

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	20 October 2020
Site Location:	The Lodge Dryhill Farm Crickley Hill Witcombe Gloucester Gloucestershire GL53 9QR
Application No:	20/00669/FUL
Ward:	Badgeworth
Parish:	Badgeworth
Proposal:	Erection of a two storey side extension
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block Plan Elevations Floor plans
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site relates to 'The Lodge' a detached dwelling located in Crickley Hill (site location plan attached).
- 1.2. The topography of the site is such that it is bounded by a wooded embankment to its east/south east, and sits in an elevated position above the main dwelling at Dryhill Farm which is located to its west/north west boundary.
- 1.3. The site occupies a very isolated location accessed via a long private track from Greenway Lane. The site is located in the Green Belt and within the Cotswolds AONB. The site is located close to but not within the Crickley Hill SSSI.
- 1.4. The development proposed is for a two storey side extension to provide a garage at ground floor level and additional living space for the occupants at first floor level (plans attached).
- 1.5. Councillor Vines has requested a committee determination to assess the suitability of the proposal given its Green Belt and AONB location.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/01223/FUL	Extension of existing dwelling and associated landscaping, including demolition of existing buildings, removal of tennis court and hardstanding	PER	20.02.2015
20/00336/FUL	Erection of a two storey side extension	WDN	03.06.2020

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 SD5 (Green Belt)
3.5. Policy SD7 (AONB)
3.6. Policy SD14 (Health and Environmental Quality)

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

- 3.7. Policy HOU8 (Domestic Extensions)

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

- 3.8. Policy RES10 (Alteration and Extension of Existing Dwellings) and Policy GRB1 (Green Belt)
3.9. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
3.10. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Parish Council – no response 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.
5.2. There are no representations from local residents.

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. It is considered that the proposed two storey side extension would be of an appropriate design in keeping with the character and appearance of the existing property.
- 7.3. Due to the site's isolated location, the presence of the existing buildings and the topography and tree cover on site, it is not considered that the proposal would have any adverse impact on the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.4. 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.
- 7.5. 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.
- 7.6. The effect of the proposal on the amenity of the main dwelling at Dryhill Farm has been considered but given the topography of the site and the separation distances involved no concerns are raised.

- 7.7. The impact of the proposal upon neighbouring properties has therefore carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

GREEN BELT

- 7.8. Section 13 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in Green Belt. However, there are exceptions including: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 7.9. Policy SD5 of the JCS similarly advises that within the Green Belt, “development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated”.
- 7.10. Consequently, as the site is within the Green Belt, only limited extensions and additions are permitted.
- 7.11. The original dwelling had a floor area of approximately 102 sqm. Previous extensions in 2014 have resulted in an additional 240 sqm (236% increase). The 2014 extensions were only granted permission due to very special circumstances. In such regard, the 2014 proposal had the benefit of removing a permitted B1 use from an unsustainable rural location which, it was considered, would produce a sustainability benefit by removing the potential travel demands associated with that use.
- 7.12. The 2014 proposal also involved the removal of significant areas of hard surfacing from the site including a tennis court, a paved terrace area to the front of the studio and sizeable areas of gravel hardstanding. These areas were returned to grass with new planting. This had the effect of reducing the extent of the existing operational development at the site and returning a significant proportion of the site back to open countryside. It was considered that this would amount to betterment in Green Belt policy terms.
- 7.13. It was considered that the proposed benefits described above clearly outweighed the harm to the Green Belt by reason of inappropriateness and the identified harm to its rural character. It was therefore considered that very special circumstances existed at the time.
- 7.14. The 2020 proposed extension would create an increase of about 91.5 sqm which when combined with previous extensions would be a 325% increase in the floor area of the original dwelling. Recent appeal decisions demonstrate that the cumulative effect of even relatively modest extensions to existing disproportionate extensions, can be material and comprise inappropriate development (see appeal 2218742 attached).
- 7.15. In the case of the current proposal, the cumulative increase in size would, as a matter of fact, be disproportionate in relation to the original dwelling, regardless of whether the previous enlargements were permitted by the Council. Accordingly, the proposal would amount to inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances case has been submitted with this proposal however.
- 7.16. In relation to the loss of openness, given the location of the proposed extension and due to the topography / trees screening, its impact on the openness would be limited. However, it would nevertheless amount to ‘new built development’ in an area which is currently open and therefore would result in some harm to openness.

- 7.17. It is therefore considered that the proposal would clearly result in disproportionate additions which would result in inappropriate development in the Green Belt. Paragraph 143 of the NPPF says that such development is harmful by definition. Paragraph 144 of the NPPF requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal would clearly be inappropriate development in the Green Belt resulting in disproportionate additions to the original dwelling and there are no special circumstances that outweigh the harm. The proposal would be contrary to the NPPF and Policy SD5 of the JCS. Therefore, it is recommended that planning permission be refused.

Refusal reason:

1. The proposed extension would result in disproportionate additions over and above the size of the original dwelling. The proposal therefore represents inappropriate development in the Green Belt in conflict with Policy SD5 of the Joint Core Strategy (2017) and advice within the National Planning Policy Framework 2019.