

99

Item No 05:-

15/02096/FUL (CD.3314/D)

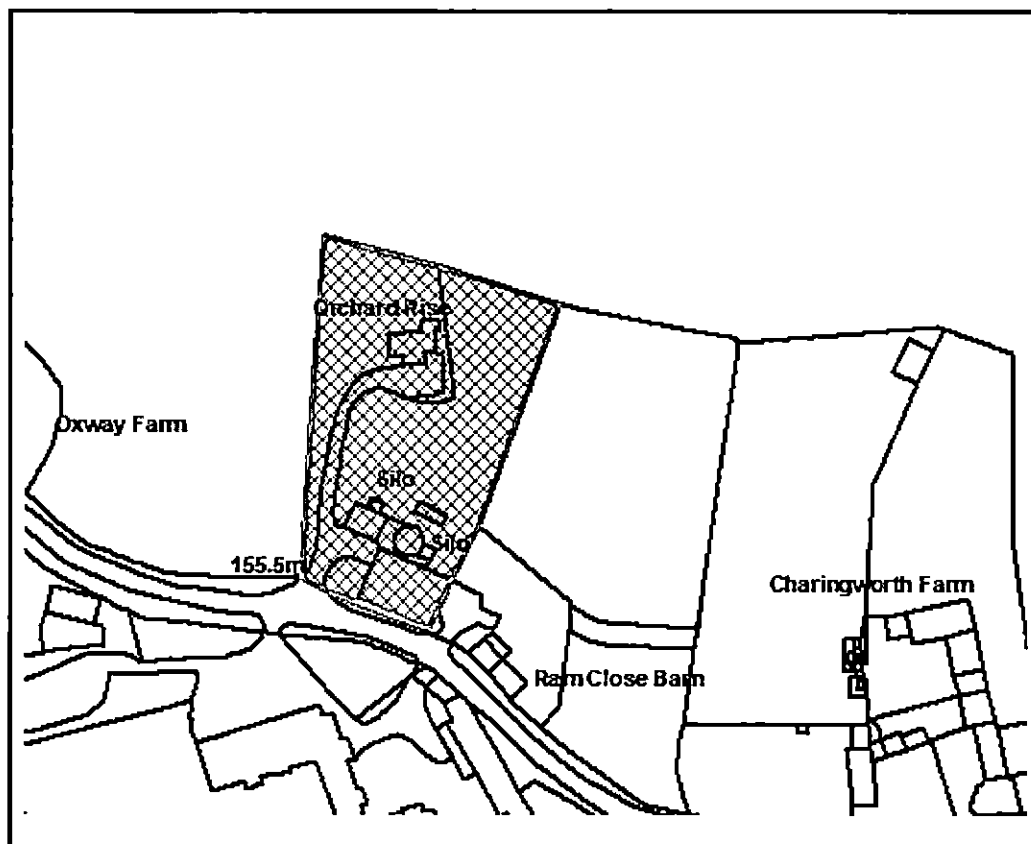
**Orchard Rise
Charingworth Road
Charingworth
Ebrington
Chipping Campden
Gloucestershire
GL55 6NR**

Item No 05:-

Amendments to dwelling and ancillary domestic stable building approved under permission 12/04267/FUL, including the erection of a basement, insertion of roof lights and dormers into roof void to convert loft space to provide 3 bedrooms and an en-suite, erection of new entrance porch, together with minor amendments and associated works and alterations to outbuilding (retrospective) at Orchard Rise Charingworth Road Charingworth Ebrington

Full Application 15/02096/FUL (CD.3314/D)	
Applicant:	Mrs Stephanie Ayres
Agent:	ArchiWildish
Case Officer:	Martin Perks
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	19th August 2015

Site Plan



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RECOMMENDATION: REFUSE AND AUTHORISE ENFORCEMENT ACTION

Main Issues:

- (a) Size, Scale and Design of Dwelling
- (b) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty
- (c) Other Matters
- (d) Enforcement

Reasons for Referral:

This application has been referred to Committee at the request of Cllr Jepson due to the complexity of the application and in the interests of transparency.

1. Site Description:

The application site is located approximately 1km to the east of the village of Ebrington. It is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site occupies a roadside position to the northern side of Charingworth Lane. The front of the site lies adjacent to the aforementioned lane and is occupied by a Dutch barn and a converted former cold store that is now utilised as holiday let accommodation. A recently constructed detached dwelling (Orchard Rise) is set back behind the aforementioned buildings approximately 40m from the lane. The land to the east, west and north of the application site consists of agricultural fields. A Grade II* Listed Building (Charingworth Manor Hotel) lies on the southern side of the lane opposite the application site.

2. Relevant Planning History:

CD.3314 Erection of a detached semi-bungalow and garage Granted 1963

07/03238/FUL Erection of replacement dwelling and garage Granted 2007

11/05844/FUL Demolition of existing dwellinghouse and Dutch barn, and erection of replacement dwellinghouse, storage building and stable block, together with landscaping and associated works Refused 2011

12/04267/FUL Demolition of an existing dwelling and the erection of a replacement dwelling and new garage together with new ancillary stables and demolition of existing Dutch barn and erection of replacement barn Granted 2012

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR22 Replacement dwellings in Rural Areas
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

None

5. View of Town/Parish Council:

None

6. Other Representations:

Seven letters of support received. Main grounds of support are:

i) 'My in-laws live in Paxford so we have seen this house being built and have commented on it's good position and the quality of the build.'

ii) 'I support this application for amendments.. 15/02096/ful. I pass this property regularly and am familiar with the local area and surrounding countryside. I consider it to be an extremely handsome building which has been constructed to a very high standard using high quality materials and with a great deal of sensitivity towards the rural surroundings. I do not consider that the roof dormers will affect or restrict public views: the basement is completely invisible. It is obvious that a great deal of thought and effort has been given to screening and planting during the construction of this dwelling. I consider it to be an asset to the local area'

iii) The new buildings are an improvement on the old and enhance the village of Charingworth

iv) Development has made a real improvement to the surrounding area

v) Impressed by its design, the extensive use of recycled materials and the marginal environmental impact that it places on its surroundings. Orchard Rise commands an enviable position just below Goose Hill. Its excellent design has used those contours to completely conceal below ground necessary storage and plant rooms to facilitate the biomass fuel heating system. Views to the rear are stunning and consider that incorporating further bedrooms in the loft space with dormer windows to this aspect does not cause any obvious visual impact to the front elevation. The front porch adds balance to the design and only enhances this attractive elevation.

vi) Would rather have a large well built house than a smaller less attractive one. The new house is most attractive and fits in well with its surroundings.

