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**Item No 08:-**

**15/02608/FUL (CT.4669/S)**

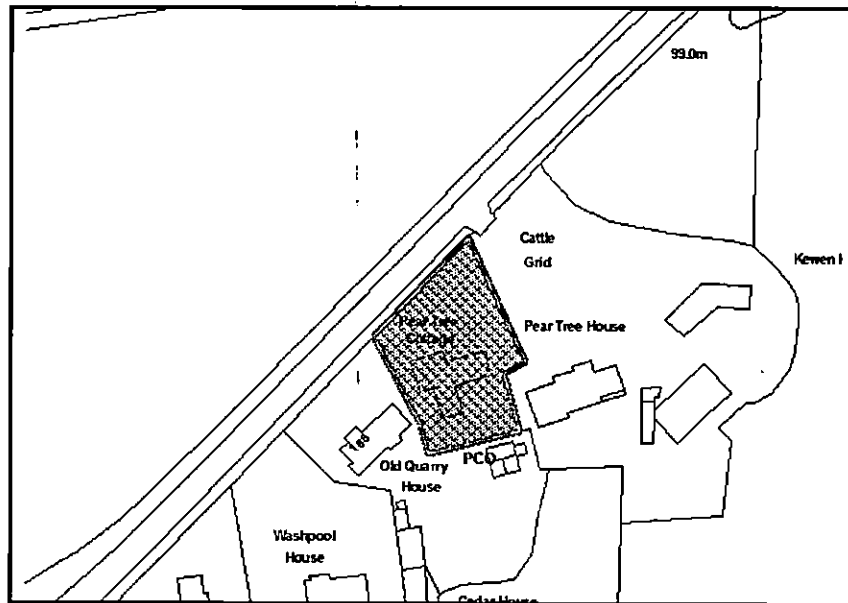
**Pear Tree Cottage  
169 Kemble  
Cirencester  
Gloucestershire  
GL7 6BT**

## Item No 08:-

**Proposed double garage at  
Pear Tree Cottage  
169 Kemble**

<b>Full Application 15/02608/FUL (CT.4669/S)</b>	
Applicant:	Mr Peter Dougill
Agent:	Clark & Maslin
Case Officer:	Joanna Lishman
Ward Member(s):	Councillor Tony Berry
Committee Date:	9th September 2015

**Site Plan**



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**RECOMMENDATION: REFUSE**

**Main Issues:**

- (a) Impact of Design on the character and appearance of the Conservation Area
- (b) Impact on residential amenity

**Reasons for Referral:**

The application is presented to Committee for determination at the request of the Ward Member, Cllr Berry, to allow Members to reach assess the appropriateness of the design.

**1. Site Description:**

The application site is a detached Cotswold stone cottage, accessed via and set back from the main Kemble/Ewen road. The site is located at the extreme edge of the village and outside of a Development Boundary as defined in the 2001-2011 Local Plan. The application site lies outside the Cotswolds AONB, but is within Kemble Conservation Area. Pear Tree Cottage is an historic building that makes a positive contribution to the character and appearance of this part of the Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The site is located between residential properties to either side. The cottage dates from the C19 and is constructed from rubble stonework with a stone tile roof, stone mullioned window surrounds with hood moulds, and impressive diagonal-set ashlar stone chimneystacks. As well as forming an important part of the designated heritage that comprises the Conservation Area, the building is also considered to be worthy as a non-designated heritage asset in its own right.

**2. Relevant Planning History:**

CT.4669/E - Alterations and extensions to form two extra bedrooms and shower room and self-contained annex for use ancillary to the dwelling. Erection of double garage: Permitted 18.11.87.  
 14/01401/FUL - Proposed oak framed detached garage with hobbies room/storage area above: Refused 21.05.2014.  
 14/04221/FUL - Proposed oak framed detached garage with room/storage area above: Refused 18.11.14.  
 15/00885/FUL - Proposed double garage: Permitted 05.06.15.

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR19 Development outside Development Boundaries  
 LPR15 Conservation Areas  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Development

**4. Observations of Consultees:**

Conservation Officer: comments included into the Officer Assessment.

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

Kemble Parish Council: No response at the time of writing.

**6. Other Representations:**

1 Third Party letter making the following comments:-

"The application is for a two-storey, detached garage with room above, in the grounds of Pear Tree Cottage, immediately adjacent to the boundary separating that property from ours and located in an area which is partially in front of our house.

We have already lodged our comments on three previous applications relating to this site, (14/01401/FUL, 14/04221/FUL and 15/00885/FUL) in which we opposed the building of a two storey structure in this location, and further expressed our preference for a north/south orientation of the building without windows overlooking our property.

