

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	19 January 2021
<b>Site Location:</b>	34 Rosefield Crescent Newtown Tewkesbury Gloucestershire GL20 8EH
<b>Application No:</b>	20/01006/FUL
<b>Ward:</b>	Tewkesbury East
<b>Parish:</b>	Tewkesbury
<b>Proposal:</b>	Erection of a single storey rear extension
<b>Report by:</b>	Pippa Brown
<b>Appendices:</b>	Site location plan Existing elevations Proposed elevations Proposed floor plans
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to 34 Rosefield Crescent, a two storey, brick built, semi-detached dwelling, located on a road with similar dwelling styles, many of which have been altered and extended. The dwelling is accessed by a small road, off the main part of Rosefield Crescent and benefits from a driveway to the front and side. The site is located in Flood Zone 2, but not in any other areas of restrictive designation.
- 1.2. The proposal seeks to demolish an existing conservatory and erect a single storey rear extension in its place, on the south elevation of the dwelling. The proposal would cover the area of the existing conservatory and extend further into the garden, retaining some of the storage area provided by the existing garage. The proposal would use matching materials to the main dwelling and have a roofline, higher than the existing conservatory.
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds that the development would result in the adjoining property losing useful morning sunlight.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history for the site.

### **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).
- 3.3. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.4. The First Protocol, Article 1 (Protection of Property).

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- 3.5. Policy SD4 (Design Requirements).
- 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).

### **4.0 CONSULTATIONS**

- 4.1. Tewkesbury Town Council – Objection based on concerns that the adjoining property will lose useful morning sunlight.

### **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1. Local Residents - The application has been publicised through the posting of a site notice for a period of 21 days and no letters of representation were received.

### **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 single storey extension is a hipped roof design. It would be sited within the rear garden of the property. It would not be visible from the street scene and therefore would have no detrimental impact on the visual appearance or character of the street.
- 7.3. The proposal would involve the demolition of an existing flat-roofed conservatory structure and its replacement with a larger, brick built hipped-roof extension. It would be taller at the ridge than the existing due to the hipped roofline, but the eaves height would be almost identical. Like the existing conservatory it would extend across almost the entire width of the rear elevation of the dwelling but due to it being nearly twice the depth it would have a larger footprint. The extension would use materials to closely match the existing dwelling, which would be in keeping with the visual appearance of the dwelling.
- 7.4. It is considered that the proposal 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**

- 7.5. 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.
- 7.6. 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.
- 7.7. The proposal would lie within the rear garden of the property and would be single storey in nature with the only proposed openings facing directly into the applicant's own rear garden. By virtue of this, the fact that the extension is single storey and the site is not bordered to the rear by any other properties, the proposed extension would not cause any issues of overlooking affecting the amenity of neighbouring dwellings.
- 7.8. Whilst the proposal would be larger in terms of its depth and roof, over and above the existing conservatory, it is not considered to have an adverse overbearing impact affecting neighbouring dwellings. The extension would be partially screened from the adjacent property to the east due to the retention of the existing garage structure located on the eastern side of the garden. To the west, the garden is screened by a 1.8m high fence. Whilst part of the flank wall up to the eaves of the proposed extension adjacent to the western boundary would be visible to the neighbour over the boundary fence, the hipped roofline would slope away from the boundary, ensuring that it would not appear overbearing.

- 7.9. Similarly, the Parish Council has raised concerns that the adjoining property may experience a loss of morning sunlight as a result of the proposal. Upon visiting the site and considering the orientation of the dwellings in relation to each other (both of which have south facing rear gardens), and the movement of the sun, it is considered that any loss of morning sunlight over and above the existing situation would not be considered harmful enough to justify the refusal of the application. It is noted that the light received into the effected rear ground floor window of the neighbouring property is already restricted by a large rear extension serving that dwelling.
- 7.10. 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 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.

### **8.2. 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:

- Drawing SH1 – Site location and block plan @A3 (Received 14.10.2020)
- Drawing SH5 – Proposed ground floor plan @A3 (Received 14.10.2020)
- Drawing SH6 – Proposed elevations @A3 (Received 14.10.2020)

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.