7. Applicant's Supporting Information:

Design and Access Statement
Bat Mitigation Strategy

8. Officer's Assessment:

Background to Current Application

Planning permission was granted in 2007 (07/03238/FUL) for the demolition of a 1960's 1.5 storey dwelling and the erection of a new 1.5 storey dwelling in natural stone in its place. The original dwelling was located approximately 60m back from Charingworth Lane. The approved dwelling was to occupy the site of the original 1960's dwelling.

In 2011 a new scheme was submitted (11/05844/FUL) which sought to demolish the 1960's dwelling and erect a new detached dwelling approximately 20m to its south east. The site of the original dwelling was to be returned to fields/meadow land. The application was refused by Planning Committee in accordance with the Officer recommendation due to concerns about the size and scale of the proposed dwelling. The internal floor area was over 120% larger than the approved dwelling.

Following the refusal the applicant submitted a revised application in 2012 (12/04267/FUL) which sought to reduce the overall size of the proposed dwelling. The internal floor area of the revised dwelling was similar to that approved in 2007. In combination with the relocation of the dwelling to an area closer to existing buildings and the restoration of the site of the original dwelling to fields/meadow it was considered that were reasonable grounds to support the revised scheme.

Following the 2012 approval the applicant commenced work on site in 2013. In late 2014 the Council received a complaint about the works that were being undertaken. An Enforcement Officer visited the site in November of that year and advised the applicant that the works that had

been undertaken were not in accordance with the approved plans and that if they continued it would be at their own risk. Notwithstanding this, the applicant continued to work on the development and it is now at a point where the dwelling has been occupied.

The completed dwelling is significantly different to that approved in 2012. The approved scheme is for a modest 3 bed cottage style of development to be constructed in rough dressed stone. In contrast the completed dwelling is a 6 bed property that incorporates a basement and three bedrooms in the roof space. The central core of the building has been constructed in ashlar and large sash windows have been introduced instead of casement windows. The floor level of the dwelling is approximately 300mm higher than the approved scheme. The ridgeline of the completed dwelling is 10m rather than the approved 9.3m. When the change in floor levels is taken into consideration the completed dwelling is therefore at least 1m higher than the approved dwelling. In addition, the side ranges are approximately 1.3m and 1.7m higher than the side ranges on the approved scheme. Dormer windows have also been added to rear roof slopes. The result of the changes is a development that appears far more substantial than the approved scheme. The completed dwelling is far more formal and grander than the 2012 scheme and has a far greater mass. The central element of the completed dwelling has higher eaves than the approved scheme which also means that the extent of external walling is greater. This also increases the perception that the mass of the dwelling is greater than that previously approved.

This application is seeking to retain the dwelling as built.

(a) Size, Scale and Design of Dwelling

The application relates to a replacement dwelling and as such the starting point for the determination of the application is Local Plan Policy 22: Replacement Dwellings in Rural Areas. Criterion c) of Policy 22 advises that replacement dwellings should be 'of a similar size and scale to the existing building.' In this instance the internal floor area of the completed dwelling would be approximately 460 sq metres as opposed to the approximate 240 sq metres of the approved scheme. The completed dwelling is therefore approximately 90% larger than the approved scheme in terms of floor space and over 250% larger than the original dwelling. The more formal design of the proposed scheme also means that it appears to have a far greater scale than that originally approved. The increase from three to six bedrooms also significantly changes the character of the property. The original 1960's dwelling and the 2012 permission had three bedrooms. The approved scheme was therefore consistent in terms of bedroom numbers with the original dwelling. One of the main reasons for the size and scale restriction attached to Policy 22 is the desire to try and retain the district's stock of small to medium sized dwellings. Without such controls the supply of such dwellings will diminish. The current proposal represents a significant deviation from the aspirations of Policy 22. It is considered that it cannot reasonably be classed as being of a similar size and scale to either the original dwelling or the approved scheme and as such is contrary to Local Plan Policy 22.

In terms of design the completed development has sought to utilise local materials and to reflect traditional building forms. Notwithstanding this, the completed scheme has a far grander appearance than that originally approved for the site. The use of ashlar stone and sash windows in combination with the increased height of the side ranges and elevated nature of the front facade means that the development as a whole appears far more formal and grandiose than the more modest and plainer development previously approved. It is considered that the dwelling appears as a dominant addition to the site that fails to respect the agricultural character of the original site. The development is considered to conflict with Local Plan Policy 42.

In addition to concerns over the size and scale of the proposed development Officers also have concerns about the landscape impacts of the development.

(b) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

From Charingworth Lane the site is partly screened by existing buildings and vegetation. Whilst it is elevated above the lane it is considered not to be unduly harmful when seen from this viewpoint. However, the dwelling is far more visible when viewed from a lane to the north east of the application site. The rear and eastern elevations of the dwelling are readily visible from an open stretch of lane lying approximately 250m to the north east of the development. The whole of the rear of the building is visible from the lane with the result that it appears as a very prominent and obtrusive feature within the landscape. The mass and formal nature of the dwelling also means that it has a far greater visual and landscape impact than the more modest cottage style of development that was originally permitted. The completed building has more of a manor/country house style which appears far more dominant within the landscape. It is considered that the dwelling has an adverse impact on the character and appearance of the AONB when viewed from the north east.

(c) Other Matters

The applicant has also made changes to an approved stable building involving alterations to design and levels. The building is discreetly sited on the eastern edge of the site and is not particularly visible from public view. The changes to the stable building are largely cosmetic and the completed building is similar in size to that previously approved. It is considered that the changes that have been made to the stable building are acceptable.

