

154

**Item No 06:-**

**15/02757/FUL (CT.7528/J)**

**Land At Ham Cottage  
Ham Lane  
South Cerney  
Cirencester  
Gloucestershire  
GL7 5UF**

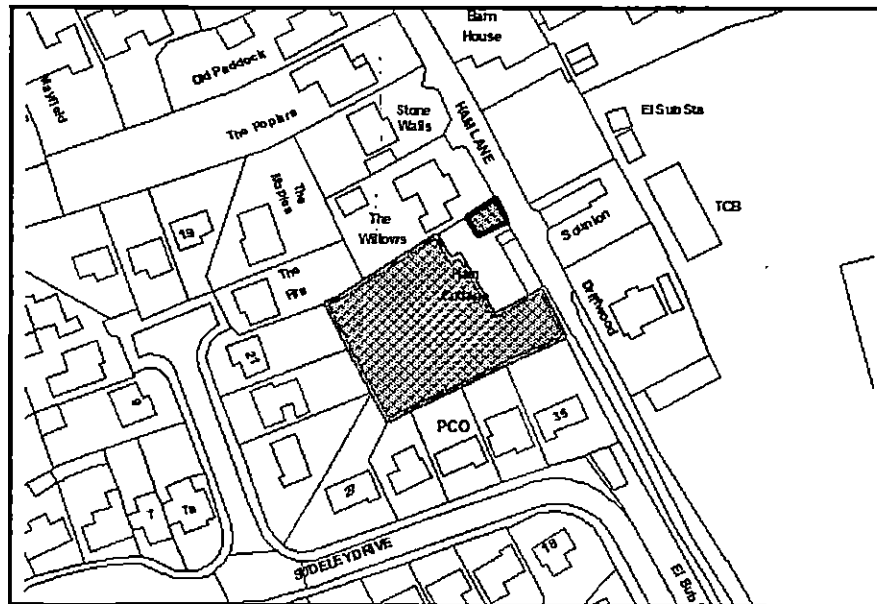
## Item No 06:-

Amendment to planning permission 11/00819/FUL for the erection of a dwelling, to include a double garage, wood pellet boiler plant room and oak framed sun lounge at

Land at Ham Cottage  
Ham Lane South Cerney

Full Application 15/02757/FUL (CT.7528/J)	
Applicant:	Mrs M Gill
Agent:	Mr E Parrott
Case Officer:	Helen Donnelly
Ward Member(s):	Councillor Juliet Layton
Committee Date:	9th September 2015

## Site Plan



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**RECOMMENDATION: PERMIT**

**Main Issues:**

- (a) Impact upon Amenities
- (b) Design
- (c) Biodiversity

**Reasons for Referral:**

The application has been brought to the Planning Committee for determination at the request of the ward member, Councillor Layton who considers that the proposal represents an overdevelopment of the site and that the removal of permitted development rights from the original planning permission was done so for a reason.

**1. Site Description:**

The application site is located within the village of South Cerney and within the development boundary of the village as defined by Local Plan Policy 18 (Development within the Development Boundaries of Cirencester and the Principal Settlements).

The application site comprises a rear garden of a detached dwelling known as "Ham Cottage". The application site is accessed via a single track lane known as "Ham Lane". Just beyond the application site to the south-east, the lane cannot be accessed by vehicles. The southern and western boundaries of the application site are abutted by the rear gardens of two storey dwellings which form part of the 1970's residential development known as "Sudeley Drive". The northern boundary is also abutted by rear gardens, belonging to the properties of "The Firs" and "The Willows".

**2. Relevant Planning History:**

07/02826/FUL. Revised scheme for proposed house and formation of hammerhead. Refused. Appeal dismissed.

10/03458/FUL. Revised scheme for the erection of a dwelling and hammerhead. Permitted.

12/01514/CLOPUD. Certificate of Lawful Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990 for the construction of double garage to be used by Ham Cottage, access is via an existing access. Refused.

11/00819/FUL. Variation of condition 10 of 10/03458/FUL to allow commencement of works on site prior to the completion of the turning area/hammerhead. Permitted and extant.

14/01432/NONMAT. Non-material amendment to approved 11/00819/FUL to remove chimney, remove lounge (rear wall) window, replace lounge patio doors with bi-fold doors and increase size of opening, 2 additional velux windows (1 to front and 1 to rear), change level of rear rooflights to same level as front rooflights, substitute bedroom window to patio doors, raise ridge of front gable to same height as single storey rear ridge. Permitted

15/00004/FUL. Erection of two storey extension (Ham Cottage). Permitted.

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR18 Development within Development Boundaries  
 LPR42 Cotswold Design Code  
 LPR45 Landscaping in New Development  
 LPR46 Privacy & Gardens in Residential Development  
 LPR09 Biodiversity, Geology and Geomorphology

**4. Observations of Consultees:**

N/A

## 5. View of Town/Parish Council:

At the time of writing this report, comments from the Parish Council have not been received.

## 6. Other Representations:

Five letters of objection from local residents have been received. The summary of the issue is as follows:

- i) Will add to flooding risk;
- ii) Contrary to appeal;
- iii) Increased footfall on Ham Lane already;
- iv) Indiscriminate parking on Ham Lane;
- v) Pets at risk from turning vehicles;
- vi) Noise and dust during construction;
- vii) Wood pellet boiler does not demonstrate green credentials;
- viii) Development would look overcrowded;
- ix) Over-looking;
- x) Wildlife and habitat would be disturbed.

