

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	Elizabeth's Orchard Sandhurst Lane Sandhurst Gloucester GL2 9NP
Application No:	20/00533/FUL
Ward:	Severn Vale South
Parish:	Sandhurst
Proposal:	Removal of existing conservatory and erection of a garden room
Report by:	Mrs Sarah Barnes
Appendices:	Proposed elevations and floor plans and roof plan (one plan)
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to Elizabeth's Orchard, a detached dwelling located in Sandhurst (site location plan attached).
- 1.2. The current application is for the removal of the existing conservatory and replace with a garden room extension (plans attached).
- 1.3. **A committee determination is required as Councillor Mark Williams is the applicant.**

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no recent / relevant planning history.

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), Policy LND3 (Landscape Protection Zone)

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. Parish Council – No objections.
- 4.2. Local residents – No responses received.

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.

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 replacement conservatory (garden room) would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.3. 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 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.4. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.5. 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 given the distance between the dwellings and the modest nature of the proposal. The proposal would therefore be in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

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:

- 42Q12733-1A, 42Q12733-1AP3 and 42Q12733-1APZ dated 17th 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.

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.