The completed dwelling is considered not to have an impact on the setting of Grade II* Charingworth Manor Hotel by virtue of the degree of separation between the two developments and the presence of buildings and vegetation between the completed house and the heritage asset. There is no visual or historic interconnectivity between the two buildings and as such the proposal is considered not to conflict with Section 12 of the NPPF or S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(d) Enforcement

Should Members vote to refuse the application it is recommended that Enforcement proceedings be instigated to secure the remedy of the breach. It is recommended;

(i) That enforcement action is taken under Section 172 of The Town & Country Planning Act 1990 as amended to ensure that the unauthorised building is removed from the land.

(ii) Within 10 months of the date of the Notice coming into effect the unauthorised building and its associated features such as the retaining walls, steps and landing areas shall be demolished

(iii) Within 11 months of the date of the Notice coming into effect the materials resulting from the demolition shall be permanently removed from the land.

(iv) Within 12 months of the date of the Notice coming into effect the land where the unauthorised dwelling stood shall be reinstated to its original levels and profile.

In making any decision to take enforcement action Planning and Licensing Committee should consider the human rights of the owners/occupiers. Article 8 of the European Convention of Human Rights creates a right to respect for his family life.

'Everyone has a right of respect for his family life, his home and his correspondence.'

'There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime for the protection of public health or morals, or for the rights and freedom of others.'

Article 8 does not give anyone the absolute right to be provided with a home, or to live where they want, nor does it prohibit the Council from taking enforcement action which it would result in people being removed from their homes in circumstances where people have no other home (though the absence of suitable accommodation is relevant).

When striking a balance, the Committee must take into account all relevant matters, particularly:-

- (a) Questions of the family's or individuals health;
- (b) The existence of suitable alternative accommodation;
- (c) Considerations of hardship and personal circumstances;
- (d) The degree of planning and environmental harm flowing from the continued occupation of the site;
- (e) The degree and flagrancy of the breach of planning control which appears to have occurred.

In respect of the above and at the time of writing this Report, Officers consider that the harm caused by the unauthorised dwelling is such that enforcement action should be taken. The Occupiers of the property have also been contacted to establish if they wish to provide any personal, financial and health information which they would like Members to consider prior to making any decision on Enforcement. If further information is received an update will be provided at the Planning and Licensing Committee Meeting.

9. Conclusion:

Overall, the completed dwelling contravenes Policy 22 of the Local Plan by virtue of its size and scale being significantly larger than either the original dwelling or the previously approved scheme. The completed dwelling also appears as an obtrusive feature within the landscape when viewed from the lane to the north east. In this respect it fails to conserve or enhance the natural beauty of the AONB and conflicts with guidance in Local Plan Policy 42 and Paragraphs 17, 109 and 115 of the NPPF. It is noted that the build quality of the dwelling is high. However, this is considered not to represent a sufficient material consideration to justify supporting an application that is contrary to the Development Plan. If the application was allowed it would seriously undermine the Council's policy covering replacement dwellings and make it very difficult to sustain objections to other such breaches of control in the future. Ultimately, it is necessary to consider whether this application would have been supported if the dwelling was not already in place. It is evident from the 2011 refusal that Members considered that a similar sized scheme to that now on site was unacceptable in the context of Policy 22. It is considered that there are no material considerations that justify a departure from the development plan and as such the

application is recommended for refusal. It is also recommended that Members authorise Enforcement action in accordance with the recommendations in this report.

10. Refusal Reasons:

1. The completed dwelling is significantly larger in terms of its size and scale than either the original dwelling on the site or the dwelling approved under permission 12/04267/FUL. The development therefore fails to accord with Cotswold District Local Plan Policy 22 which seeks to restrict the size and scale of replacement dwellings. There are no material considerations which justify a departure from the aforementioned policy in this particular case.

2. The development is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The completed dwelling by virtue of its size, scale and mass appears as an obtrusive and dominant form of development that has an adverse impact on the character and appearance of the AONB contrary to Local Plan Policy 42 and guidance contained in the NPPF, in particular Paragraphs 17, 56, 64, 109 and 115.

INFORMATIVES :-

1 This decision relates to drawing numbers: 14-048-02B, 14-048-03 Ancillary Building, 14-048-03 Site Plan

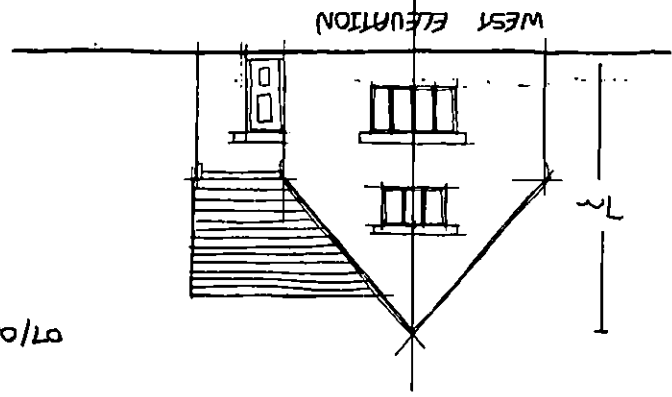
15/02096/PLC

ORIGINAL DWELLINGS

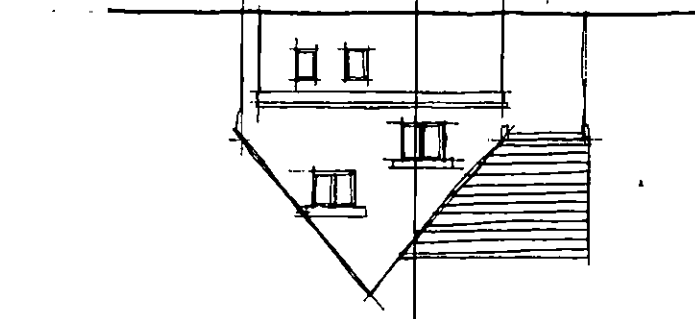
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Date: Dec. 07

