

Item No 04:-

19/03947/FUL

**39 Tinglesfield
Stratton
Cirencester
Gloucestershire
GL7 2JL**

Item No 04:-

Erection of outbuilding (retrospective) at 39 Tinglesfield Stratton Cirencester Gloucestershire GL7 2JL

Full Application 19/03947/FUL	
Applicant:	Mr & Mrs Peter and Emma Moritz
Agent:	
Case Officer:	Ed Leeson
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	12th February 2020
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design
- (b) Impact on the residential amenities of the neighbouring properties
- (c) Community Infrastructure Levy (CIL)

Reasons for Referral:

Councillor Patrick Coleman has requested that the application is referred to the Planning and Licensing Committee. The reason for referral is that the proposal is considered incongruous in the local context and intrusive to amenity.

1. Site Description:

The application site relates to a semi-detached bungalow constructed of brick and concrete tiles, located within a residential cul-de-sac that was built during the 1960s.

The site lies within the development boundaries defined for Cirencester but is not within a conservation area or the Cotswolds AONB and there are no listed buildings within the vicinity.

2. Relevant Planning History:

None.

3. Planning Policies:

NPPF National Planning Policy Framework
EN2 Design of Built & Natural Environment

4. Observations of Consultees:

Land Contamination

Due to the site lying in close proximity to a landfill site, Environmental Regulatory Services Team was consulted regarding contaminated land. A no objection comment to this application was received.

5. View of Town/Parish Council:

Cirencester Town Council has no objection to the erection of the outbuilding (retrospective).

6. Other Representations:

A third-party objection comment has been received raising the following concerns:

- i) Much higher than fence and very close to boundary
- ii) When inside the outbuilding, occupants can see over 6ft fence which impacts privacy
- iii) No objection to garden room but not in existing location - other side of garden would be better
- iv) Has been painted white which is more noticeable
- v) Another neighbour considers it too tall

7. Applicant's Supporting Information:

Drawings

8. Officer's Assessment:

Proposals

The development relates to an existing outbuilding/ summerhouse which requires planning permission by virtue of exceeding 2.5m in height and being within 2m of the property's boundary, as outlined in Part 1, Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The building is timber in construction and comprises a flat roof with a 300mm overhang on all 4 sides. The footprint is 3m by 2.5m and on the southern elevation is a glazed double-door and windows either side, and a window on the eastern elevation.

Although the building's height is 2.5m, it is situated upon a concrete base which is 300mm in height, taking the whole structure's overall height to 2.8m. The building is sited approximately 700mm from the boundary fence with no. 41.

Please note that queries with regards to the accuracy of the drawings and, primarily, the concrete base were received, however, following a return to the application site to measure, it's confirmed the drawings are accurate.

(a) Design

Policy EN2 states that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), with section 2 of the Design Code providing key considerations for outbuildings.

Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 127 requiring that planning policies and decisions should ensure that developments: "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places ... with a high standard of amenity for existing and future users."

The development is a simple; almost cube shaped building which incorporates horizontal timber boarding and a small number of openings on two sides. It is sited on the same side of the rear garden as an existing detached garage and there remains a generous garden space around it.

Whilst the design and scale of the building is modest, the white finish is somewhat stark. That being said, the building is confined to the residential garden of the property and cannot be seen from the public realm. Additionally, the existing detached garage which lies only 1.5m to the north of the outbuilding is also finished similarly in an off-white colour. Additionally, it would not be uncommon to find sheds and summerhouses within private gardens finished in white such that they are considered to 'blend in with their garden settings' as outlined in the Cotswold Design Code.

In addition to the above, it is clear that the majority of the properties within the Tinglesfield estate have added either extensions or detached buildings within their gardens such that there is no uniformity and the outbuilding is considered a suitable and appropriate addition within this context.

Taking the above into account, the development is considered to comply with section 12 of the NPPF and Local Plan Policy EN2.

