

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 September 2020
<b>Site Location:</b>	5 Doughmeadow Cottages Laverton Broadway Worcestershire WR12 7NA
<b>Application No:</b>	20/00410/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Buckland
<b>Proposal:</b>	Variation of condition 2 (approved plan) of planning application 17/00599/FUL to allow for the retention of changes to design and size of the extension
<b>Report by:</b>	Emily Pugh
<b>Appendices:</b>	Site location plan, block plan, elevations, roof plan, floor plan (all one document)
<b>Recommendation:</b>	PERMIT

### 1.0 SITE DESCRIPTION AND DEVELOPMENT

- 1.1. The current application relates to 5 Doughmeadow Cottages, a mid-terraced dwelling constructed in Cotswold stone located within the rural village of Laverton. The dwelling benefits from a small garden to the rear which faces towards open countryside. The site is located within the Cotswold Area of Outstanding Natural Beauty, Laverton Conservation Area and is subject to the restriction of permitted development rights by way of an Article 4 Direction.
- 1.2. The current application seeks to vary condition 2 of permitted application reference 17/00599/FUL which states that the development should be constructed in accordance with plan reference 128-008 REV E. It is clear that works were not carried out in accordance with that plan and as such the current application seeks to vary the condition in order that the condition relate to an alternative plan: reference 128-008 REV G.
- 1.3. The application is entirely retrospective given that the development has already been constructed.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
17/00599/FUL	Replacement windows to front and rear elevation. New roof lights on front elevation. Single storey rear extension. Dormer window and roof lights on rear roof slope.	PER	04.08.2017
17/00153/CONDIS	Application for approval of details subject to condition 3 (proposed windows, dormer window and roof lights) of planning application ref number 17/00599/FUL.	DISCHA	15.11.2017
17/00078/MINOR	Non material minor amendment for 17/00599/FUL (Redesign of rear flat roof including parapet wall)	GRANT	20.11.2017
18/00109/CONDIS	Application for approval of details subject to condition 3 (proposed windows, dormer window and roof lights) of planning application ref number 17/00599/FUL.	DISCHA	24.10.2018

## 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 SD7 (Cotswold Area of Outstanding Natural Beauty)

3.5. Policy SD8 (Historic Environment)

3.6. Policy SD14 (Health and Environmental Quality)

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

3.7. Policy HOU8 (Domestic Extensions)

3.8. Policy hen2 (Conservation Areas)

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

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

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

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

### **4.0 CONSULTATIONS**

4.1. **Buckland Parish Council** – Objection. Concerns include:

- The development is out of character with adjoining properties
- It is out of proportion
- There have been a number of cases within the village where developments have not been built in accordance with permission and retrospective applications have been sought which are too easily approved
- TBC needs to take a stand if approval procedure is to be respected

4.2 **Conservation 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 a number of representations have been received from the same resident. Concerns include:

- The submitted plans are not correct
- Alternative materials would look better
- The extension is too high and affects light in the neighbours garden
- The build results in maintenance issues in conflict with The Party Wall Act
- The neighbours property value may be affected
- The construction may affect the neighbours ability to change their roof in the future if they wish

### **6.0 POLICY CONTEXT**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications 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 a mid-terrace property constructed in Cotswold stone. A single storey rear extension was permitted in 2017 which has been permitted in accordance with the approved plans. The main differences are as follows:
- 1) the extension is 3.5m in total height which is 0.5m higher than that which was approved;
  - 2) a rubber roof has been installed as opposed to a sedum roof and an overhang created;
  - 3) the arrangement of roof light windows has changed;
  - 4) the fenestration has changed.
- 7.3. The scheme permitted in 2017 was the outcome of detailed negotiations and discussions in order to achieve high quality design and as such it is regrettable that the applicant has not implemented this. However, notwithstanding this, the case at hand must be assessed on its own merits.
- 7.4. The rear wall of the extension is level with a single storey rear extension belonging to Number 6 Doughmeadow Cottages. The top of the parapet is 0.6m higher however and does appear as somewhat incongruous when viewed from the neighbouring property. However, the footprint is well related to surrounding development and materials are comprised of a high quality. On balance, whilst the previous roof design was preferable, it is not considered that the current design is so harmful so as to warrant a refusal in this instance.
- 7.5. Further to the above, the changes to the fenestration and roof light arrangement are not considered to result in visual harm; and indeed the detail to the overhang on the roof creates positive interest and dimension. It is unfortunate that a sedum roof has not been achieved and has been replaced with a grey GRP rubber roof however this is only visible from the upper floors of the adjacent properties. On balance, this substitution is therefore considered to be acceptable.