107

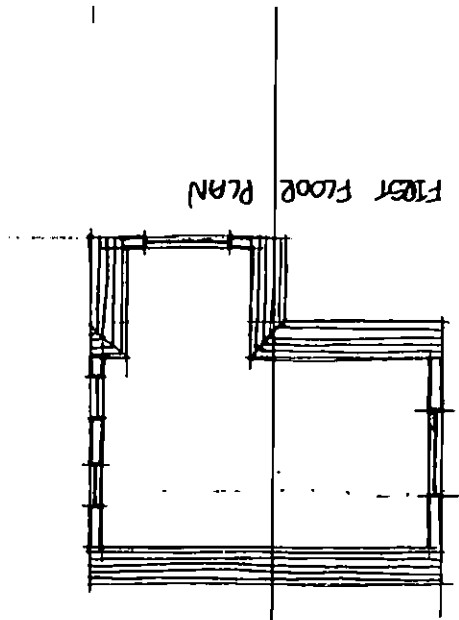
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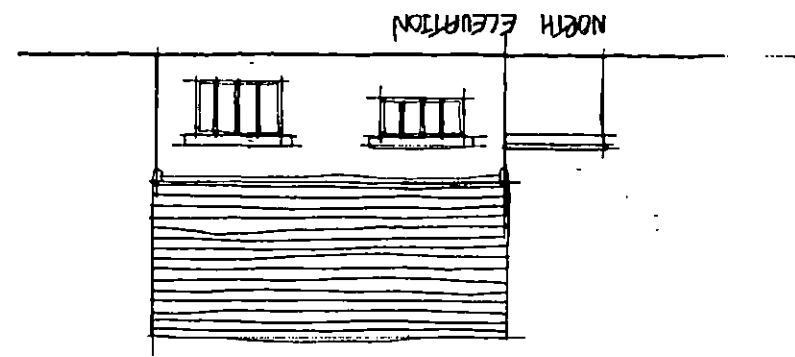
WEST ELEVATION



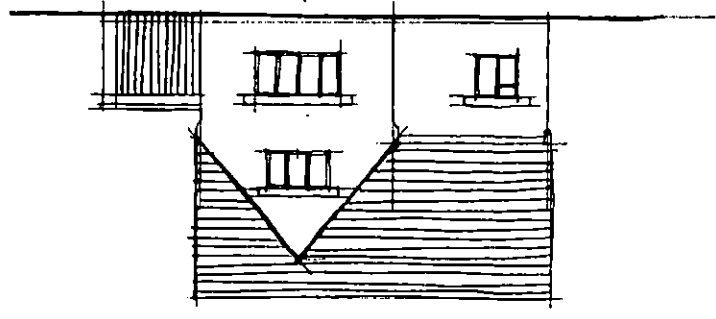
EAST ELEVATION



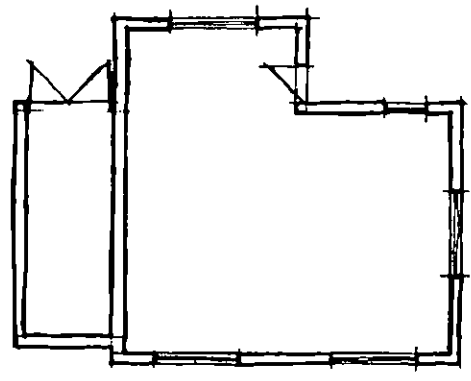
FIRST FLOOR PLAN



NORTH ELEVATION



SOUTH ELEVATION



GROUND FLOOR PLAN

07/03238/FUL

CD. 3314/A



7.4m

South West Elevation 1:100

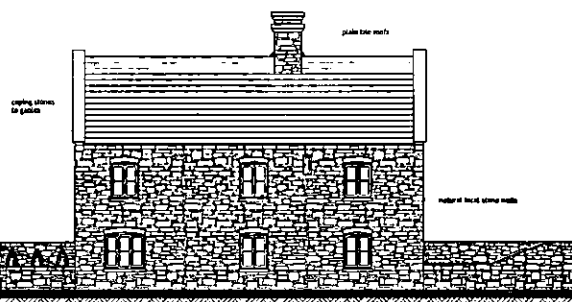


South East Elevation 1:100

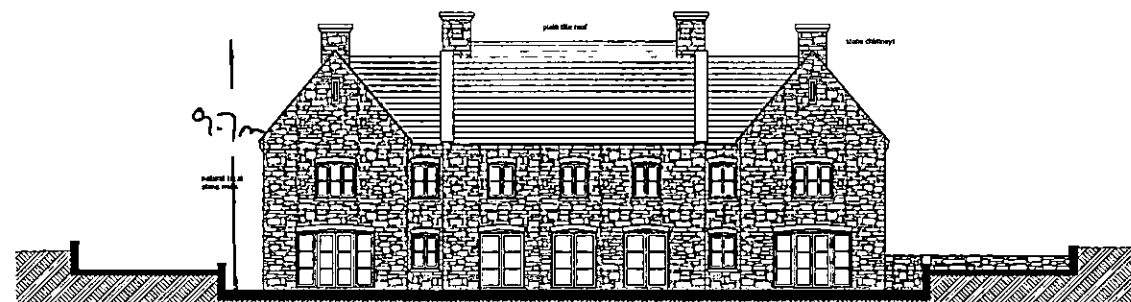
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07/03238/FUL
SCHEME
APPROVED IN
2007

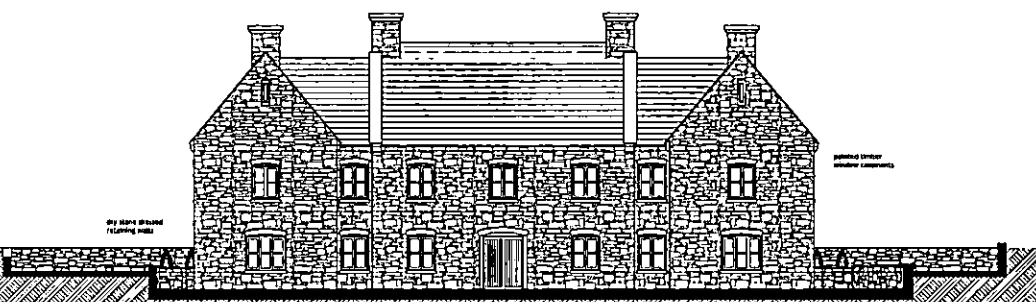
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 Details



