

**Item No 01:-**

**19/02005/FUL**

**Land to the Rear of Albion Street  
Albion Street  
Stratton  
Cirencester  
Gloucestershire**

## Item No 01:-

### **Erection of dwelling house and associated ancillary development (revised scheme) at Land To The Rear Of Albion Street Albion Street Stratton Cirencester Gloucestershire**

<b>Full Application 19/02005/FUL</b>	
Applicant:	Mr Ian Buswell
Agent:	Plan A Planning & Development Ltd
Case Officer:	Claire Baker
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	8th July 2020
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Update:** This application was deferred from the Planning & Licensing Committee Meeting of 10th June 2020 to enable Members to undertake a (virtual) Site Inspection Briefing (SIB). The reason given for the SIB was to gain a better understanding of site levels, the impact on the neighbouring residential properties, the suitability of the vehicular access and the design of the proposed dwelling. The views of the members of the SIB will be given at the July Committee Meeting. The Officer's report to the June Committee was as follows:-

#### **Main Issues:**

- (a) Principle of development
- (b) Scale, design and impact on the setting of the listed building
- (c) Residential amenity
- (d) Highway safety
- (e) Trees
- (f) Biodiversity
- (g) Drainage
- (h) Fire safety

#### **Reasons for Referral:**

Councillor Coleman has requested that the application be considered by the Planning and Licencing Committee for the following reasons:

The Highway Authority raised objections to two previous applications, due to the narrow access with limited visibility and these are incapable of being overcome, for obvious physical reasons; the proposed design is incongruous and out of keeping with the surrounding mature properties, which include non-designated heritage assets; reasonable access has not been made within the site of the proposed house to enable fire appliances to gain access to the buildings for the purpose of compliance with Building Regulation 5(2).

#### **1. Site Description:**

The application site is located within the Principal Settlement of Cirencester and its associated Development Boundary. It comprises a privately owned parcel of land located to the rear of houses on Albion Street and the Gloucester Road, including vehicular access directly off Albion Street, between properties No. 5 and 7. The application site covers 0.28 acres (0.11 hectares). The site adjoins the curtilage of The Elms which is a Grade II Listed building and site is adjacent to two unlisted buildings, No 9 and No 25 Albion Street, which are considered to be non-designated heritage assets. The land was formerly purchased by previous owners of The Elms,

on Gloucester Road, to provide additional ancillary garden space with rear access. However this association ceased some years ago, and the site has since been both physically and visually separated from the property by means of a close boarded fence and a number of mature trees. The site is bounded by the rear gardens of residential development on all sides; namely the properties on Albion Street (to the south east and north east of the site), the more recently built properties in Stratton Place (to the north), the Drillman's Arms Public House and the adjoining properties which face onto the Gloucester Road (to the south west), and the row of terraced houses, some of which have gardens that back onto the driveway access. The majority of the site comprises an open grassed area that is somewhat overgrown and there are a number of old ornamental fruit trees.

The site is not located within a conservation area, nor is it within the Cotswolds Area of Outstanding Natural Beauty. There are no trees within the site protected by Tree Preservation Order, although other trees adjoining the site are protected as will be explained later in the report.

## **2. Relevant Planning History:**

16/02012/FUL Erection of a dwelling house and ancillary development. Refused 20 September 2017. Appeal dismissed 22 October 2018.

18/00172/FUL Erection of maintenance/store building. Refused 24 April 2018.

## **3. Planning Policies:**

EN1 Built, Natural & Historic Environment  
EN2 Design of Built & Natural Environment  
EN7 Trees, Hedgerows & Woodlands  
EN8 Bio & Geo: Features Habitats & Species  
EN10 HE: Designated Heritage Assets  
EN12 HE: Non-designated Heritage Assets  
EN14 Managing Flood Risk  
INF4 Highway Safety  
INF5 Parking Provision  
DS2 Dev within Development Boundaries

## **4. Observations of Consultees:**

Conservation and design officer: Comments incorporated into the Officer report.

Tree Officer: No objection subject to condition

Biodiversity Officer: No objection subject to condition

Engineer No objection subject to condition.

## **5. View of Town/Parish Council:**

*To original proposal*

Cirencester Town Council objects: the design of the house not being in keeping with the surrounding area and the narrow access.

*To amended proposal*

No comments received to date

## **6. Other Representations:**

*To revised proposal*

5 objections received:

- (i) the revised location still remains in excessively close proximity to the rear of the small garden at the rear of 3 Stratton Place with the main entertainment area remaining as before resulting in nuisance, noise and disturbance plus a loss of privacy and loss of enjoyment;
- (ii) the revised site plan still indicates an existing stone boundary wall to the rear of this property at 2m which is incorrect; should the development take place a condition should require the wall be heightened to 2M in height (as shown on the site plan);
- (iii) the roof elevations have been amended and heightened which will also lead to a loss of light;
- (iv) it is considered that the proposed development, due to the significantly substandard vehicular and pedestrian visibility splays, fails to "create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians" (Paragraph (b) of Policy INF4 HIGHWAY SAFETY, from Cotswold District Local Plan 2011-2031);
- (v) the proposed design whilst meeting certain, suggested acceptable materials standards, is frankly so demonstrably out of character and disproportionate to the other extremely close existing properties, which are constructed in a sympathetic typical Cotswold manner;
- (vi) the proposal would introduce an oppressive design that would not sit comfortably amidst a typical Cotswold village of stone and Cotswold roof tiles and does nothing to enhance the immediate surroundings;
- (vii) the unavoidable closeness of the proposal to existing properties is a great concern, as this would adversely affect, privacy, light and vista; the over shadowing would have a profound negative effect;
- (viii) there are no planting dimensions, height restrictions, nature of planting types and without restrictions neighbours may be faced with the loss of light and over shadowing in the future;
- (ix) the Sedum roof could so easily be reverted to a traditional balcony/veranda area, which would overlook neighbouring properties, gardens and living rooms;
- (x) the access track and visibility is unsuitable;
- (xi) the dwelling would be overbearing and severely reduce light to and restrict the view from 4 Stratton Place;
- (xii) the development is too large for the plot and will literally tower over all of the neighbouring properties;
- (xiii) it has no regard for the local community or neighbouring residents;
- (xiv) the proposed dwelling does not enhance the immediate environment;
- (xv) the proposed timber cladding is out of context with a stone building in this area;
- (xvi) the proposed Sedum roof will require maintenance and the correct installation of this medium is vital for limited maintenance;
- (xvii) the landscaping may not be included by any future developer and it should be ensured that it is carried out

## **7. Applicant's Supporting Information:**

Planning, design and access statement  
Arboricultural impact assessment  
Updated ecological report

## **8. Officer's Assessment:**

### *Background and proposal*

Planning permission for the erection of a dwelling house and ancillary development (16/02012/FUL) was refused on 20 September 2017 for the following reasons:

1. The proposed development will result in an intensification of use of a substandard access due to its restricted width, substandard layout and emerging visibility that fails to give priority to pedestrian and cycle movements and create a safe and secure layout that minimises conflict between traffic, cyclists or pedestrians contrary to section 4, of the national planning policy framework (NPPF) and Policy 38 of the Cotswold District Local Plan to 2011.



2. The proposed dwelling by way of its siting would result in a development that would relate poorly to neighbouring properties. It would detract from the amenities of surrounding occupiers in particular 4 Stratton Place and 27 Albion Street in terms of being overbearing and due to overlooking. The proposal would therefore be contrary to Cotswold District Local Plan Policy 46 and paragraph 61 of the NPPF.

The appeal was dismissed on 22 October 2018. However, in the decision letter, the Inspector stated that s/he did not consider the proposed development would impact on highway safety. The sole reason for dismissing the appeal was the adverse impact that the development would have on the residential amenity of the neighbouring property 4 Stratton Place. S/he stated:

"The proposed two storey detached dwelling would be located towards the centre of the appeal site, but would be very close to the rear boundary of the dwelling at 4 Stratton Place. (No 4). However, I have not been referred to any specific space standards for separation distances between dwellings. Therefore, each application needs to be considered on the details of the proposal and its context. Although No 4 has a reasonable sized garden overall, the depth between the rear of No 4 and the shared boundary wall with the appeal site is modest. In particular the proposed dwelling would span across most of the rear elevation of No 4, which includes facing windows and amenity areas. Despite having a lower ridge height than No 4 and some variation to its roof form to reduce its overall mass, the proposed dwelling would still have an appreciable scale above the level of the existing boundary wall. Moreover, development of the scale proposed in close proximity of the rear elevation and garden of No 4 would have a substantial enclosing and dominating effect. This would appear unduly overbearing, when viewed from the rear of No 4 and its amenity areas. In reaching this conclusion I have taken account of the existing mature Horse Chestnut tree in the rear garden of No 4. Nonetheless, this would only screen part of the development when the tree is in leaf during certain times of the year. "

The current application has been submitted to address concerns raised by the Inspector regarding the impact on the neighbouring property in Stratton Place. This will be discussed within the section on residential amenity below.

The design of the proposed dwelling, as originally submitted, was not considered to be appropriate, and following discussions with Officers, has been amended. The revised proposal is for the erection of a detached, part two-storey, part single storey, dwelling of contemporary design together with the erection of a carport with accommodation over.

#### **(a) Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the consideration of this proposal is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The application site lies within the development boundary of Cirencester as defined by Policy DS2 (Development within Development Boundaries) of the adopted Cotswold District Local Plan. Policy DS2 allows for new build open market housing with development boundaries, consequently, the principle of the erection of a dwelling in this location is acceptable.

The development is not required to deliver affordable housing in accordance with Local Plan Policy H2 - Affordable Housing.

#### **(b) Scale, design and impact on the adjacent listed building**

The site is not within a conservation area. Nevertheless the Albion Street area of Stratton has a well preserved historic character with many of the buildings making a positive visual contribution to the area's local distinctiveness. The site adjoins the curtilage of The Elms which is a Grade II Listed building. As such the Local Planning Authority is statutorily required to have special regard

to the desirability of preserving the building or its setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Local Plan Policy EN2, states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Cotswold District Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.

Local Plan Policy EN12 states:

Development affecting a non-designated heritage asset will be permitted where it is designed sympathetically having regard to the significance of the asset, its features, character and setting.

Section 12, paragraph 130, of the National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Section 16 of the NPPF asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-heritage designated asset should be taken into account and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The principle of a new dwelling at this site in conservation and design terms was established at the time of the previous application. Since the application was submitted, in depth discussions have been held with the agent to redesign and refine the design proposals. Officers are of the view that a contemporary design approach is appropriate for the site. There are limited opportunities for a contemporary development within the district. This site is outside a conservation area and is relatively enclosed, therefore providing an opportunity for a contemporary scheme to be developed which responds to the form, massing, character and materiality of the local area.

The design of the original proposal failed to respond to the character of the local area with its overly horizontal form and a monolithic appearance, flat roofs and elevational treatment, which was dominated by white render and timber cladding. The character of the area is that of traditional Cotswold stone buildings, some with limited render treatment, traditional pitched roofs, timber windows and chimneys. Following discussions with Officers, a revised scheme has been submitted. The revised scheme provides a mix of roof profiles with a pitched natural blue slate roof which is typical of the area. Flat roof elements have been proposed and are finished in a mix of grey metal and green roofing providing a contemporary element with glazed roof lanterns.

Elevational treatment includes traditional Cotswold stone walling with elements of timber vertical cladding which will be left to weather naturally to silver and metal cladding with vertical standing seams. Windows and doors are proposed to be slim profile grey aluminium, with flush fitting roof lanterns. Overall this will provide a high quality and contemporary finish to the scheme. The car

port proposed follows the materiality of the main dwelling and its location, form and design is considered to be acceptable.

While the scale and mass of the building is larger than the surrounding terraced forms, there are ad-hoc developments of a similar scale within the wider area and the plot remains generous in relation to the proposed building. On this basis it is not considered that the development would have an adverse impact upon the setting of The Elms which is a Grade II listed building located to the West of the site or the non-designated heritage assets located in Albion Street. The proposal therefore accords with Local Plan Policies EN2, EN10 and EN12 and Sections 12 and 16 of the NPPF.