We were therefore disappointed that an east/west orientation of the scheme was ultimately permitted on 5 June 2015 under application ref 15/00885/FUL, together with an overlooking window.

The current application shows the proposed building with the roofline oriented north/south, with windows to the north and west elevations. While our previously expressed concerns remain unaddressed, namely that a building of this size and placement would have a significant visual impact and affect light, privacy and boundary maintenance, we would strongly support the current application in preference to the permitted scheme because it has the lesser impact of the two possible schemes:

1. VISUAL IMPACT: The north/south roof orientation would block less of the light and view from the west end of our house.
2. WINDOWS: The new proposal does NOT include windows to the south and east elevations, which face our property, whereas the previously permitted scheme features a window close to our boundary.

We would ask that any permission is granted with the caveat that future development rights are withheld in respect of fenestration to the south and east elevations, which directly face a bedroom and living rooms at the west end of our house."

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

None

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

##### **(a) Impact of Design on the character and appearance of the Conservation Area**

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 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 states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals 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 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage 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.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments add to the overall quality of an area, establish a strong sense of place, and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced.

Policy 15 of the Cotswold District Local Plan states that development must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that

development will be permitted unless new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials).

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

Permission is sought for the erection of a detached, two bay, timber-clad garage with reconstituted stone slate roofing (footprint approx. 44.20 sq m; height approx. 5.60 m to ridge) that would be sited alongside the east-facing gable of the dwellinghouse. The roofspace of the proposed garage would be utilised as additional ancillary living space with a window to the south elevation and two rooflights to the west-facing roofslope. The garage would be orientated such that its ridge would be perpendicular to the road and it would therefore be accessed by the garage doors set within the south-facing gable.

Permission was first granted for a garage in the position currently proposed in 1987 (ref. CT.4669/E): Following negotiation and the submission of amended drawings, the applicant then gained planning permission in June of this year for the erection of a double garage of similar proportions with its ridge parallel to the road. The proposed garage had initially been submitted with its orientation as now proposed. The approved walling material was timber cladding to three sides, but with natural stone to the north (front) elevation. A copy of the drawing showing the permitted proposals is attached to this report.

Prior to the permitted scheme, two earlier applications had been refused for timber-framed and clad double garage designs, with gable end access. The latest refusal (ref. 14/04221/FUL, dated 18.11.14), of which a drawing is attached to this report, was refused for the following reason:-

"Pear Tree Cottage lies within the Kemble Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. By virtue of its wide forward-facing gable, timber boarded construction, timber bracing to the garage door openings, and garage door design, the proposed outbuilding would appear non-traditional, intrusive and incongruous. It would detract from the setting of the historic Pear Tree Cottage and fail to preserve the character and appearance of the Conservation Area. The significance of the Conservation Area as a designated heritage asset would be diminished, and this harm has not been demonstrated to be outweighed by any public benefit in this case. Therefore the proposed garage would fail to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy 15 and 42 and paragraphs 56, 57, 58, 61, 64, 126, 129, 131, 132 and 134 of the National Planning Policy Framework."

In terms of assessing the current proposal, officers consider that setting the gable end orientated to the most prominent front elevation facing the road makes the garage more visually intrusive, and responds unsuccessfully to the site and dwellinghouse as part of the Conservation Area. The proportions of the proposed garage exceeds that of outbuildings traditionally found in relationship to historic cottages. Its character is more suburban and it would appear incongruous. The gable is wide when compared to a traditional outbuilding, and the proposed orientation of the garage would emphasise these untraditional proportions by making them more prominent within public views of the site, thereby harming the character and appearance of the Conservation Area.

The proposed garage is also entirely timber-clad in its walling. The new building would be seen in close relationship to the historic stone-built cottage. The majority of traditional outbuildings in the Cotswolds are stone and an outbuilding of this scale in timber would appear out-of-keeping and rather barn-like, and would not respond sympathetically to the local distinctiveness of the location.

For these reasons, the proposed garage would fail to preserve the character and appearance of the Conservation Area. The significance of the Conservation Area as a designated heritage asset

(and Pear Tree Cottage as a non-designated heritage asset in its own right) would be diminished, with no public benefit in this case to outweigh that harm, thereby failing to meet the tests of sections 7 and 12 of the NPPF and policies 15 and 42 of the Local Plan.

#### **(b) Impact on residential amenity**

Paragraph 61 of the NPPF states that "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people, places and the integration of new development into the natural, built and historic environment."

Local Plan Policy 46 deals with ensuring reasonable privacy and daylight in residential development.

As can be seen by the Third Party representation received, the occupants of Pear Tree House to the east of the application site, have raised concerns about the presence of any new building in the position proposed and particularly to any orientation of the building with a roofline in running parallel to the road (east/west). The concerns raised are in respect of potential overshadowing and loss of privacy, but the neighbours consider the current orientation to be preferable in terms of the impact upon their property.