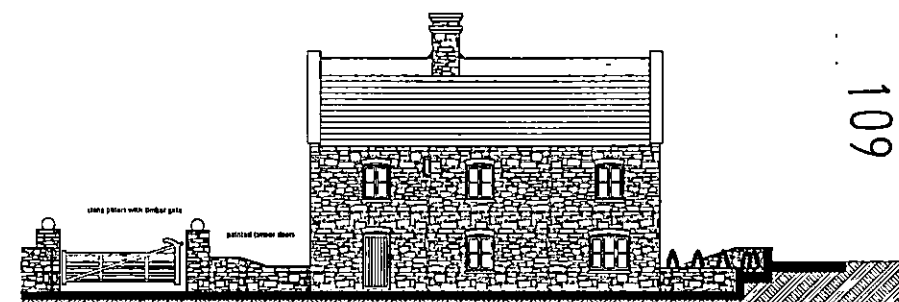
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North Elevation 1:100

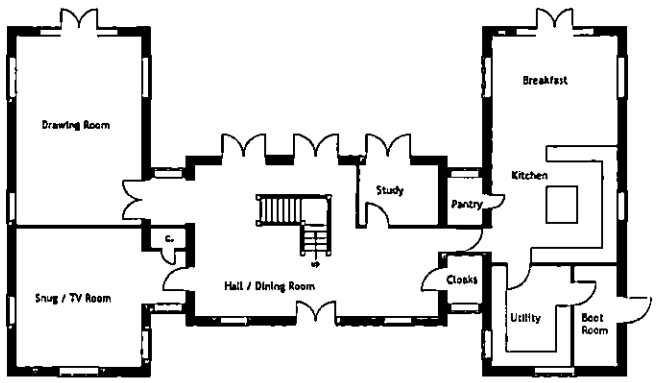


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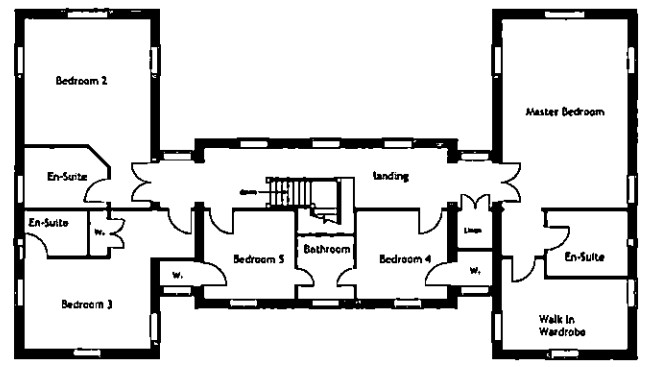


East Elevation 1:100

109



Ground Floor Plan 1:100



First Floor Plan 1:100

CHARLES & WILLIAM ARCHITECTURE

CW

No. 1 Market Place, Cradock
 Kent, ME10 2JH
 Tel: 01795 552796
 Fax: 01795 552776
 Email: c.william@charlesandwilliam.co.uk

Client
 Mrs. S. Ayres

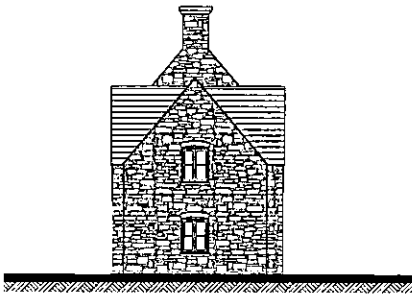
Project Title
 Proposed Replacement Dwelling, Stables
 and Replacement General Storage Barn

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 Chippingworth
 Chipping Campden

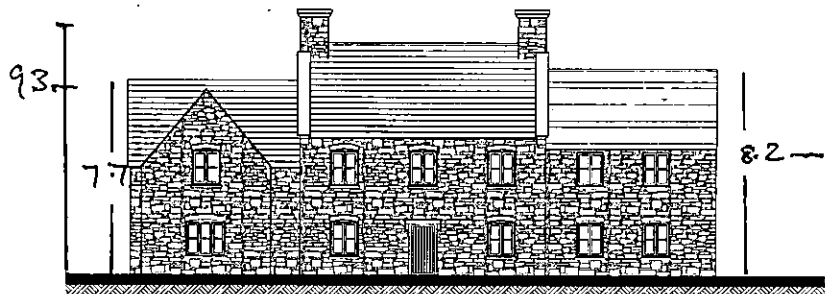
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 Drawn by M.S.W. Date November 2011
 Project Number 11-010 - 010

11/05/24/FUL -
 REFINED
 W/ SURE

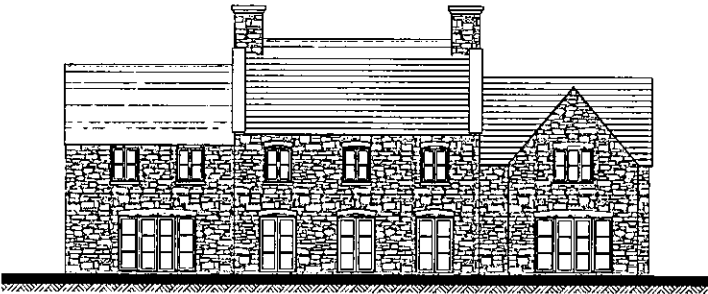
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 All dimensions are in metres unless otherwise stated.
 All dimensions are to the finished work.
 Any discrepancy is to be reported back to the architect before work commences.
 Revisions



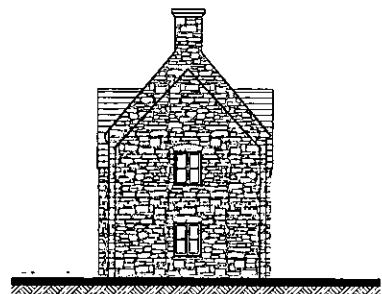
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South Elevation 1:100