### **(c) Residential amenity**

Local Plan Policy EN2, states that development will be permitted which accords with the Cotswold Design Code (Appendix D). The Design Code requires that/ to ensure adequate privacy, the minimum distance between facing windows of principal rooms for one and two storey development is 22metres.

Section 12 of the NPPF requires that new development to be of a high standard of amenity.

The appeal against the refusal of the previous application for a dwelling was dismissed because of the adverse impact that the location of the proposed dwelling, close to the north western boundary, would have on the residential amenity of the occupiers of 4 Stratton Place in terms of it being overbearing. The ridge height of the dwelling that was subject to appeal was 123.29 metres and it was located 1 metre from the boundary with 4 Stratton Place. The current proposal seeks to address this issue by locating the dwelling further away from the boundary than the previous proposal. The minimum distance between 4 Stratton Place and the new dwelling would be 22 metres. The tallest ridge height of the proposed dwelling at 123.10 metres above the ordinance survey datum level (AOD) would be less than that of the ridge height of 4 Stratton Place at 124.12 metres. Officers are therefore of the view that the dwelling, as currently proposed, would not appear overbearing on the neighbouring property. As a distance of 22 metres is the required minimum interface distance between facing windows to principal rooms, the proposal would also not give rise to overlooking. Notwithstanding this, the proposed rooflights facing the rear elevation of No 4 would be set at a height above eye level.

Objections have been received regarding the adverse impact of the proposed dwelling on the residential amenity of 3 Stratton Place. The proposed dwelling would not be located in close proximity to No. 3 and therefore Officers are of the view that the development would not be overbearing on or result in overlooking of that property. The patio area is also not located directly behind No. 3 and Officers are of the view that this is a residential area where one would expect to hear some noise from neighbours enjoying their gardens. Any excessive noise would be subject to Environmental Health legislation.

Officers are also of the view that the proposed dwelling would not be overbearing on or give rise to the overlooking of 7 Albion Street. Whilst the minimum interface distance would be approximately 20.1 metres, the only first floor openings facing that property would be rooflights located above eye level.

Officers conclude therefore that there would not be any adverse impacts on the residential amenity and that the proposals accord with Local Plan Policy EN2 and Section 12 of the NPPF.

### **(d) Highway safety**

Local Plan Policy INF4-Highway Safety: requires developments to have safe and suitable accesses and be well integrated with the existing transport network.

Local Plan Policy INF5-Parking Provision: requires that developments should accord with the parking provisions of the Local Plan parking toolkit.

Section 9 - Promoting Sustainable Transport of the NPPF states, at paragraph 109, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The acceptability of the access was considered at the appeal against refusal of the previous application. Contrary to the recommendation of the County Highway Authority, the Inspector concluded that the access was acceptable. S/he stated:

"Taking the above factors into account although the visibility splays fall short of the Council's standards, this is not an uncommon occurrence in historic areas. Additionally, drivers of vehicles are more cautious and aware of other vehicles and pedestrians on the highway in such areas where modern standards of visibility cannot be achieved due to existing constraints. This is particularly the case given the specific circumstances of Albion Street and the existing access. For the above reasons, I am satisfied that the use of the existing access to serve the proposed single dwelling would not result in any unacceptable impact on highway safety. I therefore find no conflict with Saved Policy 38 of the LP, which amongst other matters seeks to ensure safe access from developments."

The appeal decision is a significant material consideration in the assessment of this application. The proposed plans show adequate parking and turning within the site, consequently Officers are of the view that there would be no adverse impact on highway safety subject to the imposition of a condition requiring the laying out of the parking and turning as per the submitted plans prior to the occupation of the dwelling. The appeal decision and Highway response are attached to this report.

#### **(e) Biodiversity**

Local Plan Policy EN8-Biodiversity and Geodiversity (Features Habitats and Species) supports development that conserves and enhances biodiversity providing net gains where possible.

Section 15 -Conserving and enhancing the natural environment of the NPPF states at paragraph 175 that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The Biodiversity Officer raised no objection to the previous application subject to conditions. An updated biodiversity report has been submitted with this application. The updated report confirms that there have been no changes at the site and therefore the Biodiversity Officer has raised no objection subject to relevant conditions. The proposal is considered to accord with Local Plan Policy EN8 and Section 15 of the NPPF.

#### **(f) Trees**

Local Plan Policy EN7 requires development to conserve and enhance natural assets likely to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.

Although it is considered that there are no significant trees within the site, on land adjacent to the northwest of the site there are trees that are protected by a Tree Preservation Order (TPO). The tree that could potentially be affected by the proposal is TPO tree T16 (T18 on the tree protection plan) horse chestnut.

The position of the proposed building would result in a minor incursion into the theoretical root protection area of the horse chestnut tree. This is not considered to be significant, and precautionary measures have been outlined in the arboricultural report. It is noted that the arboricultural report provides a preliminary arboricultural method statement, and recommends that a detailed Arboricultural Method Statement should be submitted. The detailed Arboricultural Method Statement must include details of drainage, services, contractors' facilities and a cross section through the No-Dig areas showing existing and proposed levels and must be approved by

the Local Planning Authority, prior to construction or demolition starting on site. An appropriate condition would therefore be applied to any permission. Based on the details outlined in the submitted arboricultural report the proposed development should not have an impact on the horse chestnut, and other trees within and adjacent to the site have been considered in the tree protection details. As such, the proposal would accord with the requirements of Local Plan Policy EN7.

#### **(g) Drainage**

Local Plan Policy EN14 Managing Flood Risk- states that the design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).

The Council's engineer raises no objection to the proposal subject to the imposition of a condition requiring the submission of a sustainable drainage system (SuDS) prior to any development taking place.

#### **(h) Fire Safety**

The existing driveway is not adequate for a fire pump appliance under Fire Safety (B5) - access for fire appliances - of the Building Regulations. However, the Building Control Officer has confirmed that sprinklers could be provided in the property to overcome this. The view of the Gloucestershire Fire and Rescue Service has also been sought. The Fire Officer has confirmed that a fully compliant sprinkler system throughout the property is an acceptable method of overcoming poor Fire Service access arrangements, provided the development is completely designed in compliance with the requirements set out in British Standard 9991: 2015. In order to gain Building Regulations approval for the development, the developer would need to demonstrate that the development would adhere to the above. It would not normally be appropriate for planning conditions to duplicate requirements of other legislation; however, it can be argued that the acceptability of the proposal in planning terms is dependent on the fire safety issues being addressed. The applicant's agent has stated that an appropriate condition related to the provision of a sprinkler system, would be acceptable and accordingly such a condition has been applied.

#### **Community Infrastructure Levy**

The proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://www.cotswold.gov.uk/CIL).

#### **9. Conclusion:**

The proposals are considered to address the remaining issues raised in the earlier Appeal decision and therefore to be acceptable and policy compliant as stated above, and it is recommended that the application be permitted.

#### **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of 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 approved shall be carried out in accordance with the following drawing number(s): PL10 Rev D, PL15 Rev E, PL20 Rev D, PL25 Rev D, PL40 Rev B, PL45 Rev B, PL50 Rev B and PL55 Rev A.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2 the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2 the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of the timber and metal cladding of at least one metre square in size showing its proposed structure and colour (in respect of the metal cladding shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panels and shall be permanently retained as such thereafter. The panels shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

6. Prior to the first occupation of the development hereby permitted any timber doors and windows shall be painted in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

7. The timber cladding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan EN2.

8. The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

9. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

10. No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations of the buildings.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

11. No windows, doors, rooflights, roof lanterns, metal cladding system, ventilation, extracts, bargeboards or eaves and verges shall be installed/inserted/constructed in the development hereby approved, until their design and details, including the recess and RAL colour for the metal cladding system, have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

12. Prior to commencement, a detailed Arboricultural Method Statement and updated tree protection plan must be submitted to the Local Planning Authority to be agreed in writing. The detailed Arboricultural Method Statement must include details of drainage, services, contractors facilities and a cross section through the No-Dig areas showing existing and proposed levels. It must also include a sequence of events to be followed and details of arboricultural supervision including an initial visit by the Arboriculturist to check the correct location and installation of the tree protection both vertical and horizontal prior to commencement. The updated tree protection plan must show the details covered in the detailed Arboricultural Method Statement as necessary.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

13. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geographical context of the development, have been submitted to and approved by the Local Planning Authority and the scheme shall be subsequently implemented in accordance with the approved details before the development is brought into use.

**Reason:** To prevent the risk of flooding and pollution in accordance with Cotswold District Local Plan Policy EN14

14. Prior to the completion of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

15. The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the first building on the site.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

16. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

17. Prior to its construction a specification for the green roofing system and details of a management plan for its maintenance shall be submitted to and approved by the Local Planning Authority and the green roof shall be constructed only in the same way as approved and shall be permanently maintained in accordance with the approved maintenance plan thereafter.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, garages or outbuildings, shall be erected, constructed or sited within the development site nor openings inserted other than those permitted by this Decision Notice.

**Reason:** It is in the interests of visual and residential amenity in accordance with Cotswold District Local Plan Policy EN2.

19. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

20. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

24 hour emergency contact number;

Hours of operation;

Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

Routes for construction traffic;

Locations for loading/unloading and storage of plant, waste and construction materials;

Method of preventing mud being carried onto the highway;

Measures to protect vulnerable road users (cyclists and pedestrians)

Any necessary temporary traffic management measures;

Arrangements for turning vehicles;

Arrangements to receive abnormal loads or unusually large vehicles;

Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.



**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with Cotswold District Local Plan Policy INF5.

21. The development shall be completed fully in accordance with the recommendations for mitigation and biodiversity enhancement set out at chapter 5 of the Preliminary Ecological Appraisal (Wildwood Ecology, October 2016) and the Preliminary Ecological Appraisal Addendum (Wildwood, Ecology February 2020). In addition, prior to development commencing, the following must be submitted to the Council for its approval:

(a) An Ecological Plan detailing new native landscape planting, the provision of bird and bat boxes, and any other biodiversity enhancement measures relevant to the developed site.

(b) An External Lighting Plan (ELP) to ensure no light pollution. The lighting plan should reference latest 'best practice' guidelines such as that produced by the Bat Conservation Trust (Bats and Lighting in the UK, 2009). Any external lighting installed must not exceed the parameters given within the approved ELP.

All measures must be implemented and completed in full prior to the development being brought into use,

**Reason:** To ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981 as amended and The Conservation of Habitats & Species Regulation 2010. It is important that these details are agreed prior to the commencement of development in order to ensure the proper management and protection of protected species at the site both during and following the construction of the approved development.

22. The development shall be fully designed in accordance with the requirements set out in BS9991: 2015, including a fully compliant sprinkler system throughout.

**Reason:** In accordance with Local Plan Policy EN2 and in the interests of fire safety.

**Informative:**

Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://www.cotswold.gov.uk/CIL).

