

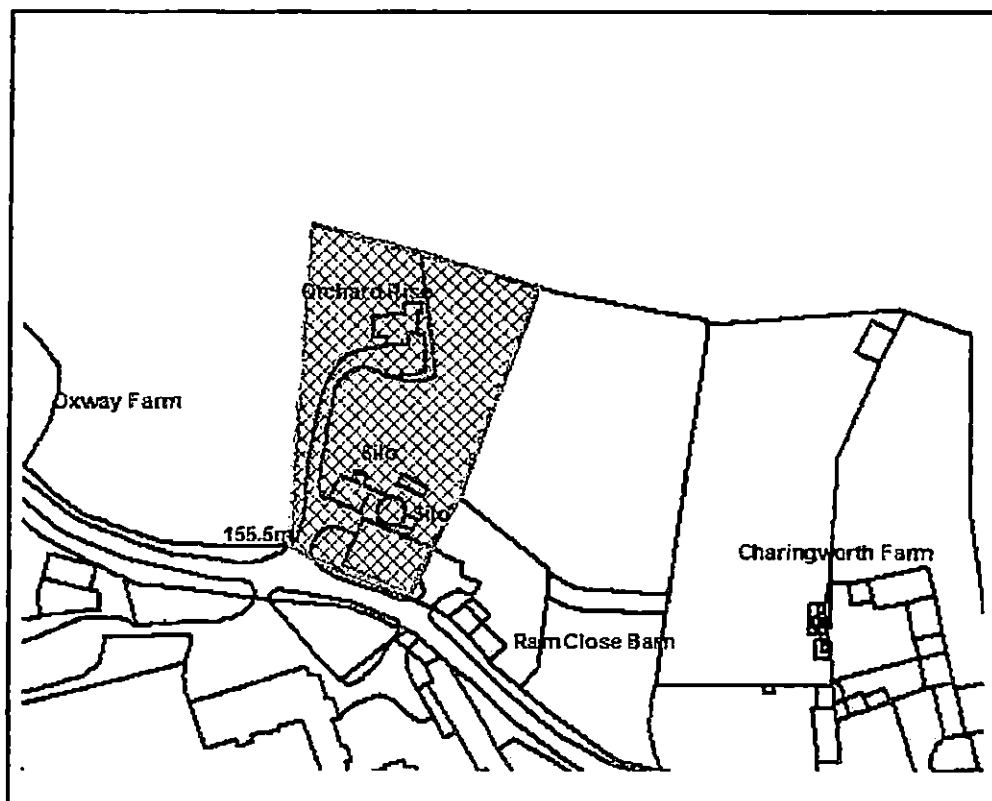
100

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



© Crown copyright and database rights 2011 Ordnance Survey, SLA No. 0100018800

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.

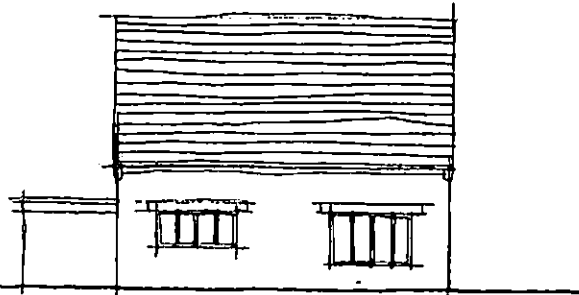
10. Refusal Reasons:

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.

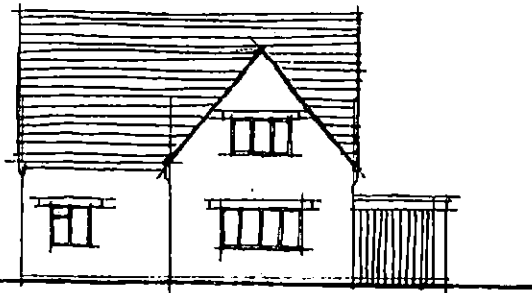
2. The development is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The completed dwelling by virtue of its size, scale and mass appears 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 :-

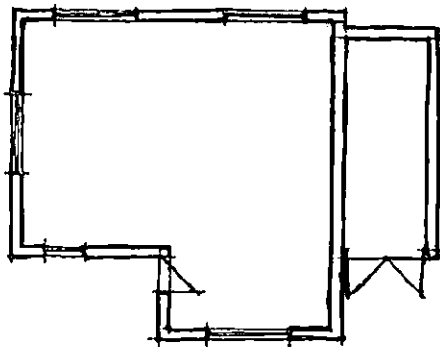
1 This decision relates to drawing numbers: 14-048-02B, 14-048-03 Ancillary Building, 14-048-03 Site Plan



