

Item No 04:-

16/03924/FUL (CT.5679/D)

**Old Barn
33 Gloucester Road
Stratton
Cirencester
Gloucestershire
GL7 2LF**

**Demolition of existing outbuildings and erection of 1 no. dwelling, detached garage building, vehicular access, landscaping, parking and associated works at
Old Barn
33 Gloucester Road Stratton**

Full Application 16/03924/FUL (CT.5679/D)	
Applicant:	Partridge Homes (Cotswolds) Ltd
Agent:	SF Planning Limited
Case Officer:	Claire Baker
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	12th April 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) The principle of development
- (b) Scale and design and impact on and the setting of the listed building and character and appearance of the AONB
- (c) Amenity of neighbours
- (d) The access

Reasons for Referral:

The application has been referred to the Planning Committee by Councillor Coleman for the following reason:

The revised application has not addressed the concerns of the Committee regarding the impact of the proposal on The Old Barn.

1. Site Description:

The application site is part of the garden of the Old Barn, 33 Gloucester Road and is within the settlement boundary for Stratton. It is also within the Cotswolds Area of Outstanding Natural Beauty and is adjacent to Glebe House, a Grade II listed building. There is an existing access from School Lane.

2. Relevant Planning History:

13/03679/FUL Demolition of existing outbuilding and erection of 2No.dwellings, vehicular access, landscaping, parking and associated works- Refused 29 November 2013. Appeal dismissed 2 September 2014.

15/04899/FUL Demolition of existing outbuildings and erection of 1 No. dwelling, detached garage building, vehicular access, landscaping and associated works. Refused 18 July 2016.

3. Planning Policies:

NPPF National Planning Policy Framework
LPR10 Trees, Woodlands and Hedgerows
LPR18 Development within Development Boundaries
LPR38 Accessibility to & within New Development
LPR39 Parking Provision

LPR42 Cotswold Design Code
LPR46 Privacy & Gardens in Residential Development

4. Observations of Consultees:

Conservation and Design Officer: No objection subject to conditions

Landscape Officer: No objection subject to conditions

Tree Officer: No objection subject to conditions

Biodiversity Officer: No objection

5. View of Town/Parish Council:

Supports: Members had no objection to the demolition of the existing outbuildings and erection of one dwelling with detached garage including landscaping and parking, but have concerns with regard to the access on to a narrow road.

6. Other Representations:

1 letter of objection from the owners of Stratton Hirst: the layout is not significantly different to the previous refused application; it does not increase the separation from the listed Glebe House; the impact on The Old Barn from car movements has not improved; the Inspector at the previous appeal made it very clear that the access would detrimentally affect The Old Barn; the refusal reason for the previous application also reiterates this impact; it is not clear how much lower the proposed house would be from the previous application; there would still be a negative impact on the setting of the listed Glebe House; as this is only a single dwelling there cannot be said to be any benefit from the proposal; the developer is proposing dwellings on an adjacent site and therefore has the opportunity to reconsider the proposal in the light of this; Stratton Hirst would be directly overlooked and the increased traffic would also affect the occupiers' residential amenity.

1 letter from the owners of Glebe House confirming that they have no objection to the revised proposals.

7. Applicant's Supporting Information:

Planning statement
Arboricultural report
Biodiversity report
Materials schedule
Method statement for demolition and construction

8. Officer's Assessment:

The Proposal and Planning Background

The proposal is for the removal of existing outbuildings, the erection of a two storey dwelling and garage and the creation of an access. The proposed dwelling would be served by the existing access in School Lane. The site is within the Cotswolds Area of Outstanding Natural Beauty and is adjacent to Glebe House, a Grade II listed building. The site is within the settlement boundary of Stratton.

Planning permission was previously refused in 2013 for the erection of two dwellings at the site. An appeal against the refusal was subsequently dismissed. In his decision letter the Inspector concluded that the key issues were the impact on the residential amenity of the Old Barn and the fact that the proposal constituted over-development of the site. The Inspector's decision letter is attached to this report.