## 7. Applicant's Supporting Information:

N/A

## 8. Officer's Assessment:

### Introduction

Planning permission was granted in 2010 by the Planning Committee for the erection of a dwelling (reference 10/03458/FUL). This decision followed a dismissed appeal for a larger dwelling. The Inspector considered that the undeveloped nature of the site did not make a positive contribution to the settlement's overall appearance or setting, and concluded that the area's character and appearance would not be materially harmed by the erection of a dwelling.

However, the Inspector did consider that the scale and position of the dwelling subject to the appeal, would create an overly dominant effect when viewed from a number of properties in Sudeley Drive and from Ham Cottage.

The approved dwelling is smaller in scale than the dwelling dismissed at appeal. It would have a smaller footprint and the ridgeline would be 1 metre lower. Excavation of the site by 1 metre would also lower the height of the building relative to neighbouring dwellings.

The 2010 permission was varied in 2011 to amend the timing of the construction of the hammerhead. That permission was lawfully implemented and is extant.

The principle of a dwelling at this location has therefore been established and the applicant has a plausible fallback position. This application seeks to amend the extant planning permission with the addition of three buildings:

1. Double garage
2. Wood pellet boiler
3. Oak framed sun lounge.

### 1. Double Garage

The proposed garage would be sited adjacent to the approved dwelling. It would be set back in the plot, approximately 25 metres from Ham Lane. It would be constructed of natural stone with artificial stone slates to match the approved dwelling. The garage would have a height to the ridge of 5m and there would be two timber doors below the eaves.

## 2. Wood Pellet Boiler

The wood pellet boiler would be sited within a small structure to the rear of the existing garage at Ham Cottage. It would be a very simple building, approximately 2.7m in height with a mono pitched roof. It would have one window and a set of timber doors, both of which would face into the site.

## 3. Oak Framed Sun Lounge

The sun lounge would be sited to the rear of the proposed dwelling. It would project from the side elevation of the rear gable and would measure approximately 3.6m by 5.8m. It would have glazing on the rear elevation and glazed folding doors on the side elevation. The windows and doors would have timber frames and oak support posts and timber cladding would be used within the gable end.

### **(a) Impact Upon Amenities**

The proposed garage would be sited approximately 3 m away from the site boundary and approximately 14 metres from the rear of 33 Sudeley Drive. Due to the location of the garage, it would not be overbearing to the occupants of No.33. There would be one narrow slit window within the first floor (suggesting that the first floor would be utilised for storage) which would not result in overlooking.

The window and door within the boiler room would face into the application site and would not result in the overlooking of any adjoining properties.

The proposed sun lounge extension would be approximately 18 metres from the side boundary of the site and approximately 29 metres from the rear elevation of No.33. The extension would not project beyond the approved rear gable projection and would be approximately 28 metres away from No.23 Sudeley Drive. This is considered to be reasonable distance between rear elevations and a refusal reason on the ground of overlooking could not be justified. Furthermore, Members are reminded that the extant approval allowed for a window within the rear elevation of the projecting gable facing towards the properties in Sudeley Drive.

### **(b) Design**

When planning permission was granted under reference 10/03458/FUL, and again under the varied application 11/00819/FUL, permitted development rights were removed. This was done via a condition which reads as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no extensions, structures or buildings shall be erected, constructed or sited, nor windows, rooflights or openings inserted within the application site other than those permitted by this Decision Notice. Reason: It is important that careful consideration is given to future development to ensure that the appearance of the development is preserved, in accordance with Cotswold District Local Plan Policy 42.

The condition was applied, not to protect the amenities of neighbouring residents, but to ensure that further additions or alterations were not harmful to the appearance of the dwelling, which had been designed to resemble a converted outbuilding. This condition does not prohibit further alterations, but required planning permission to be applied for alterations that many householders could undertake without requiring planning permission (i.e permitted development).

The condition will apply once the dwelling is completed and occupied. Until then, whilst the dwelling is being constructed, material alterations to the approved plans require a planning application, hence this application.

The proposed garage and boiler store would both have fairly simple designs. There would be views of the garage from Ham Lane but limited views of the boiler store. It is considered that the two buildings would not detract from the character and appearance of the area.

The proposed sun lounge extension would have a relatively lightweight appearance due to the timber and glazing. It would be in keeping with the design of the approved dwelling. The oak/timber would be conditioned to silver which would ensure that it blends it with the stonework and the surrounding area although there would be limited, public views of the extension.

### **(c) Biodiversity**

During the course of earlier applications, neighbours stated that Great Crested Newts were present in adjoining gardens and an ecological assessment was submitted with application 10/03458/FUL. The assessment identified that there were three large ponds within 90 to 260 metres of the application site which could be potential breeding sites. A small garden pond to the front of Ham Cottage could be used by low numbers of Great Crested newts for foraging and/or limited breeding activity.

The assessment identified that no evidence was found of Great Crested newts being present on the site but a method statement was drafted to avoid killing or injuring Great Crested newts both during and after development. This was secured by condition. It is considered that a further ecological survey will not be required as the scale of potential impacts on Great Crested Newts is low and the relevant condition would be applied to this application.

It is considered that the Derogation Tests as laid out in the Conservation of Habitats and Species Regulations 2010 have been met.

### **9) Conclusion:**

Officers consider that the proposed amendments to the approved scheme would not result in harm to the character and appearance of the area, nor would they result in overlooking or harm to protected species. They would not significantly increase the scale of the proposed dwelling.