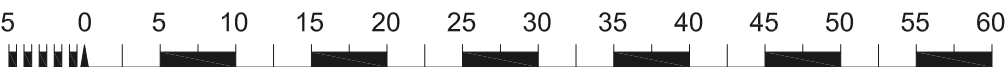
MapServe



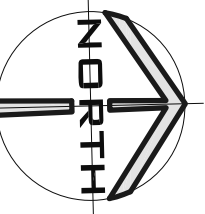
LOCATION PLAN 1:1250

© Crown copyright 2019 Ordnance Survey 100053143

1:500 Scale  
In metres



SITE PLAN 1:500  
AS EXISTING



FOR APPROVAL

THE NEW HOUSE, ALBION STREET, CIRENCESTER GL7 2HT				<b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN AND TECHNICAL SERVICES 1, 0735 551431 1, 0735 551431			
DRAWING EXISTING SITE				JOB NUMBER 19-092 EX01			
SCALE @ 1:1250	DRAWN CR	CHECKED	DATE	REV			

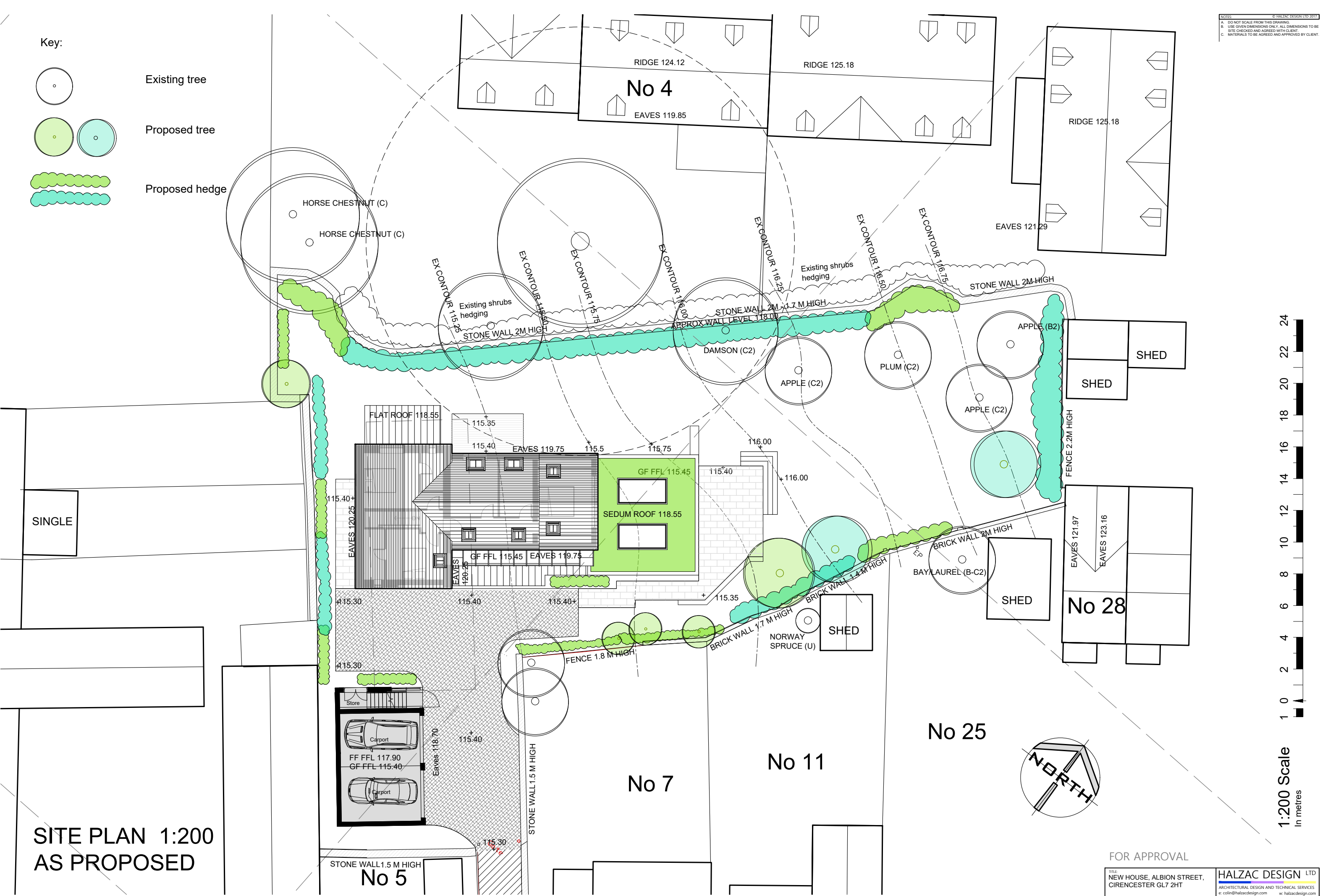
Key:

Existing tree

Proposed tree

Proposed hedge

NOTES:  
A. DO NOT SCALE FROM THIS DRAWING.  
B. USE GIVEN DIMENSIONS ONLY. ALL DIMENSIONS TO BE SITE CHECKED AND AGREED WITH CLIENT.  
C. MATERIALS TO BE AGREED AND APPROVED BY CLIENT.



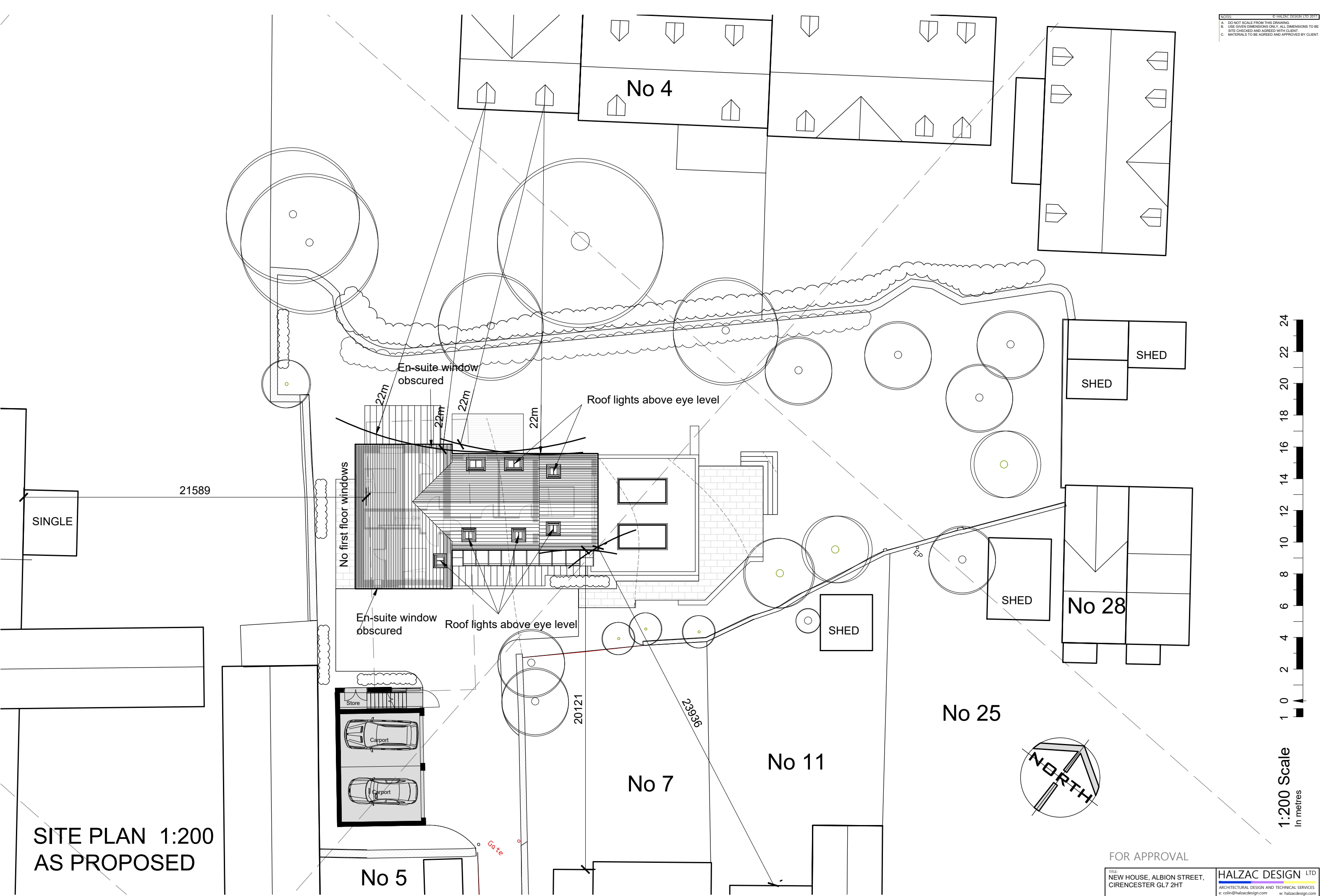
SITE PLAN 1:200  
AS PROPOSED

FOR APPROVAL

TITLE: NEW HOUSE, ALBION STREET, CIRENCESTER GL7 2HT		HALZAC DESIGN LTD ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdesign.com w: halzacdesign.com t: 01793 951631 m: 07801 070166	
DRAWING: PROPOSED SITE PLAN		JOB NUMBER: DWG NUMBER: REV:	
SCALE: @ 1:200		19-092 PL10 C	

REVISIONS (up to the last 6 revisions shown only)

NOTES:  
A. DO NOT SCALE FROM THIS DRAWING.  
B. USE GIVEN DIMENSIONS ONLY. ALL DIMENSIONS TO BE SITE CHECKED AND AGREED WITH CLIENT.  
C. MATERIALS TO BE AGREED AND APPROVED BY CLIENT.



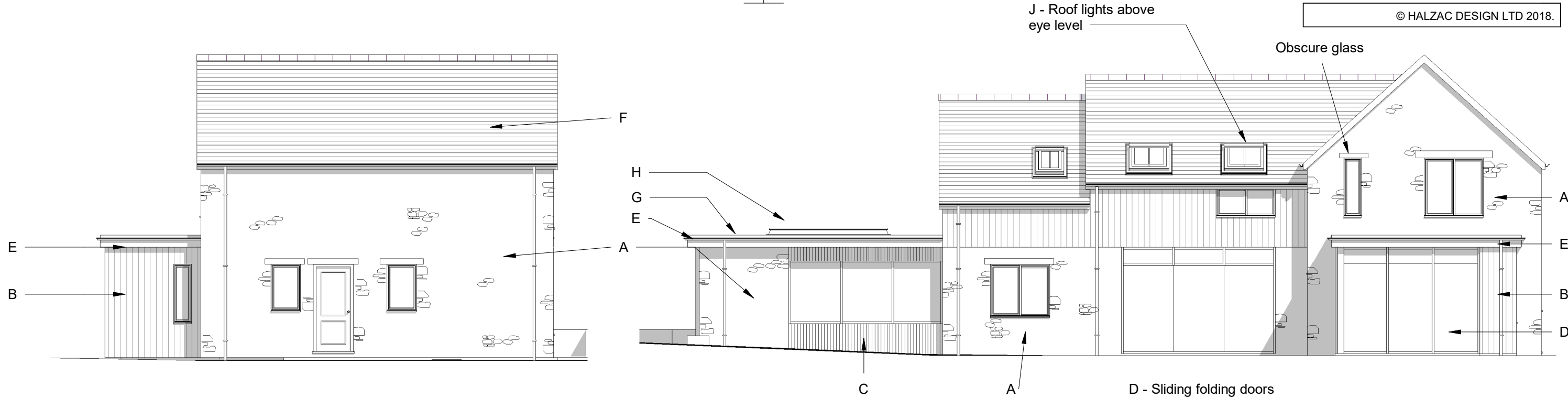
SITE PLAN 1:200  
AS PROPOSED

FOR APPROVAL

TITLE: NEW HOUSE, ALBION STREET, CIRENCESTER GL7 2HT		HALZAC DESIGN LTD ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdesign.com w: halzacdesign.com t: 01793 951631 m: 07801 070166	
DRAWING: PROPOSED SITE PLAN SEPARATION DISTANCES		JOB NUMBER: DWG NUMBER: REV:	
SCALE: @ 1:200	DRAWN: CR	CHECKED:	DATE: 19-092 PL15 E

REVISIONS (up to the last 6 revisions shown only)



