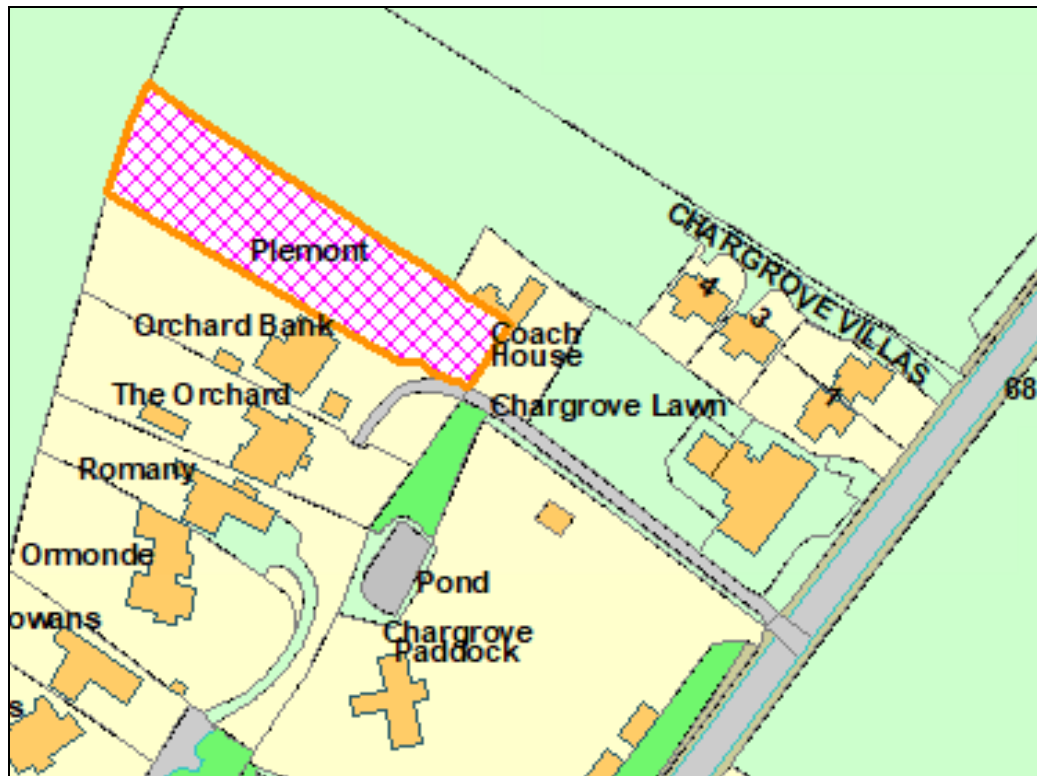


Planning Committee

Date	15 August 2023
Case Officer	Joe Gibbons
Application No.	23/00522/FUL
Site Location	Plemont, Shurdington Road, Shurdington
Proposal	Erection of single storey side/rear extension
Ward	Shurdington
Parish	Shurdington
Appendices	Site location, Existing & Proposed Block Plan – PL001A Proposed Plans – PL004 Proposed Plans – PL005B Indicative Permitted Development Proposals – PL0011 & PL0012 Existing Elevations – PL002 Existing Plans – PL003
Reason for Referral to Committee	Called in for Committee determination by Councillor Porter to assess how the proposals impact on the Green Belt.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVKXT2QDHXD00>

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension.

2. Site Description

- 2.1 This application property is a detached bungalow located west of the A46, located outside of the defined settlement boundary of Shurdington. The site is located in the Green Belt, in close proximity to a group of protected trees at Chargrove Paddock (TPO No.380).

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.1532	Proposed erection of houses. (Outline)	PERMIT	15.09.1953
T.1532/AP/3	Erection of bungalow. Use of existing drive at rear of Chargrove Lawn.	APPROV	20.03.1956
15/01207/FUL	Erection of single storey extensions to the side and rear elevations together with a pitched roof over existing dormer window at front elevation following demolition of existing flat roofed single storey extensions.	PER	22.01.2016
18/00165/FUL	Erection of a single storey rear extension and loft conversion including installation of dormer window and rooflights.	PER	10.04.2018

4. Consultation Responses

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

- 4.1 **Shurdington Parish Council** – Objection - opposed to any significant development within the Green Belt
- 4.2 **Building Control** - The application would require Building Regulations approval.

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 and a site notice for a period of 21 days.
- 5.2 No representations have been received.