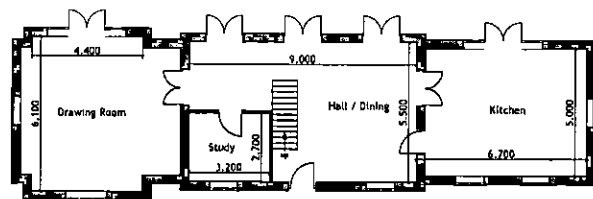
North Elevation 1:100



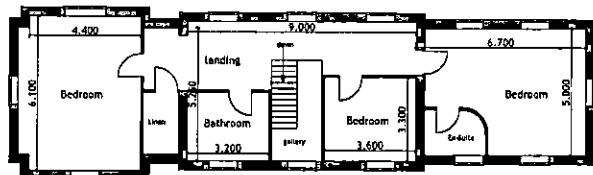
East Elevation 1:100

- Notes:**
- natural local stone
 - plain tile roofs
 - painted timber windows and doors with stone arches over
 - black painted metal gutters and downpipes
 - stone chimneys
 - stone copings to gables

110



Proposed Replacement Dwelling 1:100



First Floor Plan 1:100

CHARGE & BUILDERS

12104267/AUL

Client: Nica, S. Ayres

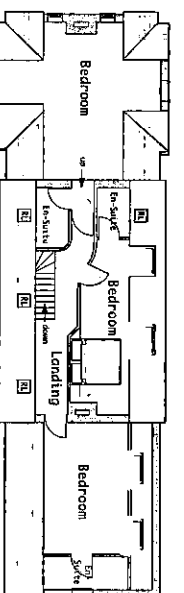
Project Title: Proposed Replacement Dwelling, new Garage, Stables and Replacement General Storage Barn

Site Address: Orchard Rise, Chippingworth, Chipping Compton

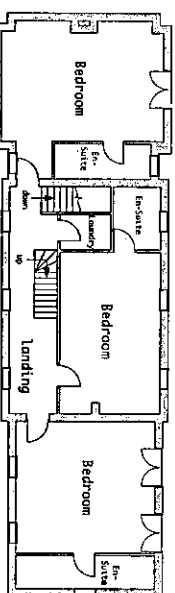
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Project Number: 12-021 - 04	Revision:

12104267/AUL APPROVED 2012

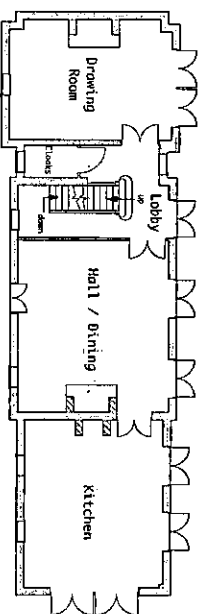




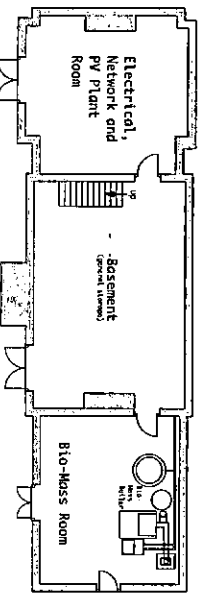
Second Floor Plan 1:100



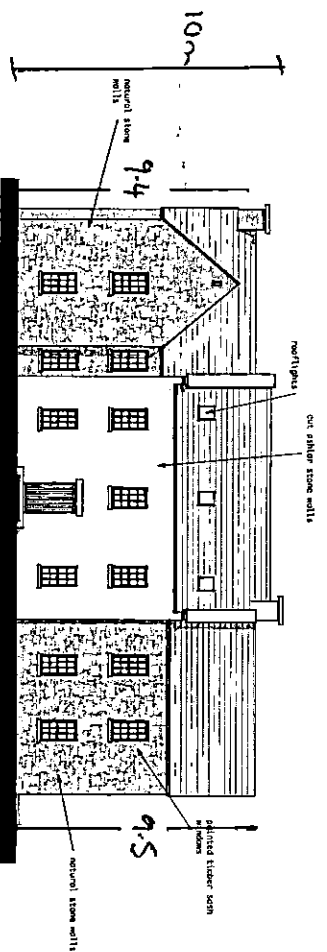
First Floor Plan 1:100



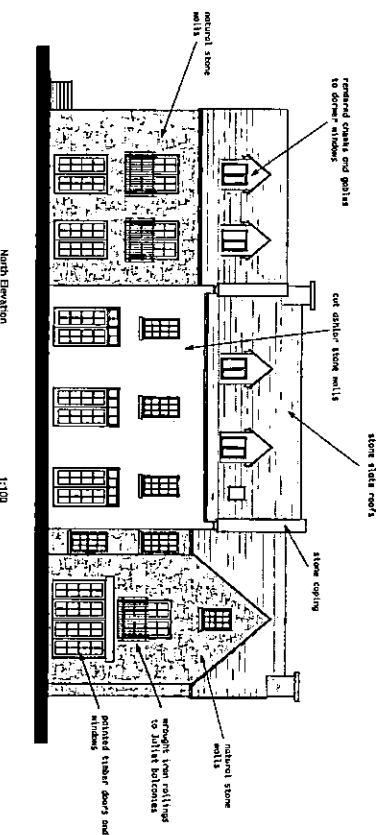
Ground Floor Plan 1:100



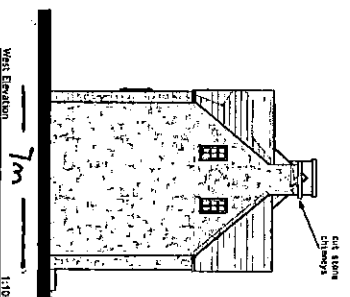
Basement Plan 1:100



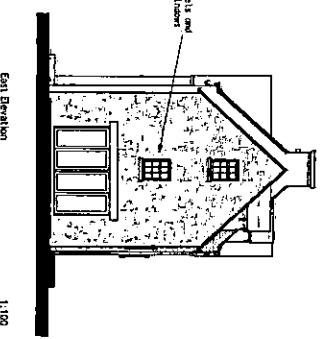
South Elevation 1:100



North Elevation 1:100



West Elevation 1:100



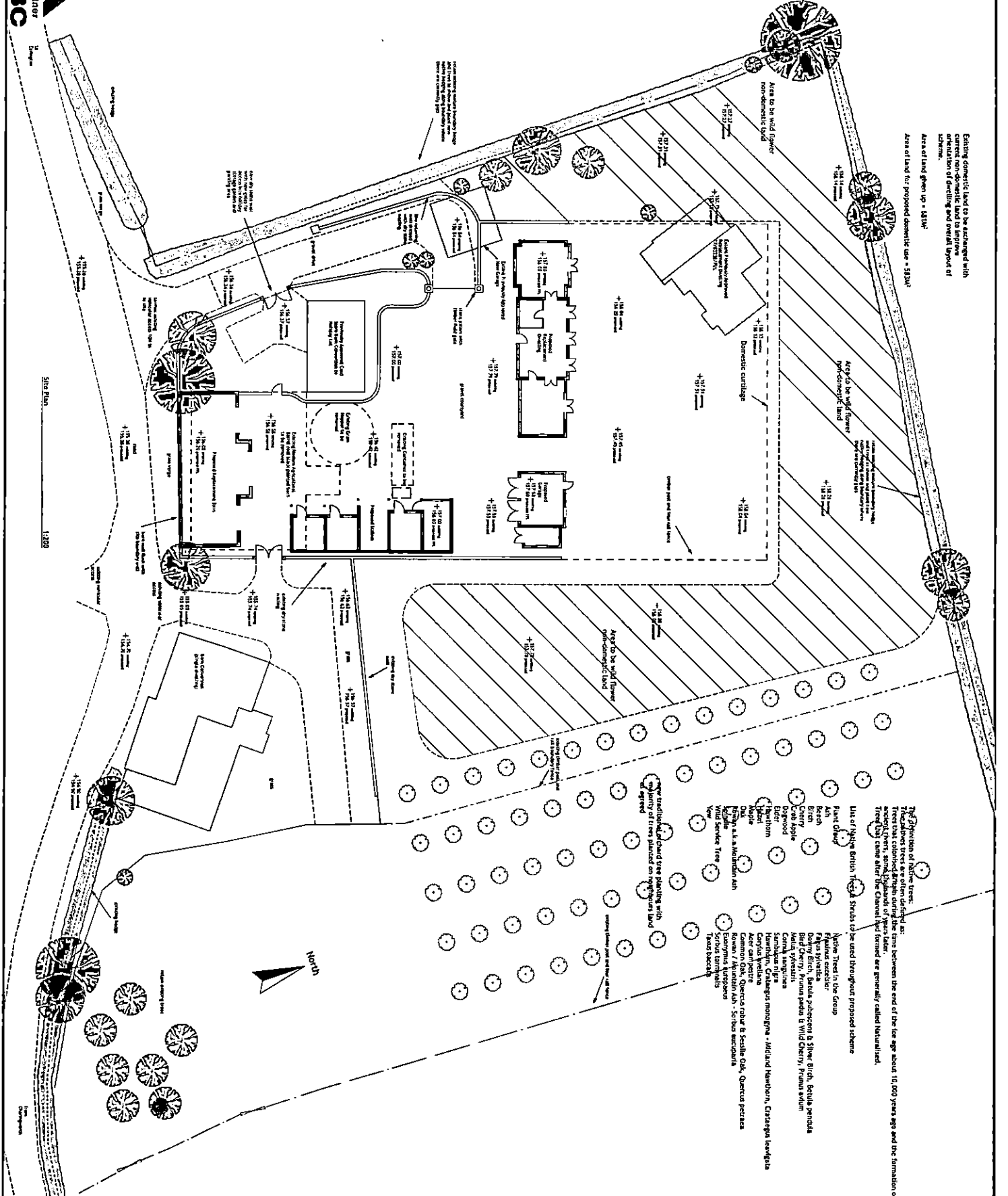
East Elevation 1:100

Archilivish
 Traditional Irish Architecture
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 Ardara, Co. Donegal
 BT97 7BN
 07528 377993
 mark@archilivish.co.uk

Client	Architect	Scale	Date
Mrs. S. Ayres	Archilivish	A1	March 2015
Project Name: Proposed Amendments to Approved Scheme 11/0482/10L			
Address: Orchard Hill, Carrigrohilly, Clontarf, Dublin 9			
Site Number: 11/0482/10L			
Drawing No: 15/02096/FIA			
Drawing Title: CURREN 7			
Drawing Description: SCHEDULE			
Drawing Date: 15/02/2015			
Drawing No: 15/02096/FIA			

Existing domestic land to be accompanied with current non-domestic land to improve current form of dwelling and overall layout of scheme.

Area of land given up = 1415sqm
 Area of land for proposed domestic use = 532sqm



The plantation of native trees:
 The native trees are often defined as:
 species that are native to the area between the end of the last age about 11,000 years ago and the formation of the Channel by the gradual expansion of the sea.
 Trees that came after the Channel had formed are generally called 'introduced'.

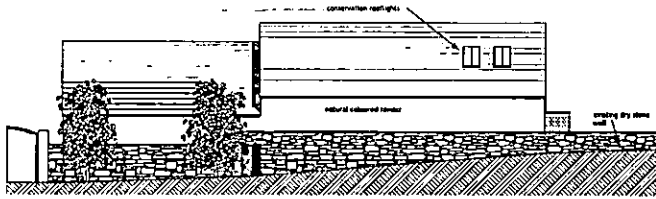
- List of native British trees that can be used throughout proposed scheme
- | Plant Group | Native Trees in the Group | Tree Native? |
|-------------------|--|--------------|
| Ash | Fagus sylvatica | Yes |
| Birch | Betula pubescens & Silver Birch, Betula pendula | Yes |
| Cherry | Prunus avium & Wild Cherry, Prunus spinosa | Yes |
| Crab apple | Malus sylvestris | Yes |
| Dogwood | Cornus sanguinea | Yes |
| Hawthorn | Crataegus laevigata | Yes |
| Hazel | Corylus avellana | Yes |
| Maple | Acer campestre | Yes |
| Oak | Common Oak, Quercus robur & Sessile Oak, Quercus petraea | Yes |
| Willow | Salix alba, Salix caprea | Yes |
| Wild Service Tree | Erionomyia europaea - 50% tree woodpecker | Yes |
| Yew | Taxus baccata | Yes |

