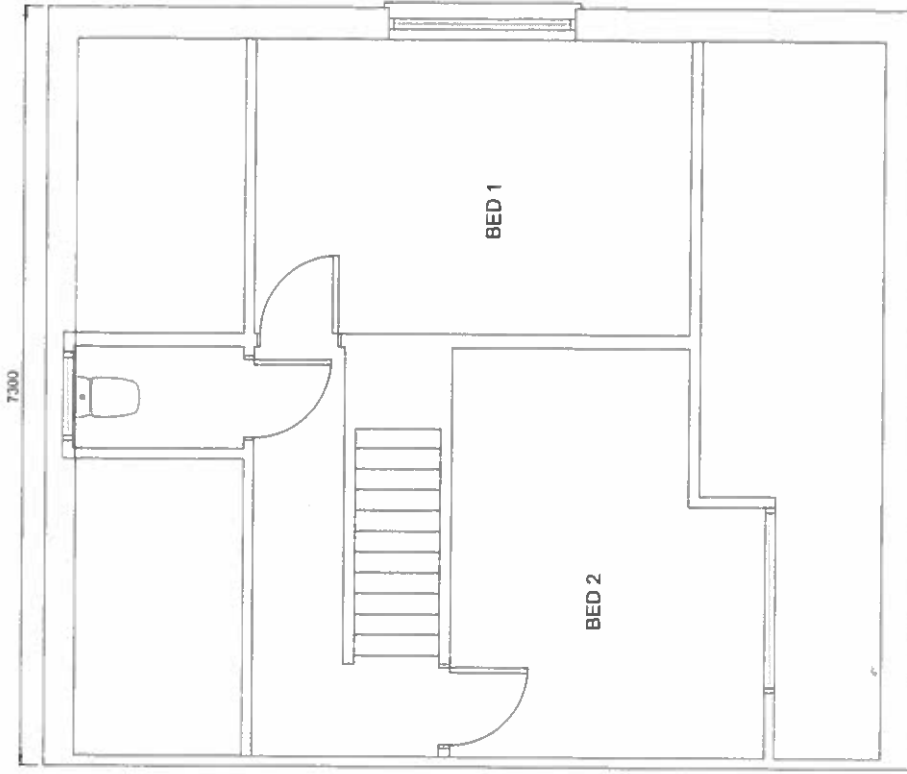
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16/00137/fed

83/0



### EXISTING FLOOR PLANS

Mr Phillip Hawkins  
 10 St Annes Close  
 Brockworth  
 Glos  
 GL3 4BZ

DWG No: HAWGL3001 REV: E 03.06.16

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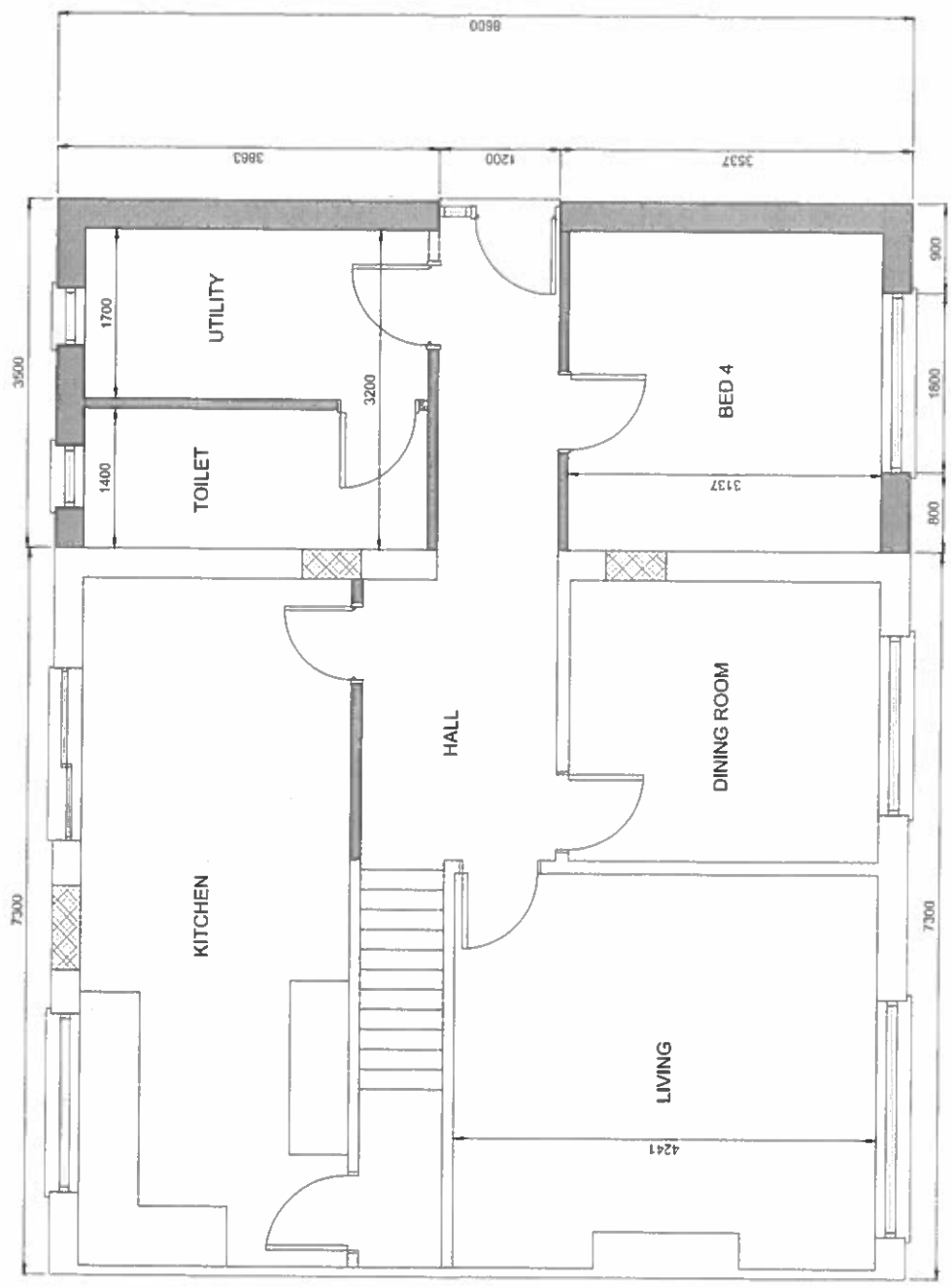
### EXISTING PLANS