The starting point for officers' consideration of the current scheme is the fact that there is an extant permission for the construction of a building in the position proposed, but with roofline rotated through 90 degrees. The issues of potential overshadowing and loss of privacy were, of course, material considerations in the assessment of the extant permission and it was concluded that no material harm would be caused to the neighbouring property. As can be seen from the attached location plan, the front elevation of the neighbouring property is predominantly located on an angle and with the main windows not directly behind the proposed garage. It is also notable that the proposed garage would be sited to the north-west of Pear Tree House and that therefore the new building would not materially obstruct sunlight to the property. Taking the current proposals on their own merits (i.e. with a gable end of the proposed building facing towards Pear Tree House), officers are again content that there would be no material loss of light and no windows or rooflights in the current proposals would face towards the neighbouring property.

Officers are therefore content that the proposals would cause no material harm to the neighbouring property, having regard to Section 7 of the NPPF and Local Plan Policy 46.

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

Whilst officers are content that the impact of the proposed garage on neighbouring properties would be unharmed, it is considered that the design of the re-orientated building would be demonstrably harmful to the character and appearance of the Conservation Area for the reasons expressed above. Any potentially reduced impact upon the neighbours' amenity is considered not to be sufficient to outweigh the harm to the Conservation Area. Consequently the proposals would fail to accord with the provisions of the NPPF and Local Plan Policies 15 and 42.

#### **10. Reasons for Refusal:**

Pear Tree Cottage lies within the Kemble Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. By virtue of its wide forward-facing gable, timber boarded construction, and garage door design, the proposed outbuilding would appear non-traditional, intrusive and incongruous. It would detract from the setting of the historic Pear Tree Cottage and fail to preserve the character and appearance of the Conservation Area. The significance of the Conservation Area as a designated heritage asset would be diminished, and this harm has not been demonstrated to be outweighed by any public benefit in this case.

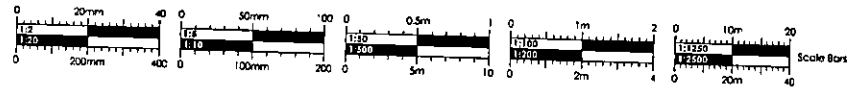
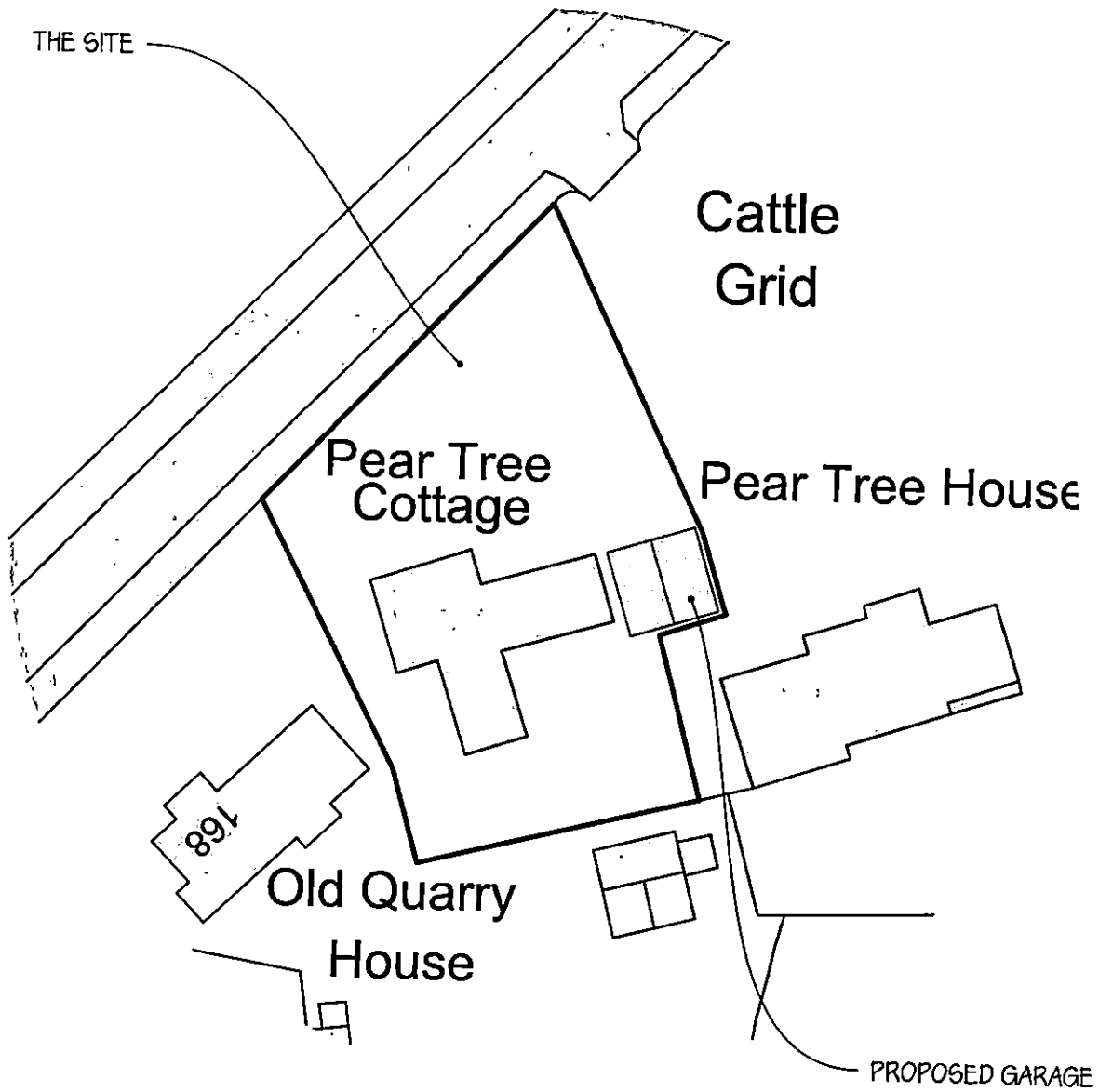
Therefore the proposed garage would fail to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework, and Policies 15 and 42 of the Local Plan.