For further information please contact the planning officer
 or contact the planning officer on telephone 01223 333333

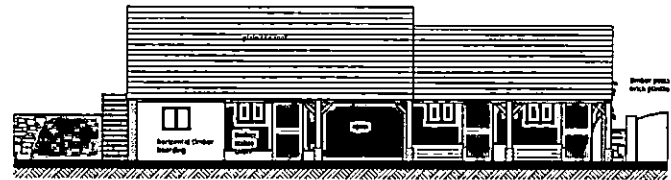
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Approved Agents
 Project Name: [Blank]
 Date: June 2012
 Project Number: 13-021-08

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 Drawings



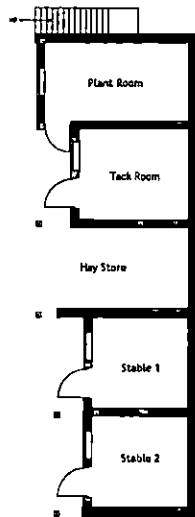
Stable - East Elevation 1:100



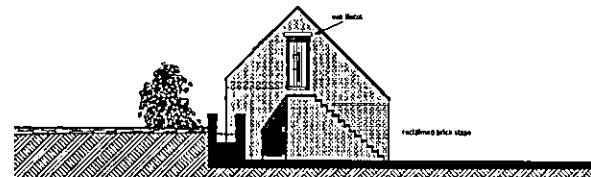
Stable - West Elevation 1:100



Stable - South Elevation 1:100



Stables - Ground Floor Plan 1:100



Stable - North Elevation 1:100

114

CHANCE & WILSON

No. 8 Ainslie Place, Glasgow
 01454 424244
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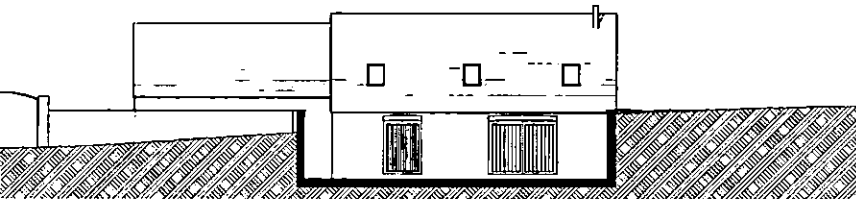
Client:
 Mrs. S. Ayres

Project Title:
 Proposed Replacement Dwelling, new Garage, Stables and Replacement General Storage Barn

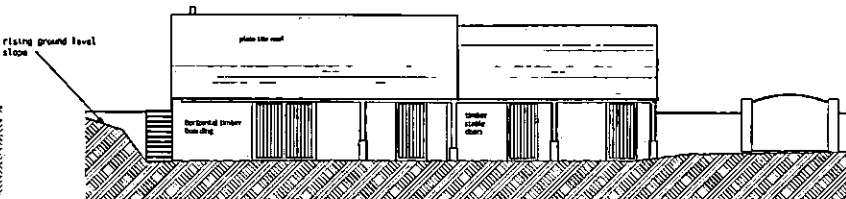
Site Address:
 Orchard Rise
 Charingworth
 Chipping Campden

Drawing Scale	1/100	Paper Size	A1
Drawn By	M.S.W.	Date	June 2012
Project Number	12-021 - D6	Revision	

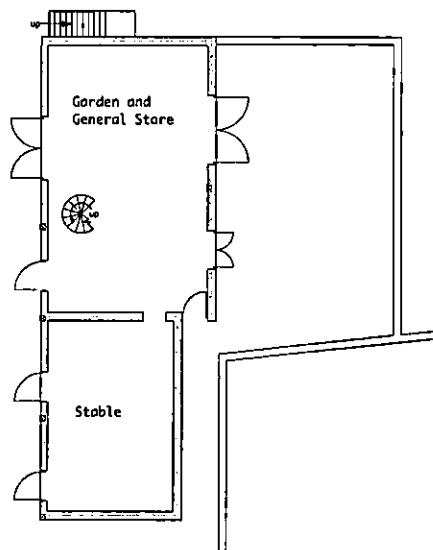
APPROVED STABLES



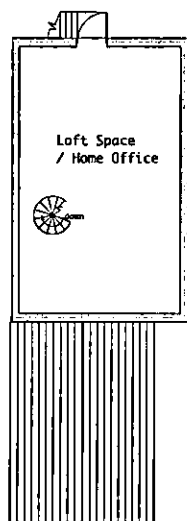
Stable - East Elevation 1:100



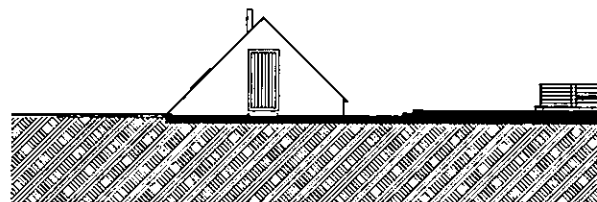
Stable - West Elevation 1:100



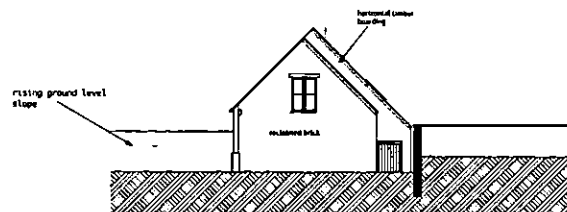
Ground Floor Plan 1:100



First Floor Plan 1:100



Stable - North Elevation 1:100



Stable - South Elevation 1:100

115

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Architect
 Mrs. S. Ayres

Client
 Mrs. S. Ayres

Project
 Proposed Amendments to
 Approved Scheme 12/04267/FUL

Site Address
 Orchard Rise
 Chippingworth
 Chipping
 Campden
 Gloucestershire

Scale
 1:100

Sheet No.
 A1

Date
 March 2015

Project Number
 14-048 - 03 Ancillary Building



AS BUILT DRAWING