

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

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| <b>Committee:</b>                        | Planning   |
| <b>Date:</b>                             | 21 June 2022   |
| <b>Site Location:</b>                    | 5 Winston Road<br>Churchdown   |
| <b>Application No:</b>                   | 22/00375/FUL   |
| <b>Ward:</b>                             | Churchdown St Johns  |
| <b>Parish:</b>                           | Churchdown   |
| <b>Proposal:</b>                         | Erection of a rear dormer extension and change roof from hip to gable and regularisation of single storey rear extension approved through planning permission reference: 19/00005/FUL. |
| <b>Report by:</b>                        | Joe Gibbons  |
| <b>Appendices:</b>                       | Site Location Plan, Block Plan, Existing Elevations & Floor Plans<br>Proposed Elevations & Floor Plans   |
| <b>Recommendation:</b>                   | Permit   |
| <b>Reason for referral to committee:</b> | Churchdown Parish Council has submitted a written objection raising substantive planning issues received within the normal consultation/publicity period.                              |

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to 5 Winston Road, a two-storey semi-detached dwelling. The site is not affected by constraints or designations.
- 1.2 The application seeks planning permission for erection of a rear dormer extension and change roof from hip to gable and regularisation of single storey rear extension approved through planning permission reference: 19/00005/FUL.

## 2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal                                    | Decision | Decision Date |
|--------------------|---|----------|---------------|
| 19/00005/FUL       | Erection of a single storey rear extension. | PER      | 18.04.2019    |

## 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 Plan 2011-2031 Pre-submission Version (October 2019)**

- Policy RES10 (Alteration and Extension of Existing Dwellings)

### **3.4 Neighbourhood Plan**

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

### **3.5 Other relevant policies/legislation**

- 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 Churchdown Parish Council – The current extension appears to be in contravention of the original application and completely out of keeping with the area.**

Members object to the current application on the grounds of a change in style from hip roof to gable/Dorma which constitutes significant over development and compromises the street scene and the new plans are not in keeping with adjacent properties.

### **4.2 Building Control - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.**

## **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. An amended site notice was posted on 25.05.2022 for a period of 23 days to advertise the updated description. The site notice will expire on 17.06.2022.**

- 5.2** At the time of writing the report, 4 letters of representation have been received objecting to the application on the following grounds. Any further comments will be summarised in the late representations sheet.
- 5.3** Property has encroached on privacy to the houses/gardens to the rear of the property with a large extension with raised patio.

The erection of another extension and dormer will undoubtedly encroach further on the properties in Alms Close.

The noises associated with this property is a nuisance with building early on Sundays and party noise.

Dormer will affect the view of Chose Hill and St Bartholomew's church from outdoor balcony space.

Dormer, if approved, would set a precedent for many other properties.

Hip to gable and dormer is an overdevelopment of land / property and would give overbearing appearance in comparison to other properties surrounding it.

Not in keeping with street scene.

## **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 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan
- 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 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **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 Borough Plan Policy RES10 states that extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that:

1. The detailed design reflects or complements the design and materials of the existing dwelling
2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area
3. The domestic curtilage of the existing property is capable of comfortably accommodating the extension or outbuilding without resulting in a cramped/overdeveloped site or creating a lack of suitable parking or manoeuvring space
4. The proposal does not have an unacceptable impact on the amenity of neighbouring properties
5. The proposal respects the character and appearance of surrounding development provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.

**7.2** CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031 states proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Churchdown and Innsworth.

**7.3** A hip to gable roof conversion is proposed to incorporate a roof dormer in the western facing (rear) roof slope to facilitate two bedrooms. The proposed hip to gable will introduce a new design feature of a gable but retain the ridge and eaves height of the host dwelling with concrete roof tiles to match the existing, as such the proposed gable is not considered to result in undue harm to the appearance host dwelling.

**7.4** The dwelling was originally constructed as a semi-detached property and the adjoining property retains its hipped roof. No.17 Winston Road, 40m to the northeast, was also constructed as a semi-detached dwelling with a hipped roof design but has previously been extended with a side extension, changing from a hip to gable roof design. A gable roof is also present on 58 Melville Road to the northeast. As such, the proposed hip to gable is not considered to appear out of keeping or result in undue harm to the appearance of the street scene.