15/02608/FUL.

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REV	DETAIL OF REVISION	Dimensions for fixed-in items are to be checked on site prior to manufacture.	BY	DATE
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 Planning Architecture Conservation

Client MR P. DOUGILL	Document Type <b>PRELIMINARY DRAWING</b>	
Project PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, 169 EWEN ROAD, KEMBLE	Scale 1:1250	PG Size A4
Description BLOCK PLAN	Date FEB '15	Drawn GB
	Drawing No. 4080/03	Revision -



# PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, KEMBLE

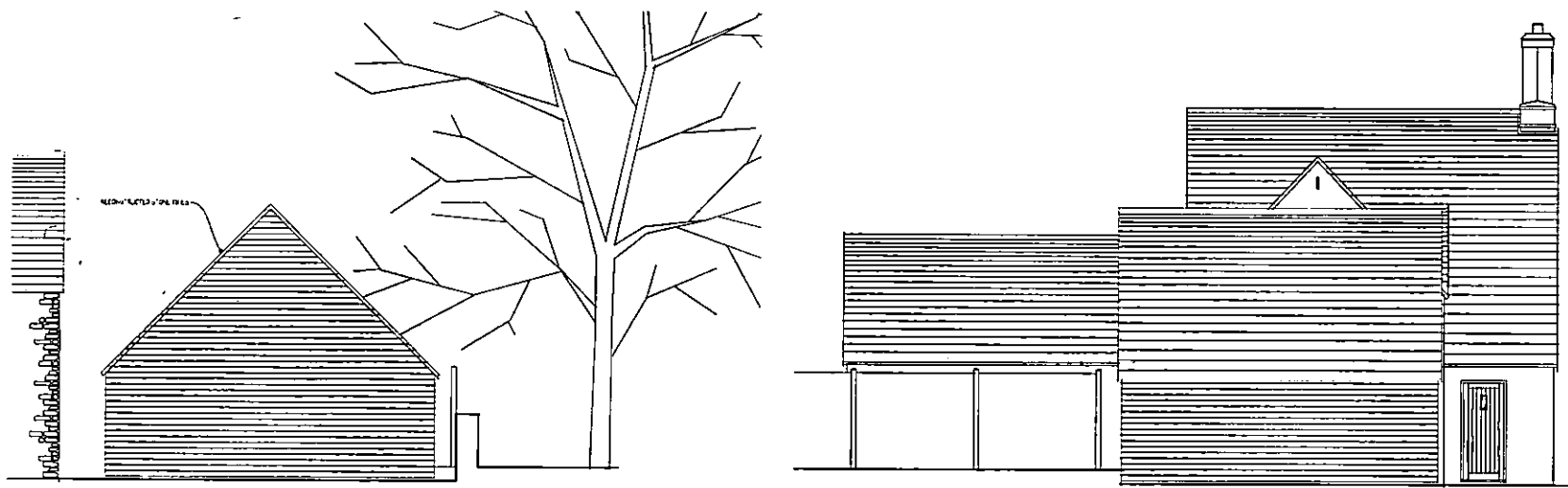
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NO.	DESCRIPTION	BY	DATE
1	PROPOSED ELEVATIONS	GM	14/07/15
2	PROPOSED ELEVATIONS	GM	14/07/15
3	PROPOSED ELEVATIONS	GM	14/07/15
4	PROPOSED ELEVATIONS	GM	14/07/15
5	PROPOSED ELEVATIONS	GM	14/07/15
6	PROPOSED ELEVATIONS	GM	14/07/15