There would be sufficient space around the buildings to prevent the appearance of over development.

The application is considered to accord with the NPPF and Local Plan Policies 9, 42 and 46.

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

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.

The development hereby approved shall be implemented in accordance with the following drawing number(s): A1 (proposed revised plans and elevations), A2 (proposed elevations) A3 (site plan) and A4 (plant room elevations)

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the guidance provided by Circular 11/95.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no extensions, structures or buildings shall be erected, constructed or sited, nor windows, rooflights or openings inserted within the application site other than those permitted by this Decision Notice.

**Reason:** It is important that careful consideration is given to future development to ensure that the appearance of the development is preserved, in accordance with Cotswold District Local Plan Policy 42 .

The development shall not start until samples of the proposed walling and roofing materials have been approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

The development shall not start until 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 has been 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. 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 42, 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.

No development shall commence until the design and details of the external joinery, verges, eaves and rainwater goods, 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 unless otherwise agreed in writing with 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 42.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building unless otherwise agreed in writing with 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 42 .

All windows and external doors shall be of timber construction and shall be permanently retained as such thereafter 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 42.

No development shall commence until a sample of the external woodwork finished in the proposed colour has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished and thereafter maintained as approved, unless otherwise agreed in writing with 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 42. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

Prior to the occupation of the dwelling, the general turning area/hammerhead on Ham Lane, South Cerney has been constructed in accordance with drawing number 4. That turning facility shall remain free from obstruction, and shall be retained as such and made available for use at all times thereafter.

**Reason:** To ensure a general turning facility is provided and made available for use by users of Ham Lane, in the interests of highway and public safety.

Prior to occupation of the proposed dwelling the access facilities shall be laid out and constructed in accordance with the submitted details with any gates hung so as to open inwards only and thereafter similarly maintained.

**Reason:** To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

The proposed dwelling shall not be occupied until car parking has been provided in accordance with the submitted plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

**Reason:** To ensure that adequate off-road parking is provided.

The development hereby approved shall be completed fully in accordance with the method statement in section 6 of the consultancy report titled "Assessment and Precautionary Method Statement for Great Crested Newts" by Wild service dated October 2010. New native hedge plants and trees will be planted as per the soft landscape plan G.0169\_01-3. The method statement shall be implemented in full from the start of operations on site and during the process of development to completion of the dwelling.

**Reason:** in accordance with PPS9 and Local Plan Policy 9. Great Crested Newts are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010 which consolidates the Habitats Regulations 1994 and to comply with the Local Planning Authority's duty under the NERC Act 2006.

The development shall not start before a comprehensive landscape scheme has been 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 45.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**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 45.



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 45.

Prior to the development being brought into use, surface water attenuation/storage works for the extension/dwelling hereby permitted shall be provided by the installation of a functioning water butt (minimum capacity 500 litres) in the position agreed on the approved plans/in a position to be agreed. The water butt shall thereafter be permanently maintained in working order in the agreed position unless an alternative siting is approved in writing by the Local Planning Authority.

**Reason:** To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff in accordance with Cotswold District Local Plan Policy 6 and PPS25.

The oak shall not be treated in any way and shall be left to weather and silver naturally.

**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 42.

The timber cladding to the sun-lunge extension shall not be installed until its profile and finish has first been approved in writing by the Local Planning Authority. The approved cladding shall be installed and thereafter retained as approved.

**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 42.

Prior to the insertion of the garage doors, their design and finish shall be submit to and approved in writing by the Local Planning Authority. 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 42.

**Informatives:**

This decision should be read in conjunction with the condition compliance application 13/05208/COMPLY.

