

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

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| Committee: | Planning |
| Date: | 19 October 2021 |
| Site Location: | 25 Tudor Close Churchdown |
| Application No: | 21/00657/FUL |
| Ward: | Churchdown St Johns |
| Parish: | Churchdown |
| Proposal: | Erection of a two storey rear extension and garage conversion. |
| Report by: | Sarah Barnes |
| Appendices: | Existing floor plans Existing elevations Proposed ground floor plan Proposed first floor plan Revised proposed elevations Revised proposed ground floor plan |
| Recommendation: | Permit |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site relates to 25 Tudor Close, a detached dwelling located in Churchdown (site plan attached).
- 1.2** The proposal is for a two storey rear extension and a garage conversion (plans attached).
- 1.3** A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of overdevelopment and privacy issues.

2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal | Decision | Decision Date |
|--------------------|---|----------|---------------|
| 00/00101/APP | Erection of 47 houses with associated works | APPROV | 11.08.2000 |
| 01/00377/FUL | Substitution of house types - approved under 00/8971/0101/APP | PER | 14.06.2001 |

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

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

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 Parish Council – object due to overdevelopment of the site and privacy issues.

Revised plans – still object for the same reasons as before

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 Six letters of objection were received from four local residents to the original plans and one letter of support from a local resident. The reasons for objection are summarised as follows:

- Overlooking and loss of outlook to the dwellings at the rear in Armada Close
- Overdevelopment
- Increased noise levels
- Loss of parking spaces / parking concerns
- It's already a small plot with a small rear garden

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 Parish Council have objected on the grounds of overdevelopment and the loss of privacy to neighbouring dwellings.
- 7.3** The Parish Council's concerns have been taken into consideration as revised plans were submitted on the 30th July 2021 omitting the proposed front gable extension and reducing the size of the two storey rear extension (see attached plans). Specifically, the length of the first floor aspect of the extension has been reduced by 0.5 metre. In relation to overdevelopment, there would be adequate garden area free from extensions / additions and there have been no previous extensions at this site. With regards to visual amenity, the proposed extensions would be of a suitable size / design and constructed from matching materials. There are also other similar sized extensions on this estate e.g. permission was granted in 2019 for a two storey side extension at 42 Tudor Close.
- 7.4** Overall, it is considered that the proposal as revised 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 Policies 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** Objections have been received from local residents and the parish council on the grounds of loss of privacy. The nearest neighbouring dwellings at the rear of the site are 15 & 16 Armada Close. The 'window to window' distance from the revised two storey rear extension to their nearest windows would be about 20 metres so the overlooking is not considered to be harmful / unacceptable.
- 7.7** In relation to the loss of light / outlook to the immediate neighbours either side at 24 & 26 Tudor Close, the impact of the proposal upon these neighbouring dwellings has been carefully assessed. Whilst there would be a loss of light / outlook, the proposed two storey rear extension would not breach a 45 degree horizontal splay from the neighbouring dwellings closest windows. Furthermore, given that the orientation of the sun, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.
- 7.8** Overall, 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.

Parking

- 7.9** In relation to the concerns raised about the loss of parking, there would still be space for at least 2/3 cars to be parked on the front drive and this is considered to be sufficient.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposal as revised 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:

Revised plans dated 30th July 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.