NORTH ELEVATION

WEST ELEVATION




SOUTH ELEVATION

EAST ELEVATION

## PROPOSED ELEVATIONS.

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### PLANNING DRAWING



**CLARK MASLIN**  
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 Planning, Architecture, Construction

Client: **MR P. DOUGILL**

Project: **PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, 169 EWEN ROAD, KEMBLE**

Drawings: **PROPOSED ELEVATIONS**

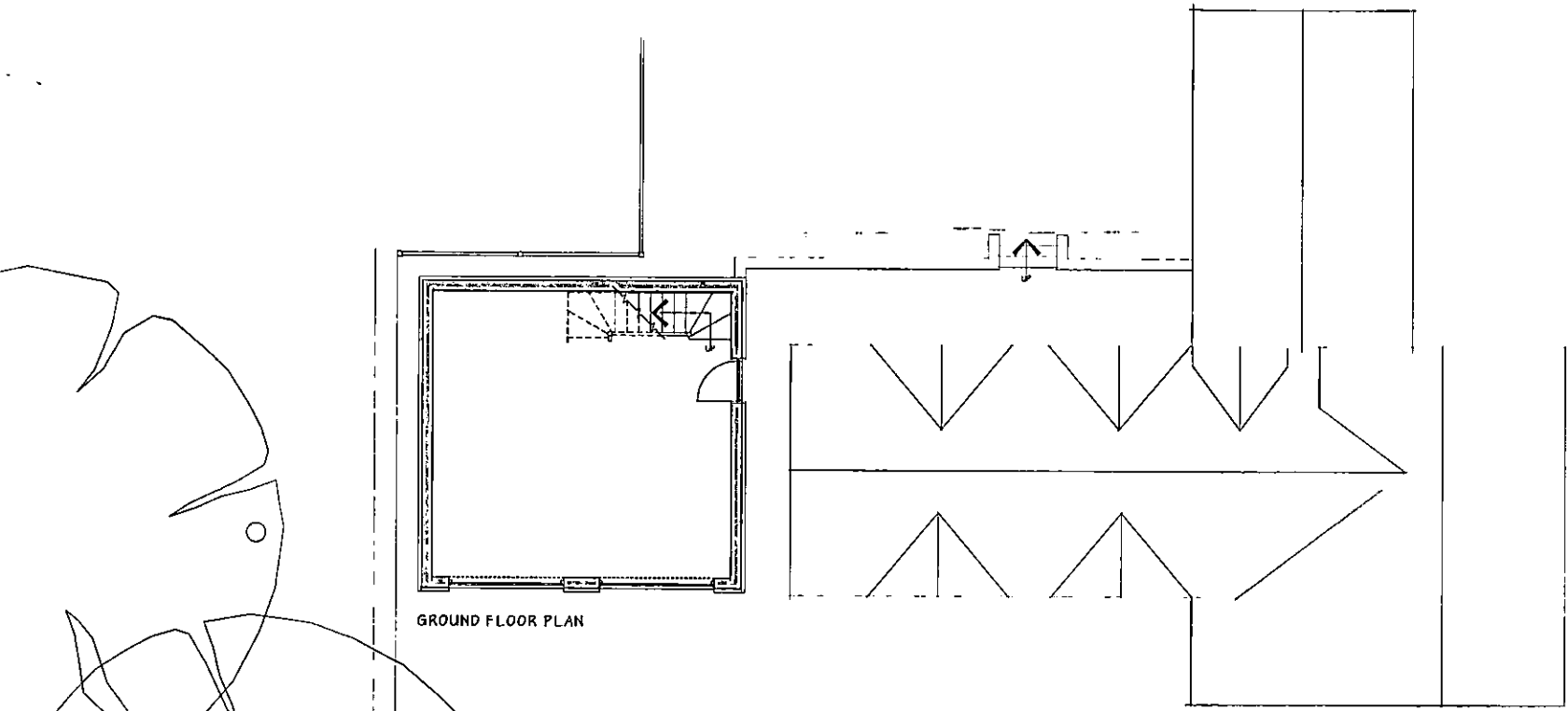
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15/02/2015/FUL.