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16/00/37/fed Revised Plans 3.6.16



PROPOSED GF PLAN

83/E

Mr Phillip Hawkins  
10 St Annes Close  
Brockworth  
Glos  
GL3 4BZ

DWG No: HAWGL3002 REV: E 03.06.16

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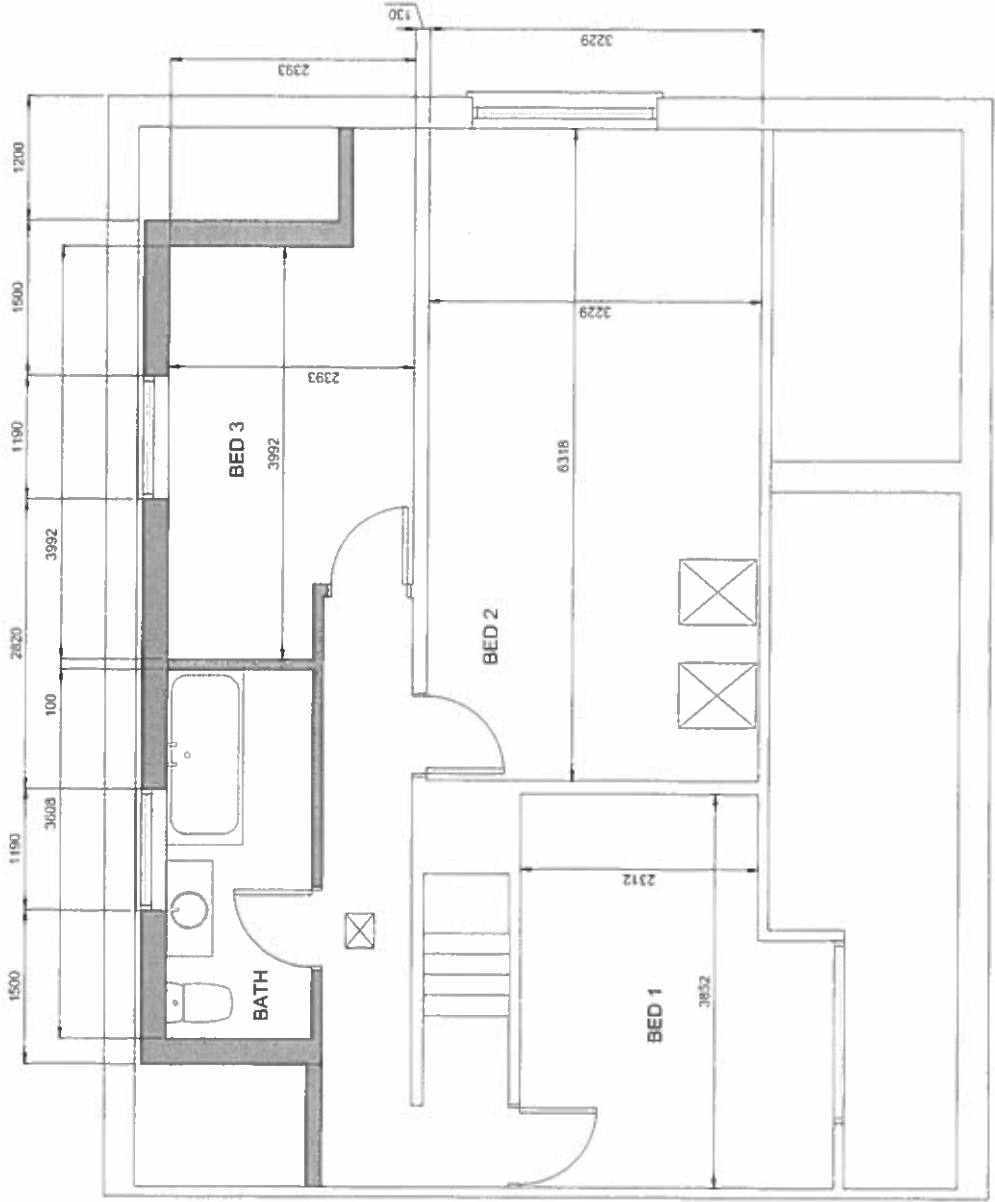
PROPOSED PLANS

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16/00137/kul Revised plans 3.6.16



83/F

Mr Phillip Hawkins  
10 St Annes Close  
Brockworth  
Glos  
GL3 4BZ

DWG No: HAWGL3003 REV: E 03.06.16

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**PROPOSED PLANS**

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16/00363/FUL

12 Beverley Gardens, Woodmancote, Cheltenham

7

Valid 31.03.2016

Erection of a new two storey dwelling within existing curtilage and minor alterations to the existing bungalow (amendment to previously approval - 15/00981/FUL).