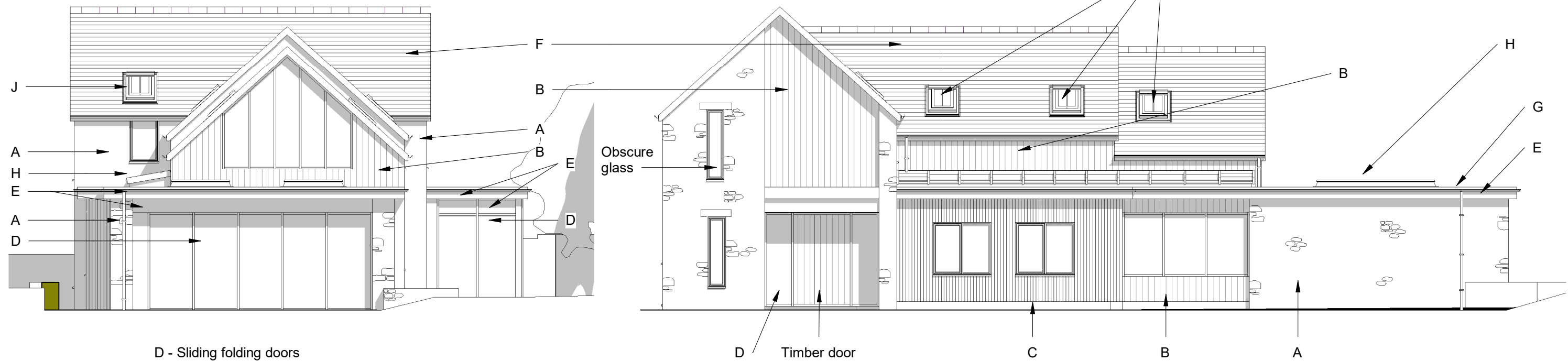


South West Elevation

1 : 100

North West Elevation

1 : 100



North East Elevation

1 : 100

South East Elevation

1 : 100

Schedule of Finishes

- A Cotswold stone walling, lime based pointing, flush pointed, brushed and bagged
- B Hardwood timber cladding that will be left to weather to a silver finish.
- C Anthracite grey ribbed metal cladding
- D Anthracite Aluminium thin framed system for screens, windows and doors
- E Anthracite flashings, aprons, cover plates and panels
- F Blue / Grey Slate
- G Green roof system grass/meadow mix as recommended by biodiversity officer
- H Zinc standing seam flat roof
- J Conservation style roof lights and conservation flashings
- H Flat roof modern roof light

1:100 0 5 10 m

A	May'19	Amendments to LVs
B	Nov'19	
C	Nov'19	Amended following conservation officer feed back
D	Feb'20	Green roof amended
Rev	Date	Description

PROJECT TITLE:  
New House Albion Street  
Cirencester, GL7 2HT  
Mr I Buswell

DRAWING:  
Proposed Elevations

SCALE @ A3:  
1 : 100

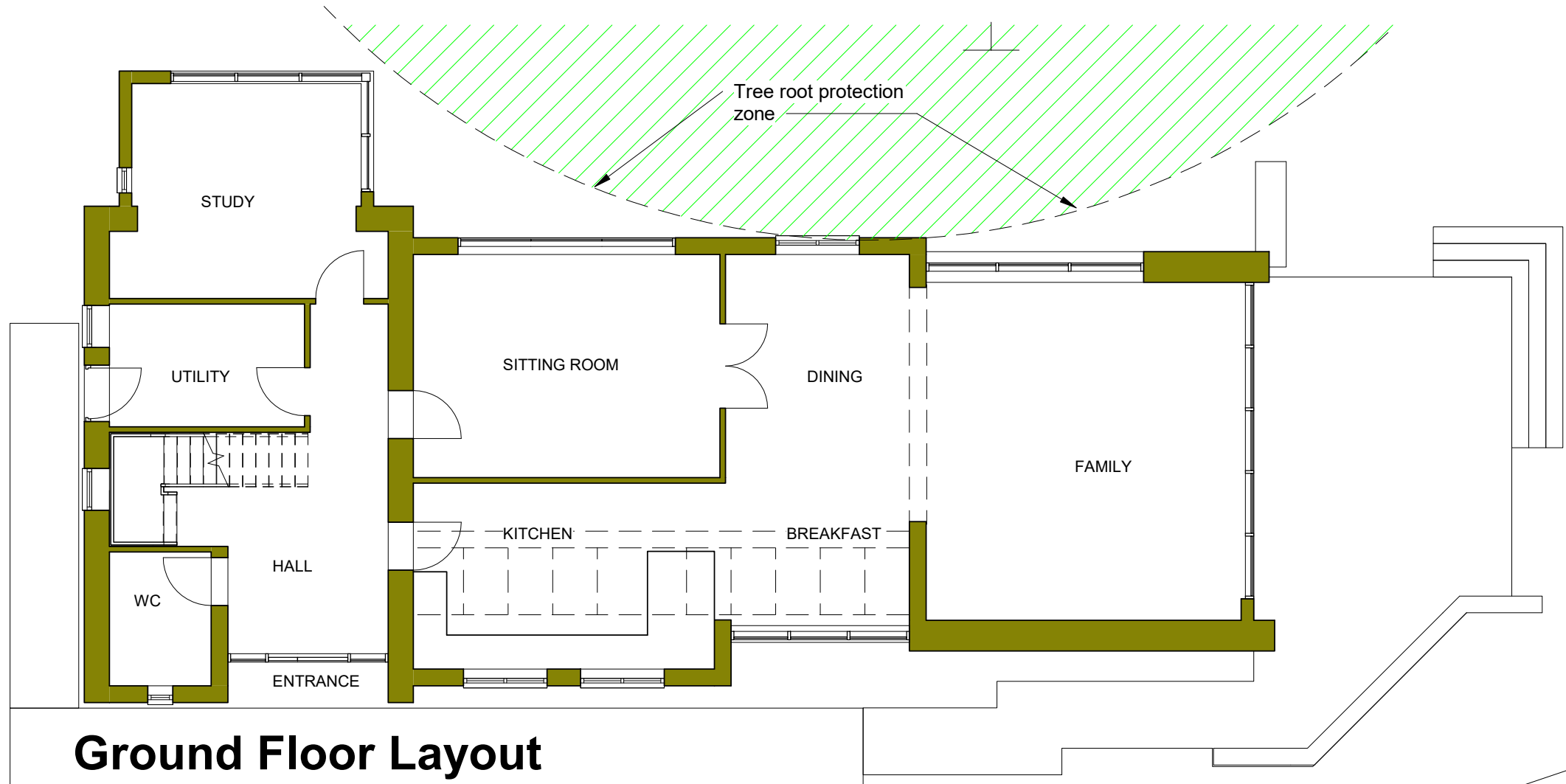
DATE:  
Nov'19

DRAWN BY:  
CR

**HALZAC DESIGN LTD**

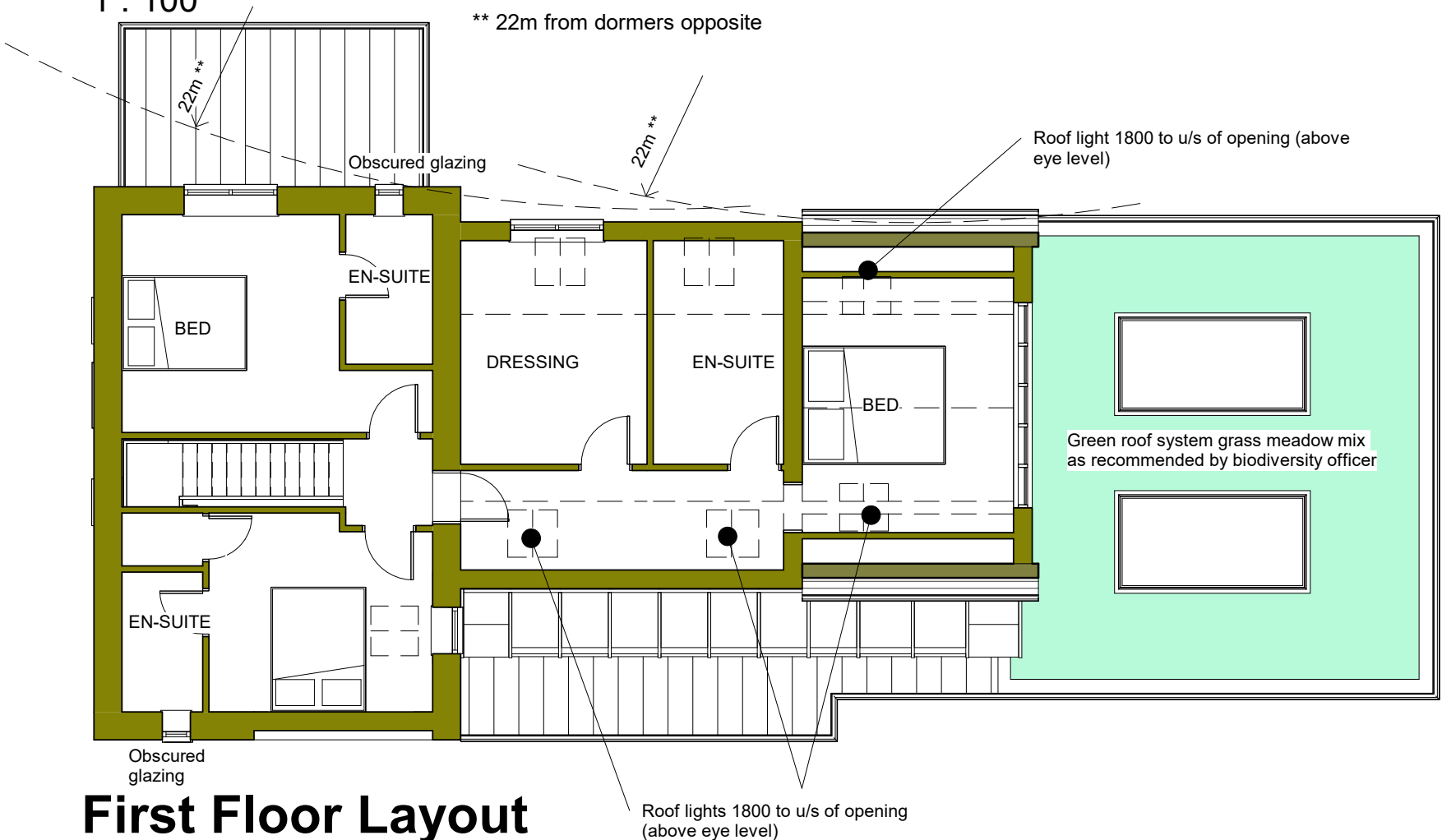
ARCHITECTURAL DESIGN SERVICE  
1 Whitgift Cl, Grange Park, Swindon. SN5 6HQ  
colin@halzacdesign.com halzacdesign.com  
01793 951631 07801070166

JOB NUMBER:	DRAWING NUMBER:	REV:
19-092	PL25	D



Ground Floor Layout

1 : 100



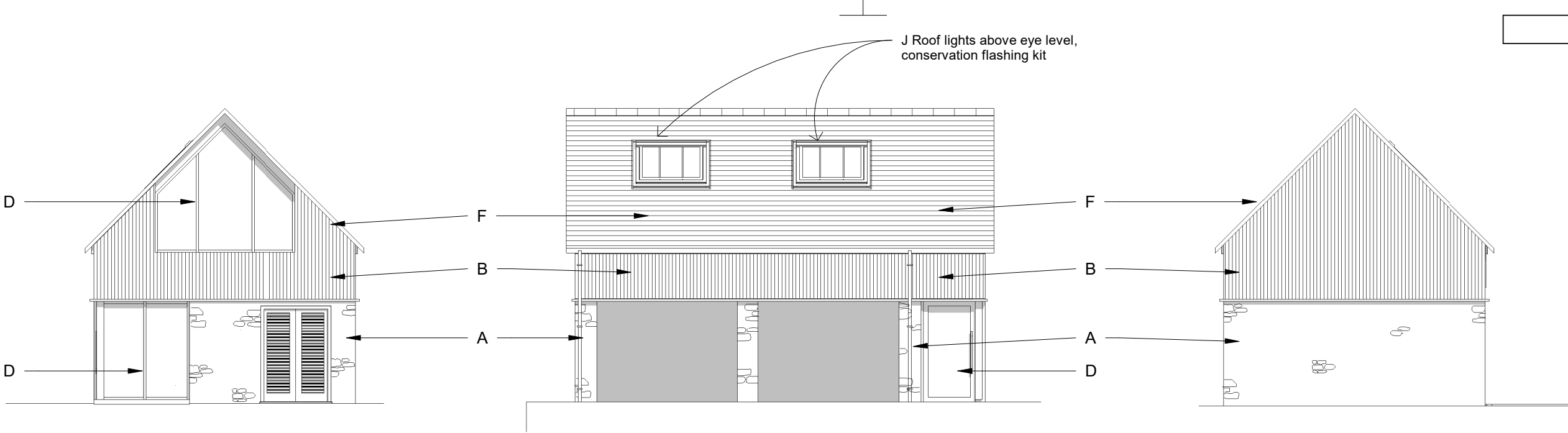
First Floor Layout

1 : 100

1:100 0 5 10 m

A	May'19	Amendements to LVs
B	Nov'19	
C	Nov'19	Amended following conservation officer feed back
D	Feb'20	Green roof amended
Rev	Date	Description

