

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	19 October 2021
<b>Site Location:</b>	Framfield Two Hedges Road Woodmancote
<b>Application No:</b>	21/00702/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Erection of a single storey side extension (resubmission)
<b>Report by:</b>	Sarah Barnes
<b>Appendices:</b>	Site location and block plan x2 Proposed elevations Proposed floor plans Existing floor plans Existing elevations Proposed floor plans Proposed elevations
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Framfield, a detached dwelling located along Two Hedges Road in Woodmancote (site plan attached). The site falls within the Green Belt.
- 1.2 The proposal is for a single storey side extension (plans attached).
- 1.3 A Committee determination is required as the Parish Council is objecting to the proposal on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00346/FUL	Erection of a two storey side and a single storey rear extension.	PER	03.07.2019
20/00462/FUL	Erection of a single storey side extension	REF	06.11.2020
20/01273/CLP	Erection of two outbuildings.	CLPCER	13.05.2021

## 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 SD5 (Green Belt)
- 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 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** Woodmancote Parish Council – objects on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt.

The property has already been extended significantly and this additional extension must increase the original ground floor footprint beyond 50%. Adding a further single storey extension onto the recent two storey extension, will reduce parking provision to the side and rear of the property. Such an extension in the green belt would be an overdevelopment and the size and scale would look out of keeping with the street scene. If permitted, they request that a planning condition is attached that prevents commercial use.

## **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.
- 5.2** No letters of objection have been received from neighbours / 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 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, Visual Amenity and Green belt*

**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** 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”.

**7.3** 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

**7.4** Planning permission was granted in 2019 (19/00346/FUL) for a two storey side and single storey rear extension. These extensions created additions of about 50%. Later in 2020 a refusal was issued for a single storey side extension (20/00462/FUL) which would have resulted in a 65% addition when combined with the previous extensions. This was considered to be a disproportionate addition over and above the size of the original dwelling, and the proposal was considered to comprise inappropriate development.

**7.5** A Certificate of Lawfulness application was then submitted in March 2021 (20/01273/CLP) for two substantial detached outbuildings within the curtilage of the property to be used as a garden room and a studio (plans attached). The certificate was granted in May 2021.

**7.6** The Parish Council have objected on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt. The property has already been extended significantly and this additional extension must increase the original ground floor footprint beyond 50%.

**7.7** Recent appeal decisions have established that where there is a reasonable prospect that accommodation not requiring planning permission would be implemented in the event planning permission was denied for similar extension, that this permitted development 'fall-back' position can amount to very special circumstances.

- 7.8 In this case, the 'studio outbuilding' as granted under the 2020 CLP would be in the same location as the proposed extension and only marginally smaller. Indeed, the proposed extension would only be 0.2m wider and would provide a commensurate level of accommodation. There is therefore a reasonable prospect that the CLP proposal would be implemented if the current application were to be refused. This is considered to be a realistic fallback position and is a fresh material planning consideration since the 2020 refusal.
- 7.9 Whilst the proposed extension would be a disproportionate addition (65%) when added to the previous 2019 extension, the realistic fallback position is considered to amount to very special circumstances.
- 7.10 In terms of openness, the proposed single storey addition would have a modest impact.
- 7.11 With regards to the Parish Council's comments about the extension resulting in overdevelopment, this would only be a relatively modest single storey side extension and there would still be adequate garden space remaining at the front / rear of the dwelling.

#### *Effect on the Living Conditions of Neighbouring Dwellings*

- 7.12 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.
- 7.13 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. No objections have been received from any of the neighbouring dwellings.

#### *Other Issues*

- 7.14 The Parish Council have also raised concerns about the loss of parking at the site and the future use of the extension. In terms of the parking at the site, there would still be space for over 3 cars to be parked off road and this is considered to be acceptable. With regards to the proposed use of the extension it would be used as a studio for their own private use. A condition would be attached to the permission to ensure that the use remains as ancillary to the existing house.

## **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. Whilst the extension would constitute a disproportionate addition to the dwelling and comprise inappropriate development, an alternative proposal that could be built under permitted development rights constitutes a realistic fall-back position. This is considered to comprise very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. 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:

Plans 200709/PL/001, 200709/PL/004 and 200709/PL/005 dated 14th June 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.

4. The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwelling house known as Framfield.

Reason: To define the terms of the permission.

## **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.