

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	17 August 2021
<b>Site Location:</b>	The Kneelings Dog Lane Witcombe
<b>Application No:</b>	21/00767/FUL
<b>Ward:</b>	Badgeworth
<b>Parish:</b>	Badgeworth
<b>Proposal:</b>	Erection of a two-storey side and rear extension.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Location/Block Plans Elevations - Existing Elevations - Proposed Floor Plans - Existing Floor Plans - Proposed Roof Plans
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a detached two-storey property, known as The Kneelings, which is located along Dog Lane in Witcombe (**see location plan**).
- 1.2. The application site is located within the Cotswolds Area of Outstanding Natural Beauty and within the designated Green Belt.
- 1.3. The application seeks full permission for the demolition of an existing conservatory and the erection of a two-storey side and rear extension.
- 1.4. **A committee determination is required as Councillor Vines has requested the application is considered at Planning Committee to assess the proposal given the site is in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty.**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.4703/B	Proposed two-storey extension to existing house to provide a living room and hallway with two additional bedrooms over.	PERMIT	18.04.73
79/00677/FUL	Alterations and extension to existing dwelling house to provide a living room and hallway with two additional bedrooms over.	PERMIT	31.05.79
81/00623/FUL	Alterations and extensions to provide a porch, breakfast room, utility room, clock room, hall and larder with 2 bathrooms and bedrooms over.	PERMIT	16.06.81
97/01319/FUL	Proposed conservatory to rear elevation.	PERMIT	13.05.98
03/00825/FUL	Demolish existing garage and rebuild playroom below. Remove existing roof of bungalow and increase pitch to 45 degrees to allow rooms in roof space.	PERMIT	19.09.03
05/01323/FUL	Demolition of existing garage and replacement of garage.	PERMIT	30.11.05

## 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), National Planning Practice Guidance (NPPG) and National Design Guide (NDG).

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

3.3. Policies: SD4, SD5, SD6, SD7, SD14

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

3.4. Policies: HOU8

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

3.5. Policies: RES10

- 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. **Badgeworth Parish Council** – 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 one letter of support has been received. The comment is summarised below:
  - Proposal does not increase the footprint or the height of the building.
  - The extension will not be visible to the public.

#### **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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

#### **7.0 ANALYSIS**

##### **Impact upon Green Belt**

- 7.1. Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the

harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

- 7.2. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, Local Planning Authorities should ensure 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, is clearly outweighed by other considerations.
- 7.3. Paragraph 149 of the NPPF sets out that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt other than for a number of exceptions. One such exception (c) listed is 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. The NPPF defines '*original building*' to be '*a building as it existed on 1 July 1949 or, if constructed after 1 July 1948, as it was built originally.*'
- 7.4. Based on the earliest plans the Council hold on record of the application site, in March 1965 the gross external floor area (GEA) of the dwelling amounted to approximately 165sqm. Since then, the property has been extended and altered significantly over the years. In 1979, the officer who dealt with an application for alterations and an extension to existing dwelling house to provide a living room and hallway with two additional bedrooms over, planning reference 79/00677/FUL, described the property as a '*white painted cottage*'. In a later application in 1998, planning reference 97/01319/FUL, for a proposed conservatory to the rear elevation, the case officer commented that the '*dwelling appears to be that of a new build, however, history details clearly demonstrate that the original dwelling is submerged under extensions.*'
- 7.5. In terms of proportionality whilst there are no specific guidelines a 50% increase in size is generally applied by officers to determine what constitutes a proportionate addition to the original dwelling, with anything above this being considered disproportionate.
- 7.6. When taking account of the floor space of the proposed extension, together with previous extensions to the property, which includes the floor space of a replacement garage granted planning permission in 2005, reference 05/01323/FUL, the resulting dwelling would have a gross external floor area (GEA) of approximately 378sqm. This would be an increase of 213sqm, which would result in the floor space of the dwelling being 129% bigger than the floor space of the dwelling shown in 1965.
- 7.7. However, the NPPF refers to size rather than just floorspace and consequently the volume and external dimensions should also be considered. It is clear, based on the plans of the dwelling in 1965, the proposed extension would materially add to the volume and massing of the original dwelling. When taken together with the extensions that have already taken place, this would result in an increase in size disproportionate to the original building. Therefore, it would amount to inappropriate development in the Green Belt, which is harmful to the Green Belt and should not be approved except in very special circumstances. In this case, no very special circumstances have been advanced. It should also be noted that there is no fall-back position to amount to very special circumstances because the proposed extension could not be constructed under permitted development rights.
- 7.8. Officers are aware that the proposed two storey extension is not a substantial extension when considering the existing extensions and alterations to the original dwelling. However, proportionality relates to the cumulative size of additions over the size of the original building and as such a relatively small extension could represent a disproportionate addition if the