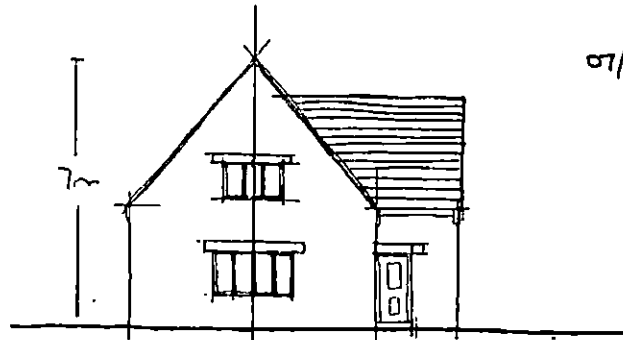
NORTH ELEVATION



SOUTH ELEVATION



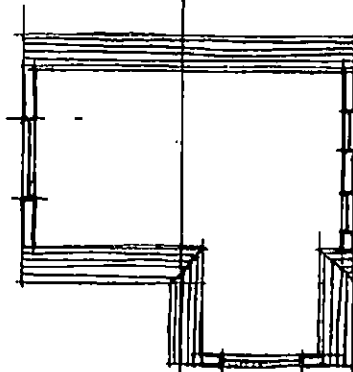
GROUND FLOOR PLAN



WEST ELEVATION



EAST ELEVATION



FIRST FLOOR PLAN

07/0523B/FUL

CD.3314/A

107

SURVEY OF
ORCHARD RISE
CHARRINGWORTH

Dwg no. 4568-11

Scale: 1:100.