Following the appeal decision the applicant submitted a revised application for a single detached dwelling and garage (15/04899/FUL). Officers recommended that the application should be permitted but the Committee, held in July 2016, resolved that it be refused. A copy of the decision notice is attached to this report.

Following the refusal, the applicant has stated that he has sought to engage and seek the views of neighbouring residents, including those at Glebe House, in order to prepare a revised application that would be acceptable to them. This submission is a result of those discussions.

(a) The Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 and is referred to herein as the 'Local Plan'.

The application site is located within the development boundary for Stratton where Local Plan Policy 18 (Development within Development Boundaries) applies. Local Plan Policy 18 states that within the development boundaries applications for development will be permitted provided that it meets the criteria set out. In accordance with Local Plan Policy 18 there is no objection in principle to the erection of a dwelling and garage.

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or
- specific policies in this Framework indicate development should be restricted. (Guidance in this respect is provided by footnote 9.)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Cotswolds Area of Natural Beauty. There are therefore specific policies in the NPPF that indicate that development should be restricted. A High Court Decision in March 2016 between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm.

The proposals are considered to accord with the provisions of Local Plan Policy 18 and as will be shown in following sections the provisions of the National Planning Policy Framework (NPPF).

(b) Scale and design and impact on the setting of the listed building and the character and appearance of the AONB

The proposed development site to the rear of The Old Barn lies adjacent to Glebe House, which is a Grade II Listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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. Paragraphs 132 and 134 are particularly relevant to this application as the impact on the setting of the Grade II listed building must be assessed in the light of these paragraphs.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; 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 and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

Policy 18 requires that the siting, appearance and scale of the development respects the traditional form, character and appearance of a settlement, and would cause no significant adverse environmental or visual harm to the site or its surroundings.

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.

Glebe House is a large early C19 house, with a formal front elevation in the classical style, and a generous garden setting, commensurate with its status. The gardens at present make a positive contribution to the setting of the listed building, and form part of its significance as a designated heritage asset. The gardens slope up steeply along their northern edge, where the boundary is formed by a retaining wall, the ground level being higher again to the far side of this wall, within the development site area. There is therefore a substantial change in levels between Glebe House and the proposed development.

It was considered that the previous scheme, dismissed at appeal, for two faux barn dwellings on the side, along the boundary to Glebe House garden, would have been overbearing and dominating as perceived from the Glebe House side. It was acknowledged by the Inspector that this would have had a negative effect on the setting of the listed building, despite him concluding that alone it would not perhaps have warranted a refusal. It was acknowledged as one of the impacts of over-development of the site.

In contrast to the appeal proposal only one dwelling is now proposed. However, one of the grounds for refusal by the Planning Committee of the previous application for a single dwelling at this site was the adverse impact it would have on the setting of the listed Glebe House. This application has sought to reduce that impact in the current scheme. The main amendments to the proposal area as follows:

A reduction in scale of dwelling by lowering its height

A reduction in the ground level on site by approximately 1m

The re-orientation of house and garage to further increase separation from boundary with Glebe House

The proposed dwelling would have a lower ridge line than that previously proposed but would similarly be constructed in traditional Cotswold stone with reconstructed stone slate roofing. It would be positioned more centrally within the plot, with the rear elevation facing in a south easterly direction. The proposed detached double garage would be constructed in the same traditional materials as the main house. An external parking and turning area would be provided in the northern section of the site following the removal of the outbuildings along the boundary. A landscaping scheme has been submitted with the application and the proposals, including further tree planting along the site boundaries. A substantial rear amenity space of approximately 30m would be provided for the new dwelling, with a 21m deep amenity space retained by The Old Barn. An access road would be provided which will utilise the existing access to the site.