PROJECT TITLE: New House Albion Street Cirencester, GL7 2HT Mr I Buswell			HALZAC DESIGN LTD ARCHITECTURAL DESIGN SERVICE 1 Whitgift Cl, Grange Park, Swindon. SN5 6HQ colin@halzacdesign.com halzacdesign.com 01793 951631 07801070166		
DRAWING: Floor Layouts					
SCALE @ A3: 1 : 100	DATE: Nov'19	DRAWN BY: CR	JOB NUMBER: 19-092	DRAWING NUMBER: PL20	REV: D



NW Carport Elevation

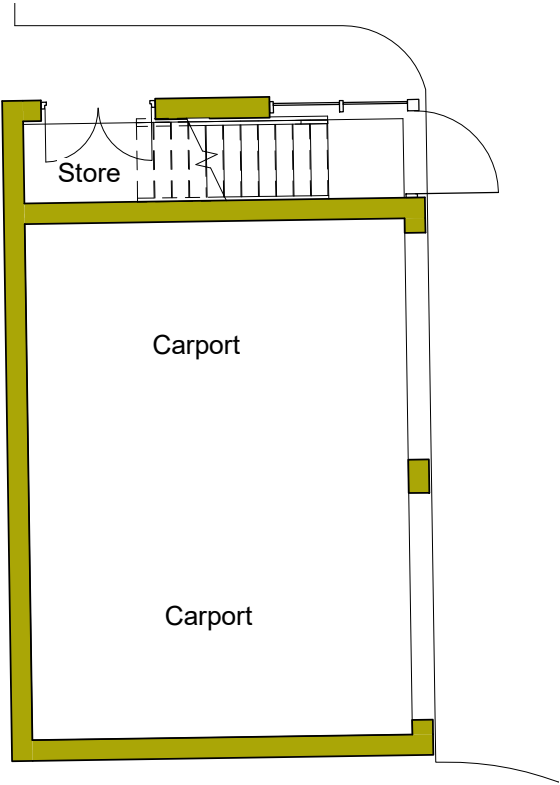
1 : 100

NE Carport Elevation

1 : 100

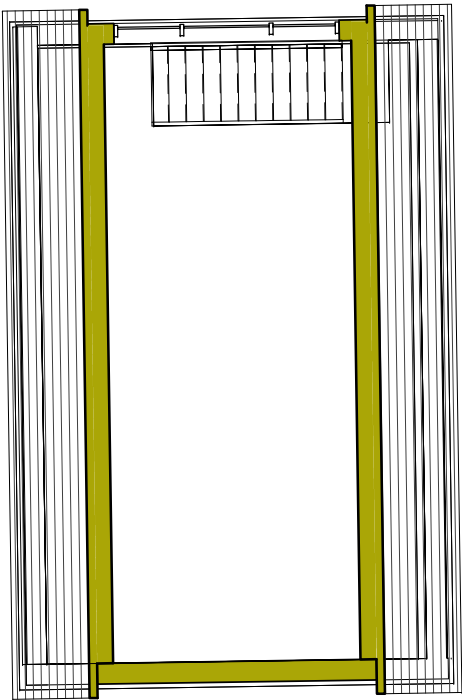
SE Carport Elevation

1 : 100



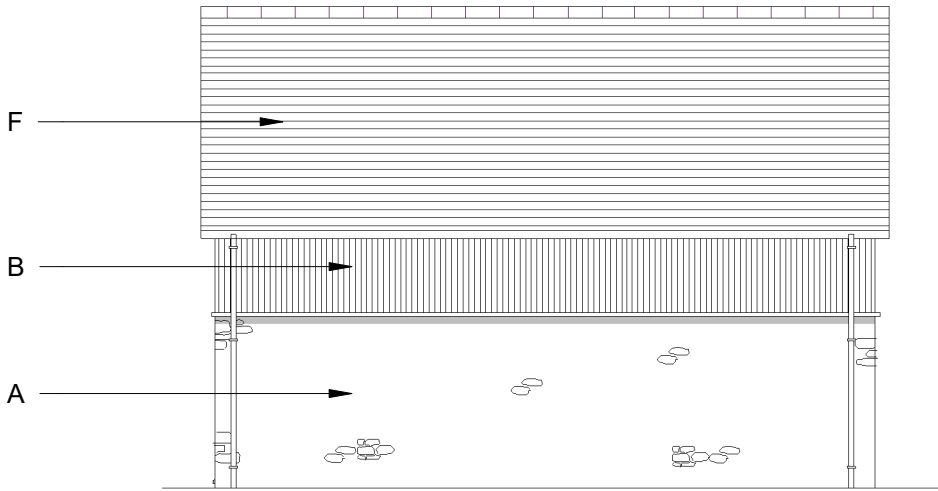
GF Carport Layout

1 : 100



FF Carport Layout

1 : 100



SW Carport Elevation

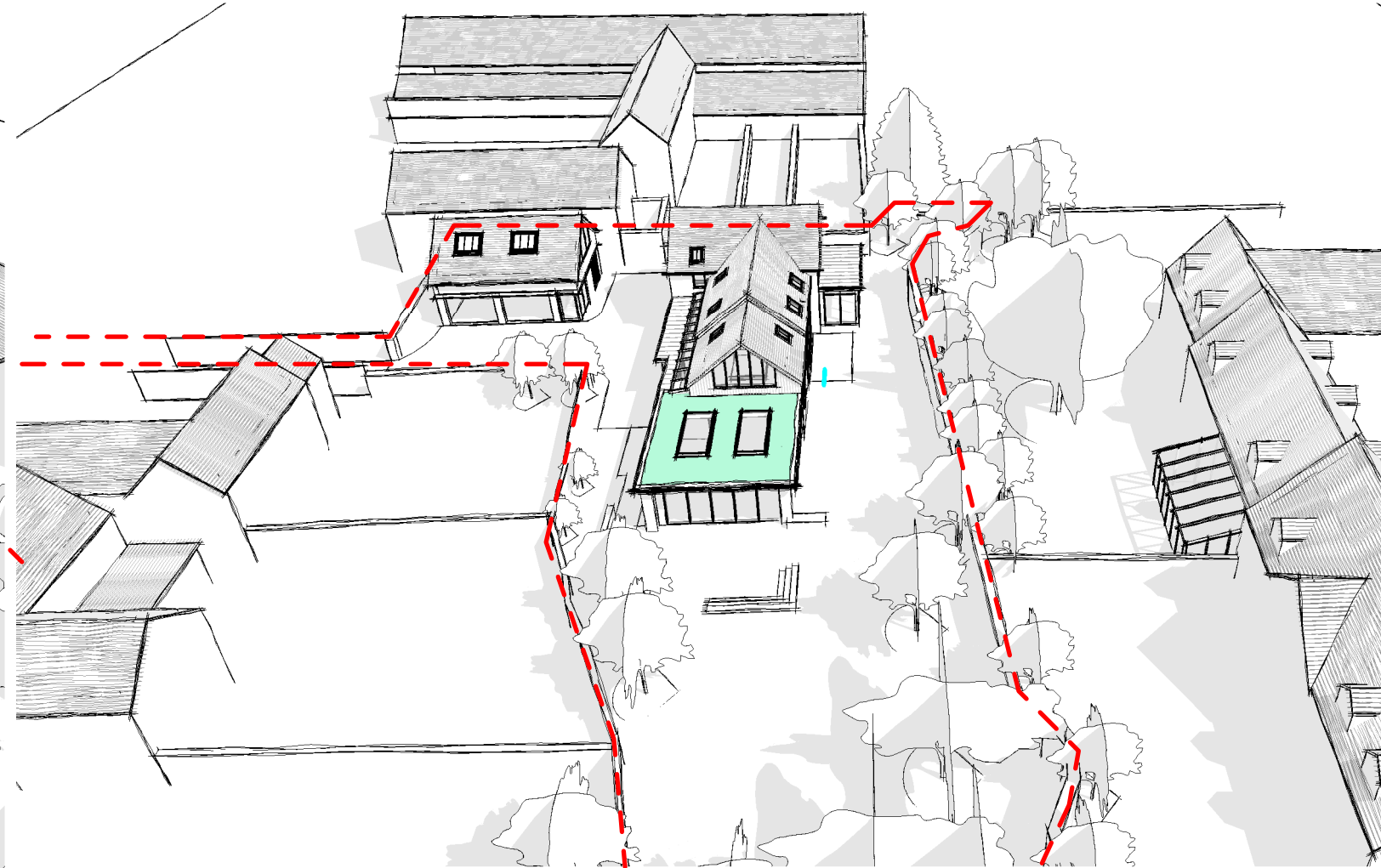
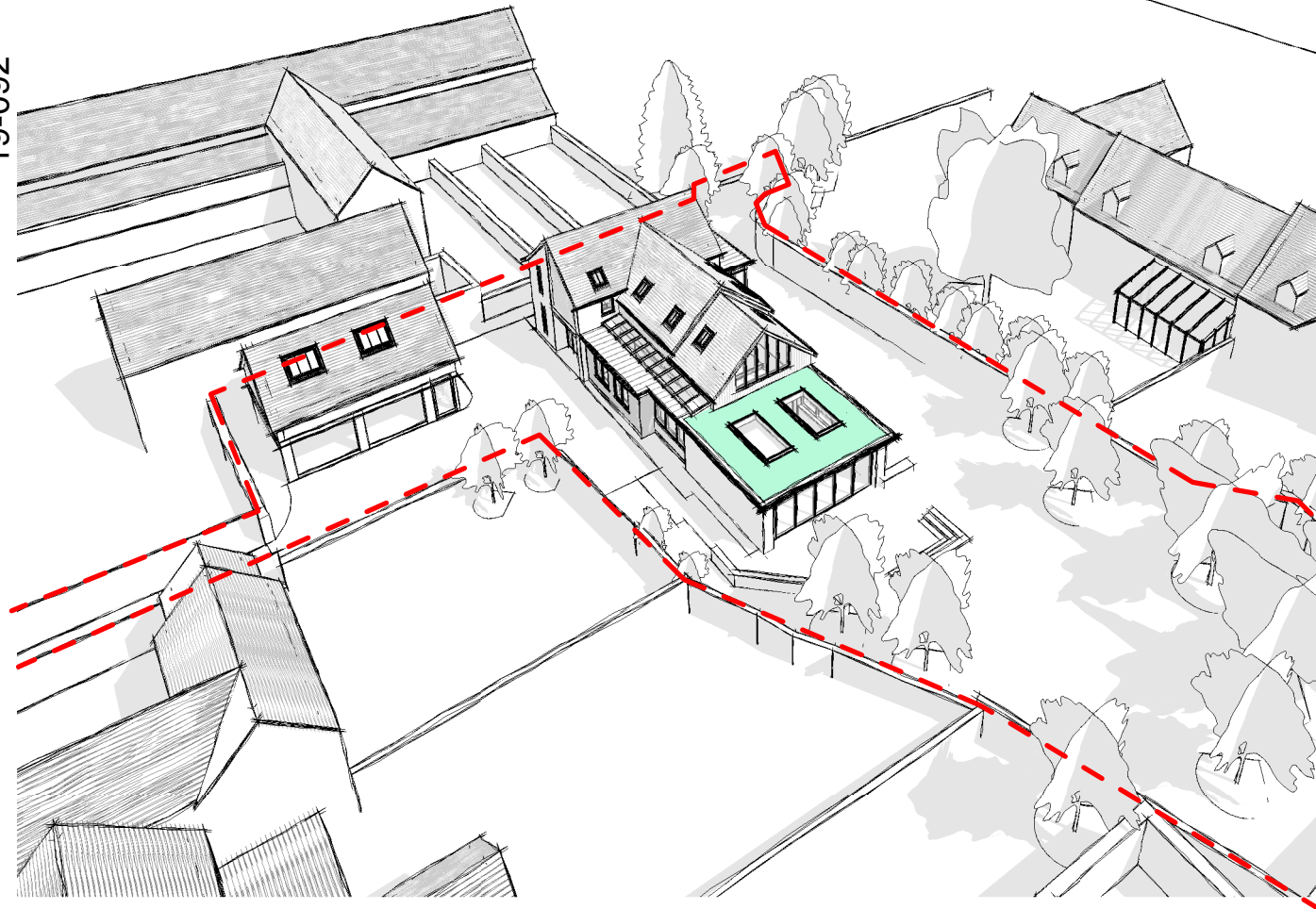
1 : 100