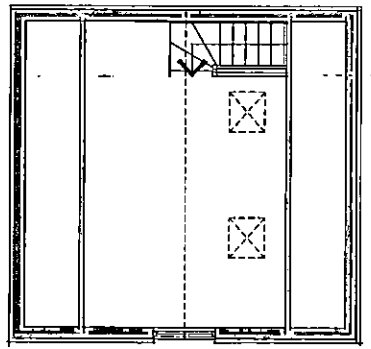
# PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, KEMBLE

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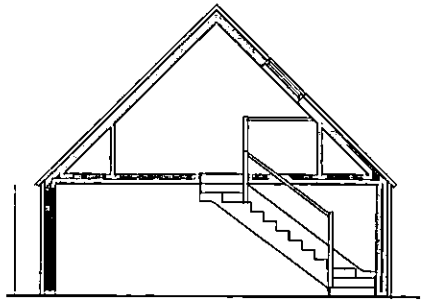
REV	DATE	BY	CHKD
A	18/02/15	AL	CB
B	18/02/15	AL	CB
C	18/02/15	AL	CB
D	18/02/15	AL	CB



GROUND FLOOR PLAN



FIRST FLOOR PLAN




SECTION

PROPOSED SITE PLAN.

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## PLANNING DRAWING

 <b>CLARK MASLIN</b> The City Centre, 18 High Street Manchester, M1 1JG Telephone: 0161 275 1111 Fax: 0161 275 1112 Email: info@clarkmaslin.co.uk Planning Architects	
Client: <b>MR P. DOUGILL</b>	
Project: <b>PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, 1&amp;9 EWEN ROAD, KEMBLE</b>	
Description: <b>PROPOSED FLOOR PLANS &amp; SECTION</b>	
Scale:	Date: 1:50      A1      CB      FEB '15
Reference:	4080/51      D

18/02/15/AL

# PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, KEMBLE

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 Dimensions for fixed-in-place are to be checked on site prior to construction.

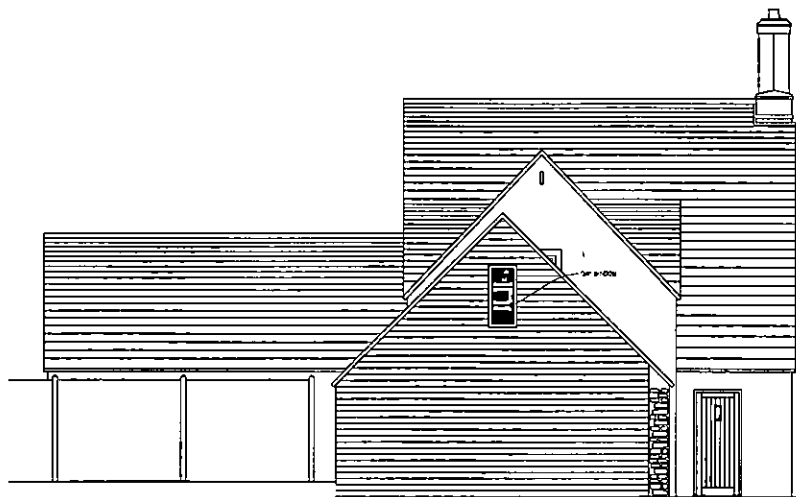
REV | NO | DATE | BY | DATE

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B	Approved for Planning Consent	JL	23/10/15
C	Approved for Construction	JL	23/10/15

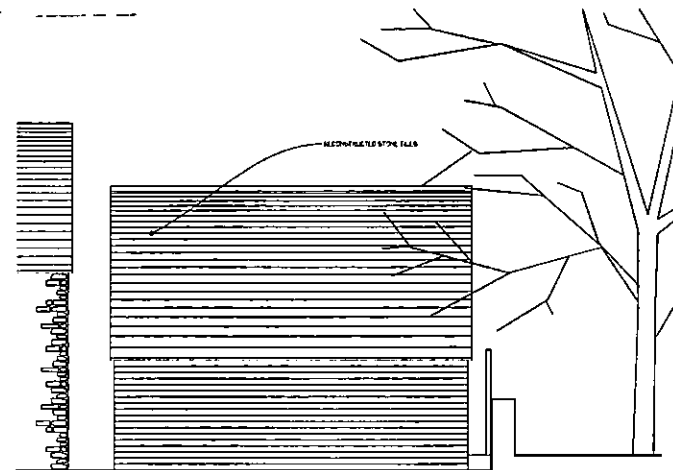


NORTH ELEVATION

WEST ELEVATION




EAST ELEVATION



SOUTH ELEVATION

## PLANNING DRAWING

	
Client: MR P. DOUGILL	
Project: PROPOSED DOUBLE GARAGE, PEAR TREE COTTAGE, 169 EWEN ROAD, KEMBLE	
Drawing: PROPOSED ELEVATIONS	
Scale: 1:50	Date: FEB '15
Drawn by: AT	Checked by: GR
Project No: 4080/50	Phase: C

