

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	21 September 2021
<b>Site Location:</b>	41 Battle Road Tewkesbury
<b>Application No:</b>	21/00729/FUL
<b>Ward:</b>	Tewkesbury Town South
<b>Parish:</b>	Tewkesbury
<b>Proposal:</b>	Erection of a single storey side and rear extension; retention of a 1.8 metre fence along the northwest boundary
<b>Report by:</b>	James Stanley
<b>Appendices:</b>	Site Location Plan and Original Elevations Block Plan and Proposed Elevations Existing Ground Floor Plan Proposed Ground Floor Plan
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** This application relates to 41 Battle Road, a detached, brick-built dwelling located at the end of a cul-de-sac in Tewkesbury. This site does not benefit from permitted development rights however, it is not affected by any further constraints or designations.
- 1.2** This application seeks to remove a conservatory to the rear of the dwelling, erect a single-storey side and rear extension and retain a 1.8 metre fence along the north-western boundary of the site that was erected prior to the planning application. The application site faces out over an area of incidental open space to the north west.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
77/00038/OUT	Layout of a residential estate on 4.742 ha. of land to include the erection of 126 dwellings and garages. Construction of estate roads, vehicular and pedestrian accesses. Method of disposal of foul and surface drainage.	PER	31.03.1977
78/02294/FUL	Erection of a private car garage.	PERMIT	25.10.1978
79/02294/FUL	Erection of a garden shed.	PERMIT	05.01.1979

## 3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

### 3.1 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

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

- Policy SD4 (Design Requirements)
- Policy SD14 (Health and Environment Quality)

### 3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

### 3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy RES10 (Alteration and Extension of Existing Dwellings)

### **3.5 Neighbourhood Plan**

None

### **3.6 Other relevant policy**

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

## **4.0 CONSULTATIONS**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

### **4.1 Tewkesbury Town Council – Objection**

- The loss of the hedge is regrettable, and the new fence is completely out of character with the rest of the boundary treatments in the estate.
- No objection to the extension itself

### **4.2 County Archaeology – No objection**

### **4.3 Tree Officer – No objection**

## **5.0 PUBLICITY AND REPRESENTATIONS**

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

### **5.1** The application has been publicised through the posting of a site notice for a period of 21 days and received no letters of objection.

## **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 16 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** The relevant policies are set out in the appropriate sections of this report.

**6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

## **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 side and rear extension is of a subservient scale to the original dwelling.

**7.3** The proposed extension would be in keeping with the original dwelling and surrounding development, displaying a gabled design and the use of matching materials.

**7.4** This proposal also includes the retention of a 1.8 metre fence along the north-western boundary. Whilst the loss of the hedge is regrettable in visual terms, in a residential area it is common to see such boundary treatments being used. Indeed similar fencing adjoins the application site and also faces onto the adjacent open space. The use of fencing in this location is therefore considered to respect the character of the surrounding development.

### ***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** The impact upon the amenity of the neighbouring occupants has been carefully assessed. Since the fence and extension face out over an area of incidental open space it is determined that there would be no undue impact on neighbouring amenity caused by this proposal.

### ***Boundary Treatments***

**7.7** Policy SD4 of the JCS requires that new development should respect the character of the site and its surroundings and address the urban structure and grain of the locality in terms of street pattern, layout, mass and form.

**7.8** Prior to the application being submitted, the Leylandii hedge sited along most of the boundary was removed and replaced with a close boarded timber fence. Therefore, this part of the application is retrospective. The removal of the Leylandii hedge was not

objected to by the tree officer due to this not being a native species to the area and due to the fast-growing nature of Leylandii. The boundary treatment at the front of the property would remain as a Leylandii hedge to retain a soft boundary fronting the highway. As the north-western boundary does not face the highway and the surrounding development consists of similar fencing, there is no reason to resist this change to the boundary treatment.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1** It is considered that the proposal would not be unduly 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**.

### **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 documents:

- Drawing numbers 9888\01 (Site Location Plan) and 9888\04 (Proposed Ground Floor Plan) received by the Local Planning Authority on 08/06/2021
- Drawing number 9888\05 (Proposed Elevations and Block Plan) received by the Local Planning Authority on 02/07/2021

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 the 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.