Schedule of Finishes

- A Cotswold stone walling, lime based pointing, flush pointed, brushed and bagged
- B Hardwood timber cladding that will be left to weather to a silver finish.
- C Anthracite grey ribbed metal cladding
- D Anthracite Aluminium thin framed system for screens, windows and doors
- E Anthracite flashings, aprons, cover plates and panels
- F Blue / Grey Slate

A	May'19	Amendments to LVs
B	Nov'19	
Rev	Date	Description

PROJECT TITLE: New House Albion Street Cirencester, GL7 2HT Mr I Buswell			HALZAC DESIGN LTD		
DRAWING: Carport Plans and Elevations			ARCHITECTURAL DESIGN SERVICE 1 Whitgift Cl, Grange Park, Swindon. SN5 6HQ colin@halzacdesign.com halzacdesign.com 01793 951631 07801070166		
SCALE @ A3: 1 : 100	DATE: Nov'19	DRAWN BY: CR	JOB NUMBER: 19-092	DRAWING NUMBER: PL50	REV: B



## Sketch Perspective 1

## Sketch Perspective 2

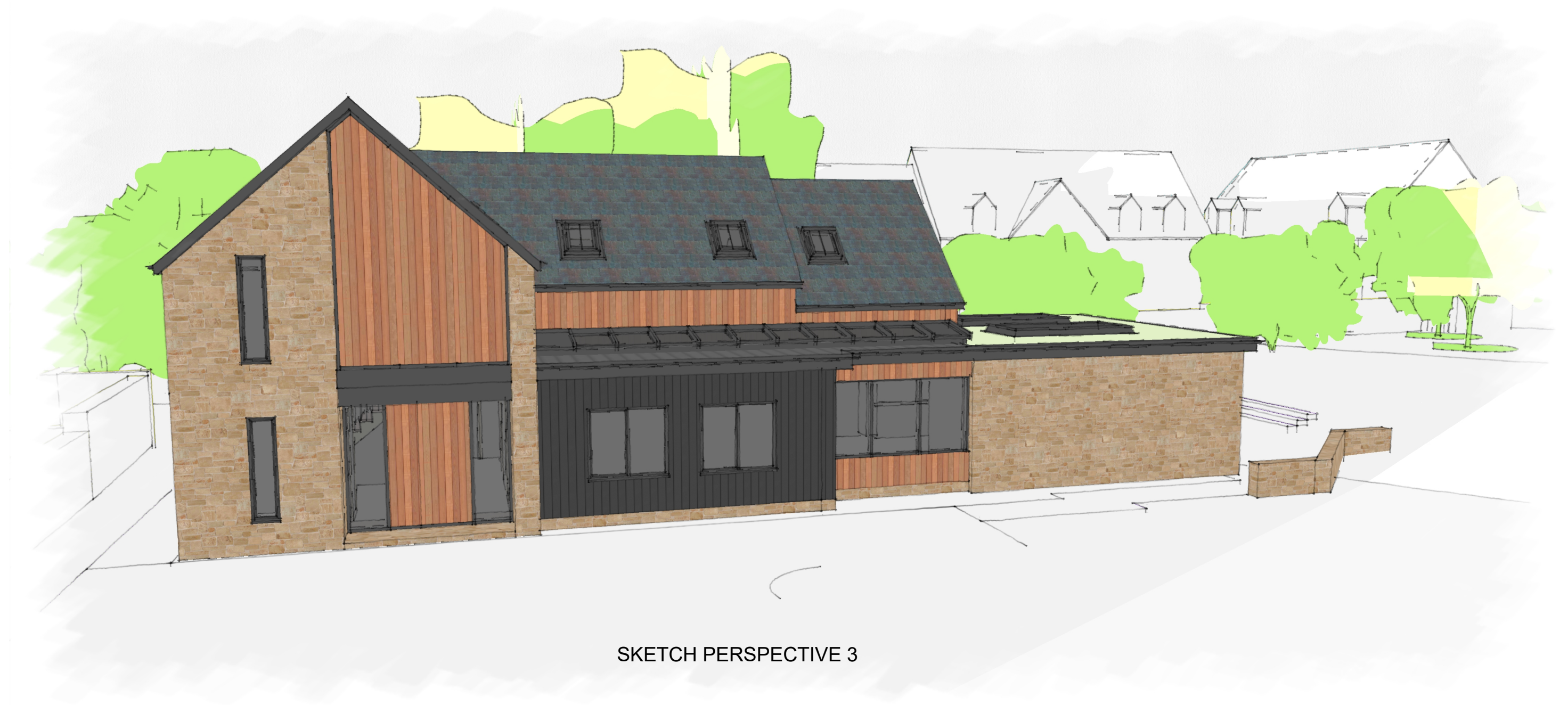
----- Approximate site boundary shown in a red dashed line top of boundary fence or wall approximately 1.8m above ground level

A	May'19	Amendments to LVs
B	Nov'19	Amended following conservation officer feed back

Rev	Date	Description
-----	------	-------------

<b>PROJECT TITLE:</b> New House Albion Street Cirencester, GL7 2HT Mr I Buswell			<b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN SERVICE 1 Whitgift Cl, Grange Park, Swindon. SN5 6HQ colin@halzacdesign.com halzacdesign.com 01793 951631 07801070166		
<b>DRAWING:</b> Sketch Perspective 1-2			<b>JOB NUMBER:</b> 19-092		
<b>SCALE @ A3:</b>			<b>DRAWING NUMBER:</b> PL35		
<b>DATE:</b> Nov'19			<b>REV:</b> B		
<b>DRAWN BY:</b> CR					





#### Schedule of Finishes

- A Cotswold stone walling, lime based pointing, flush pointed, brushed and bagged
- B Hardwood timber cladding that will be left to weather to a silver finish.
- C Metal Cladding with vertical standing seams and horizontal ribs
- D Anthracite Aluminium ribbed cladding
- E Anthracite flashings, aprons, cover plates and panels
- F Blue / Grey Slate
- G Sedum roof
- H Zinc standing seam flat roof
- J Conservation style roof lights and conservation flashings
- H Flat roof modern level roof light

<b>TITLE:</b> New House, Albion Street, Cirencester GL7 2HT			<b>HALZAC DESIGN</b> LTD	
<b>DRAWING:</b> Sketch Perspective 3			ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdesign.com w: halzacdesign.com t: 01793 323969 m: 07801 070166	
SCALE:	DRAWN: CR	CHECKED:	DWG NUMBER: 19/092/PL200	REV:



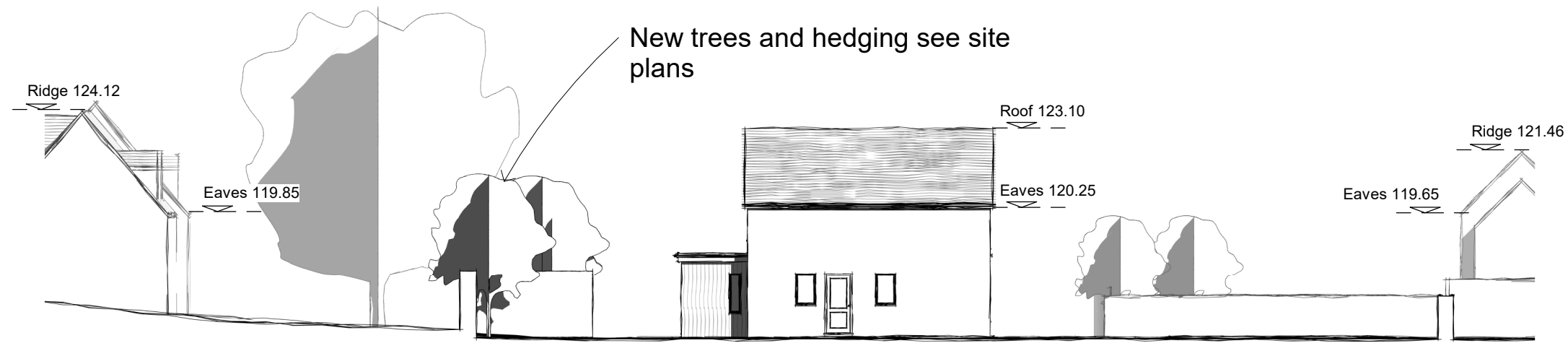


SKETCH PERSPECTIVE 4

#### Schedule of Finishes

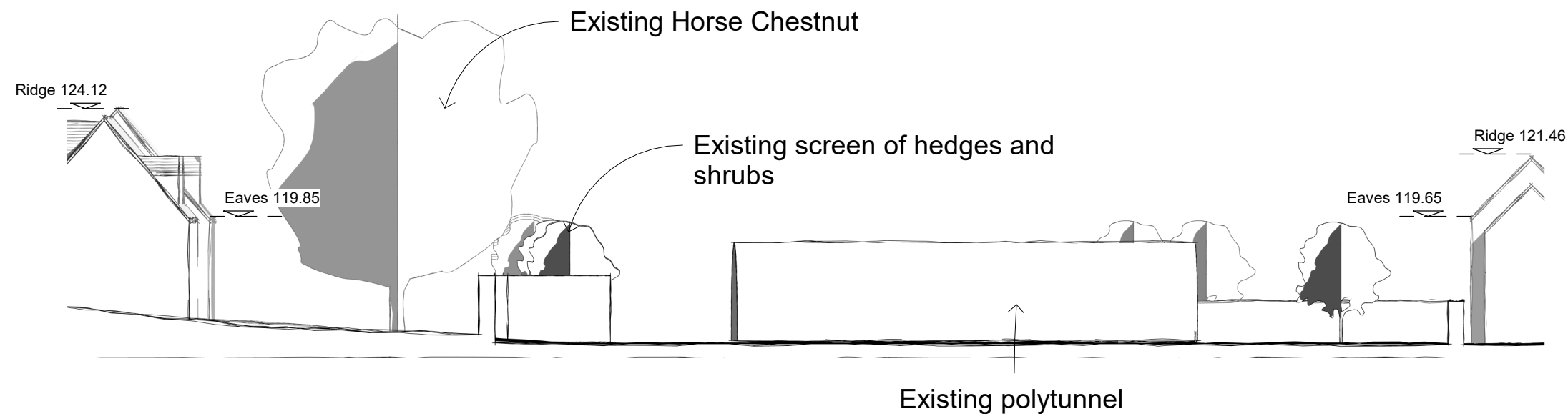
- A Cotswold stone walling, lime based pointing, flush pointed, brushed and bagged
- B Hardwood timber cladding that will be left to weather to a silver finish.
- C Metal Cladding with vertical standing seams and horizontal ribs
- D Anthracite Aluminium ribbed cladding
- E Anthracite flashings, aprons, cover plates and panels
- F Blue / Grey Slate
- G Sedum roof
- H Zinc standing seam flat roof
- J Conservation style roof lights and conservation flashings
- H Flat roof modern level roof light

TITLE: New House, Albion Street, Cirencester GL7 2HT			<b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdesign.com w: halzacdesign.com t: 01793 323969 m: 07801 070166	
DRAWING: Sketch Perspective 4			DWG NUMBER: 19/092/PL205	
SCALE:	DRAWN: CR	CHECKED:	REV:	



## Site Section SW Elevation - As Proposed

1 : 200



## Site Section SW Elevation - As Existing

1 : 200

A	May'19	Amendements to LVs
B	Nov'19	Amended following conservation officer feed back