building has been previously extended. This approach was taken by an Inspector in a recent appeal in Barrow for a single storey rear side extension, which proposed a floorspace of 7.7sqm, appeal reference APP/G1630/D/18/3217535. The Council had already given permission for an extension at the property which was calculated to amount to a 52.6% increase over the original dwelling and therefore the Inspector agreed with the Council that when taken together with the extensions that had already taken place, as well as those that had been permitted, the additional 7.7sqm extension would result in an increase in size disproportionate to the original building. The Inspector concluded that *“there must come a point at which the built form becomes disproportionate overall, notwithstanding the small scale of each incremental addition. Otherwise, such an argument could be relied upon repeatedly.”*

- 7.9. In terms of openness, as highlighted in the NPPF, this is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.
- 7.10. In this case, when taken with the cumulative extensions built, the proposal would increase the size of the building overall, thereby would diminish the openness of the Green Belt. The harm would be modest and localised, nonetheless the proposed extension would have a harmful effect on the openness of the Green Belt.

#### **Conclusion on Green Belt Matters**

- 7.11. The proposed extension would represent inappropriate development in the Green Belt, which is harmful by definition. In addition, there would be an identified harm to the openness. This carries substantial weight against the proposal.
- 7.12. The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all the material considerations which are discussed in the following sections of this report.

#### **Impact upon the Cotswolds Area of Outstanding Natural Beauty (AONB)**

- 7.13. The site is located within the Cotswolds AONB. The dwelling is one of a small number of houses which sit along this part of Dog Lane. These properties are located on rising land.
- 7.14. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscapes and scenic beauty in AONB's, which have the highest status of protection in relation to these issues. The aims of Policy SD7 of the JCS is consistent with the NPPF and sets out that proposals should be consistent with policies set out in the Cotswolds AONB Management Plan (CMP).
- 7.15. Given the siting, scale and use of appropriate materials and the context in which the proposed extension would be viewed (against the existing dwelling), the proposed development would conserve the scenic beauty of the AONB.

#### **Design**

- 7.16. Section 12 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating places in which to live and work and helping make development acceptable to communities.
- 7.17. Saved Policy HOU8 of the Tewkesbury Borough Local Plan (TBLP) states that, amongst other things, extensions to existing dwellings must respect the character, scale and proportion of the existing, or where appropriate the original dwelling and reflect or

complement the design and materials of the existing dwelling. Likewise, emerging Policy RES10 of the Tewkesbury Borough Plan 2011-2031 (TBP) states that proposals for the extension and alteration of existing dwellings will be permitted providing that, inter alia, the detailed design reflects or complements the design and materials of the existing dwelling, and the proposal respects the character and appearance of surrounding development.

- 7.18. The design of the proposed extension, due to its simple shape and form, would respect the character of the existing dwelling. The scale of the proposed extension would appear subservient to the existing dwelling by virtue of the lower ridge and eaves height. In terms of the appearance of the proposed extension, subject to agreeing satisfactory materials and finish, no objections are raised.

### **Residential Amenity**

- 7.19. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Saved Policy HOU8 of the TBLP and the emerging Policy RES10 of the TBP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.20. The impact of the proposal upon neighbouring properties has carefully been assessed. Due to the distance to the nearest neighbouring property and as the proposed extension would be sited beyond an existing gable extension the proposed development would not cause any harm to residential amenity.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. The proposed extension would amount to inappropriate development in the Green Belt and harm would also be caused to the openness of the Green Belt. When considering any planning application, substantial weight should be given to any harm to the Green Belt, as advised in paragraph 148 of the NPPF. In this case, officers take the view that there are no other considerations which outweigh the harm identified to the Green Belt. Consequently, no very special circumstances to justify the development exist.
- 8.2. The proposed extension would demonstrate a satisfactory design approach and would not cause any harm to the scenic beauty of the AONB, residential amenity or highway safety.
- 8.3. Having regard to the above it is recommended that the application is **REFUSED**.

### **REFUSAL REASONS:**

1. The proposed extension would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. In addition, the proposed would have a harmful effect on the openness of the Green Belt. Accordingly, the proposed development would be contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and guidance set out in Section 13 of the National Planning Policy Framework.

**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 offering pre-application advice, detailed published guidance to assist the applicant and published 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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.