Date: Dec. 07

WILSON
DRAWING
15/02/08/ML

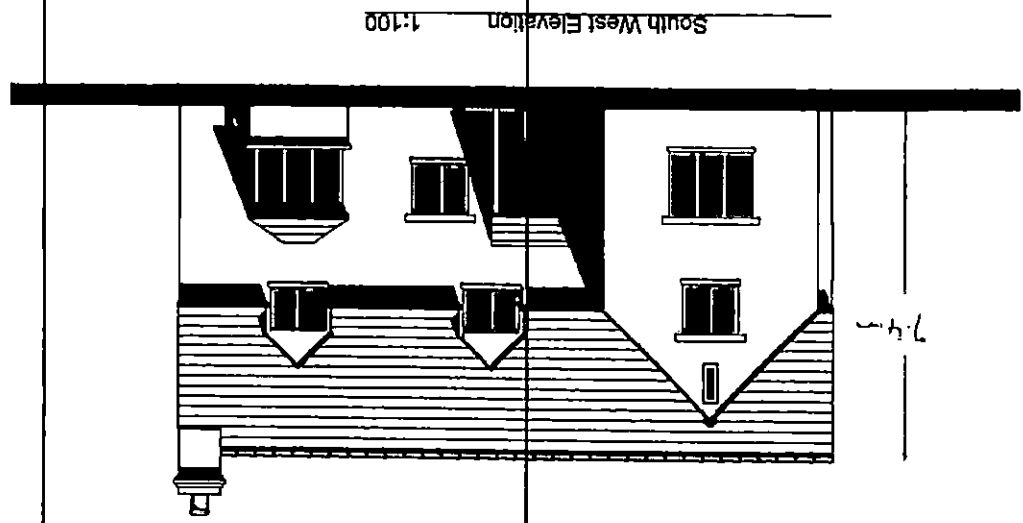
12

07/03238/FUL
scheme
Approved in
2007

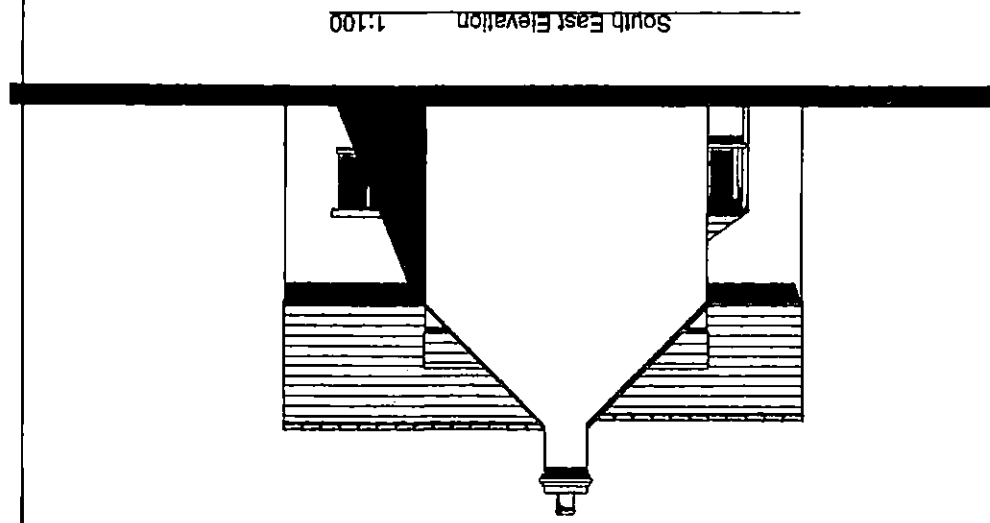
108

CD.3314/A

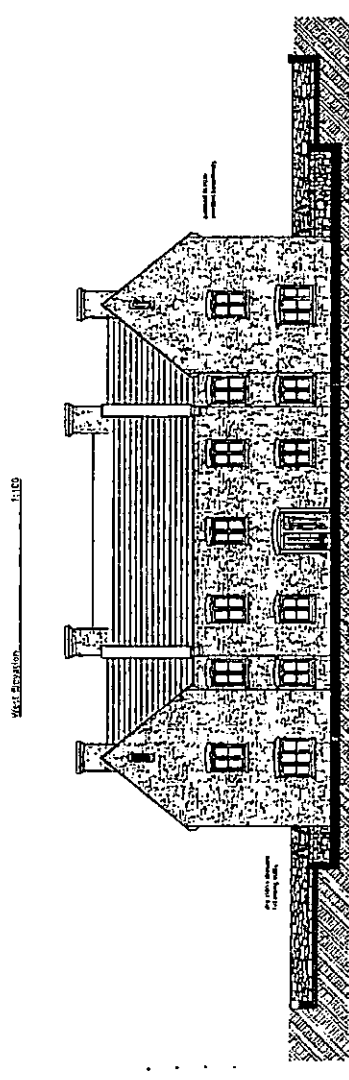
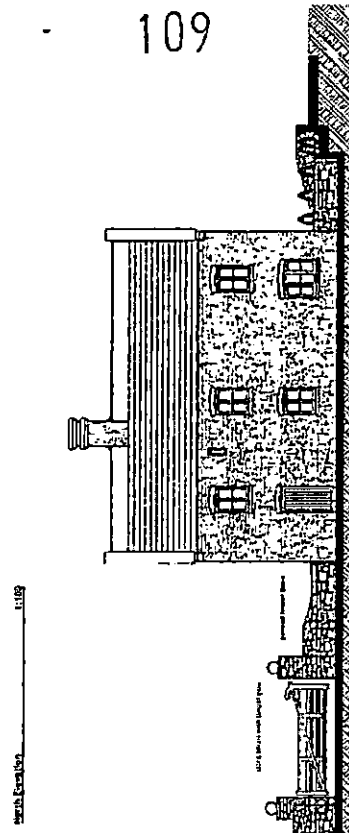
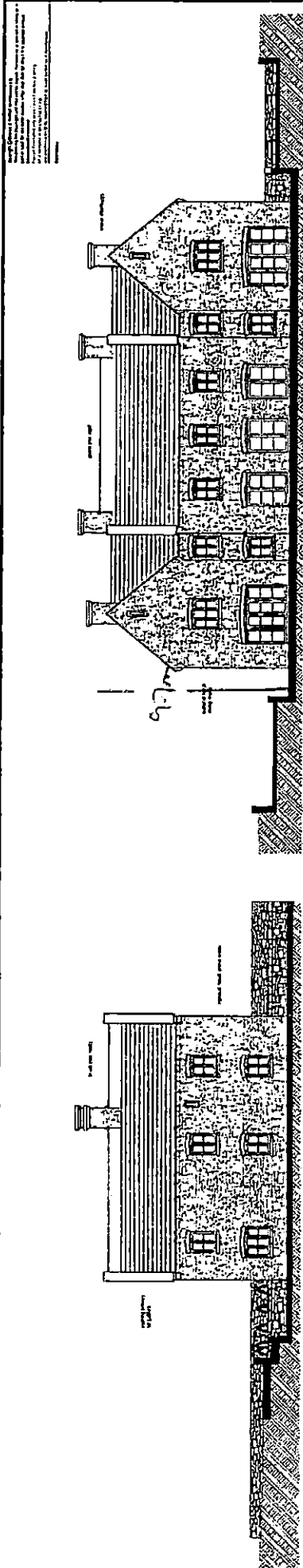
07/03238/FUL