(b) Impact on the residential amenities of the neighbouring properties

Appendix D of the Local Plan states that extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect and these considerations will be applied to this development.

It is noted that the residential estate of Tinglesfield is on land that slopes down to the west. As such, many of the properties' gardens step down into each other meaning that the outbuilding appears taller from the neighbouring property, no. 41, and it is clearly visible over the boundary fencing which is 6ft (1800mm) on the side of no. 41.

It should be noted, however, that if the building's height was reduced by 300mm, it would qualify as permitted development whereby the Local Planning Authority has no control over its construction and placement. Taking this into account, considering the location of the structure, which is not adjacent to any outdoor patio area, this 300mm height is not considered to cause an unacceptable level of overbearing, overshadowing or loss of light over and above the impact that the same structure 300mm lower in height would be considered to cause.

Additionally, were the structure reduced to qualify as permitted development; it could be sited closer to the boundary than its current location. It's considered that, in this instance, the siting of the outbuilding closer to the shared boundary would negate any reduced impact of the structure if it was 300mm shorter. This is, therefore, considered to be a compelling fall-back position.

Part 1(s) of the Cotswold Design Code sets out that it should be possible to "identify an area within the garden as a sitting out area that is private and reasonably screened from view from neighbouring properties or passers-by" and that "the private area need only be part of the garden of the property." Although it is noted that some views into the garden of no. 41 could be achieved from inside the summerhouse, it should also be noted that the boundary fencing is at a height of approximately 1.5m on the side of no. 39 due to the difference in ground-levels. In addition, any views that can be achieved are away from the dwelling and toward the bottom of the garden, minimising any perceived loss of privacy and allowing there to remain parts of the garden that are private. As such, views into the neighbouring garden could be achieved were the outbuilding not in situ and it is not considered this would be reason enough for the refusal of this development.

Therefore, on balance, the proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

(c) Community Infrastructure Levy (CIL)

The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it has a floor area of less than 100m², and does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

9. Conclusion:

For the reasons outlined above, the development is considered to comply with national guidance and the relevant policies of the Development Plan. As such, the application is recommended for approval.

10. Proposed conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing number(s): Site Location Plan, Proposed Block Plan, and Elevations and Base Drawing (dated 22nd May 2019).

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

Informatives:

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.



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39 TINGLESFIELD STRATTON CIRENCESTER

Scale: 1:1250

Organisation: Cotswold District Council

Department:

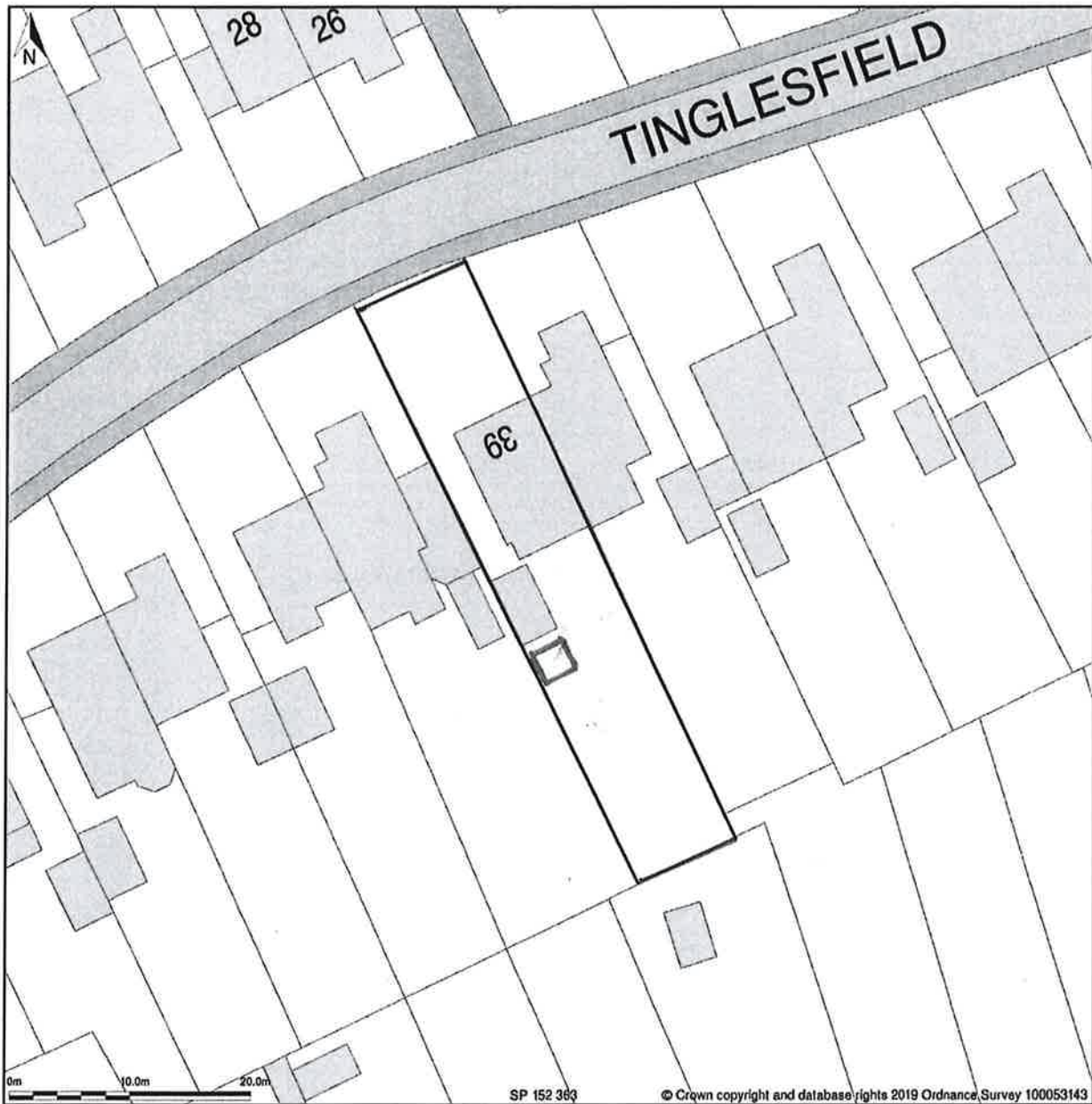
Date: 30/01/2020



COTSWOLD
DISTRICT COUNCIL



39, Tinglesfield, Stratton, Gloucestershire, GL7 2JL



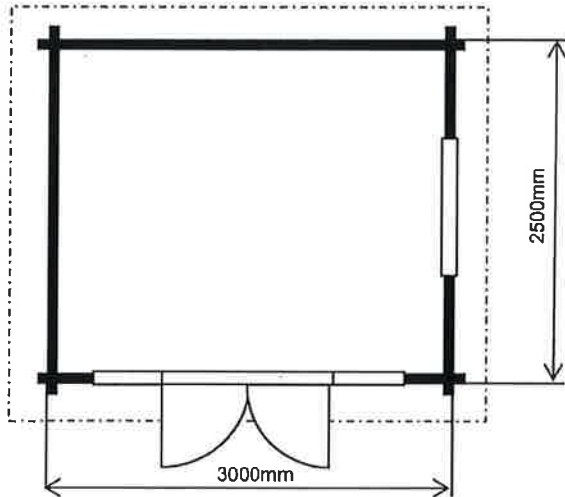
Block Plan shows area bounded by: 401480.16, 203593.89 401570.16, 203683.89 (at a scale of 1:600), OSGridRef: SP 152 383. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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NOTE:
DUE TO SLOPE OF
GROUND, BETWEEN
50mm AND 250mm
OF BASE IS EXPOSED



right hand hinged window
when viewed from outside

Scale 1:50 on A4



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Date	22th May 2019
Reference	Moritz
Project	3m x 2.5m Kubus