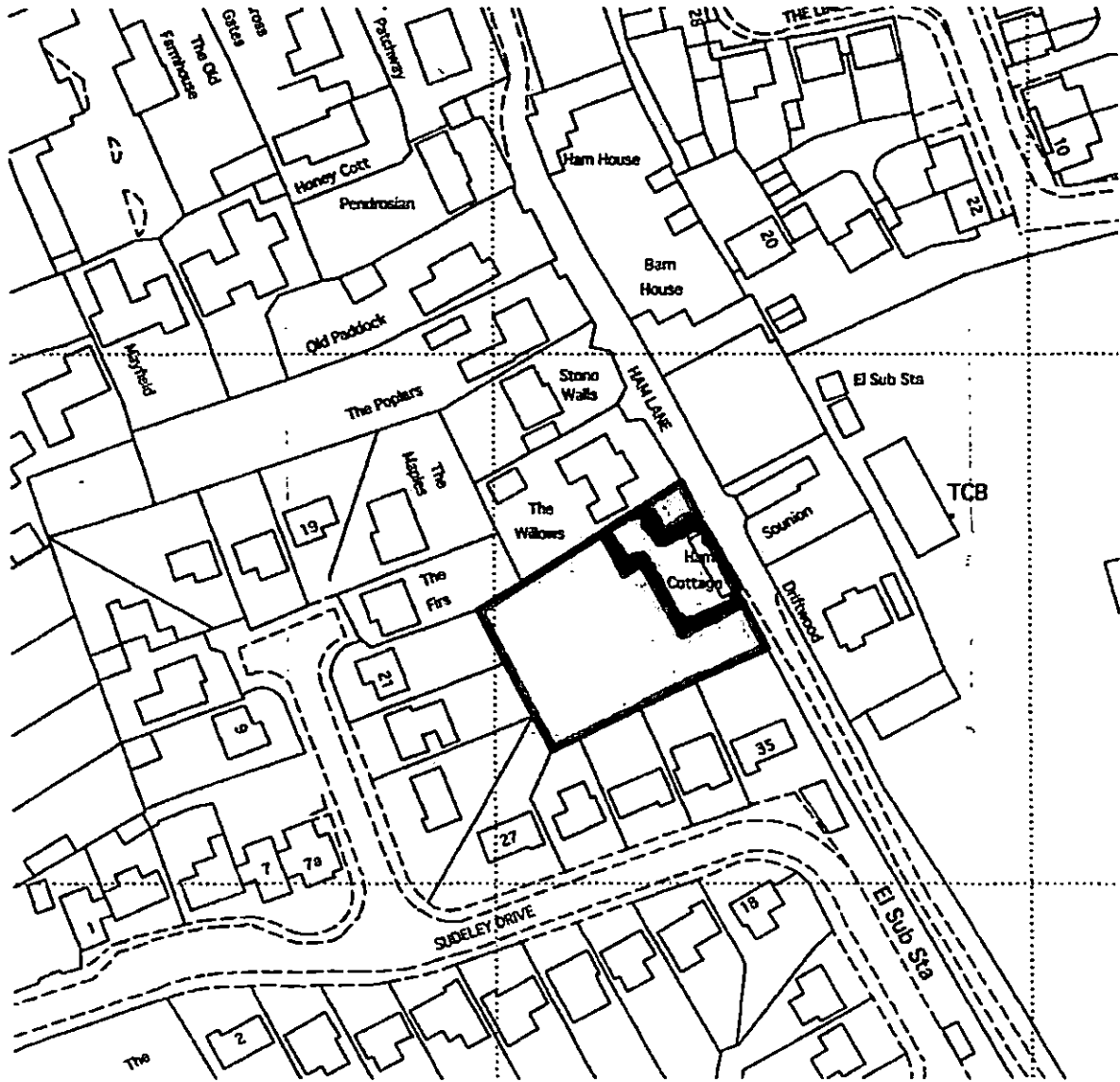
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Site boundary



Land also under ownership

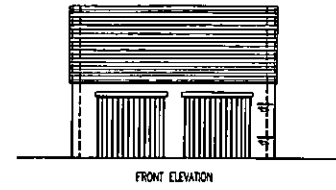
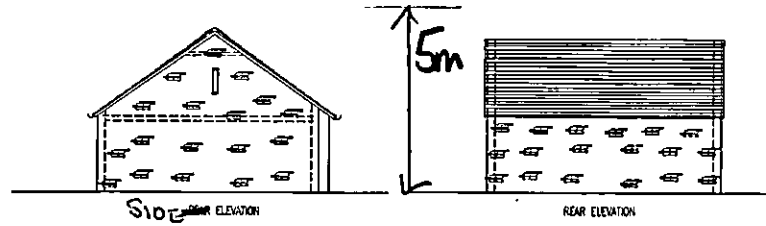
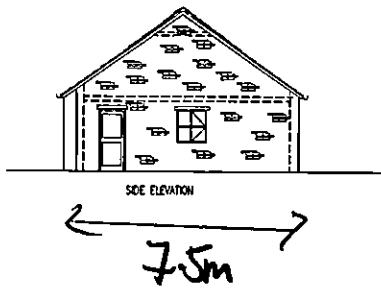


Ham Cottage, Ham Lane,  
South Cerney  
Site Location Plan

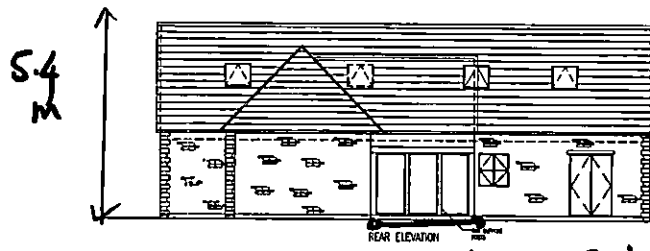
Mr & Mrs Gill

www.pegasusplanning.co.uk  
Team PJ/DM  
July 2010  
111250 BA4

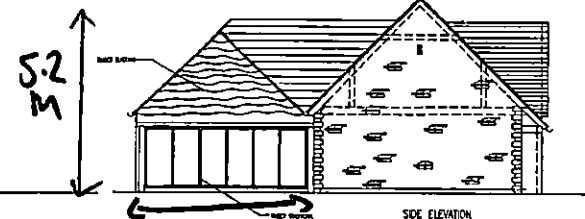
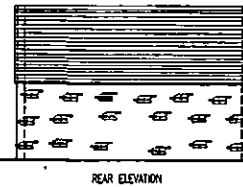




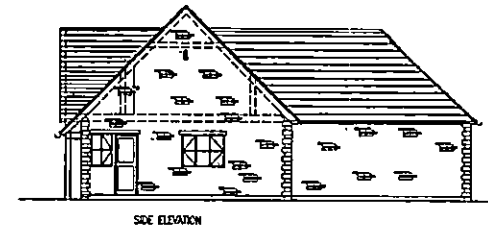
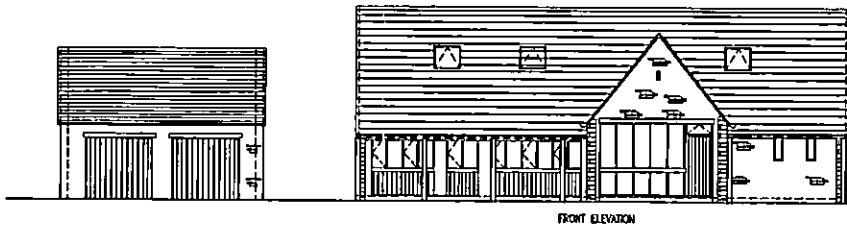
Garage