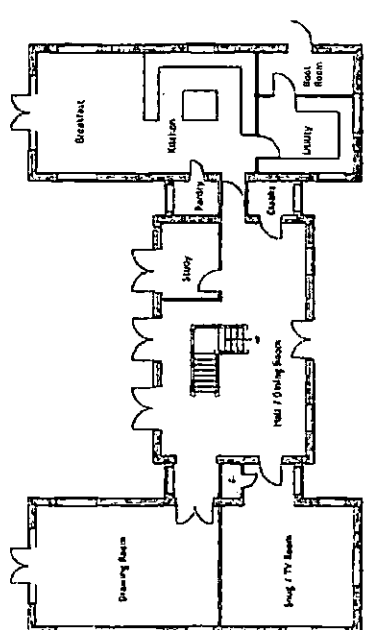
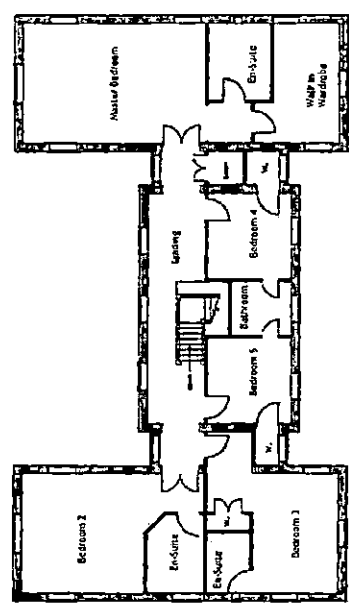
South West Elevation
1:100



South East Elevation
1:100



109



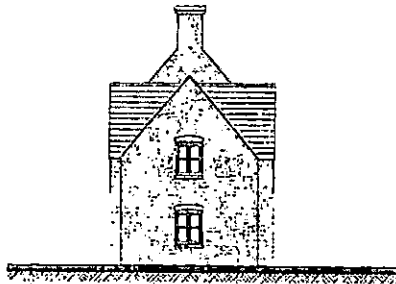
W	
Project Name	Proposed Replacement Dwelling, Stables and Replacement General Storage Barn
Client	WMA, 2012
Architect	LABC
Address	11105 844/FUL
City	Waltham, MA
State	MA
Year	2012
Scale	1:100
Sheet No.	109
Project No.	11105-210

East Elevation 1:100

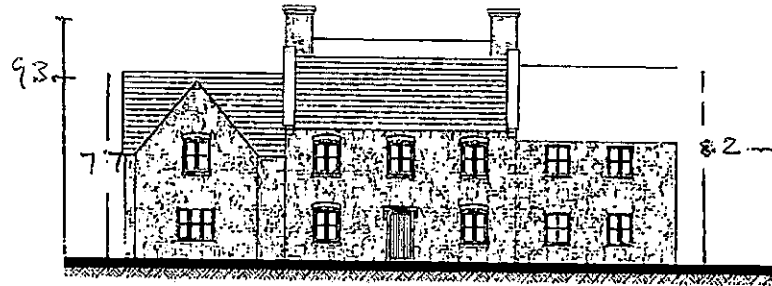
Ground Floor Plan 1:100



Design of stone & timber construction and materials to be used for the above house, described in detail on a set of plans for the above house, shall be subject to approval of the Local Planning Authority.
 The above information does not constitute a contract.
 It is the responsibility of the client to ensure that the design is in accordance with all relevant regulations and standards.
 12/04/2012



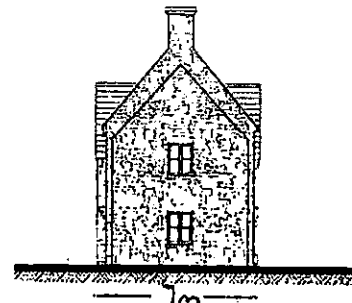
West Elevation 1:100



South Elevation 1:100



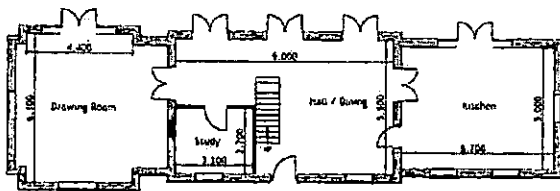
North Elevation 1:100



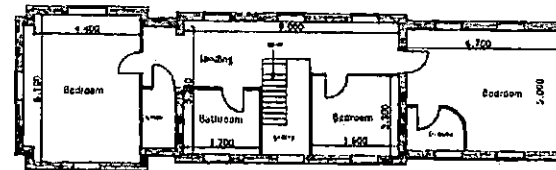
East Elevation 1:100

- NOTE:
- 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



Existing Floor Plan 1:100

CHANGES & REVISIONS

1	Issue for Planning
2	Issue for Building Control
3	Issue for Building Control
4	Issue for Building Control

Date:

Mrs. S. Ayres

Project No:

Proposed Replacement Dwelling, New

Garage, Stables and Replacement General

Storage Barn

Location:

Orchard Rise

Charnworth

Chipping Copedale

12-021 - 00

Issue Date

1/100

Issue By

M.S.M.