Rev	Date	Description
-----	------	-------------

PROJECT TITLE:  
New House Albion Street  
Cirencester, GL7 2HT  
Mr I Buswell

DRAWING:  
Site Section SW Elevation

SCALE @ A3:  
1 : 200

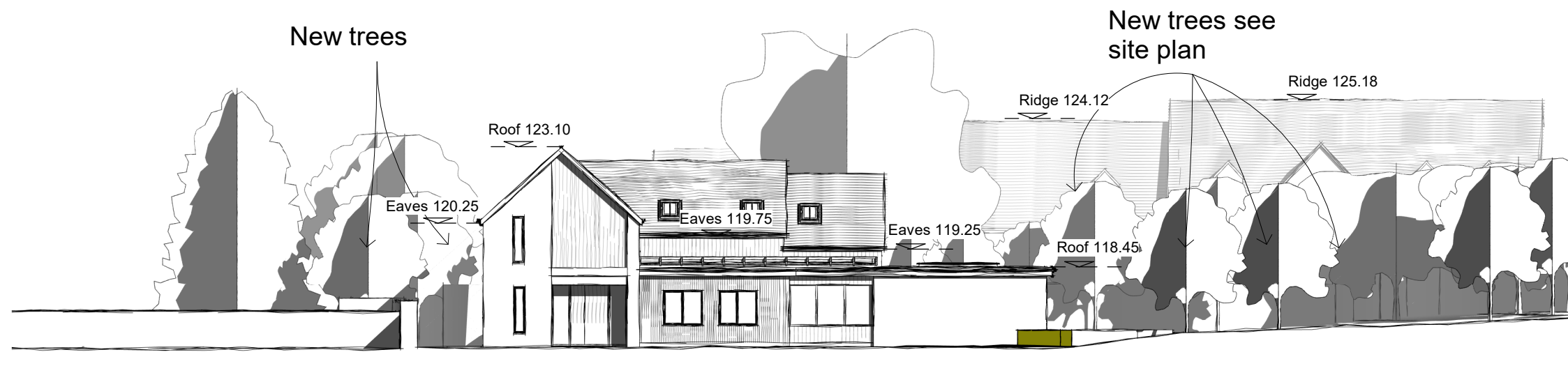
DATE:  
Nov'19

DRAWN BY  
Author

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1 Whitgift Cl, Grange Park, Swindon. SN5 6HQ  
colin@halzacdesign.com halzacdesign.com  
01793 951631 07801070166

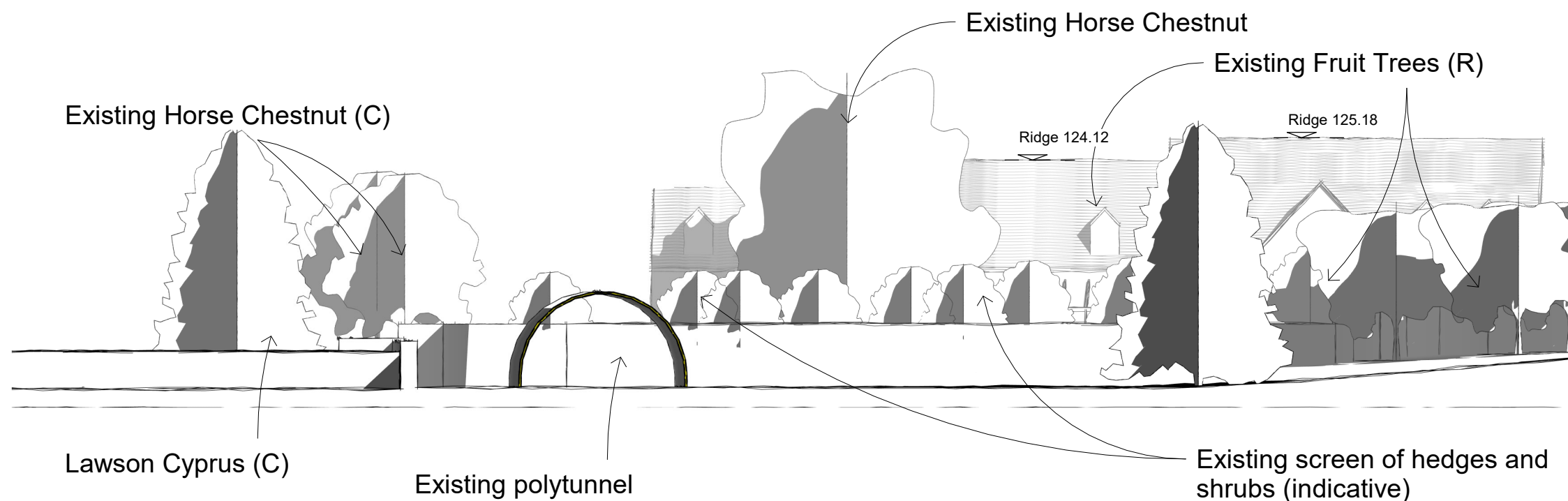
JOB NUMBER:	DRAWING NUMBER:	REV:
19-092	PL40	B





## Site Section SE Elevation - As Proposed

1 : 200



## Site Section SE Elevation - As Existing

1 : 200

A	May'19	Amendments to LVs
B	Nov'19	Amended following conservation officer feed back
Rev	Date	Description

PROJECT TITLE:  
New House Albion Street  
Cirencester, GL7 2HT  
Mr I Buswell

DRAWING:  
Site Section SE Elevation

SCALE @ A3: 1 : 200  
DATE: Nov'19  
DRAWN BY: CR

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ARCHITECTURAL DESIGN SERVICE  
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colin@halzacdesign.com halzacdesign.com  
01793 951631 07801070166