Grid Ref 397386 227366

Parish Woodmancote

Ward Cleeve Hill

Mr J Ferris  
12, Beverley Gardens  
Woodmancote  
CHELTENHAM  
GL52 9QD

## RECOMMENDATION Permit

### Policies and Constraints

NPPF

Planning Practice Guidance

Joint Core Strategy Submission Version (November 2014)

Saved Policies of Tewkesbury Local Plan to 2011 (March 2006) - HOU2, HEN2, TPT1

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

Area of Outstanding Natural Beauty

Within 50m of Listed Buildings

Adjacent to Woodmancote Conservation Area

Larger Settlement Boundary

### Consultations and Representations

**Woodmancote Parish Council** - Unanimously strongly object to the removal of condition 2 to the original application.

- The building is totally out of keeping with the rest of the area and completely changes the street scene.
- It will have an adverse effect on the surrounding buildings, including listed buildings in the conservation area.
- Revised scheme will make it become even more intrusive. The reasons previously given to this application still hold good.

**Conservation Officer** - No objection

1 letter of objection received from the occupier of a **neighbouring property** objecting on the following grounds:

- Object to the increased size of the balcony which would be twice the frontage facing our garden and will mean the roof garden will have even more angle to overlook our garden.
- The views towards the north east provide a much better view and do not overlook anyone.
- Our boundary fence will only be 2m high meaning that the view from the roof terrace will look directly into our garden which we consider to be a detrimental on using the amenities of our existing garden as there are no provisions for a planting scheme on the boundary there seems nothing to stop the new property removing the existing scrubby bushes and brambles this we consider should have been addressed in the first planning application.

**Response to applicants proposal to provide 1.5m obscure glazing to balcony:**

- Consider the proposal would be helpful in addressing overlooking, but consider that a further condition be attached that would require the retention of the neighbours existing trees and bushes.

**Planning Officers Comments:** Mr John Hinett

### 1.0 Application Site

1.1 The application site is a detached bungalow and associated garden within the residential development boundary of Woodmancote located within a development of bungalows and dormer bungalows.



## 2.0 Planning History

2.1 Planning application 15/00981/FUL for the demolition of ancillary buildings and erection of a new two storey dwelling in the subdivided existing curtilage (including minor alterations to the existing bungalow to be retained) and associated external works was permitted at planning committee in November 2015.

## 3.0 Current Application

3.1 The current application seeks amendments to the permitted scheme to allow for internal alterations. The new scheme works largely within the approved footprint and building scale but has resulted external alterations - the inclusion of some additional windows and slightly reworked South and East elevations. In summary the changes include:

- Extension of the roof terrace in place of pitch roof section
- Reworked ground floor layout
- Inclusion of 2no. glazed window screens to the proposed Living Area on north elevation
- Minor change in glazing design and inclusion of corner glazed screen to the proposed Living Area and Bedroom 2 on rear elevation
- Minor change to external store layout
- Inclusion of proposed Utility window on south elevation
- Removal of side access door and inclusion of new high level obscure glazed bathroom window on south elevation

## 4.0 Planning Policy Context

4.1 The site is located within the Residential Development Boundary of Woodmancote as defined by the TBLP. Policy HOU2 of the TBLP states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

## 5.0 Analysis

5.1 The principle of the development on this property has been established by the previous application and the only issues to be considered therefore are whether the proposed amendments are acceptable in design terms and whether they would have any detrimental impact on the neighbouring properties and the landscape (see previously approved elevations and current proposal elevations).

### Design and Landscape Impact

5.2 The NPPF states at paragraph 115 that "great weight" should be given to conserving the landscape and scenic beauty of AONBs. Policy SD8 of the Joint Core Strategy (JCS) sets out a requirement that development within or adjacent to the AONB conserves and where appropriate, enhances its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

5.3 Paragraph 62 of the NPPF notes that innovative design should not be discouraged and whilst the comments of the Parish Council are noted the proposals are considered to be of high quality design that would be in keeping with the area.

5.4 The application site is within the residential development boundary but borders the AONB. The existing edge is defined by managed hedgerows which give a defined edge to the settlement. When viewed from the AONB, the site is read in this context and alongside the Apple Tree Inn Public House. In approving the previous application it was concluded that the proposed dwelling would be seen in the context of the existing

built form and would not harm the setting of the AONB. Furthermore, it was considered that whilst the contemporary design of the dwelling would be different to some of the existing bungalows in the area, it would be a modern interpretation of them and would not appear incongruous or out of keeping.