Glebe House is a Grade II listed building. Paragraph 132 of the NPPF states that when considering the impact of a proposed development 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 development within its setting and that substantial harm to a Grade II listed building should be exceptional. Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. Officers are of the view that the proposal would lead to neither substantial nor less than substantial harm to the designated heritage asset, Glebe House. It is considered that the development would not negatively dominate the garden setting of the listed building. Rather, it would be seen as another dwelling in this residential area, still maintaining a fairly loose and informal grain of development. It is therefore not considered that it would cause harm to the setting and significance of Glebe House. The proposed dwelling would also meet the requirements for high quality design responding to local character and distinctiveness. It is considered that the proposals would meet the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1987, Sections 7 and 12 of the NPPF, and Policy 42 of the Local Plan.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

While the greater part of Stratton situated outside of the Cotswolds AONB, the site itself is located just within the AONB. The site is currently used as part of the garden for number 33 The Old Barn, defined by an area mown grass, shrub planting, low walls and paths. There are a number of mature trees within the gardens of adjacent properties. The site is accessed from School Hill, a quiet no through road with a semi-rural character. There are number of Public Rights of Way (PRoW) within the wider context of the site but non within the immediate vicinity.

The proposed development is to split the existing garden of The Old Barn to accommodate a new dwelling, a double garage and associated domestic curtilage. The trees within the central area of the site will be removed to accommodate the proposal and trees will be retained to the boundary. The existing access to The Old Barn will be utilised and widened.

In terms of visual impact the proposed dwelling is tucked behind two existing buildings and is relatively well contained by existing mature vegetation. The Old Barn is situated adjacent to the Gloucester Road and would entirely screen the site along the carriageway. There would be glimpsed views of the property from School Hill Road, but the site is relatively well screened by Stratton Hurst House to the north-west and any glimpsed views of the property would be seen in the context of other residential plots. The proposed dwelling would be accessed from School Lane which has a semi-rural character, with scattered housing, broken up by areas of vegetation.

The new building would be positioned to the rear of existing properties and would border a number of existing residential plots and would be seen in the context of existing built form. Consequently Officers do not consider that the general landscape character of the surroundings would be sufficiently altered to recommend refusal. To compensate for the tree removal within the site and for any future felling on adjacent plots Officers recommended further tree planting to the boundary and the applicant has submitted a detailed landscape plan which incorporates appropriate boundary planting. This would help to create a robust boundary between the proposed scheme and Glebe House

Whilst the site is within the Area of Outstanding Natural Beauty (AONB), it is also within the built up area of Stratton. Officers consider that the introduction of a suitably designed additional dwelling with landscaping would not adversely affect the character and appearance of the AONB. In addition whilst the Inspector at the appeal concluded that the previous proposal was overdevelopment he did not conclude that any additional dwelling at the site would have an adverse impact on the AONB. Officers therefore consider that the proposal would not cause harm to the character and appearance of the AONB and complies with paragraph 115 of the NPPF.

(c) Amenity of neighbours

As a result of the wall height and the distance of the proposed dwelling from the boundary with Glebe House, it is not considered that the proposed ground floor windows in the side elevation would give rise to overlooking of that property. In addition, the first floor windows, which serve an en-suite and a corridor, would be obscure glazed and fixed shut. Should Members resolve to approve the application, a condition would be applied to ensure this. The front elevation of the proposed dwelling would be located approximately 22 metres from the nearest elevation of Stratton Hirst. Stratton Hirst has an extensive garden and Officers do not consider that the proposal would give rise to undue overlooking. Officers also do not consider that the proposed parking area for the single dwelling would significantly impact on the residential amenity of the occupiers of Stratton Hirst.

At the previous appeal the Inspector was concerned that the location of the parking and turning area would adversely affect the residential amenity of the Old Barn and that the site was overdeveloped. In the current scheme the parking and turning area has been moved away from the Old Barn and its proposed residential curtilage has been enlarged. The proposal has also been reduced from two dwellings to a single dwelling. Officers remain of the view the current proposal has resolved the amenity issues previously identified by the Inspector and that the proposal complies with Local Plan Policy 46.

(d) The Access

Concerns have been raised about the proposed access. However, the access is an existing access and is the same access as was proposed for the use of two additional dwellings in the previous appeal application. No issues regarding the access were raised previously by the Council in their refusal reasons or by the Inspector at appeal. Officers therefore consider the access to be acceptable and in compliance with Cotswold District Local Plan Policy 38 and Paragraph 32 of the NPPF.