15/02/2018/AVL

**PERMITTED SCHEME.**

A4

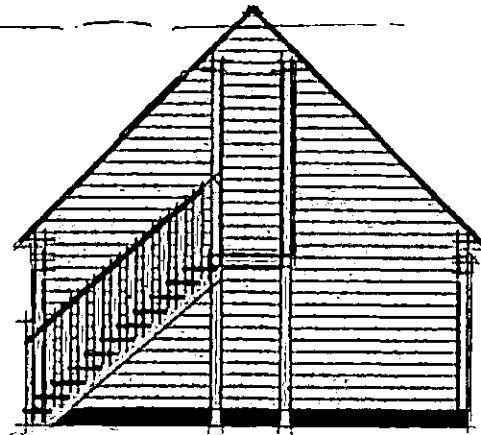
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Plan 1:100

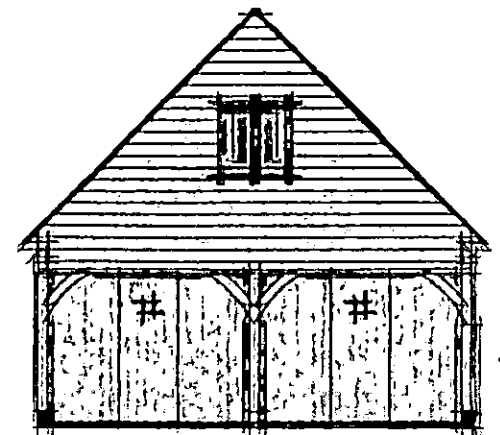


FIRST FLOOR PLAN

6000 mm

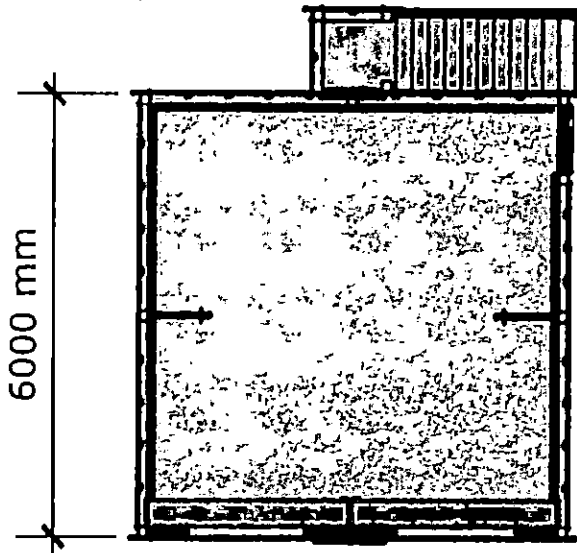


SOUTH ELEVATION



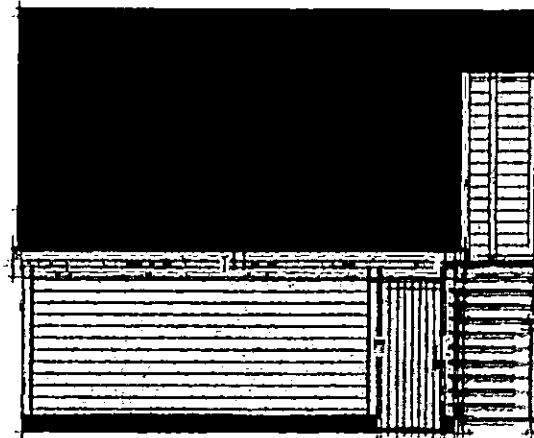
NORTH ELEVATION

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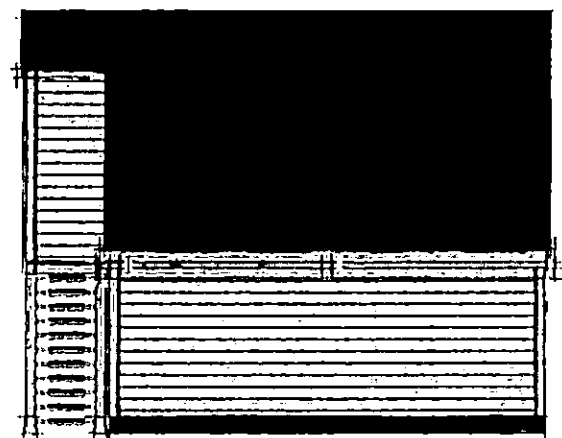