12-021 - 00

Issue Date

1/100

Issue By

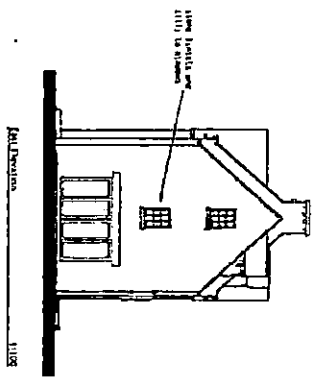
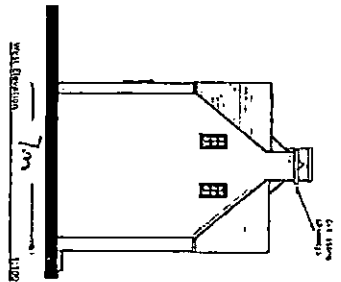
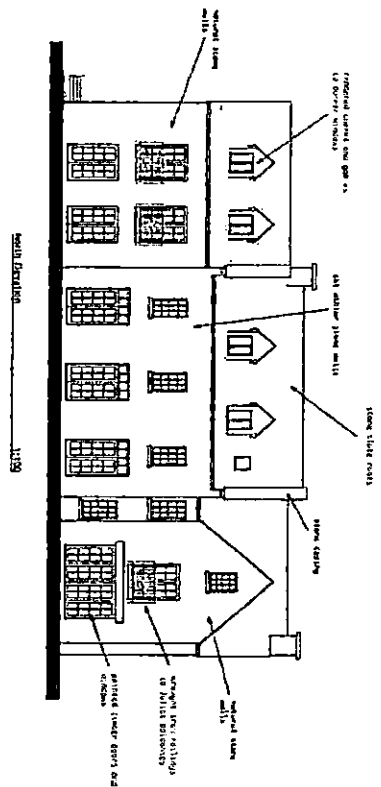
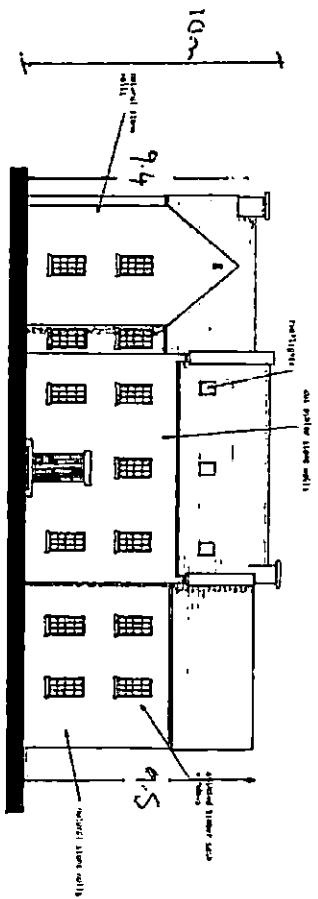
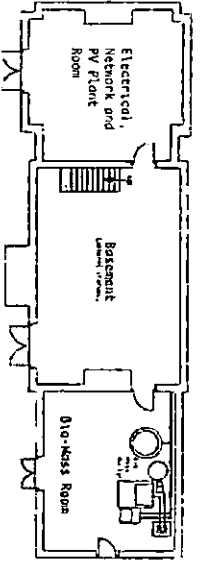
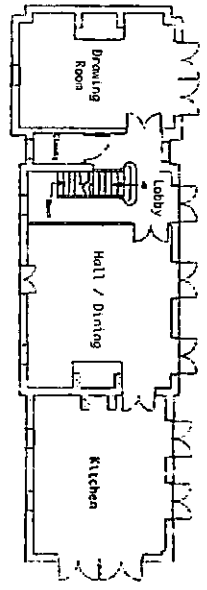
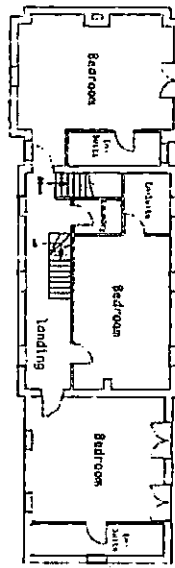
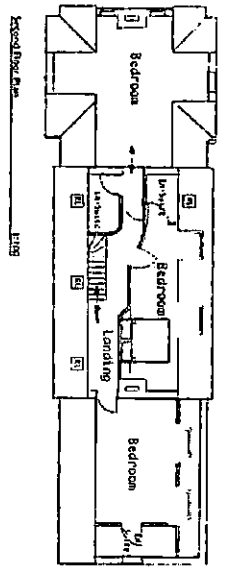
M.S.M.