5.5 The main visual impact of the proposed amendments would be the addition of a larger flat roofed area (with a glazed screen) at the southern end of the building that would be used as a balcony area and the addition of French windows on the northern ground floor elevation. Both these elements would be visible from the Public Rights of Way to the north-east of the site and would result in a materially different appearance to the consented scheme. Subject to the imposition of a condition requiring landscaping details, to include boundary treatment along the eastern boundary of the site, the impact of the ground floor doors and windows could be mitigated and a softened edge to the development could be achieved.

5.6 The extended first floor balcony area and its glazed screen would also be visible from the surrounding footpaths (see proposed north elevation) and would materially affect the appearance of the proposed dwelling - replacing what would have been a sloping roof. However, it is not considered that this change would be harmful in terms of the impact of the dwelling on the landscape - or weaken its overall design. The proposed amendments are therefore considered to be acceptable in this regard.

#### Impact on neighbouring properties

5.7 The neighbour to the south eastern boundary has objected to the proposal on the grounds that the increased first floor balcony area would result in overlooking of their rear garden. The neighbour expressed concerns that the existing trees and hedges along the boundary could be removed allowing clear views over their property.

5.8 It is the case that the approved dwelling included a first floor balcony area on the south eastern elevation (see previously approved elevations) that would have overlooked the neighbour. However, the larger balcony area would allow more opportunity for increased overlooking of the neighbour. Following discussions the applicant has agreed to increase the height of the glazing along south-eastern boundary to 1.5m and to obscure the glass. Officer opinion is that this would sufficiently address any potential for overlooking and would be an improvement to the approved scheme. A condition would be necessary to require details of the proposed balcony glazing - and that it be retained in perpetuity.

5.9 The neighbour has been advised of the applicant's offer and is satisfied that it would be helpful in addressing overlooking, but has requested that a further condition be attached that would require the retention of the neighbours existing trees and bushes. Officer opinion however, is that this would not be reasonable or necessary - given the above. Officers conclude that the proposed amendment would not result in unacceptable loss of amenity and is acceptable in terms of Policy HOU5 of the TBLP.

#### Other considerations

5.10 Access and parking arrangements would remain unchanged from the approved scheme and would compromise a shared drive using the existing access to 12 Beverley Gardens.

5.11 The Councils Conservation Officer raises no concerns with regard to the impact of the amendments on to the setting of the Conservation Area and nearby listed building.

#### **6.0 Conclusion**

9.1 The principle of a contemporary new dwelling on this site has been established by a previous planning permission (15/00981/FUL). It is not considered that proposed amendments to the approved scheme would result in a poorer design and subject to conditions would not result in additional harm to the landscape or adversely impact on the amenities of neighbours.

9.2 The proposal is therefore considered to accord with National Guidance and Development Plan policy and is accordingly recommended for **Permit**.

#### **RECOMMENDATION Permit**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following drawings/documents:

Drawing No.	Drawing Name	Received
PL001	Site Location Plan	5th September 2015
PL002	Existing Site Plan	5th September 2015
PL003	Existing Elevations	5th September 2015
PL004 Rev A	Amended Proposed Site Plan	21st October 2015
PL005 Rev B	Proposed Floor Plans	31st March 2016
PL006 Rev A	Proposed Elevations	31st March 2016

Reason: In order to define the permission and to ensure satisfactory development of the site.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: Having regard to the size of the back gardens, relationship to neighbouring properties and the character of heritage assets in the vicinity.

- 4 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external roof and walling materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 5 Notwithstanding the submitted details, no development shall commence until details of the screen of the balcony hereby permitted, which shall be a minimum height of 1.5 metres and obscure glazed along the south-eastern elevation, have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details before the first use of the balcony and thereafter retained as such.

Reason: To protect the privacy and residential amenity of occupiers of nearby properties in accordance with paragraph 17 of the National Planning Policy Framework.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of hard and soft landscaping, which shall include details of fencing and indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 7 Notwithstanding the submitted details, no development shall commence until details of existing and proposed levels, to include details of finished floor levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

**1 Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments to the balcony screening.

**2** This decision should be read in conjunction with planning permission Ref: 15/00981/FUL.

16/00363/full

RIBA

Chartered Practice



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Drawing title: Site Location Plan

Client: Mr Ferris

Drawn by: sw Checked:

Job number: 15.10.007

Project: No.12, Beverley Gardens,  
Woodmancote, Glos

Scale: 1:1250 @ A4

Date: 05.05.2015

Draw no: PL001

coombes : everitt architects

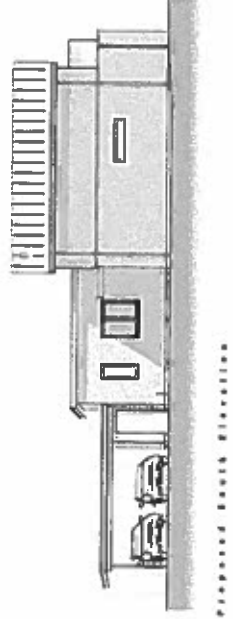
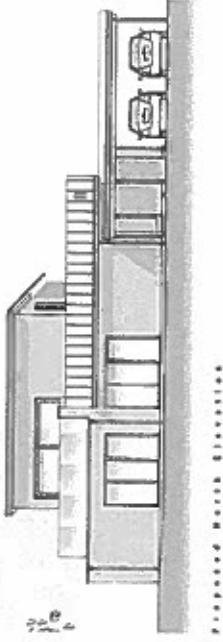
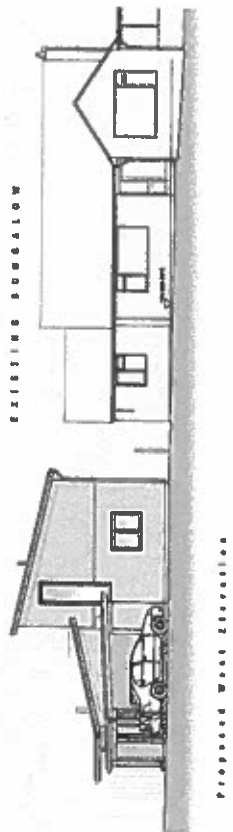
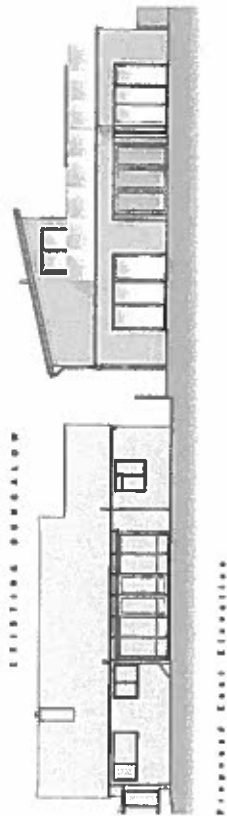
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CURRENT APPLICATION

16/00362 / full



No. 12, BEVERLEY GARDENS, WOODMANCOTE, GLOUCESTERSHIRE.  
Proposed Elevations



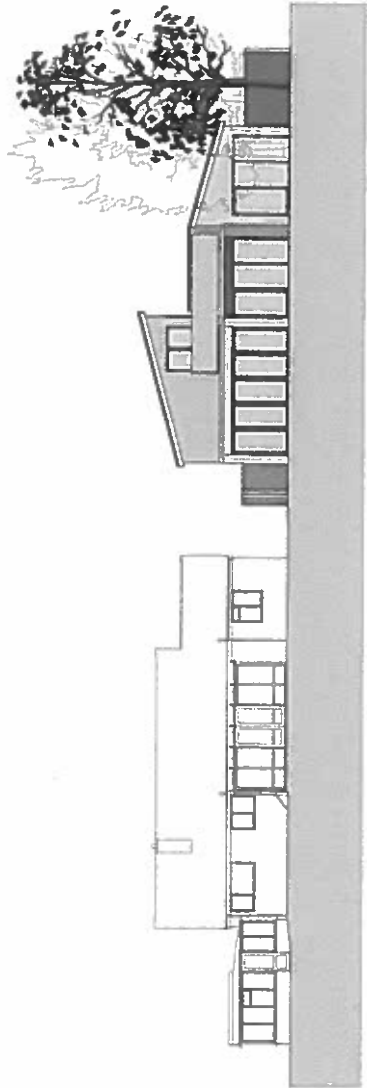
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<p>combes : eventitt architects limited Unit No. 1, The Old Dairy Rushley Lane Wychcombe Gloucestershire GL54 5JE t: 01452 80777 f: 01452 657823 e: info@combes-architects.co.uk www.combes-architects.co.uk</p>	<p>1. No copyright and/or other rights reserved in any material contained herein. 2. No liability is accepted for any material contained herein unless it is shown to be negligent on the part of the architect and any other persons named herein.</p> <p><b>RIBA</b> Chartered Institute of Architects</p>	<p>Revision A RG 10/03/2016 Revised for planning - retention of Curtilage 2</p>	<p>Project: 12 Beverley Gardens Woodmancote Gloucestershire</p> <p>Scale: 1:100 @ A1</p> <p>Date: 27/07/2015</p> <p>Drawn by: PL008 REVA</p>
<p>Client: Mr J. Farris.</p> <p>Drawn by: SAW</p> <p>Job number: 15.10.007</p>	<p>Drawing title: Proposed Elevations</p> <p>Client: Mr J. Farris.</p> <p>Drawn by: SAW</p> <p>Checked: JE</p> <p>Job number: 15.10.007</p>	<p>Revision A RG 10/03/2016 Revised for planning - retention of Curtilage 2</p>	<p>combes : eventitt architects limited</p> <p>Unit No. 1, The Old Dairy Rushley Lane Wychcombe Gloucestershire GL54 5JE t: 01452 80777 f: 01452 657823 e: info@combes-architects.co.uk www.combes-architects.co.uk</p>

