

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	18 August 2020
<b>Site Location:</b>	51 Cotswold Gardens Tewkesbury Gloucestershire GL20 5DW
<b>Application No:</b>	20/00504/FUL
<b>Ward:</b>	Tewkesbury Town South
<b>Parish:</b>	Tewkesbury
<b>Proposal:</b>	Erection of a two storey annexe and single storey storage building
<b>Report by:</b>	Emily Pugh
<b>Appendices:</b>	Site location plan Proposed Block Plan Proposed Elevations Proposed Floor and Roof Plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 51 Cotswold Gardens, a semi-detached brick built dwelling located at the end of a cul-de-sac in Tewkesbury. The dwelling is accessed to the south by a private driveway and parking area and benefits from a large mature garden to the rear which backs onto a public right of way. The site is located within Flood Zone 2 however is not affected by further constraints or designations.
- 1.2. The current application seeks the erection of a two storey ancillary annexe to the side (east) of the dwelling which would be constructed in the existing side passageway adjacent to the property boundary. The proposal also seeks the erect a single storey ancillary storage building which would be located behind the annexe, also adjacent to the property boundary.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
02/01386/OUT	Outline application for the erection of a dwelling	PER	12.11.2003
04/00992/APP	Construction of a dwelling	APPROV	21.09.2004
14/00825/FUL	Internal and external alterations to the house and a new detached carport, store and sitting area.	PER	14.10.2014

## 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)

3.5. Policy INF1 (Transport Network)

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

3.6. Policy HOU8 (Domestic Extensions)

### Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)

3.7. Policy RES10 (Alteration and Extension of Existing Dwellings)

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

3.9. The First Protocol, Article 1 (Protection of Property)

## 4.0 CONSULTATIONS

4.1. **Tewkesbury Town Council** – Objection.

- The proposal represents overdevelopment
- The internal spaces are small with no storage
- There may be an adverse impact to the highway

4.2 **Gloucestershire County Highways** – No comments received.

4.3 **Environmental Health Officer** – No Objection.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1. The application has been publicised through the posting of a site notice for a period of 21 days and one letter of objection has been received. Concerns include:

- The annexe would overshadow the neighbour's kitchen resulting in a loss of light both to that room and to the garden
- The proximity of the build to the boundary would result in an overbearing impact
- The annexe could worsen drainage issues

## **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 currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF 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 host dwelling is comprised of three storeys in a townhouse style. It is characterised by its attractive brickwork, a well-balanced fenestration and its position which is slightly lower than the access road to the south. It currently benefits from a driveway to the front which leads to a parking and access area to the side.

- 7.3. The current application seeks to erect a detached two-storey annexe to the side of the dwelling. It would be set back some 6.3m from the front elevation and the ridge of the annexe would sit just above the eaves of the main dwelling at 6m in total height. It would be comprised of a simple box form with a dual pitched roof with architectural features such as a mock timber arched door to the front, matching arched lintels to the top of the windows and timber bargeboards.
- 7.4. Notwithstanding the comments raised by the Parish and adjacent neighbour, it is not considered that the annexe would represent overdevelopment and neither would it adversely affect the character and appearance of the area. This is predominantly because the annexe would be set back at such a distance that it would become a subservient and peripheral feature within the street scape as opposed to a dominant and discordant one. It would not interfere with the existing front door to the side and the interesting features would assist to add texture, drawing attention away from the massing of the structure.
- 7.5. The second part of the proposal seeks the erection of a single storey storage building which would be attached to the rear of the annexe. It would comprise of an attractive hipped roof finished in tiles matching the main dwelling. The external walls would be clad in horizontal timber boarding with brickwork detailing to match the dwelling and annexe. The store would be accessed via two timber doors facing into the site which would be naturally lit by a single window to the rear. This structure would not be visible from within the public realm however in its own right is considered to be of acceptable design.
- 7.6. The two structures would cohesively blend with the layout and design of the site and host dwelling and form a positive development respectful of its surroundings. It is therefore considered that the proposal is acceptable in terms of design in accordance with Policies HOU8, SD4 and RES10.