- 7.6. Overall, whilst it is regrettable that the development was not constructed in accordance with the previously negotiated plans, given that it is located to the rear out of sight of any public vantage points, it is not considered that there is adequate cause for refusal in this instance.

### **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. As is set out above, the extension has been constructed parallel with the adjacent neighbours single storey flat roofed extension. In view of this, the extension does not overshadow or result in an overbearing impact to that property. In this regard, whilst the comment of objection is duly noted, the properties are west facing and the extension is comprised of a single storey and as such it is not considered that the extension reduces light to the neighbours garden.
- 7.9. In view of the above, it is concluded that the extension does not adversely impact neighbouring amenity and is therefore in accordance with policies HOU8, SD14 and RES10.

### **Impact upon the Historic Environment**

- 7.10 The site is located within Laverton Conservation Area (both of which is a designated heritage asset). In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The development must also be assessed against section 16 of the NPPF, JCS Policy SD8, saved policy HEN2 of the Local Plan and emerging Policy HER1.
- 7.11 The Conservation Officer concludes that the proposed changes are so incremental within the context of the wider site and surrounds that they do not result in any harm to the historic environment in accordance with policies SD8, HEN2 and HER1.

### **Impact upon the AONB**

- 7.12 The extension is not visible from the surrounding countryside. However, whilst the form of the building is contemporary, it has been constructed using traditional materials which is in keeping with those exhibited within the AONB. It is therefore considered that there is no adverse impact upon any of the special attributes of the AONB in accordance with policy SD7.

### **Other Matters**

- 7.13 The neighbour refers to a number of matters which are not a material planning consideration – including property value, party walls and access and as such they have not formed part of the decision making process.
- 7.14 The Parish have raised a frustration with the prospect of retrospective applications and builds not being constructed in accordance with the approved plans. Whilst this is unfortunate, when officers are made aware of circumstances where this has not been done, an appropriate remedy is always sought – sometimes in the form of a retrospective regularising application.

7.15 Retrospective applications are a nationally designated tool which have been used as a useful tool within the planning system for a number of years. The use of which is exercised at central government and is beyond the control of the borough council.

## **8.0 CONCLUSION AND RECOMMENDATION**

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

## **9.0 OFFICER UPDATE**

9.1 **When considered at the August Committee, there was some confusion about what the proposal is seeking to regularise. Whilst a minor amendment was submitted under reference 17/00078/MINOR seeking alterations to the roof design and parapet wall, the development was neither constructed in accordance with that amendment nor the original application under reference 17/00599/FUL. Likewise, notwithstanding the opinion of the agent, no alterations have been regularised under any of the three respective condition discharges. In view of this, the current application seeks to regularise all deviations to the original permission. These include:**

- 1. Increase in height of parapet wall (the parapet was originally permitted at 3m in height, the minor permitted it at 3.2m in height and the current application as built seeks it at 3.5m in height)**
- 2. Change in roof material (the roof was originally described to comprise as a 'sedum green roof', the minor permitted a 'polyfibreglass roof' and the current application seeks an EPDM roof)**
- 3. Addition of an overhang to the roof**
- 4. Changes to the fenestration (such as the openings to the western and southern elevations)**
- 5. Changes to the form and footprint of the extension**
- 6. Changes to the roof light arrangement (the originally approved roof lights were comprised of two in alignment, the minor granted one large roof light and one small roof light, and the current application as built seeks three roof lights)**

### **CONDITIONS:**

Nil

### **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.