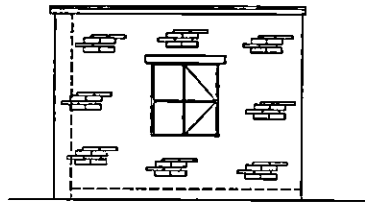
Sun Lounge Extension



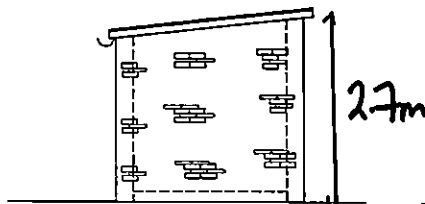
Sun Lounge Extension



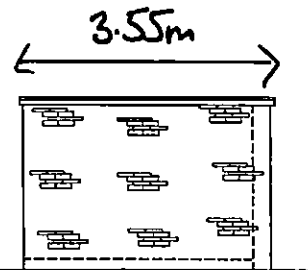
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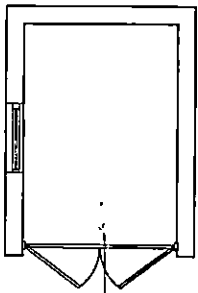
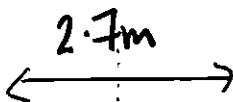
SIDE ELEVATION