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)

6.5 Neighbourhood Plan

None

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

Green Belt Openness and Purpose

- 8.1** Plemont is located within the Green Belt. The National Planning Policy Framework (NPPF) sets out at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that an essential characteristic of Green Belts is their openness and permanence.
- 8.2** Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.3** Para 148 of the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 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.
- 8.4** Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except where, amongst other matters, the development would involve 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.
- 8.5** Policy SD5 of the JCS provides further policy context relating to green belt development. It confirms that *Green Belt* will be protected from harmful development and that development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. This is also reinforced by Policy GRB4 of the TBLP.
- 8.6** As set out within the reasoned justification of Policy RES10, proposals for the extension of dwellings in the Green Belt will also be considered in relation to the advice within the NPPF requiring that the extension does not result in disproportionate additions over and above the size of the original building. The Council will treat the original building as either the dwelling as originally built, or the dwelling as it existed prior to 1st July 1948 (the date of the first modern planning act), whichever date is the latest.
- 8.7** Plemont was approved post 1948 and as such, the original building is considered to be as it was originally built.
- 8.8** For the purpose of Green Belt calculations, a proportionate addition in floor area over the original dwelling is generally considered to be up to 50%.
- 8.9** The original dwelling had a floor area of 116sqm. In 2018, planning permission was granted for the erection of a single storey rear extension and loft conversion including installation of dormer window and roof lights. This permission has been implemented. This consent led to an increase in the floor area of the dwelling by 59.7sqm, a 51% increase in floor area over the original dwelling.
- 8.10** The current proposal would see an additional increase in floor area to a total of 250sqm. This is an increase of 115.5% over the original floor area of 116sqm. This increase is significantly above the 50% limit which would result in the proposal representing a disproportionate addition within the Green Belt which is harmful to the openness of the Green Belt by definition and should not be approved except in very special circumstances.

8.11 However the applicant has provided two different examples of enlargements that could be carried out to the property by first applying to determine if prior approval is required. It is therefore a matter to consider whether there is a real prospect of one of the examples being implemented and whether if greater harm would arise to the Green Belt through building of one of the indicative drawings, than would arise from the development sought through this application, representing very special circumstances.

Very Special Circumstances

8.12 The ability of a landowner to carry out development without the need to obtain a further express planning permission is a material consideration that can be taken into account by the local planning authority as a fallback position.

8.13 The matter for the decision-maker is whether there is a real prospect of a fallback development being carried out should planning permission for the proposed development be refused.

8.14 There is no rule of law that, in every case, the "real prospect" will depend, for example, on whether planning permission has been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the permitted development system. In some cases, that degree of clarity and commitment may be necessary, in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case being considered.

8.15 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has provided two examples of extensions that could be constructed through permitted development rights and therefore without the need of planning permission.

8.16 The first example, details a large single storey side extension with a total length of 16.88m with a footprint of 98.75sqm. This would result in a total floor area increase of 136.6% (inclusive of the existing rear extension) over the original dwelling. This extension would provide for a new bedroom, en-suite and dressing room which the current proposal seeks to achieve, in addition to a large lounge area.

8.17 The second example would require the existing rear extension, approved in 2018, to be demolished. This scheme would again allow for the bedroom, en-suite and dressing room and larger family room and a snug. This example would lead to an increase of floor area by 145.95sqm, representing an increase of 150.9% (including retention of existing rooms in the roof) over the size of the original dwelling. This would result in a higher footprint than either the earlier example or the proposed scheme.

8.18 Both of these extensions would achieve the internal space sought through this application, but in a different functional layout. These extensions could be achieved using permitted development rights.

- 8.19** The two indicative permitted development drawings would extend beyond the rear wall of the original dwellinghouse by at least 8 metres. As such, if these were to be implemented, before beginning the development, the developer must provide the relevant information to the LPA as part of the larger home extension scheme to establish if the prior approval of the LPA is required.
- 8.20** While these two indicative examples could be built via permitted development, the developer must first apply to the LPA to establish whether or not the prior approval of the LPA is required and ultimately, it is possible that prior approval may be required and refused. As such, the amount of weight these two indicative drawings carry is limited with regards to demonstrating very special circumstances which are required to outweigh the harm caused by development sought through this application.