12-021 - 00

12/04/2012

12/04/2012/All APPROVED

15



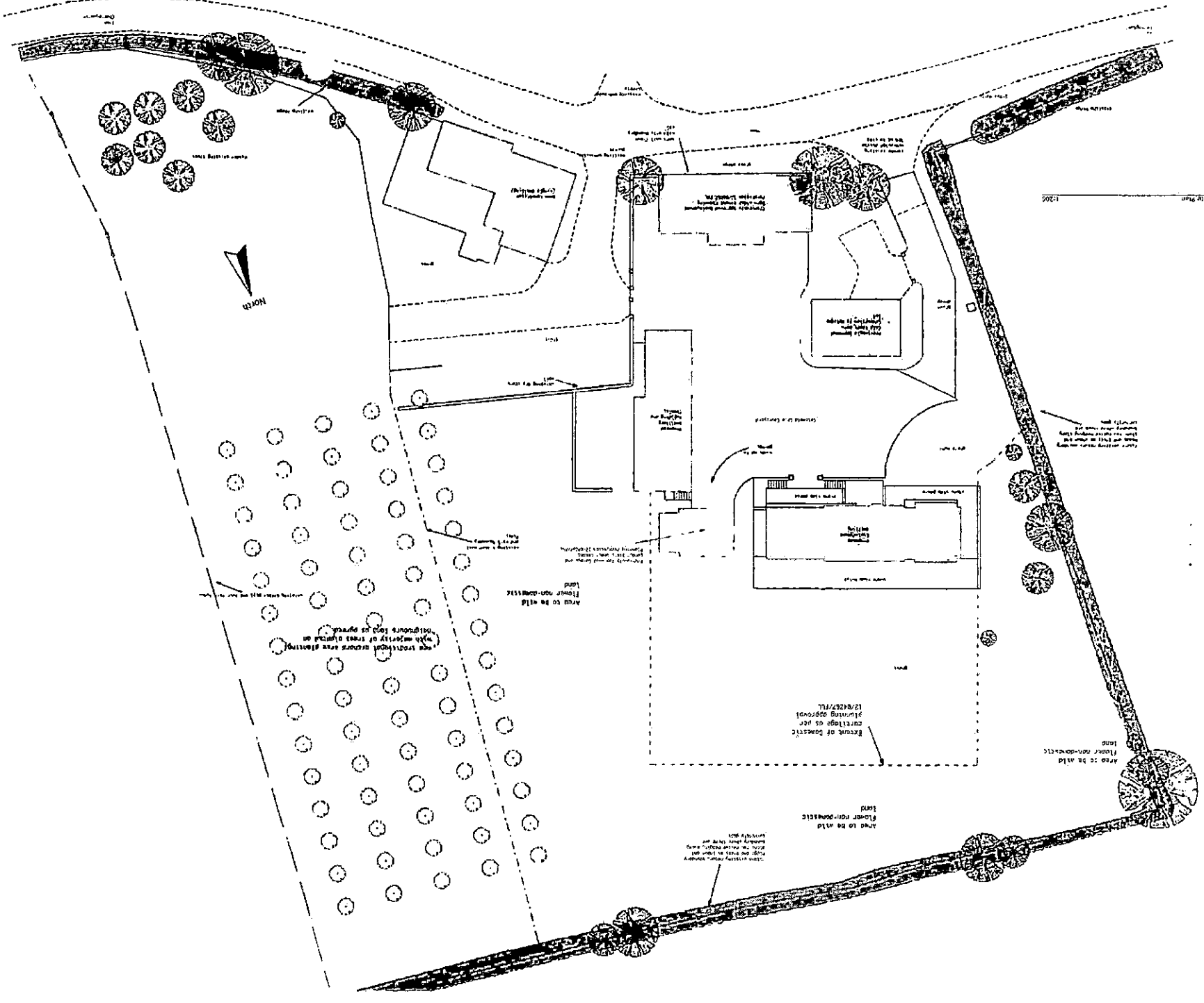
Witch
Specialist in modern built

07528 37293

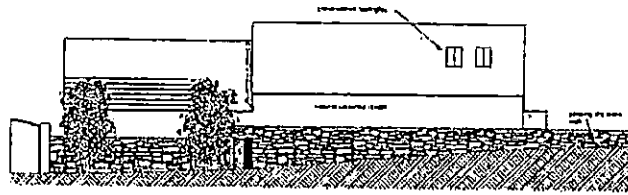
15/02096/FL
Approved for construction
17/04/2014
Approved Scheme 17/04/2014
Approved for construction
17/04/2014
Approved for construction
17/04/2014

CIAT
15/02096/FL
17/04/2014
17/04/2014
17/04/2014
17/04/2014

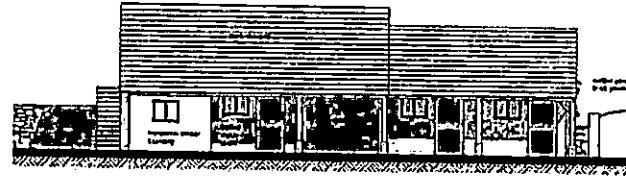
14-04 - 03 New Build
 CIAT
 March 2013
 11200
 Mr. S. Ayres
 Mr. S. Ayres
 Mrs. S. Ayres
 Proposed Amendments to
 Approved Scheme (12/04267/FUL)
 Orchard Rise
 Chipping
 Chipping
 Gloucestershire