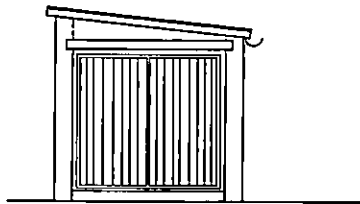
REAR ELEVATION



SIDE ELEVATION

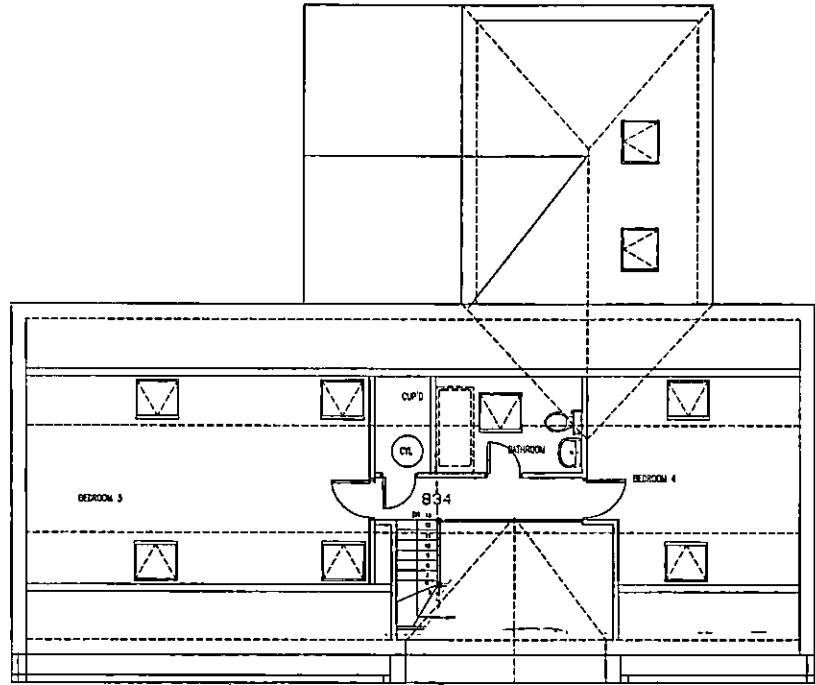


Plant Room for  
Pellet Boiler



FRONT ELEVATION

Boiler House

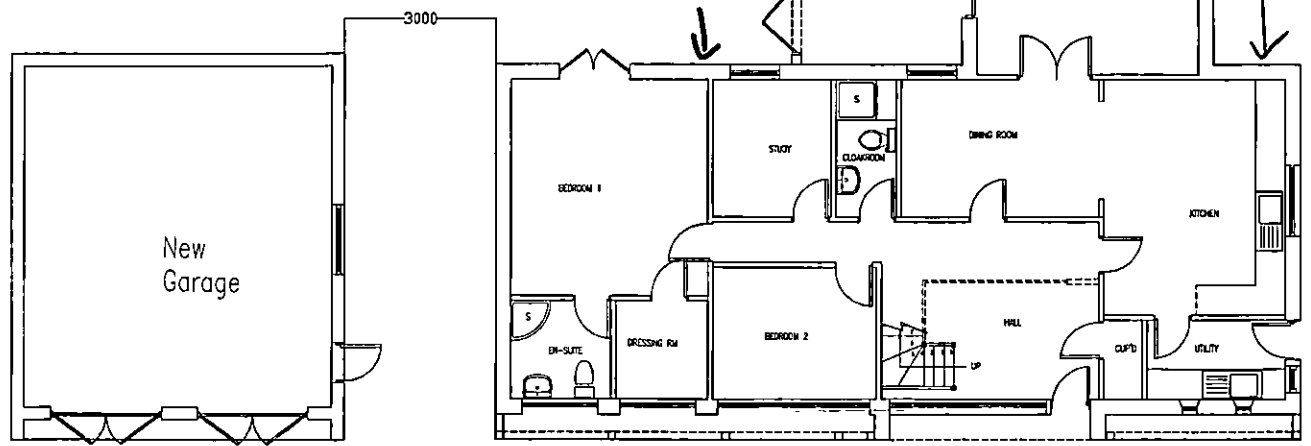


FIRST FLOOR PLAN

Sun Lounge Extension  
- FARD

8.6m

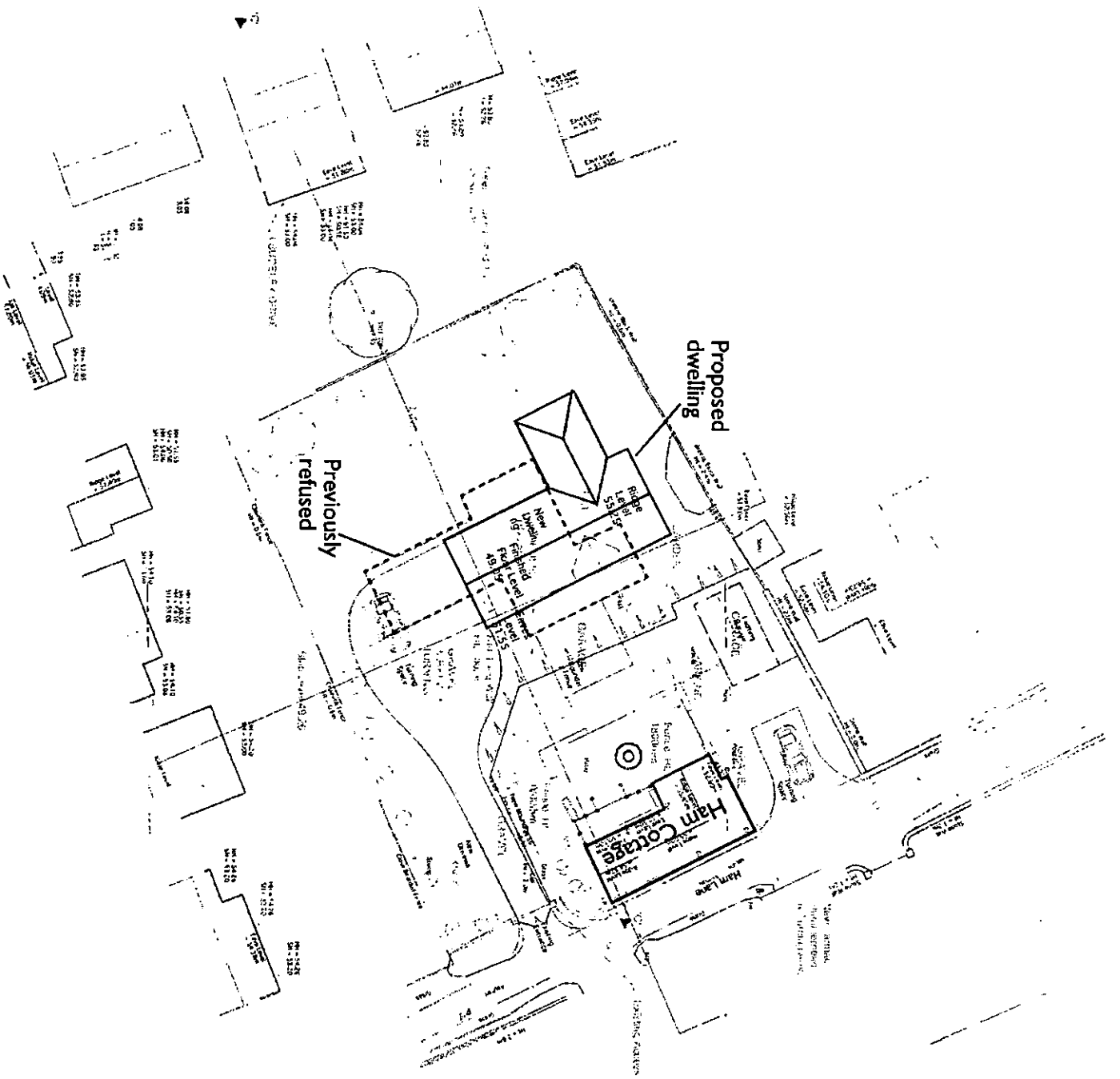
5.8m



GROUND FLOOR PLAN

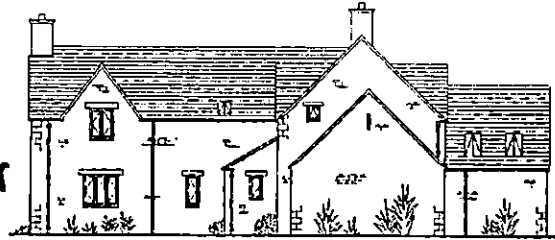
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Rev	Date	Description	By
REVISIONS			
<b>E W PARROTT</b> Building Design Services 23 Colwood Avenue Greenleaf Close GL2 2JX Tel: 07825841757			
Client Mr & Mrs M GILL HAW COTTAGE HAW LAKE SOUTH GERRNEY GLOUCESTER GL6 0GS GL2 5LF			
Project ADDITIONS TO NEW DWELLING HAW LAKE SOUTH GERRNEY GLOUCESTER GL6			
Job PROPOSED REAR FLAHS & ELEVATIONS			
Scale	1-50	Date	MAY 2015
Drawn by	EXP	Checked by	EXP
Service	ARCHITECTURAL	Project No.	GL-02
		Drawing and	2/1
		Rev No.	