**7.5** Whilst the proposed rear dormer is set below the existing ridge height and above the existing eaves, the hip to gable and roof dormer will result in an increase of 44.64 cubic meters. The dormer will appear dominant from the rear against the host dwelling and increases the overall bulk and mass of the dwelling when read in conjunction with the existing development. However, as the property was constructed prior to 1948, the property retains its permitted development rights. As such, a hip to gable and rear roof dormer can be installed, providing it does not result in an increase of more than 50 cubic meters of the original roof space, without the need for planning permission.

- 7.6** The hip to gable and roof dormer as proposed would result in a volume increase of 44.64 cubic meters and is permitted development. A larger dormer which would result in more harm to the appearance of the dwelling could be installed without the need for planning permission. It is therefore considered that whilst the proposed dormer would increase the overall bulk and mass of the dwelling, due to the realistic fallback of a larger dormer, the dormer as proposed would result in less harm to the host dwelling than one which could be achieved through permitted development without the need for planning permission.
- 7.7** The applicant has chosen to include the hip to gable and rear dormer within the current planning application to regularise the ground floor extension rather than apply for a separate certificate of lawfulness.
- 7.8** Planning permission was granted in 2019, planning reference 19/00005/FUL, for the erection of a single storey rear extension. This permission has been implemented; however, the development has not been carried out in strict accordance with the approved plans. This application seeks to regularise unauthorised changes which includes alterations to the dimensions of the extension (width & height), installation of an additional sky lantern and bi-fold doors on the northern side elevation.
- 7.9** The extension measures 2.5m in height with a maximum width of 7.9m and 3.9m to the rear of the extension. The extension as built is lower than that previously approved by 40cm as the capping has not been installed, as such the extension as built is considered subservient to the host dwelling and results in less bulk and massing than the approved scheme.
- 7.10** Although the proposed extension does extend 11m from the rear wall of the host dwelling, due to the height of the extension, its staggered design and the remaining domestic curtilage, the extension is not considered to be a disproportionate addition or result in overdevelopment of the plot.
- 7.11** Part of the extension is visible from the street but due to the scale, appearance, and siting of the extension, it is not considered to have a harmful impact upon the appearance of the street scene.

### ***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 proposed dormer will see rear facing windows installed at second floor level facing the rear of properties along Alms Close. Rear facing windows exist at first floor which currently face to the rear of properties within Alms Close.
- 7.14** Due to the size of the garden, the boundary of the properties along Alms Close are located 30m away from the rear wall of the main dwelling with existing trees screening views directly to the rear of the property.

- 7.15 Whilst the proposed dormer will provide views to the rear, the proposal is not considered to result in undue harm to the amenity enjoyed by occupants of adjoining properties, due to the distance between the proposed dormer and the properties to the rear and the existence of existing rear facing windows at first floor level, which provide views to adjoining properties.
- 7.16 The extension has been constructed 40cm lower than previously approved which reduces the impact on adjoining neighbours due to the reduced scale and bulk. Whilst the extension is 1m wider at its furthest point, due to the reduced height and the distance from the adjoining dwellings, the extension as proposed is not considered to have an unacceptable impact upon the occupants of neighbouring properties.

### **Other Matters**

- 7.17 Comments received by this Council in relation to this application state the noise associated with this property is a nuisance with building early on Sundays, party noise and the dormer will affect the view of Chose Hill and St Bartholomew's church from outdoor balcony space. These are not material considerations with regards to the determination of a planning application and as such these have not been considered.
- 7.18 A comment received states the dormer, if approved, would set a precedent for many other properties. Planning permission is not always required for rear facing roof dormers due to permitted development rights and if planning permission is required, the application would be considered on its own merits.
- 7.19 A comment received states the property has encroached on privacy to the houses/gardens to the rear of the property with a large extension with raised patio. A planning compliance case was opened as the raised patio was reported to the Local Planning Authority. The matter was investigated, and the raised patio was deemed to benefit from permitted development and as such does not require planning permission. The case has now been closed.

### **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 It is considered that the proposed rear extension 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, it would therefore accord with relevant policies as outlined above. Due to the realistic fallback of a hip to gable and a larger dormer than proposed being constructed without the need for planning permission, which would result in a greater impact on the appearance of the existing dwelling, 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 PM-5WR-C-G-001A (As Existing Plans and Elevations Including Site Location and Block Plan) & PM-5WR-C-G-002A (As Proposed Plans And Elevations) received by the Local Planning Authority on 19.05.2022.

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 exiting 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.