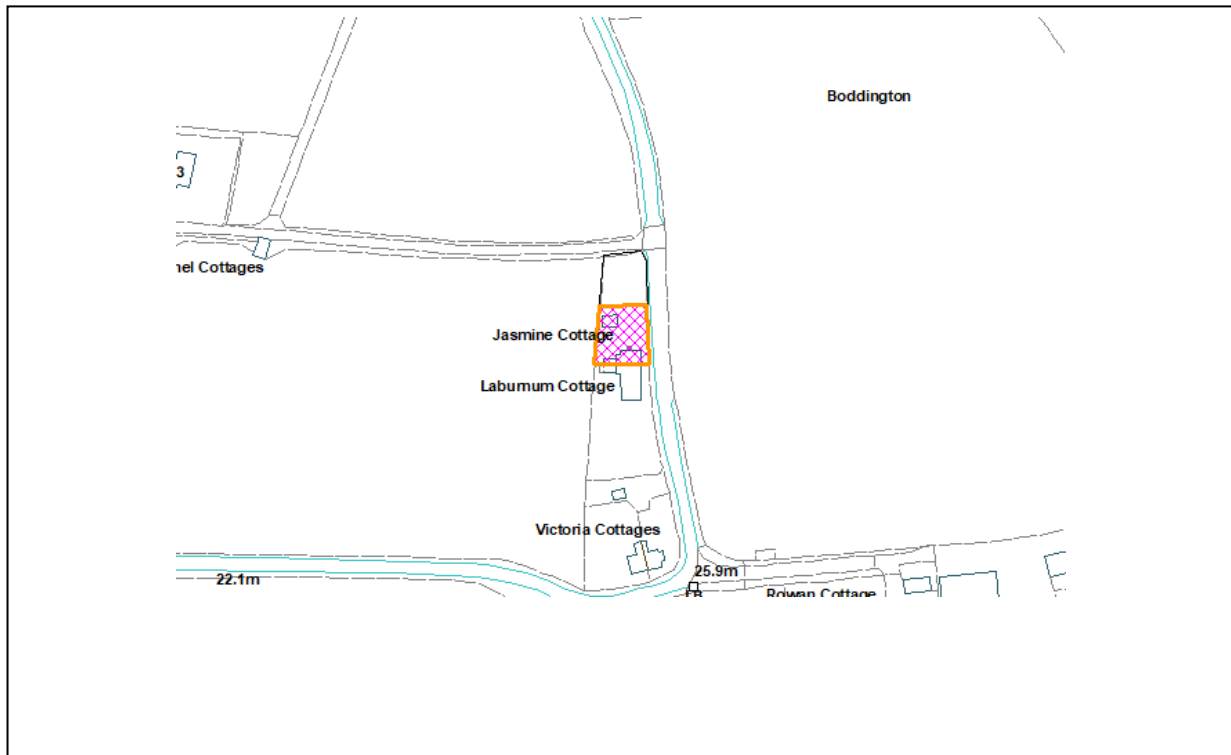


Planning Committee

Date	17 January 2023
Case Officer	James Stanley
Application No.	22/01079/FUL
Site Location	Jasmine Cottage Boddington Lane Boddington
Proposal	Erection of a two-storey side extension and single storey front porch
Ward	Severn Vale South
Parish	Boddington
Appendices	Site plans Existing Elevations Proposed Elevations Existing Floor Plans Proposed Floor Plans Proposed Permitted Development Fall Back
Reason for Referral to Committee	Called in for committee determination by Councillor Williams to assess the impact upon the Green Belt
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 1.1 This application is for single storey front porch extension and a two-storey side extension to be constructed out of matching materials.

2. Site Description

- 2.1 This property is a two-storey, semi-detached dwelling constructed out of facing brickwork. The dwelling is located in the village of Boddington and is largely surrounded by agricultural fields. The site is located within the Green Belt.

