

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	30 The Park Northway Tewkesbury Gloucestershire GL20 8RH
Application No:	20/00545/FUL
Ward:	Northway
Parish:	Northway
Proposal:	Change of use of a strip of land from public open space to residential garden; erection of two storey side extension.
Report by:	Emily Pugh
Appendices:	Site location plan, Elevations, Floor Plans, Site Plan, Block Plan (All one document)
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 30 The Park, an end of terrace brick built property located on a residential estate in Northway. The dwelling is located on a corner plot and is bordered to the south by public open space leading into Willis Walk. The dwelling benefits from off-road parking and a small back garden. It is not affected by any restrictive constraints or designations.
- 1.2. The host dwelling is an end of terraced property which benefits from a small walled garden to the rear. Its side (southern) wall has been built on the property boundary which is skirted by a triangular shaped piece of land – which forms part of the landscaping from the when the estate was constructed.
- 1.3. The proposal firstly seeks to remove its boundary wall and rebuild it 3m further to the south, encapsulating some 57m sq of land into the residential garden constituting a material change of use.
- 1.4. Following that, it is proposed to build a two storey side (south) extension upon that land and leave the rest as garden. The extension would be built using materials to match that of the host dwelling and would be matching in form and character.
- 1.5. The application is put before the planning committee because the land in question is currently owned by Tewkesbury Borough Council.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
12/00842/FUL	Proposed dropped kerb and paved driveway outside the front of the property.	PER	08.10.2012
17/00067/PRE	Change of use from public open space to garden land.	DONE	03.05.2017
17/00826/FUL	Erection of replacement shed in rear garden.	PER	10.10.2017
17/00197/PRE	To have a 3m strip of land parallel to my property incorporated into garden. Build a 2 storey extension. Build a garage and on first floor have bedroom and en-suite built.	DONE	18.12.2017

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)

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

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

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

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

4.0 CONSULTATIONS

4.1 Northway Parish Council – No Objection but notes the drainage issue raised by a local resident and the potential for this proposal to create a precedent.

4.2 Property services – No Objection to the sale of the land.

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.
- 5.2. **Local Residents** – Two letters of objection have been received which are summarised as follows:
- The proposal would result in localised flooding in periods of heavy rainfall due to the loss of a soakaway area, and creating a 'lake effect' in the alley to the rear of no.30;
 - The extended boundary wall would create an extension to the alleyway which would result in additional noise in the neighbouring property.

One general comment has been submitted suggesting that contractors shouldn't park outside of number 30 Willis Walk so as not to cause an obstruction

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 proposed extension would project 3m beyond the southern elevation. Its ridge height would be marginally stepped down from the original and first floor front elevation set back, allowing the extension to be distinguished from the existing terraced block. The addition of the extension would extend the existing terracing effect however in view of the subservient nature of the two storey extension, set back from the front elevation and with a lower ridge height, the visual effect is not considered to result in substantial harm.
- 7.3. The scale of the extension is considered to be acceptable, materials would match and fenestration would be well balanced. Overall, it is considered that the extension would be sympathetic to the host dwelling as well as the character of the surrounding area.
- 7.4. The principle of changing the use of 3m of the triangular landscaping strip is acceptable because a sufficient amount would be leftover allowing the open and landscaped appearance of this particular corner of the estate to be maintained in accordance with its original purpose.
- 7.5. Overall, the proposal is considered to be acceptable in terms of design policies SD4, HOU8 and RES10.

Residential Amenity

- 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.
- 7.7. The rear of the host dwelling faces the blank side elevation of the closest neighbouring property; 1 Willis Walk, which is some 11m away. The proposed extension would see the creation of an ensuite bathroom to the rear which would face towards the blank elevation of 1 Willis Walk. Likewise, the bulk, size and massing would not result in any unacceptable or overbearing impact in view of the orientation and distance to closest dwelling.
- 7.8. It is therefore considered that the extension would have an acceptable impact to neighbouring amenity in accordance with Policies HOU8, SD14 and RES10.

Highways Impact

- 7.9. Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.10. The extension would see the creation of an attached garage at ground floor level which would provide one suitable parking space. An additional parking space would remain available on the front driveway and as such two tandem parking spaces would be in situ which is an enhancement given that the site currently only has one.
- 7.11. In this regard, the extension would not restrict visibility and it is therefore in accordance with the advice set out within the Gloucestershire Manual for Streets and Policy INF1.

Other Matters

- 7.12. A resident has objected because it is believed that the extension will contribute to localised flooding. The dwelling is not located in a designated flood zone and as such there was no statutory requirement for a flood risk assessment to be submitted.

- 7.13. The drawings indicate that downpipes will be inserted to the extension which would be connected to the existing disposal method for surface drainage. Nevertheless, the Flood Risk Management Engineer has been asked to comment on this issue and **an update will be provided at Committee.**

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, design and layout. 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 elevations, floor plans, roof plans, sections and block plan: ref 318/19/PL101, received 22nd 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.

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.