Comparison of the refused and proposed schemes.  
(Extract from the Committee report for 10/03458/FUL)



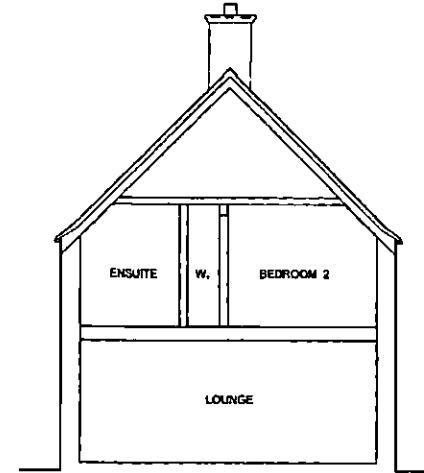


South East Elevation



North East Elevation

NOTE:  
ALL ROOF COVERINGS TO BE IMITATION NATURAL STONE TILES.  
ALL EXTERNAL WALLS TO BE RECONSTRUCTED STONE.



Section 'A' - 'A'

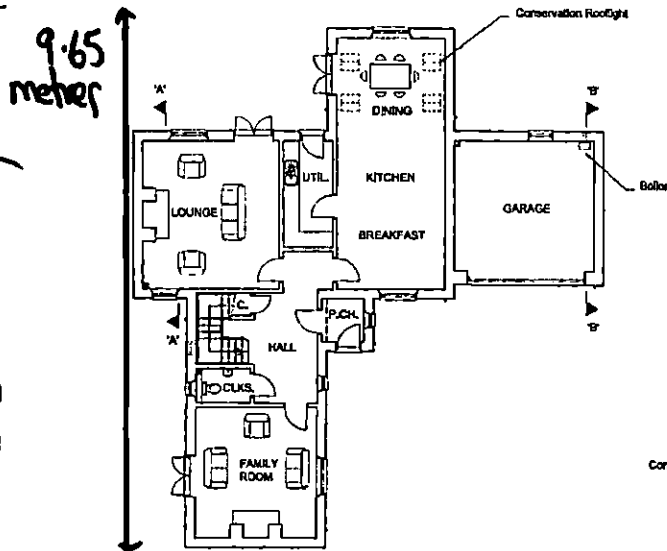


North West Elevation

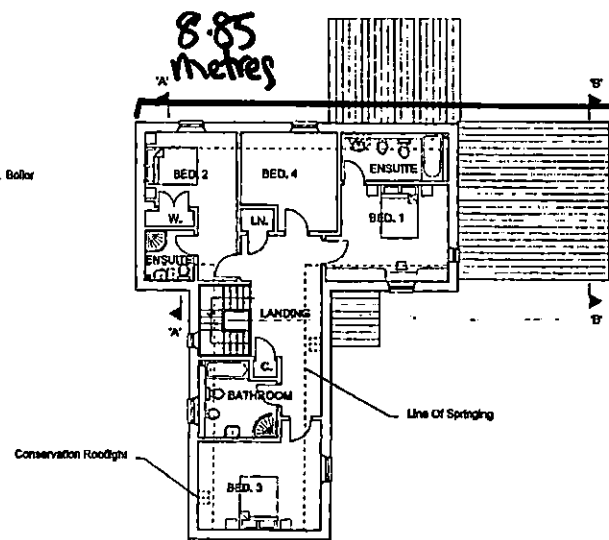


South West Elevation

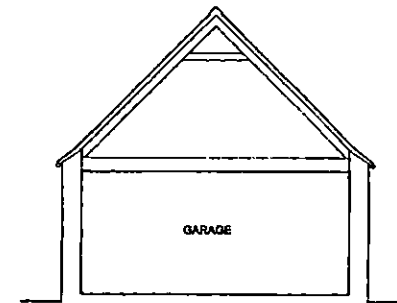
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Ground Floor Plan



