

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 May 2020
Site Location:	Tretower, 28 Langley Road, Winchcombe, Cheltenham, Gloucestershire, GL54 5QP
Application No:	20/00175/FUL
Ward:	Winchcombe
Parish:	Winchcombe
Proposal:	Erection of a first floor rear extension
Report by:	Emily Pugh
Appendices:	Site layout plan Elevations Floor plan
Recommendation:	Permit

1.0 SITE DISCRIPTION AND PROPOSAL

- 1.1. This application relates to Tretower, a semi-detached render finished dwelling located on the edge of the rural residential settlement of Winchcombe. The dwelling benefits from off-street parking to the front, and a generous elongated garden to the rear.
- 1.2. The site is located within the Cotswold Area of Outstanding Natural Beauty however is not affected by further constraints or designations.
- 1.3. The current application seeks the erection of a first floor extension on top of an existing wrap around single storey flat roofed extension to the side/rear. The new extension would be significantly stepped back from the front elevation and would form a peripheral and subservient feature within the street scene, preventing any potentially harmful terracing effects. The extension would feature a hipped roof with decorative hipped dormers with a double window to the front, and single window and Juliette balcony to the rear.
- 1.4. The extension is essentially built off the rear wall of the existing dwelling and would extend 3.245m beyond the existing two storey rear wall. The eaves to the west side and the (north) rear elevations would be lower than those of the existing dwelling.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
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77/00218/FUL	Alterations and extension to existing dwelling house to provide a private car garage, wc, utility room and an enlarged kitchen and lounge.	PER	21.06.1977
15/01158/FUL	Enlargement of existing single storey extension	PER	15.12.2015

3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policy SD4 (Design Requirements)
3.4. Policy SD14 (Health and Environmental Quality)

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

- 3.5. Policy HOU8 (Domestic Extensions)
3.6. **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)**
3.7. Policy RES10 (Alteration and Extension of Existing Dwellings)

Neighbourhood Plan

- 3.8. Winchcombe and Sudeley Neighbourhood Development Plan 2011- 2031
3.9. Policy 5.1 (Design of New Development)
3.10. Policy 5.5 (Extensions and Alterations to New Dwellings)
3.11. **Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)**
3.12. **The First Protocol, Article 1 (Protection of Property)**

4.0 CONSULTATIONS

- 4.1 **Winchcombe Town Council** – Objection. *‘A further extension at 28 Langley Road was obtrusive, especially when viewed from the north and west, and an overdevelopment of the site.’*

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the neighbour notification scheme and two letters of representation (from the same neighbour) have been received. Concerns include:
- The principle sets a precedent
 - It would obscure sunlight to a bedroom window and decrease light to further windows

- Current proposal is more obtrusive than previously withdrawn loft conversion scheme
- The previously approved single storey flat roof extension sets a precedent
- The approved and constructed single storey extension was built marginally on the adjacent property
- Implications to property devaluation, mental health and council tax

5.2 **Councillor Mason** has requested Committee determination to assess the overbearing impact on the neighbouring property and also loss of light to that property.

6.0 POLICY CONTEXT

- 6.1. 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.
- 6.2. The Development Plan for this area currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and the Winchcombe and Sudeley Neighbourhood Development Plan.
- 6.3. The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The Winchcombe and Sudeley Neighbourhood Development Plan (WaSNPD) Policy 5.1 sets out development should reflect the character of its surroundings, and should complement and enhance prevailing size, height, materials, layout and access of surrounding development. In this regard, Policy 5.5 sets out that extensions should be subservient to the host building, constructed in complementary materials and accord with the character of nearby buildings.
- 7.3. The junction between the roof of the extension and that of the host dwelling is slightly clumsy however, given that it is set so far back from the front elevation and wouldn't otherwise be readily visible from public vantage points, is considered to be acceptable.
- 7.4. The fenestration is considered to be well balanced and in keeping with the original dwelling, and matching materials would ensure that the extension would have a positive cohesive relationship the host dwelling and be visually appropriate within the context of the streetscene.

- 7.5. In view of the above, the proposal is considered to comply with the requirements set out in the relevant design Policies.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.6. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 of the WaSNPD states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.7. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.8. The impact of the proposal upon neighbouring amenity has been carefully considered. In view of the orientation of the dwelling; there are two neighbours to be considered. The first is the attached semi (Lynwood) to the East, and the second is the adjacent neighbour (Winds Point) to the West.
- 7.9. The proposed extension would be constructed on the Western boundary adjacent to Winds Point. It is noteworthy that Winds Point has similarly just been granted permission for a scheme to be constructed on the boundary and as such this is a material consideration. Two assessments must therefore be made; a) the impact that the proposal would have now (ie if the permitted proposal at Winds Point is not implemented) and b) the impact the proposal would have if the permitted proposal *is* implemented.
- 7.10. Firstly, Winds Point currently has an elongated detached garage on its boundary which would obscure the currently proposed extension. The extension may result in some overshadowing to an outdoor patio area, however not to an unacceptable degree.
- 7.11. Secondly, if the permitted proposal were to be implemented at Winds Point, the extension would have a lesser impact upon that patio area which would be intercepted by their permitted range of extensions. It is possible that the proposed two-storey extension would overshadow and restrict light to an en-suite roof light upon that range and as such this has been assessed. The roof light would still receive daylight and is likely proposed to serve the function of ventilation as opposed to a sole light source and as such whilst there would be an impact in terms of a reduction in light, this is not considered to be to an unacceptable level.
- 7.12. The second neighbour to consider, is the attached semi; Lynwood. As set out above, the two storey extension would be constructed on the boundary of Winds Point and would span the Western half of the host dwelling. In view of this position, and distance between the properties, it is not considered that it would overshadow any of the neighbour's windows to an unacceptable level.
- 7.13. Further to the above, it is not considered that the extension would result in any overbearing impacts; in view of amenity gaps between properties.
- 7.14. Whilst the applicant does seek a Juliette balcony to the rear, this would face towards the rear gardens and would not serve as a raised platform; fulfilling the same function as a window. This element; along with all other parts of the proposal are not considered to result in an unacceptable loss of privacy or overlooking.
- 7.15. In view of the above, it is judged that the proposal would have an acceptable impact upon neighbouring amenity and is in accordance with Policies SD14, HOU8, 5.1 and 5.5.

Impact upon the AONB

- 7.16. Policy SD7 of the JCS sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 7.17. The dwelling is located within a residential estate comprised of dwellings varying in form and appearances. Within this context, it is not considered that the scheme would result in any harmful impact to the special qualities of the surrounding AONB, in accordance with Policy SD7.
- 7.18. **Other matters**
- 7.19. The objector makes reference to matters which are not material planning considerations and therefore cannot form part of the decision making process (ie; property devaluation, effects on mental health and council tax).
- 7.20. It is noted that the applicant claims that a previous extension may have been built upon their boundary and whilst this in itself is a civil claim, the accusation has been relayed to the enforcement team who will establish whether or not the extension has been constructed in accordance with the approved plans.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. The proposals would therefore accord with relevant policies as outlined above and it is recommended that the application be permitted.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
- Proposed elevations, floor plans and block plan: T.LR.W.PR.01B, received 24th February 2020 ; except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

Reason: To ensure that the proposed development is in keeping with the existing dwelling.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.

3. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls - explanatory booklet.

4. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.