#### **Effect on the Living Conditions of Neighbouring Dwellings**

- 7.7. 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.
- 7.8. The proposed annexe and storage building are proposed to be constructed some 0.4m away from the property boundary. The adjacent neighbour, Number 53 Cotswold Gardens is set 1.3m east of the boundary and as such if constructed, there would be a gap of 1.7m between the annexe and neighbouring dwelling. Whilst it is accepted that the annexe *would* reduce light to the side passageway of that neighbouring property, there are no windows on that elevation and the outdoor space is not considered to be primary. Likewise, whilst there would be a tunnelling effect when using that side walkway, it is not considered that the result would be unduly overbearing.
- 7.9. The proposed annex would project some 2m beyond the rear of the neighbouring dwelling, and the neighbours have expressed concern that the light to their kitchen window would be reduced. As such, the 45 degree rule has been used in order to quantify this harm. Given the afore mentioned 1.7m gap, the 45 degree rule would not be breached as a result of the two storey annex and therefore the annexe would not result in any undue loss of light to the kitchen window. The single storey building is of a height sufficient that it would, similarly, not reduce light.
- 7.10. No openings are proposed to the eastern side; with all openings proposed to the west facing into the site and as such, overlooking or loss of privacy is not concerning in this instance.

- 7.11. It is also important to consider that Number 53 Cotswold Gardens is set at a higher level than the host dwelling and features a decked veranda to the rear and as such the applicant's privacy is currently compromised as a result of this. The annexe would assist in screening the views from that veranda into the application site and as such the privacy of the applicants whilst in their own garden would be improved as a result of the proposal. The proposal is therefore considered to comply with the requirements set out in Policies HOU8, SD14 and RES10.

### **Highways Impact**

- 7.12. The annexe is proposed to be used for ancillary accommodation incidental to the enjoyment of the main dwelling. It is therefore not considered that there would be an intensification of the use and no objection has been raised by the Gloucestershire County Highway Authority.
- 7.13. In this regard, whilst the annexe would result in the loss of some off road parking in the side parking area, ample parking would remain available to accommodate both the main dwelling and annexe. Visibility and connectivity would not be impacted as a result of the proposal and as such it is considered that the proposal would have an acceptable impact upon the highway network in accordance with Policy INF1 and the Gloucestershire Manual for Streets.

### **Impact upon Flooding**

- 7.14. The site is located within Flood Zone 2 as defined by the Environment Agency and as such a flood risk assessment has been submitted. It is intended that the floor levels within the proposed development would not be set lower than the existing levels, and flood proofing will be incorporated in accordance with Improving the Flood Performance of New Buildings CLG 2007.
- 7.15. In view of the above, it is considered that the impact of the proposal upon flooding and drainage would be acceptable in accordance with advice set out by the Environment Agency.

### **Other Matters**

- 7.16. The Parish Council raise a concern that the internal spaces are small with no internal storage. The Environmental Health department have been consulted who have raised no objection to the size of the building as an ancillary annexe.
- 7.17. In any event, in view of the relationship of the annexe with the host dwelling and size of internal living space, it is considered reasonable to attach a condition restricting the use of the annexe to ancillary/incidental use by the host dwelling only. This would be in accordance with the advice set out within emerging Policy RES10.

## **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. It would therefore accord with relevant policies as outlined above. Therefore, it is recommended 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 block plan: 04-2020-BLC01, received 9<sup>th</sup> June 2020
  - Proposed elevations: 04-2020-PL01, received 9<sup>th</sup> June 2020
  - Proposed floor plans: 04-2020-PL02, received 9<sup>th</sup> June 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.

4. The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 51 Cotswold Gardens unless otherwise approved in writing by the local planning authority.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

## **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.