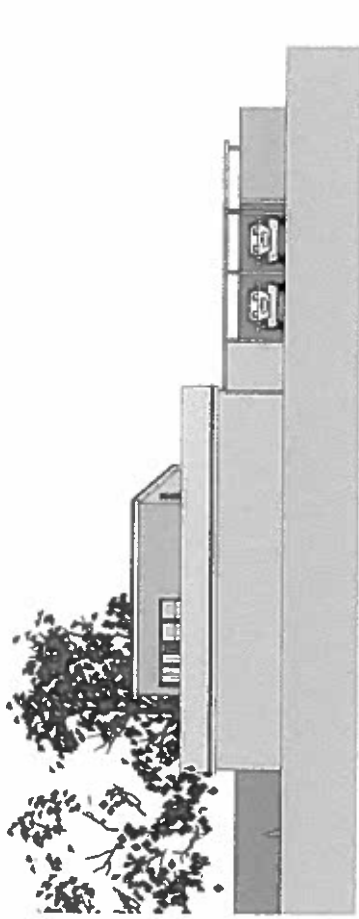
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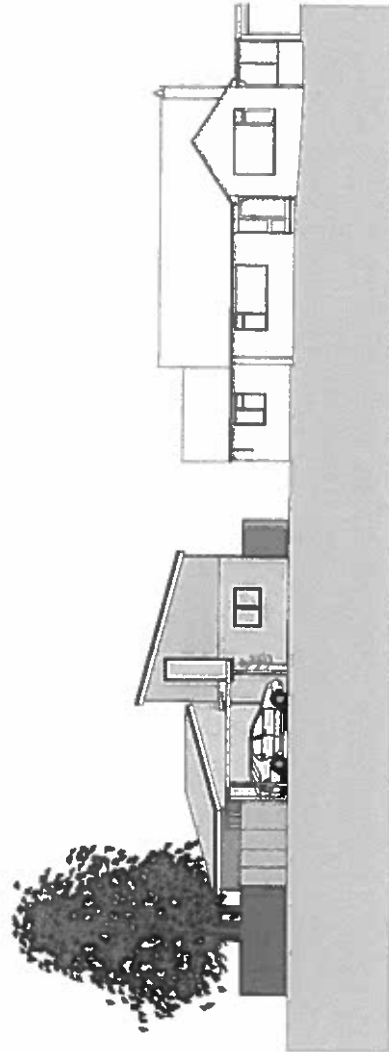
# PREVIOUS APPROVAL