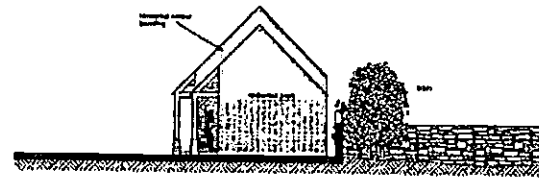
ARCHITECTURE & INTERIORS, LLC
 1000 W. 10th St. Suite 100, Fargo, ND 58103
 701.785.1111
 www.architectureandinteriors.com



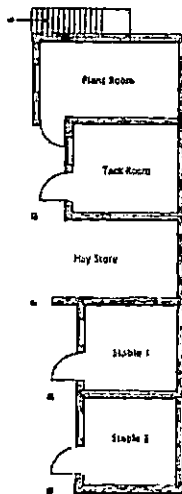
Stable - East Elevation 1:100



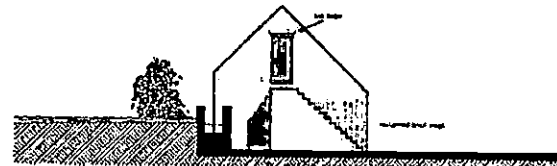
Stable - West Elevation 1:100



Stable - South Elevation 1:100



Stable - Ground Floor Plan 1:100



Stable - North Elevation 1:100

114

19

OWNER'S MANUAL

Client: Mrs. S. Ayres
 Project: Proposed Replacement Dwelling, new Garage, Stables and Replacement General Storage Barn
 Site: Orchard Hill
 Location: Channingworth
 Project: Crispin Campden

Drawing No.	Page 7 of 8
17/100	A1
Drawn by	Sam
Checked by	June 2012
Project Number	000000
17-021 - 00	



APPROVED STABLES



115

AS BUILT STABLES

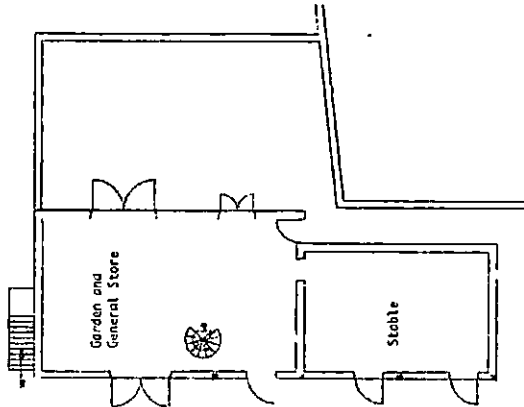
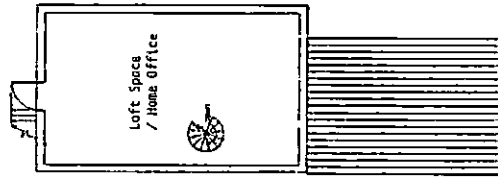
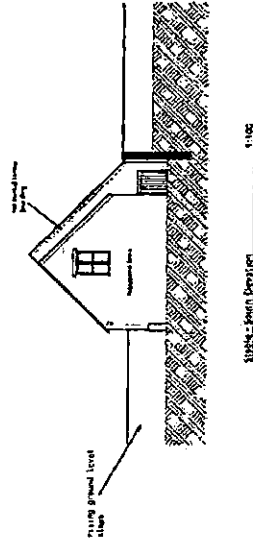
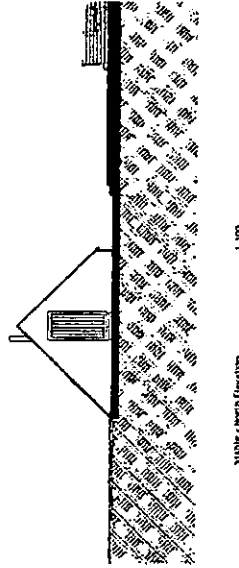
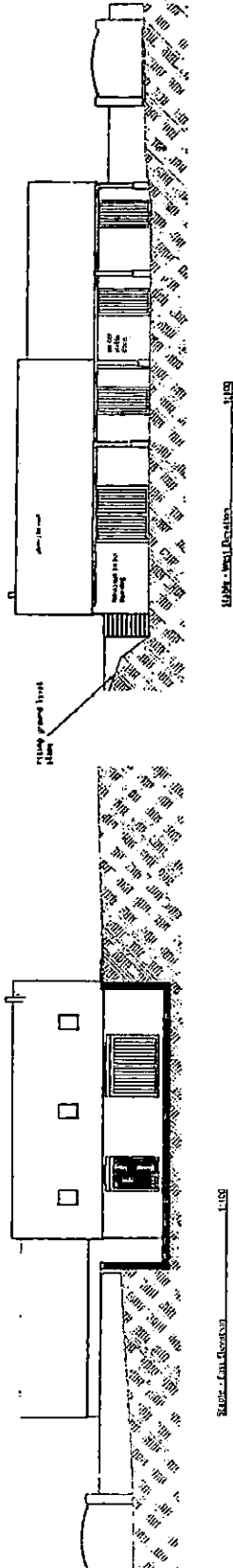
These drawings are the property of Wildish & Co. Ltd. and are not to be used, copied, reproduced, or otherwise disseminated without the written consent of Wildish & Co. Ltd. All rights reserved.