JOB NUMBER:	DRAWING NUMBER:	REV:
19-092	PL45	B

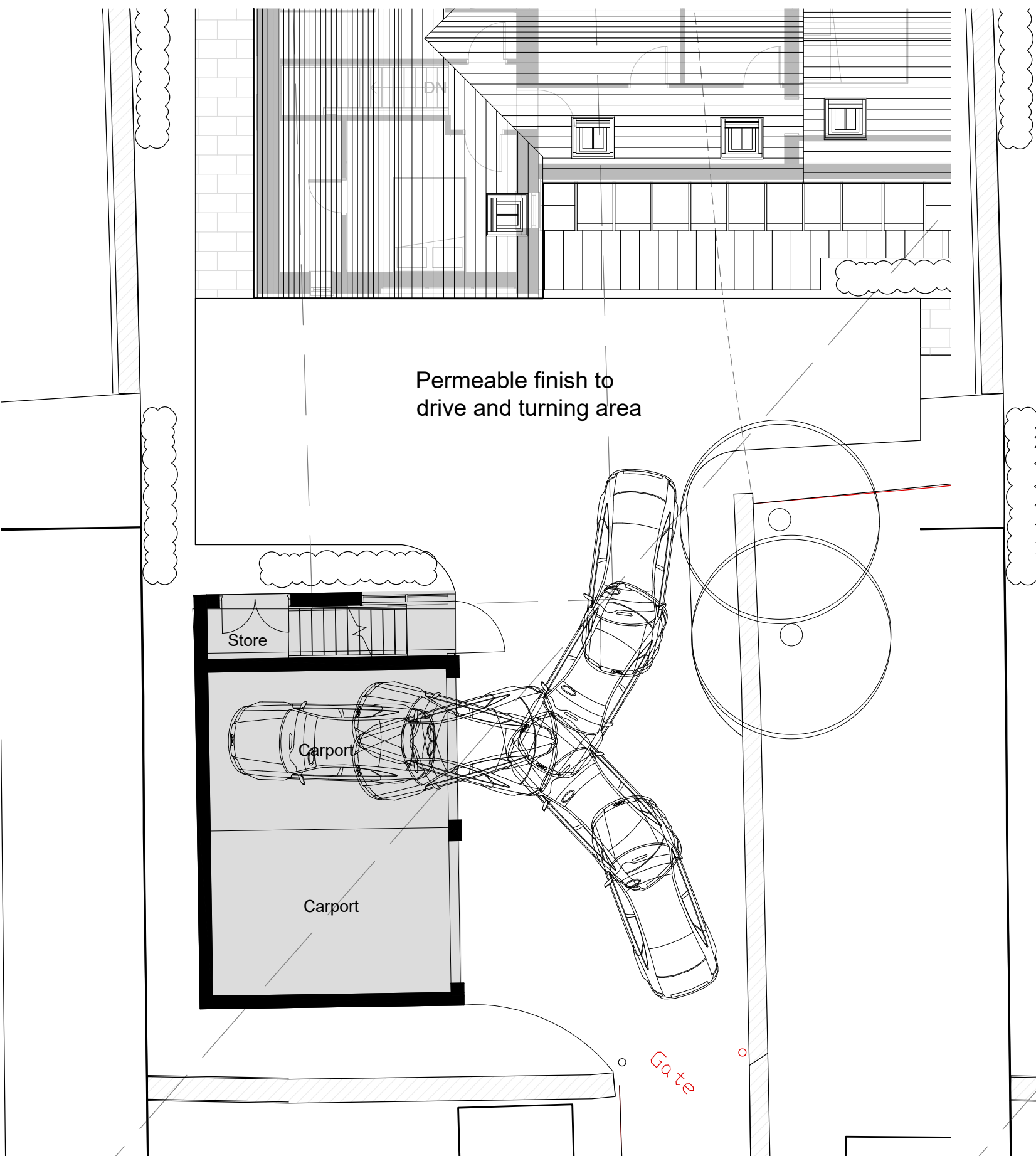


DIAGRAM OF VEHICLE TURNING INTO  
CARPORT 1:100

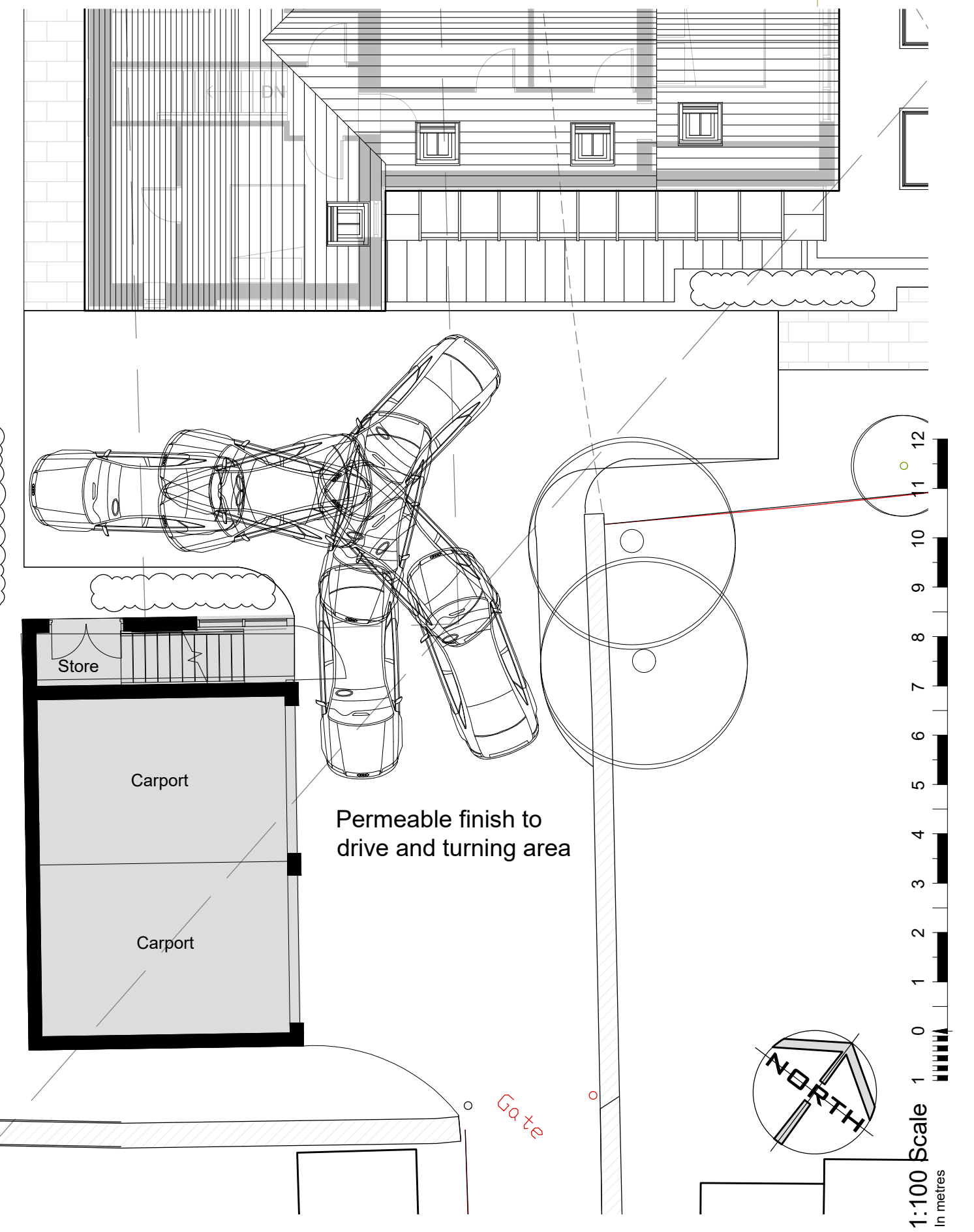


DIAGRAM OF VEHICLE TURNING ON  
DRIVE 1:100

FOR APPROVAL

TITLE: NEW HOUSE, ALBION STREET, CIRENCESTER GL7 2HT		HALZAC DESIGN LTD ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdesign.com w: halzacdesign.com t: 01793 951631 m: 07801 070166	
DRAWING: DIAGRAMS OF VEHICLE TRACKING		JOB NUMBER: DWG NUMBER: REV: 19-092 PL55 A	
SCALE: @ 1:100	DRAWN: CR	CHECKED: DATE:	

REVISIONS (up to the last 6 revisions shown only)

		Highways Development Management Shire Hall Gloucester <u>GL1 2TH</u>	
Claire Baker Cotswold District Council Trinity Road Cirencester Gloucestershire GL7 1PX		Email: <a href="mailto:devcoord@gloucestershire.gov.uk">devcoord@gloucestershire.gov.uk</a>	
Our Ref: C/2020/044798		Your Ref: 19/02005/FUL	
Date: 16 March 2020			
<b>Proposal:</b>  Erection of dwelling house and associated ancillary development (revised scheme)  Land To The Rear Of Albion Street Albion Street Stratton Gloucestershire	<b>Received date:</b>  6 March 2020		
<b>Recommendation:</b>	No objection		No objection (Subject to conditions)
	Refusal		Further information
<b>Document(s), drawing(s) and reference(s):</b>		<b>Planning history ref(s):</b>	
<b>Details of recommendation:</b>	<p>In regards to the above planning application, the Highway Authority have reviewed the above application following a previous Highway Objection for planning application ref: 16/02012/FUL. The refusal reason as stated below,</p> <p><b><i>The proposed development will result in an intensification of use of a substandard access due to its restricted width, substandard layout and emerging visibility that fails to give priority to pedestrian and cycle movements and create a safe and secure layout that minimises conflict between traffic, cyclists or pedestrians contrary to section 4 of the National Planning Policy Framework and Policy 38 of the Cotswold Local Plan to 2011.</i></b></p> <p>An appeal was lodged in February 2018, ref: APP/1610/W/18/3196833.</p> <p>The Inspector also dealt comprehensively with the issue of perceived highway safety concerns. The Inspector's decision letter acknowledges</p>		

that both pedestrian and vehicular visibility splays from the access onto Albion Street fall short of the Council's requirements and cannot be achieved due to existing constraints. He notes however that it is an existing access, and that there are a number of other accesses to dwellings along Albion Street that also do not meet the Council's standards for pedestrian and emerging vehicular visibility requirements.

The Inspector observed that Albion Street is a narrow road with no parking restrictions along it and that despite the road having a 30mph speed limit, vehicles are forced to travel at lower speeds due to the characteristics of the road, and that this had been confirmed by recent speed surveys. Taking these factors into account, the Inspector concluded that Albion Street operates safely in respect of highway safety (see paragraph 17 of the Appeal Decision Letter).

Whilst recognising that the existing access is narrow and that the proposals would lead to it being used on a more frequent and regular basis, the Inspector confirmed that it would serve a single dwelling and would not therefore generate a significant number of vehicular trips, particularly at peak times (paragraph 18 of the Inspector's appeal decision letter refers).

The Inspector also commented that *"although the visibility splays fall short of the Council's standards, this is not an uncommon occurrence in historic areas"*. Additionally, he noted that *"drivers of vehicles are more cautious and aware of other vehicles and pedestrians on the highway in such areas where modern standards of visibility cannot be achieved due to existing constraints. This is particularly the case given the specific circumstances of Albion Street and the existing access"*.

For these reasons, the Inspector ruled *"that the use of the existing access to serve the proposed single dwelling would not result in any unacceptable impact on highway safety"*. He concluded that there was no conflict with local plan policies nor any conflict with the revised NPPF2018 on highway safety grounds (paragraphs 19 and 20 of the Appeal Decision Letter refer).

**Based on the above the Highway Authority would be minded to raise no highway objections subject to the below condition;**

**1. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement**

shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Required consultation:	ITU		Highways Records	
	Rd Safety		Fire Service	
	PROW		Structures	
	LHM		Police	



---

## Appeal Decisions

Site visit made on 3 July 2018

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 October 2018**

---

**Appeal Ref: APP/F1610/W/18/3196833**

**Land to the rear of Albion Street, Stratton, Cirencester GL7 2HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Buswell against the decision of Cotswold District Council.
  - The application Ref 16/02012/FUL, dated 16 May 2016, was refused by notice dated 20 September 2017.
  - The development proposed is erection of a dwelling house and ancillary development.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the determination of the application, on 24 July 2018 the Government published a new National Planning Policy Framework (the Framework). The main parties have been given an opportunity to comment on the appeal in light of this. I have taken account of any comments received and considered this appeal in light of the new Framework.

### Main Issues

3. The main issues are the effect of the proposed dwelling on the living conditions of neighbours with particular regard to overlooking and outlook; and, the effect of the proposed development on highway safety in respect of the use of the access to the proposed dwelling.

### Reasons

#### *Living conditions of neighbours*

4. The appeal site comprises a parcel of land largely enclosed by the gardens belonging to properties along Albion Street, Gloucester Road and Stratton Place. The majority of the site comprises an open grassed area with a number of trees within it.
5. The proposed two storey detached dwelling would be located towards the centre of the appeal site, but would be very close to the rear boundary of the dwelling at 4 Stratton Place. (No 4). However, I have not been referred to any specific space standards for separation distances between dwellings. Therefore, each application needs to be considered on the details of the proposal and its context.

6. Although No 4 has a reasonable sized garden overall, the depth between the rear of No 4 and the shared boundary wall with the appeal site is modest. In particular the proposed dwelling would span across most of the rear elevation of No 4, which includes facing windows and amenity areas.
7. Despite having a lower ridge height than No 4 and some variation to its roof form to reduce its overall mass, the proposed dwelling would still have an appreciable scale above the level of the existing boundary wall.
8. Moreover, development of the scale proposed in close proximity of the rear elevation and garden of No 4 would have a substantial enclosing and dominating effect. This would appear unduly overbearing, when viewed from the rear of No 4 and its amenity areas. In reaching this conclusion I have taken account of the existing mature Horse Chestnut tree in the rear garden of No 4. Nonetheless, this would only screen part of the development when the tree is in leaf during certain times of the year. I have also had regard to the lack of objection from the Council's Conservation Officer, this however principally relates to the effects of the development on the character and appearance of the area.
9. The appellant has referred me to other examples of dwellings which achieve similar distances between elevations. Nevertheless, I have limited information about the original context of these. Moreover, in this case my concerns relate to the siting of a substantial building very close to the boundary of another. I therefore attach minimal weight to the other examples. In any event, each application is determined on its merits. Accordingly, I have determined this appeal on the merits of the proposal.
10. The north east elevation of the proposed dwelling would include ground and first floor windows that would face towards the side of the rear garden to 27 Albion Street (No 27). The shared boundary between the appeal site and the garden of No 27 comprises a close board fence, this would safeguard against any mutual overlooking at ground level.
11. The first floor windows of the proposed dwelling would be of a sufficient distance from No 27, not to result in any significant overlooking. I am also mindful that a degree of mutual overlooking of gardens is not uncommon in this area. For the above reasons, I am satisfied that the proposed development would not harm the living conditions of the occupiers of No 27 in respect of overlooking.
12. Nevertheless, for the reasons already given the siting of the proposed dwelling would harm the outlook of the occupiers of No 4. Although, I have been referred to Saved Policy 46 of the Cotswold District Local Plan 2001- 2011 (LP), this policy does not specifically relate to the impacts on the outlook of neighbours. I therefore find no conflict with this policy. However, the Framework is a material consideration and based on the harm I have identified the proposal would conflict with Paragraph 127 (f) of this, which seeks the creation of places that provide a high standard of amenity for existing users.

#### *Highway safety*

13. Access to the appeal site is along a track off Albion Street between properties 5 and 9 Albion Street. The width of this access is such that it can accommodate a

single vehicle. From the information before me it appears that this access has had some, albeit limited vehicular use in association with the appeal site.

14. The appellant's evidence confirms that the Council's required pedestrian visibility splays from the access onto Albion Street cannot be achieved due to certain constraints. Also, the emerging vehicle visibility splays from the access onto Albion Street would fall short of the Council's requirements.
15. Adequate visibility splays are required at the access so that drivers in vehicles emerging from it can see any potential hazards in time to slow down and stop comfortably. Nevertheless, as this is an existing access, I have taken account of this and the surrounding area.
16. Albion Street is a narrow road which has no parking restrictions along it, and vehicle parking occurs along the western side of the carriageway. Consequently, despite the road having a 30 mph speed limit, vehicles are forced to travel at lower speeds. Indeed, the low speeds of vehicles travelling along this road have been confirmed by the speed surveys undertaken as part of the appellant's evidence.
17. Also, a number of accesses to dwellings along Albion Street do not meet the Council's pedestrian and emerging vehicle visibility splay requirements, as demonstrated by the appellant's evidence. Irrespective of this, based on the evidence before me, Albion Street operates safely in respect of highway safety.
18. Additionally, the access to the appeal site is narrow and in parts flanked by dwellings. Some of the owners of these dwellings have pedestrian access rights over it. As such, drivers traveling along this access and emerging from it would exercise caution and travel at low speeds, allowing them to assess the situation ahead. Whilst I acknowledge that the existing access is to be used on a more frequent and regular basis in association with the proposal, it would serve a single dwelling and not generate a significant number of trips, particularly at peak times. The proposed scheme also allows for a vehicle to leave the site in forward gear.
19. Taking the above factors into account although the visibility splays fall short of the Council's standards, this is not an uncommon occurrence in historic areas. Additionally, drivers of vehicles are more cautious and aware of other vehicles and pedestrians on the highway in such areas where modern standards of visibility cannot be achieved due to existing constraints. This is particularly the case given the specific circumstances of Albion Street and the existing access. For the above reasons, I am satisfied that the use of the existing access to serve the proposed single dwelling would not result in any unacceptable impact on highway safety. I therefore find no conflict with Saved Policy 38 of the LP, which amongst other matters seeks to ensure safe access from developments.
20. For the foregoing reasons there would also be no conflict with the Framework, which states that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### **Other Matters**

21. In accordance with the Framework the proposed development would make effective use of a small site to provide a new family dwelling in a sustainable location, which would make a minor contribution towards the District's housing.

However, such benefits arising from a single dwelling would be limited and do not outweigh the harm I have already identified.

### **Conclusion**

22. Whilst I have found that the proposed development would not impact on highway safety, this does not outweigh the harm on the living conditions of neighbours. Although, I have found no conflict with the development plan, there would be conflict with the Framework, which is an important material consideration.

23. For the reasons set out above, I dismiss this appeal.

*M Aqbal*

INSPECTOR