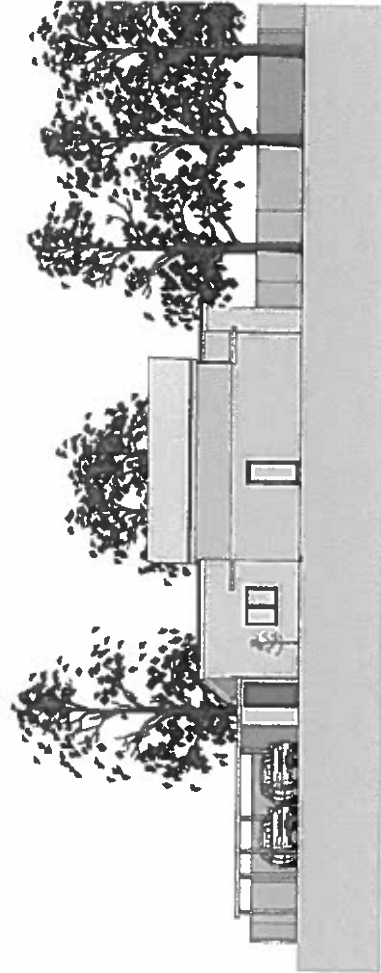
Proposed Front Elevation



Proposed North Elevation




Proposed West Elevation



Proposed South Elevation

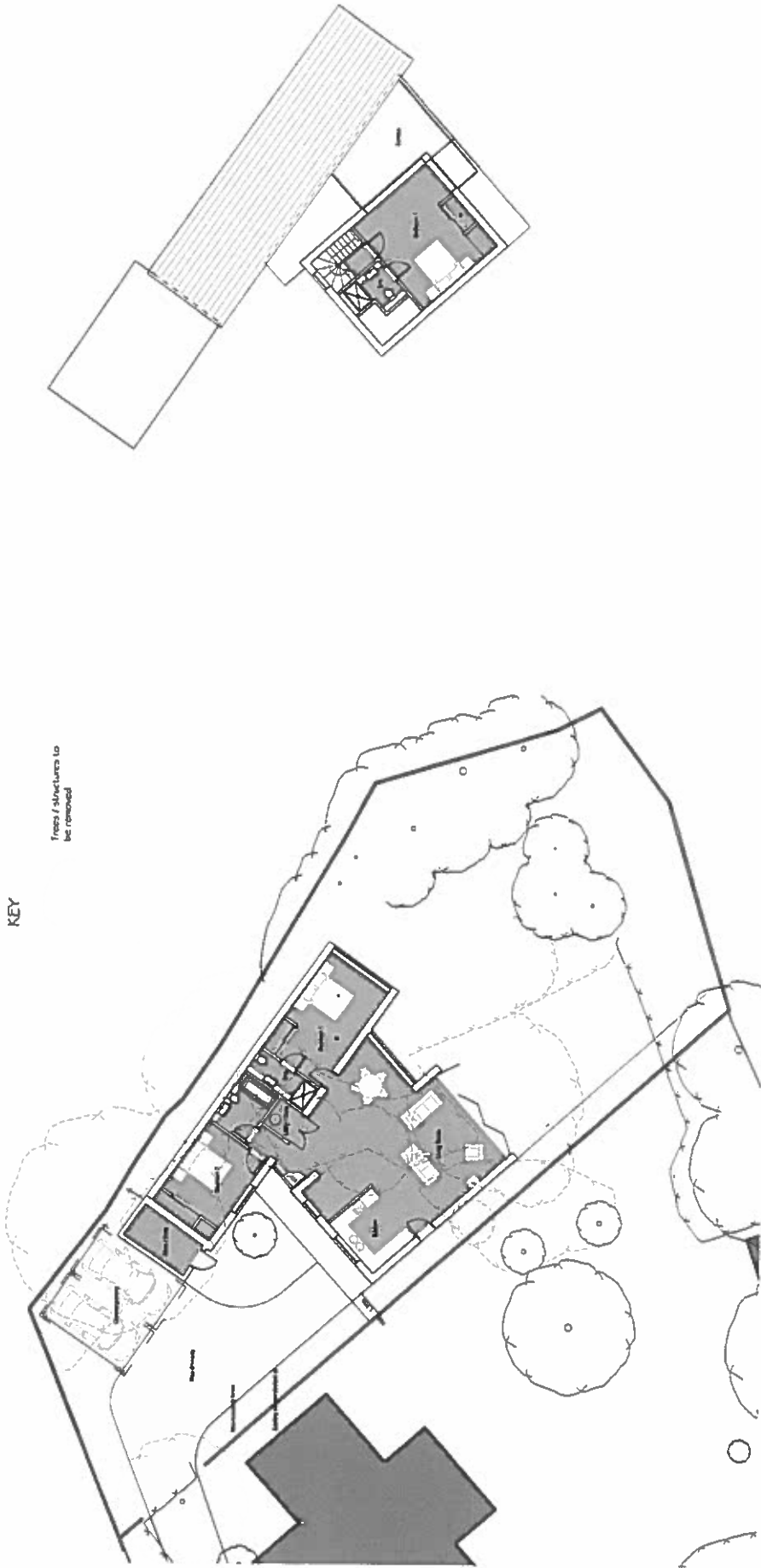
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<p>coombes : eventit architects limited                  Unit No. 1 The Old Dairy                  Rushley Lane                  Wychcombe                  Gloucestershire                  GL54 5JE                  t 01453 807777 f 01453 671803                  e info@coombes-architects.co.uk                  www.co-architects.co.uk</p>	<p><input type="checkbox"/> Preliminary  <input type="checkbox"/> Feasibility  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Building Regulations  <input type="checkbox"/> Tender  <input type="checkbox"/> Construction Issue  <input type="checkbox"/> As Built</p>	<p><small>This drawing and contents is copyright © of coombes : eventit architects limited                  No part may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of coombes : eventit architects limited</small></p> <p><b>RIBA</b>                  Chartered Institute of                  Architects</p> 	<p>Drawing title: Proposed Elevations                  Client: Mr J Ferris                  Drawn by: SAW                  Checked: JE                  Job number: 15.10.007</p> <p>Project: No. 22, Beverly Gardens,                  Woodmancote, Glos                  Scale: 1:100 @ A1                  Date: 27/07/2015                  Drawn by: PL008</p> <p>coombes : eventit architects</p>
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No.12, Beverley Gardens,  
Woodmancote, Glos

PREVIOUS APPROVAL



88/E

<p>combras : eventit architects limited          Unit No. 1, The Old Dairy          Rushley Lane          Winchcombe          Gloucestershire          GL24 1DE          t 01242 801727 f 0845 567523          e info@eventitarchitects.co.uk          www.combras-architects.co.uk</p>		<p>1 Not binding and subject to receipt of all necessary consents, these drawings remain the property of the architect.</p> <p><b>RIBA</b>          Chartered Institute of Architects</p> 		<p>Project: No.12, Beverley Gardens, Woodmancote, Glos</p> <p>Scale: 1:100 @ A1</p> <p>Date: 27/07/2015</p> <p>Draw no: H1005 A</p>	
<p>combras : eventit architects</p>		<p>Drawing title: Proposed Floor Plans</p> <p>Client: Mr J Farris</p> <p>Drawn by: SAW</p> <p>Job number: 15 10 007</p>		<p>Checked: JE</p>	
<p>Eventit Architects Limited          21 10 2015          Amended to planning comments</p>					

16/00448/TPO

9 Stoke Park Close, Bishops Cleeve

8

Valid 20.04.2016

Lift up low branches on crown of trees (hornbeams) overhanging the rear garden of No 9 Stoke Park Close

Grid Ref 395481 227724

Parish Bishops Cleeve

Ward Cleeve West

Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

## **RECOMMENDATION Consent**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Joint Core Strategy Submission Version November 2014  
Tewkesbury Borough Local Plan to 2011 - March 2006  
OPDM Circular 06/2005 (Paragraph 91)  
Tree Preservation Orders: A Guide to the Law and Good Practice  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Parish Council - support this application but would request that the ivy on the trees is addressed.  
Local residents -none

**Planning Officers Comments:** Mrs Sarah Barnes

#### **1.0 Application site**

1.1 This application relates to a line of hornbeam trees which are located to the rear of 9 Stoke Park Close in Bishops Cleeve (site plan attached).

#### **2.0 Recent / Relevant History**

2.1 None recent.

#### **3.0 Current Application**

3.1 This application seeks consent to lift up low branches on the crown of trees overhanging the rear garden of 9 Stoke Park Close. A committee determination is required as 'Tewkesbury Borough Council' are the applicants.

#### **4.0 Policy Context**

4.1 Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees) (Amendment) (England) Regulations 2008.

4.2 Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions; and
- whether replacement planting is necessary or practical.