Previous Planning Application (21/00877/FUL) & Dismissed Appeal

- 2.2 In 2021, this site was the subject of an application which sought a two-storey side and rear extension and a single storey rear extension which would have resulted in a percentage increase of 151%.
- 2.3 This application was refused under delegated powers as the proposed extension would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. In addition, the proposed would have a harmful effect on the openness of the Green Belt.
- 2.4 The refusal was appealed, and the Planning Inspector dismissed the appeal in March 2022. This appeal was dismissed as the proposal would be inappropriate development which is, by definition, harmful to the Green Belt and that the proposal would reduce the openness of the Green Belt.
- 2.5 The full decision can be found here;
- 2.6 [21/00877/FUL | Erection of a two storey side and rear extension and single storey rear extension. | Jasmine Cottage Boddington Lane Boddington Cheltenham Gloucestershire GL51 0TJ \(tewkesbury.gov.uk\)](#)

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
03/01793/FUL	Replacement Carport.	PER	03.02.2004
21/00877/FUL	Erection of a two storey side and rear extension and single storey rear extension. (Application Dismissed at Appeal)	REF	12.10.2021

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

4.1 Boddington Parish Council – Supports the application.

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. Third Party Comments/Observations

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 neighbour notification letters for a period of 28 days.

5.2 No letters of representation have been received.

5.3 The application has also been publicised through a site notice which at the time of writing this report the consultation period has not expired.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD14 (Health and Environmental Quality)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES10 (Alteration and Extension of Existing Dwellings)
- Policy GRB4 (Cheltenham – Gloucester Green Belt)

7. Policy Context

- 7.1** 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.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Design and Visual Amenity

- 8.1** 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.
- 8.2** The proposal would more than double the width of the dwelling. However, the extension would be set back from the principal elevation and the ridge would be lower than that of the existing dwelling. This would somewhat replicate the adjoining dwelling and bring balance back to the pair of semi-detached dwellings.
- 8.3** 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.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.4** 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.
- 8.5** 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.

Green Belt

- 8.6** Policy SD5 of the JCS and Policy GRB4 of the Tewkesbury Borough Plan confirms that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development.

- 8.7 The policies effectively reiterate the NPPF provisions relating to Green Belt development proposals, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.8 Paragraph 149 of the NPPF sets out that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt other than for a number of exceptions. One such exception (c) listed is 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 NPPF defines '*original building*' to be '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*'
- 8.9 In terms of proportionality, whilst there are no specific guidelines, a 50% increase in size is generally applied by officers at the Borough Council to determine what constitutes a proportionate addition to the original dwelling, with anything above this being considered disproportionate. Consequently, as the site is within the Green Belt, only limited extensions and additions are normally permitted.
- 8.10 Based on the plans submitted and taking the main house on the site to be the original building, as there is no recorded planning history to suggest otherwise, the gross internal floor area (GIFA) of the original property is approximately 84 sqm, excluding the garage. The GIFA of the proposed dwelling, again excluding the garage, would be approximately 176.4 sqm, which represents an increase in GIFA of 110%.
- 8.11 However, the NPPF refers to size rather than just floorspace and consequently the volume and external dimensions should also be considered. It is clear, when comparing the size of the original building and the size of the proposed extension, which would have a greater width, more than double than the original building, that the proposed extension would materially add to the volume and massing of the original building and would result in an increase in size, considered disproportionate to the original building.
- 8.12 The proposal is therefore considered to amount to inappropriate development in the Green Belt. The proposed development is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Impact upon Openness

- 8.13 In terms of openness, as highlighted in the NPPF, this is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
- 8.14 In this case, Jasmine Cottage and its paired dwelling are surrounded by open countryside to the rear and side and paddocks to the front beyond the lane.
- 8.15 The proposal would extend the dwelling substantially to the side and would fill a sizeable part of the existing undeveloped space to the side of the property which would be seen from the adjacent highway. This would result in both a visual and spatial change which would reduce the openness of the Green Belt in this area. This harm would be localised, nonetheless the proposed extension would have a harmful effect upon the openness of the Green Belt.