6000 mm

GROUND FLOOR PLAN



WEST ELEVATION



EAST ELEVATION

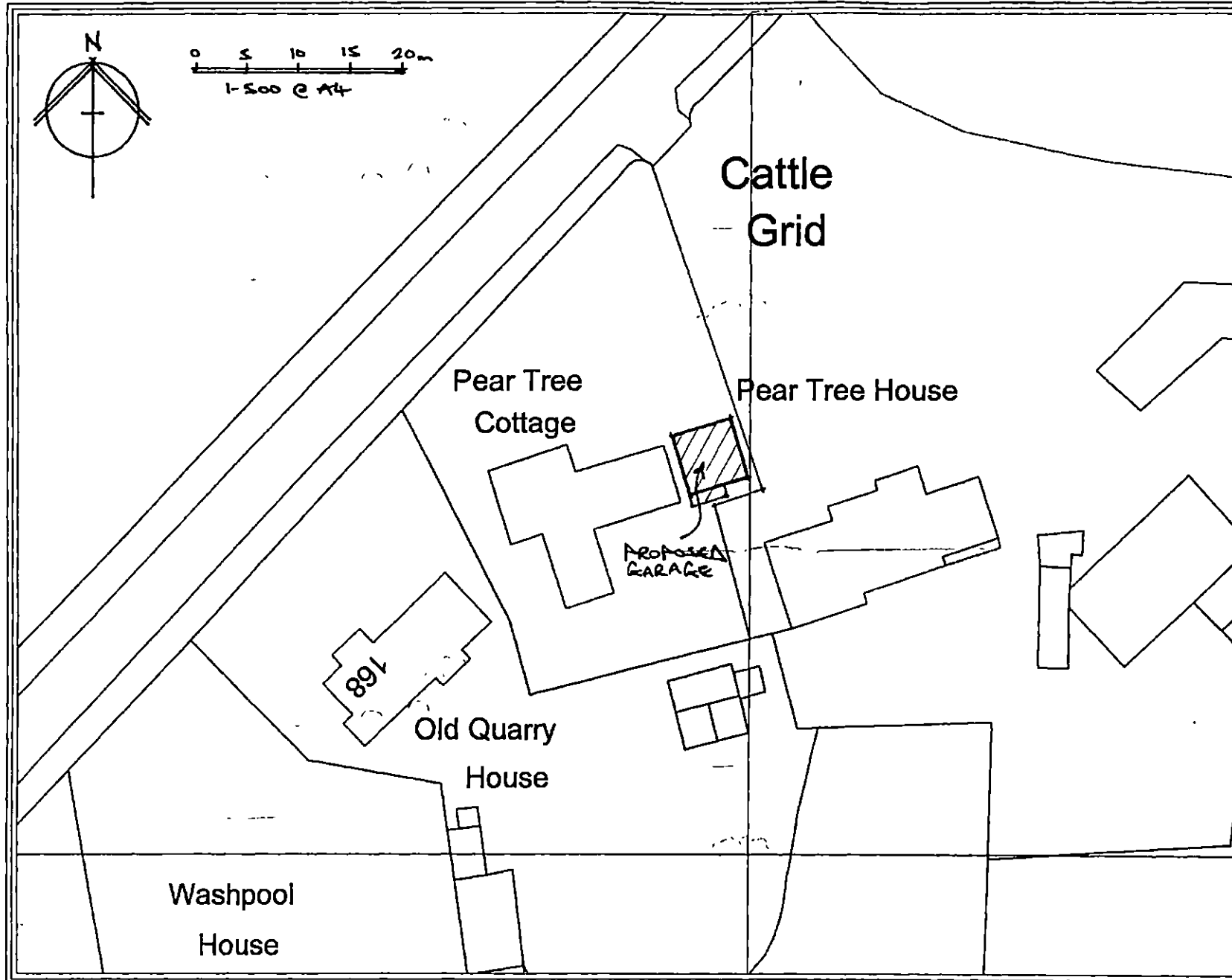
15/02/2018/FUL

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REFUSED ELEVATIONS

Mr & Mrs Dougill - 2 Bay Moreton  
6.0m x 6.0m - 45° Roof Pitch - 05/09/14 - GA/CB/120914/04



**IF IN DOUBT - ASK!**

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- WEATHERBOARD
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- DEPTH
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- CATWALK
- OUTSHOT

- KEY:**
- TIE BRACE
  - SMALL TIE BRACE
  - JOIST BRACE
  - STUD BRACE / STUDWORK
  - SOLEPLATE
  - POSTS ON STADDOLESTONES
  - POSTS ON BLAB
  - POSTS ON SOLEPLATE
  - POSTS ON BRICKWORK

CLIENT: Mr & Mrs Dougill  
JOB No.: 286/21030  
DRAWING No. 21030/02  
SCALE: 1:500  
DATE: MARCH 2014  
DRAWN BY:



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15/02/2014/FUL.

**REFUSED SCHEME.**