Impact on Openness

- 8.21** The first example (Drawing PL0012) is a large singular side extension which would measure a total of 16.88m in length and 5.85m in width with a ridge to match that of the existing pitched roof, extending from front elevation of the host dwelling. This extension would sit on the northeastern side of the dwelling and create a visual gap to the rear, between the existing single storey extension and the lounge of this potential fallback proposal. Whilst this extension would be lower in height than that sought through this planning application, it would be substantially longer.
- 8.22** The second example (Drawing PL0011) would see the demolition of the existing rear extension in place of a much larger 8m extension, in addition to a side extension which is wider than the current proposal. Both extensions would substantially increase the built form of the dwelling, extending out toward the fields to the northwest rather than continuing the linear design of the host and neighbouring properties.
- 8.23** Both examples would result in floor areas greater than the current proposal and would have a materially greater impact upon the spatial openness of the Green Belt. However, it is important to consider that the two indicative examples cannot be built without first applying to the local planning authority. Notwithstanding this, there is still the possibility that prior approval may not be required, or, if it was required, that the authority may not raise any objections due to the siting of the host dwelling in relation of the neighbouring properties, together with the proposed proportions of the indicative extensions. It would therefore appear that there is a real prospect of implementing one of the two fallback positions.
- 8.24** The proposed development sought through this application would appear favourable in design and green belt terms compared to the two indicative drawings, as it is smaller in scale and better grouped to the host dwelling with the side extension wrapping around to join the rear, extending beyond the rear elevation by less than 4.9m, in line with the existing rear extension. The proposal will be finished externally in white render to match the existing and which will soften the appearance of the extension, integrating well and maintaining the character of the dwelling and the cluster of dwellings located immediately next to the application site.

Conclusions in respect of Green Belt policy

- 8.25** It is concluded that the proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

- 8.26** Officers have carefully considered the scheme and, as set out above, in the particular circumstances of this case consider that there are realistic fall back positions which are capable of amounting to the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
- 8.27** The development that could be achieved through permitted development, via the larger home extension procedure, is substantially larger and would result in a greater floor area and footprint than the current proposal, together with a less unified and linear appearance. It is therefore considered that very special circumstances have been demonstrated in this case and the proposal would meet the policy requirements contained in section 13 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP.

Design and Visual Amenity

- 8.28** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Policy RES10 of the TBP requires that the scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area.
- 8.29** The existing dwelling consists of a hipped roof bungalow on its main section with single storey pitched roof extension to the rear, joining to an area of raised decking. A detached garage is located forward of the principle elevation, together with the drive and turning area, leading from the A46.
- 8.30** The proposal includes a single storey side extension allowing for an additional bedroom, a dressing room and en-suite. This element extends from the existing northeast elevation, maintaining the design and height of the host dwelling.
- 8.31** The rear extension would join to the proposed side extension, providing additional living space. The extension would have a flat roof with bi-folding doors and a sky lantern located centrally within its roof.
- 8.32** Plemont is located in a plot that benefits from a significant residential garden areas to the front and rear. As such, the plot can comfortably accommodate the proposed development without resulting in a cramped appearance, preventing overdevelopment of the plot.
- 8.33** The host dwelling is finished with smooth white rendered walls and grey roof tiles. This would be replicated by the proposed extension. Due to the design, scale and siting of the proposed enlargements, together with the proposed external finish and the scale of the plot in which Plemont is located, the proposed enlargements would respect the character and appearance of the host dwelling and due to the location of the plot, at the end of a row of dwellings, there would be no material harm to the character of the area.
- 8.34** 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 TBP and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.35** Policy SD14 of the JCS requires that new development must cause no unacceptable harm to local amenity including the amenity of neighboring occupants. Policy RES10 of the TBP provides that extensions to existing dwellings should not have an unacceptable impact on the amenity of neighbouring properties.
- 8.36** Plemont is the last of a row of dwellings which are set in a linear pattern, with the Coach House, located east of Plemont, being an exception. The occupants of the dwellings to the south would not be unduly impacted by the proposal as the southwestern elevation of Plemont is to remain as existing with no external alterations or enlargements proposed. As such, there would be no material harm to the residential amenity enjoyed by the occupants of these properties.
- 8.37** The Coach House is located east of the host dwelling with the detached garage of Plemont located between the two. Whilst the side extension would extend toward the northeastern boundary, it would not extend toward the Coach House. In any case, the two properties are at a distance where the proposal would result in limited harm to the neighbouring occupants. The proposal is single storey with no additional upper floor windows. Together with the distance and detached garage between the two, the proposal would not result in any overbearing impacts or harm to residential amenity through overlooking.
- 8.38** 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 TBP and Policy SD14 of the JCS.

9. Conclusion

- 9.1** It is considered that the proposal 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. Furthermore, whilst the proposal would amount to inappropriate development in Green Belt terms, the very special circumstances put forward are sufficient to justify the development proposed.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted**.

11. Conditions

- 1** The works hereby permitted shall be begun before the expiration of three 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 number PL001A (Site Location Plan, Existing & Proposed Block Plans) Local Planning Authority on 01.06.2023
- Drawing number PL005B (Proposed Plans) received by the Local Planning Authority on 01.06.2023
- Drawing number PL004 (PL004A) received by the Local Planning Authority on 01.06.2023.

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.

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.

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