

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 November 2021
<b>Site Location:</b>	10 Yarlinton Close Bishops Cleeve
<b>Application No:</b>	21/00692/FUL
<b>Ward:</b>	Cleeve West
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	Erection of a single storey and two storey rear extension, conversion of existing loft space to include removal of half-hips and creation of rear dormer extension.
<b>Report by:</b>	Sarah Barnes
<b>Appendices:</b>	Existing block plan Proposed block plan Existing elevations Existing floor plans Proposed elevations Proposed floor plans Revised elevations Revised floor plans
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site relates to 10 Yarlinton Close, a detached dwelling located in Bishops Cleeve (site plan attached).
- 1.2** The proposal is for the erection of a single storey and two storey rear extension, conversion of existing loft space to include removal of half-hips and creation of rear dormer extension (plans attached). Revised plans were submitted on the 15<sup>th</sup> September 2021 (see attached) reducing the size of the rear dormer, reducing the number of windows in the dormer, transposing of the two storey rear extension and the reduction in the width of the two storey extension.
- 1.3** A committee determination is required as the Parish Council are objecting to the revised plans on the grounds that the design is out of character with the area and surrounding properties; is too large and overbearing and will have a detrimental impact on the neighbouring properties.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
04/00961/FUL	Erection of conservatory to rear of property.	PER	24.08.2004

## 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 Parish Council – original plans – supports**

Parish Council- revised plans – objects on the grounds that the design is out of character for the area and surrounding properties; is too large and overbearing and will have a detrimental impact on the neighbouring properties. They request that the committee visit the site (SIP).

## **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 7 letters of objections have been received to the original plans. The reasons for objection are summarised as follows:**

- Loss of sunlight and daylight to no 19 particularly in the winter time. Overshadowing / loss of outlook to no 19's living area.
- Adverse visual impact
- Out of keeping with the area
- Loss of privacy / overlooking
- Dominant, overbearing and totally out of keeping with the area
- No 10 Yarlinton is already at a higher level than no's 18 and 19
- Possible increase in noise levels
- Devaluation of nearby dwellings
- A precedent may be set for other rear dormers
- Loss of light / outlook to no 18 and loss of privacy as there would be two new windows facing their property
- Possible parking issues due to the increase in bedrooms

5 letters of objections have been received to the revised plans. The reasons for objection are summarised as follows:

- Loss of privacy / overlooking to the neighbours

- The proposed dormer would destroy the original appearance of the house
- Not in-keeping with the character of the rest of the estate.
- No other nearby houses have a double storey extension apart from no 4 Yarlington Close.
- Loss of outlook / view to nearby dwellings
- The house is already at a higher floor level.
- De-valuation of neighbouring dwellings
- Too large / overdevelopment

## **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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.

A schedule of Main Modifications to the Pre-submission TBP (MMTBP) were approved at the meeting of the Council on 20th October 2021 and is now published for consultation.

Those policies in the Pre-submission version of the TBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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 that the design is out of character for the area and surrounding properties; is too large and overbearing and will have a detrimental impact on the neighbouring properties.
- 7.3** The Parish Council's concerns have been noted, however, whilst there are no other rear dormers in the immediate vicinity, there are others on nearby housing estates such as at 7 Ashlea Meadows, 24 The Cornfields, 2 Haylea Road and 11 Honeysuckle Way. Indeed, rear dormers of a certain size usually fall within 'permitted development' unless permitted development rights have been removed which they have in this instance.
- 7.4** In terms of the size of the two storey rear extension it would only project out by 3.6 metres and the first floor aspect would only be 3.6 metres in width. The rear dormer (as revised) has also now been reduced in size and would be set well down from the ridge line. This dwelling has not been previously extended apart from by a rear conservatory which would be removed as part of the proposal. There would be sufficient garden space left free from extensions / additions so the proposal would not result in overdevelopment.
- 7.5** 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***

- 7.6** 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.
- 7.7** 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 at 21 & 22 Lyndley Chase. The 'window to window' distance from the revised two storey rear extension to their nearest windows would be about 23 metres so the overlooking is not considered to be harmful / unacceptable.

- 7.8** In relation to the loss of light / outlook to no's 18 & 19 Lyndley Chase, the impact of the proposal upon these neighbouring dwellings has been carefully assessed. Whilst there would be a loss of light / outlook, given the distance now that the extension has been set further from the boundary, it is not considered to be harmful / adverse. Furthermore, given 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.
- 7.9** 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.

### **Other Issues**

- 7.10** With regards to other issues that have been raised by local residents such as the devaluation of neighbouring dwellings, this is not a planning issue. In relation to the precedent that may be set, each application is assessed on its own merits.

## **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 as revised 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 JSN21-01-03A, JSN21-01-06A and JSN21-01-07A dated 15th September 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.