Drawn: M. S. Ayres
 Project: Proposed Amendment 19
 Approved Scheme: 12/04187/FUL

Site: Orchard Rise
 Charltonworth
 Chipping
 Campden
 Gloucestershire

Plot No.	41
Area	1.1100
Address	AS BUILT STABLES
Project No.	14048 - 02

14048 - 02 (existing building) proposed plans



COTSWOLD DISTRICT COUNCIL

EXTRACT FROM THE MINUTES OF THE PLANNING AND LICENSING COMMITTEE

19TH AUGUST 2015

CD.3314/D

Retrospective 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 at Orchard Rise, Charingworth Road, Charingworth, Ebrington -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and the Chairman allowed a period of time for the Committee to read those representations which had been circulated at the Meeting. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the difference in the height of the building, as approved and as built. The Case Officer displayed photographs illustrating views of the building from various vantage points.

A Supporter and the Applicant were invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee and expressed the view that a Sites Inspection Briefing had been important on this occasion due to what she considered to be significant differences between the approved and built schemes. The Ward Member considered the circulated report to have been thorough and comprehensive, and she referred to the planning history relating to this site, and the additional information supplied by the Applicant. The Ward Member concluded by expressing the view that referring this application to the Committee for determination would ensure the transparency of the decision-making process.

In response to various questions from Members, it was reported that the Enforcement Officer had visited this site in November 2014 following a complaint in respect of the works being undertaken; the Officer had notified the Agent of the unauthorised works and had invited an application to regularise the situation; there was alternative accommodation available on this site, which was in the ownership of the Applicant; the built development constituted a breach of planning law; in the event that the Committee was minded to refuse this application, as recommended, the development would be 'unpermitted' and the Committee could decide to authorise the taking of enforcement action; the Applicant could lodge an appeal against such decisions and, if those appeals were dismissed, the Applicant would be required to demolish the building within a period of twelve months; the Applicant could choose to submit another application seeking further amendments to the building; no response had been received from the Parish Council; if the built development had accorded with the approved plans, the Applicant could have converted the roof space without the need to apply for planning permission but such permission would have been

required to increase the ridge height and insert dormer windows; the rear garden was not in compliance with the approved layout; the Case Officer had visited the site in January 2013 and had advised that a render sample panel was not acceptable but the Applicant had not responded to those concerns; and the internal floor space, as approved, was approximately 240 square metres, and 460 square metres, as built.

Some Members expressed the view that the built development was, essentially, the building that had been refused permission in 2011. Those Members contended that approval of a significantly smaller building in 2012 had given a clear indication to the Applicant on 'acceptability'. The Members further contended that it was difficult to find anything in the built development which accorded with the approved design and that this indicated that the Applicant had not made any attempt to construct the building in accordance with the approved plans, which they considered to be a blatant breach of the planning permission. The Members expressed the hope that, if this application was refused as recommended, a compromise solution would be put forward which would avoid the need to demolish the building. They noted the availability of alternative accommodation, which was currently owned by the Applicant, on this site, and they concluded by stating that there was no justification for approving this application.

Other Members contended that there were only marginal differences in the height and size of the built and approved developments, and that the house, as built, did not have a harmful impact on the landscape.

A Proposition that this application be refused as recommended, and that enforcement action be taken, was duly Seconded.

(a) Refused, as recommended;

Record of Voting - for 10, against 3, abstentions 1, Ward Member unable to vote 1, absent 0;

(b) Enforcement action be taken under Section 172 of the Town and Country Planning Act 1990, as amended, to secure:-

- (i) removal of the unauthorised building from the land within a period of ten months of the date on which the Notice takes effect;**
- (ii) permanent removal from the land of any materials resulting from the demolition within a period of eleven months of the date on which the Notice takes effect;**
- (iii) reinstatement of the land where the unauthorised dwelling stood to its original levels and profile within a period of twelve months of the date on which the Notice takes effect.**

Record of Voting - for 9, against 5, abstentions 0, Ward Member unable to vote 1, absent 0.

(END)