## 5.0 Analysis

5.1 The hornbeam trees are protected under Tree Preservation Order No. 298-G1. A visual tree inspection has been carried out and it is considered that the proposed works are necessary and appropriate.

5.2 No objections have been received from the Parish Council nor from local residents.

## 6.0 Conclusion

6.1 Overall, the proposed works are considered to be suitable / appropriate. **Consent** is therefore recommended subject to the specified conditions.

### RECOMMENDATION Consent

#### Conditions:

- 1 The permission hereby granted shall be completed within two years of the date of this notice.
- 2 All arboricultural work shall comply with BS 3998:2010 British Standard: Recommendation for Tree Work.

#### Reasons:

- 1 To comply with the requirements of the Town and Country Planning Act 1990
- 2 To protect the health of the tree and to ensure that the works are carried out in such a manner to maintain the amenity value of the tree.

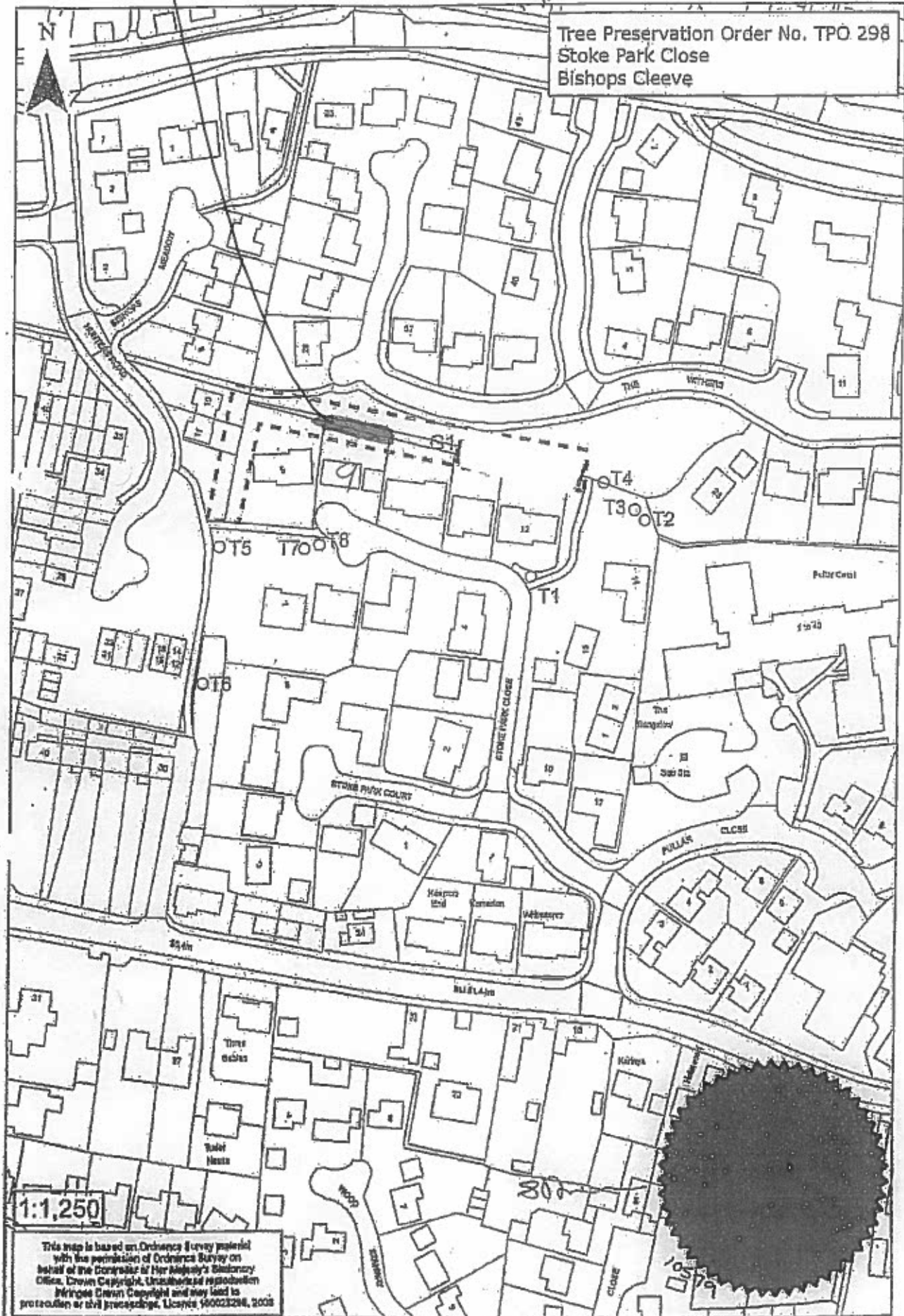
#### Notes:

- 1 If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
- 2 The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.

LINE OF  
HORNBEAUS

16/00442/TPO

Tree Preservation Order No. TPO 298  
Stoke Park Close  
Bishops Cleeve



901A

## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh Mrs H C McLain	Hucclecote	Hucclecote	Mrs G F Blackwell
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
Cleeve Grange	Cleeve Grange	Mrs S E Hillier-Richardson	Shurdington	Shurdington	P D Surman
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve West	Cleeve West	R A Bird R E Garnham	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason

11 May 2015

Please destroy previous lists.