- 8.16** It is noted that there is a significant reduction in size from the previous scheme that was refused and then later dismissed at appeal, but the vast majority of these reductions have taken place at the rear of the dwelling. So, although this proposal is a reduction from the previous application, the dwelling when viewed from the road is actually materially the same size as the previously refused and then dismissed application. Therefore, this application would not address or resolve the refusal and dismissal reason in the previous application and appeal decision.
- 8.17** The adjoining property, Laburnham Cottage, has been extended significantly. It would appear that planning permission was granted for alterations and a two-storey extension in 1989. Given the time lapse and as each proposal should be treated on its own merit based on the most up-to-date policy guidance, no weight can be afforded to the level of work carried out to the neighbouring property when determining this application.

Very Special Circumstances

- 8.18** In this case, very special circumstances have been advanced. This is in the form of a permitted development fallback position. It has been proposed that under permitted development rights, the applicant could erect a single storey rear extension and two single storey side and rear extensions under a prior approval application. It has also been proposed that the applicants could erect a rear dormer and an outbuilding under permitted development rights.
- 8.19** From the annotated plans that have been put forward to justify a fallback position, it is likely that the three extensions and the dormer could be achieved under permitted development but without plans of the elevations it cannot be said for certain. Notwithstanding this, the proposed fallback would likely comprise of flat roofed, single storey extensions, which by their nature would be less visually intrusive and have less impact upon the openness of the Green Belt when compared the proposed two-storey extension.
- 8.20** This difference in the impact upon the openness between the two schemes is further increased when viewing the site from the adjacent road. As with the fallback position all that would be seen is a single storey side extension which would be no wider than half the width of the original dwelling where the proposal would be approximately double the height and more than double the width of the proposed fallback position.
- 8.21** The proposed outbuilding that has been suggested would not be able to be erected under permitted development rights as this building would not be incidental to the host dwelling due to the size of the footprint proposed and the stated use of the building.
- 8.22** The three extensions and the dormer proposed under permitted development would result in an additional 78.7 sqm, which would take the GIFA of the proposed dwelling, again excluding the garage, to be approximately 162.7 sqm, which represents an increase in GIFA of 94%. This would be a difference of 16% between the proposed scheme and the proposed fallback position.
- 8.23** Due to the proposed fallback position being materially smaller than the proposal and the extensions all being single storey with the majority to the rear, the impact upon the openness of the Green Belt would be far less than what has been proposed. Consequently, the very special circumstances that are necessary to justify the development do not exist.

Conclusion on Green Belt Matters

- 8.24** The proposed extension would represent inappropriate development in the Green Belt, which is harmful by definition. In addition, there would be an identified harm to the openness. This carries substantial weight against the proposal.

Other Matters

- 8.25** The Parish Council has referenced the proposed development may be used as a short-term holiday let. Under the current planning system, there would be no way to prevent this occurring, nor would it be relevant or reasonable to add as a condition.

9. Conclusion

- 9.1** Having carefully considered the application submissions, the latest planning policy context and relevant materials considerations, including the recent appeal decision by the Planning Inspectorate for extensions on the application site, it is considered that the proposed extension would clearly amount to inappropriate development in the Green Belt. The development, by definition, would therefore be harmful to the Green Belt. Harm would also be caused to the spatial and visual openness of the Green Belt. When considering any planning application, substantial weight should be given to any harm to the Green Belt, as advised in national and local policy and guidance. In this case, it is considered that no very special circumstances to justify the development exist and there are no other considerations which outweigh the harms identified to the Green Belt.

10. Recommendation

- 10.1** The proposal does not accord with relevant policies as outlined above, it is therefore recommended the application be **refused**.

11. Reasons

- 1** The proposed extension would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. In addition, the proposed would have a harmful effect on the visual and spatial openness of the Green Belt. Accordingly, the proposed development would be contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy GRB4 of the Tewkesbury Borough Local Plan to 2011-2031 (2022), and guidance set out in Section 13 of the National Planning Policy Framework.

12. 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.