First Floor Plan

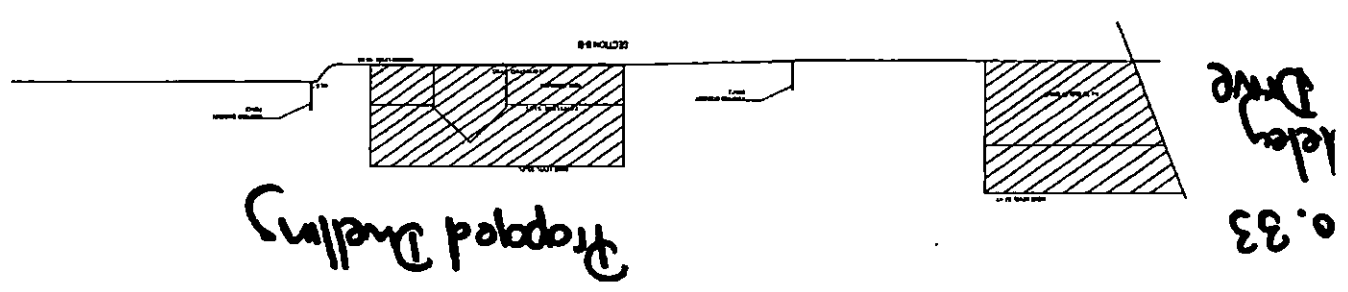
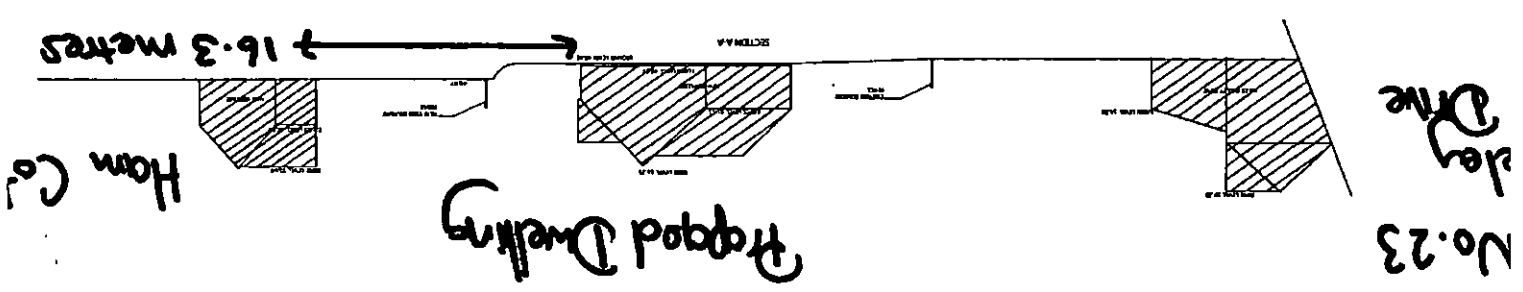
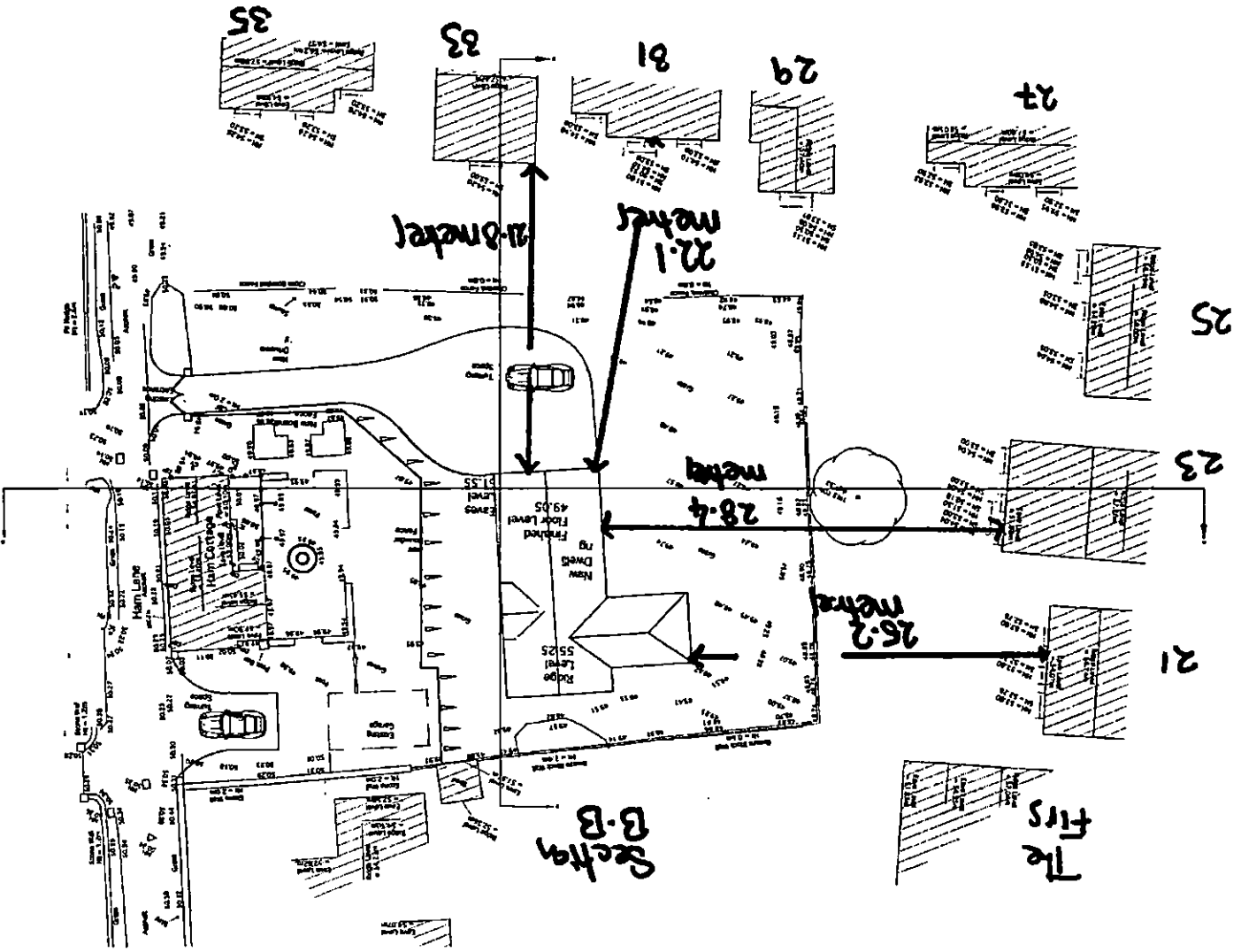


Section 'B' - 'B'

Detailed Refined Scheme



15/02/57/FC



Extract from the Committee Report for 10/03/58/FC  
170