

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 July 2022
Site Location:	Home Cottage, Lowdilow Lane, Elmstone Hardwicke
Application No:	22/00282/FUL
Ward:	Severn Vale North
Parish:	Elmstone Hardwicke
Proposal:	Erection of an open fronted car port, and retrospective outbuilding. (Resubmission of planning application 21/01446/FUL).
Report by:	James Stanley
Appendices:	Existing Site/Block Plan Proposed Site/Block Plan Proposed Retrospective Out-building Proposed Car Port Elevations
Recommendation:	Split Decision
Reason for referral to committee:	Called in for committee determination by Councillor McLain, to assess the impact upon the green belt

1.0	SITE DESCRIPTION AND PROPOSAL
1.1	This application relates to 'Home Cottage' Lowdilow Lane, a one and a half storey, detached dwelling constructed out of white render. The site is located on the outskirts of Elmstone Hardwicke and site within a triangular plot. The site is located within the Green Belt and does not benefit from permitted development rights which were removed as part of the previous permission of 15/00753/FUL.
1.2	This application seeks retrospective planning permission for an outbuilding constructed to the rear of the dwelling and proposes to erect an open fronted carport forward of the principal elevation to the south-west of the dwelling.

2.0	RELEVANT PLANNING HISTORY
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Application Number	Proposal	Decision	Decision Date
15/00753/FUL	Erection of a bungalow (demolition of existing building)	PER	01.04.2016
20/00341/FUL	Variation of conditions 2, 3, 4, 6, 7, 10, 12 and 13 of planning application reference 15/00753/FUL to allow for amendments to the form and external materials of the approved dwelling and its orientation and location within the site, amendments to the site layout including the approved vehicular driveway, parking and turning areas and changes to hard and soft landscaping	PER	21.08.2020

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
	<ul style="list-style-type: none"> – Policy SD4 (Design Requirements) – Policy SD5 (Green Belt) – Policy SD14 (Health and Environmental Quality)
3.3	Tewkesbury Borough Plan 2011-2031
	<ul style="list-style-type: none"> – Policy RES10 (Alteration and extension of existing dwelling) – Policy GRB4 (Cheltenham – Gloucester Green Belt)
3.4	Neighbourhood Plan
	None
3.5	Other relevant policies/legislation
	<ul style="list-style-type: none"> – 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
4.1	Full copies of all the consultation responses are available online at https://publicaccess.tewkesbury.gov.uk/online-applications/ .
4.2	<p>Elmstone Hardwicke Parish Council – no objection.</p> <p>Building Control - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.</p>
5.0	PUBLICITY AND REPRESENTATIONS
5.1	Full copies of all the representation responses are available online at https://publicaccess.tewkesbury.gov.uk/online-applications/ .
5.2	<p>The application has been publicised through the posting of a site notice for a period of 21 days and 4 letters of representation have been received. All of which have been in support of the application on the following grounds.</p> <ul style="list-style-type: none"> • The outbuilding is required for safe storage of garden equipment due to theft. • The outbuilding is inconspicuous and blends in with the surroundings. • The carport is required to protect the cars from sap, pollen, bird droppings and falling twigs. • The materials used in the construction of the outbuilding and carport would blend into the surrounding and hardly be noticeable. • The carport would not be detrimental to the green belt. • Carport would be sympathetically designed and in-keeping with the dwelling.
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 Plan 2011-2031 (June 2022) (TBP), and a number of 'made' Neighbourhood Development Plans.
6.3	The relevant policies are set out in the appropriate sections of this report.
6.4	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 Tewkesbury Borough Plan Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
7.2	The proposal 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 RES10 of the Tewkesbury Borough Plan and Policy SD4 of the JCS.
	Green Belt
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: <ul style="list-style-type: none"> • 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	Policy SD5 of the JCS and Policy GRB4 of the Tewkesbury Borough Plan similarly advises that within the Green Belt, <i>“development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated”</i> .
7.5	Consequently, as the site is within the Green Belt, only limited extensions and additions are permitted.
7.6	The original dwelling had a floor area of approximately 342.23 <i>sqm</i> . There have been no previous extensions. The retrospective outbuilding is located within 5m of the original dwelling, therefore is treated as an extension for green belt purposes. The outbuilding creates an increase of about 13.02 <i>sqm</i> which be a 3.8% increase in the floor area of the original dwelling.
7.7	It is therefore considered that the retrospective outbuilding would be a proportionate addition which would not be harmful to the openness of the Green Belt.
7.8	The proposed carport would be located approximately 6 metres away from the host dwelling. Therefore, due to the distance from the host dwelling, this cannot be treated as an extension but is treated as a new building within the Green Belt.

7.9	<p>New buildings within the Green Belt are inappropriate apart from the following exceptions:</p> <ul style="list-style-type: none"> • Buildings for agriculture and forestry; • Appropriate facilities for outdoor sport, outdoor recreation and cemeteries; • The extension and alteration of an existing building provided the original building is not disproportionality increased in size; • A replacement building for the same use providing it is not materially larger; • Limited affordable housing for local community needs.
7.10	<p>As the proposed carport would not fall into any of the above exceptions and the dwelling does not benefit from permitted development rights, then the proposed carport would be inappropriate development within the Green Belt.</p>
7.11	<p>It is relevant that the existing dwelling permitted by planning permission 15/00753/FUL was considered to be inappropriate development. However, it replaced an existing building and high fencing on an untidy site. Furthermore, part of the site was cleared and left undeveloped and omitted from the residential curtilage. It is also the case that the size and scale of the proposed dwelling was reduced through the course of the determination application. These factors combined were considered to increase the openness of the Green Belt in this location and to constitute very special circumstances that outweighed harm by reason of inappropriateness. A condition was imposed removing permitted development rights for extensions and outbuildings.</p>
7.12	<p>The proposed carport would comprise inappropriate development and would also add to the built form of the site that would result in a loss of openness to the Green Belt in this location</p>
	<p>Effect on the Living Conditions of Neighbouring Dwellings</p>
7.13	<p>Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy RES10 of the Tewkesbury Borough Plan provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.</p>
7.14	<p>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 RES10 of the Tewkesbury Borough Plan and Policy SD14 of the JCS.</p>
8.0	<p>CONCLUSION AND RECOMMENDATION</p>
8.1	<p>It is considered that the retrospective outbuilding would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted for that aspect of the proposal subject to the following conditions:</p>
8.2	<p>In relation to the 'erection of a open fronted car port', this aspect of the proposal would not be accord with the relevant policies as outlined above and is recommended for refusal.</p>

CONDITIONS:

PERMIT

1. The development hereby permitted shall be carried out in accordance with the following documents:
 - Drawings titled Existing Site/Block Plan Rev 1 and Proposed Retrospective Outbuilding Rev 2, dated 20.11.2021, produced by Lloyd Gordon.

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.

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.
2. This decision relates solely to the retrospective outbuilding. That part of the proposal relating to the erection of a open fronted car port was refused planning permission. This decision notice forms only one of two parts of the formal decision of the Local Planning Authority to the application reference 22/00282/FUL.

REFUSE

1. The proposed car port represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. Therefore, the development would be in conflict with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022) and Section 13 of the National Planning Policy Framework.

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2. This decision relates solely to the erection of an open fronted car port. That part of the proposal relating to the retrospective outbuilding was permitted planning permission. This decision notice forms only one of two parts of the formal decision of the Local Planning Authority to the application reference 22/00282/FUL