

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	17 November 2020
Site Location:	34A Astor Close Brockworth Gloucester Gloucestershire GL3 4AS
Application No:	20/00620/FUL
Ward:	Brockworth West
Parish:	Brockworth
Proposal:	Proposed detached bungalow with ancillary works
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block plan Elevations Floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is a small rectangular parcel of grass land, measuring approximately 229sqm, located along Astor Close in Brockworth. The site is sandwiched between a terraced row of dormer style bungalows to the north and a two storey maisonette block to the south. To the west, the site borders an open field.
- 1.2. Brockworth, whilst not defined in the Settlement hierarchy of the JCS does offer a wide range of services and facilities.
- 1.3. This application seeks permission for the construction of one detached single storey dwelling.
- 1.4. The new bungalow would have two bedrooms, a lounge, kitchen, bathroom and a hall. There would also be a new single storey outbuilding erected as part of the proposal, to the west, which would be used as a bin store / bike store plus garden room.
- 1.5. A new vehicular access would be created off of Astor Close and two off-road parking spaces would be provided.
- 1.6. A committee determination is required as the Parish Council are objecting to the proposal on the grounds of it being out of character, infill development, overdevelopment of the site and overlooking.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
18/00197/FUL	Erection of two dwellings.	REFUSED	30.04.2018
19/00891/FUL	Construction of a detached 3-bed dwelling and outbuilding	REFUSED	19.05.2020

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), Policy SD6, Policy SD9, Policy SD10, Policy SD11, Policy SD14 (Health and Environmental Quality), Policy INF1 and Policy INF2

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

- 3.4. None relevant

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

- 3.5. Policies: RES2 and RES5
- 3.6. Human Rights Act 1998 Article 8 (Right to Respect for Private and Family Life)
- 3.7. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Parish Council – object to the proposal on the grounds of it being out of character, infill development, over-looking and overdevelopment of the site.

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. Two letters of objection have been received from local residents and one letter of support. The reasons for objection are summarised as follows:
- Parking is already an issue along this road and the proposal would make things even worse.
 - Loss of light to no 35A Astor Close.

- The area is too small for a dwelling.
- Out of keeping with the existing street scene.

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

Principle of Development

- 7.1. Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously-developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages.
- 7.2. As the site is bordered by residential properties on two boundaries the development would represent infill and as such the principle of housing in this location would be acceptable.
- 7.3. However, whilst the principle of a new dwelling in this location would be acceptable there are other material planning considerations which need to be taken into account. In this case these include the design of the proposal, the effect on living conditions of neighbouring properties with particular regard to outlook, light and privacy and the impact upon highway safety.

Design and Visual amenity

- 7.4. With regards to the preferred design approach, all development is expected to be of a high design quality. Good design, including appropriate attention to detail, typically makes the difference between a high-quality and successful development and a mediocre or unsuccessful one.
- 7.5. Development at any scale and location should make a positive contribution to providing better places for communities.

- 7.6. Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.7. The Parish Council have objected on the grounds that the proposed bungalow would be out of character with the existing street scene. The Parish Council's concerns are noted, however, the surrounding area contains a variety of dwellings of different sizes and architectural styles and there is no identifiable predominant vernacular. The properties to the north of the site are mainly dormer style bungalows set in a cul-de-sac. The properties to the south and south-east of the site are semi-detached blocks of two storey maisonettes set in a linear position, set back from the road. These properties are simple in appearance, with flat rendered front elevations and traditional gable pitched roofs sloping easterly-westerly. The proposed dwelling would be seen in the context of these properties given they would front the same part of Astor Close.
- 7.8. The proposed bungalow would have a simple, low key design with a pitched roof. The front elevation would have simple fenestration with just one window and a door. It would be a vast improvement on the design of the previous application (19/00891/FUL) which was refused on design grounds.
- 7.9. Whilst a detached bungalow may not be ideal in this location given the dominance of semi-detached dwellings, on balance, it is not considered that the impact on the existing street scene would be detrimental given that the bungalow would be set well into the plot and would not be on a prominent corner. There would also be sufficient rear garden / amenity space for future occupiers.

Residential amenity

- 7.10. JCS Policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.11. In respect of the impact of the development upon residential amenity, Criterion 1 (iii) of Policy SD4 of the JCS states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.12. In addition, Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.13. The application site is bounded by residential properties on the north and south. Due to the linear position and relationship with the maisonettes to the south of the site it is considered the development could be accommodated on site without detriment to the amenities of the neighbouring properties to this side of the site.
- 7.14. In relation to the impact on the neighbour's at no 35A Astor Close to the north of the site, the proposed bungalow would be 6.45 metres to the ridge but only 2.4 metres to the eaves and a distance of about 8.5 metres away, so the loss of light / outlook is not considered to be harmful / adverse.

- 7.15. Due to the separation distance between the application site and the properties to the north of the site, there would be harm to the privacy of future occupiers of the proposed dwelling as a result of overlooking from the first floor windows of No.36 Astor Close. The planning agent has however taken this into account and a proposed new outbuilding would be situated close to the boundary with no 36. It would be 3.2 metres in height so it would essentially prevent any adverse overlooking. A condition would be attached to the permission to ensure that the outbuilding is erected prior to the occupation of this dwelling and that it then remains in situ.
- 7.16. With regards to the parish council's concerns about overlooking from the new property, there would only be windows at ground floor level in this single storey bungalow, so there would not be any adverse / harmful overlooking to neighbouring dwellings.

Highway Safety issues

- 7.17. The plans submitted demonstrate sufficient space within the applicants control to accommodate both the access arrangement and visibility splays as set out in the Standing Advice guidance from GCC Highways Authority.
- 7.18. The Highways Authority have been consulted and have raised no highway objections. The comments from third parties are noted however as the Highway Authority have raised no objections to the proposal it is considered the development could be accommodated on the site without adverse harm to highway safety.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. For the aforementioned reasons, the proposed development is considered acceptable and is considered to be of an appropriate size and design that responds to the local characteristics and protects the amenity of existing and future occupants in line with the requirements of JCS Policies SD4, SD10, SD11 and SD14. The proposal would not impede the safe and efficient operation of the highway network and makes appropriate provision for off-road parking spaces. For these reasons, and subject to relevant conditions, the proposal is deemed to comply with relevant national and local planning policy and is therefore recommended for Permit.

CONDITIONS and REASONS:

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:

- 627/02, 627/06, 672/09 REVA and 672/10 dated 8th July 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. Prior to the occupation of the dwellinghouse hereby approved, the outbuilding shown on plans 672/06 and 672/09 REVA dated 8th July 2020 shall be fully completed.

Reason To prevent overlooking of the new dwelling house from neighbouring properties.

4. Notwithstanding the provisions of Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the outbuilding referred to in condition 3 must remain in situ and cannot be demolished or otherwise removed without the consent of the Local Planning Authority

Reason: to protect the amenity of the dwelling house and adjoining properties.

4. Building operations shall not be commenced until samples of the walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area.

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.