9. Conclusion:

Officers are of the opinion that the current proposal is acceptable. The design and use of materials are appropriate and the proposed dwelling would serve to preserve the setting of the listed Glebe House and the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. The proposal would also not adversely affect the residential amenity of adjacent residential properties. It is therefore considered to be compliant with Local Plan Policies 10, 18, 38, 39, 42 and 46 and Sections 7, 11 and 12 of the NP

10. Proposed conditions:

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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): OBGR/015/01 Rev A, 015/02 Rev A, 013/03, 015/03 Rev A, 015/07 Rev A, 015/10 Rev A, 015/11 Rev B, 015/12., 015/14, 015/15, 015, 16,17,18, 20 and Materials Schedule Rev B.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The approved stone walling 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 bargeboards or eaves fascias shall be used in the proposed development.

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.

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 garage doors 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.

New rainwater goods shall be of cast iron construction or a substitute which has been approved 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.

Prior to the first occupation of the development hereby approved the first floor windows in the south west elevation shall be fitted with obscure glazing (and shall be non opening) and shall be permanently retained as such thereafter.

Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy 46.

The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans 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, in accordance with Local Plan Policy 39.

The entire landscaping scheme shown on drawing OBGR/015/07 Rev A shall be completed by the end of the first planting season following the completion of the first building on the site.

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 commencement, including demolition and ground clearance/preparation, a Tree Protection Plan and Method Statement must be submitted to the Local Planning Authority and agreed in writing. Once agreed the details must be carried out in full and in accordance with any timescales therein.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no sheds, garages or outbuildings shall be erected, constructed or sited in the curtilage of the dwelling hereby approved nor openings opened or closed other than those permitted by this Decision Notice.

Reason: It is in the interests of visual and residential amenity in accordance with Cotswold District Local Plan Policies 42 and 46.

The demolition of the outbuildings and construction of the dwelling hereby approved shall be carried out in accordance with the Method Statements dated 21 April 2016.

Reason: To ensure that the work is carried out without damage to the boundary retaining wall.

The materials used in the development hereby permitted shall be in accordance with the submitted Materials Schedule Rev B and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42 the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.



Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 30/03/2017

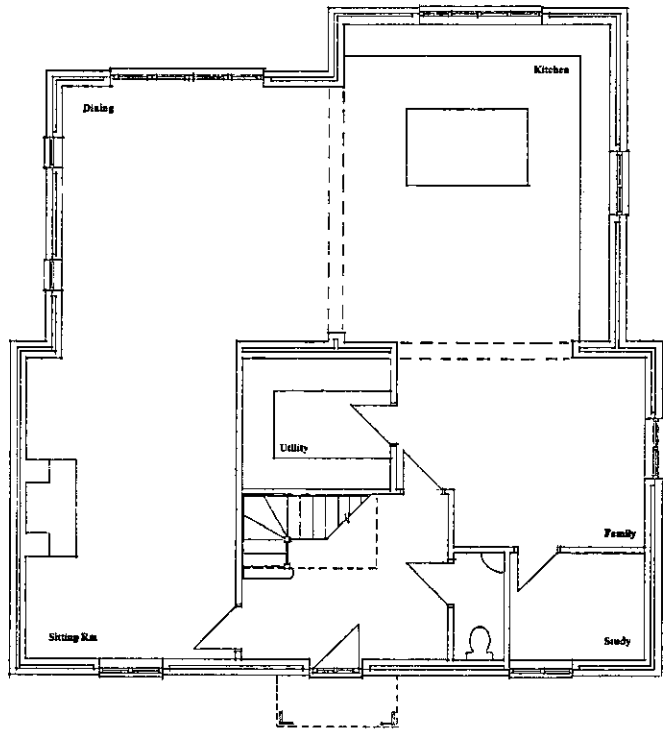


COTSWOLD
DISTRICT COUNCIL

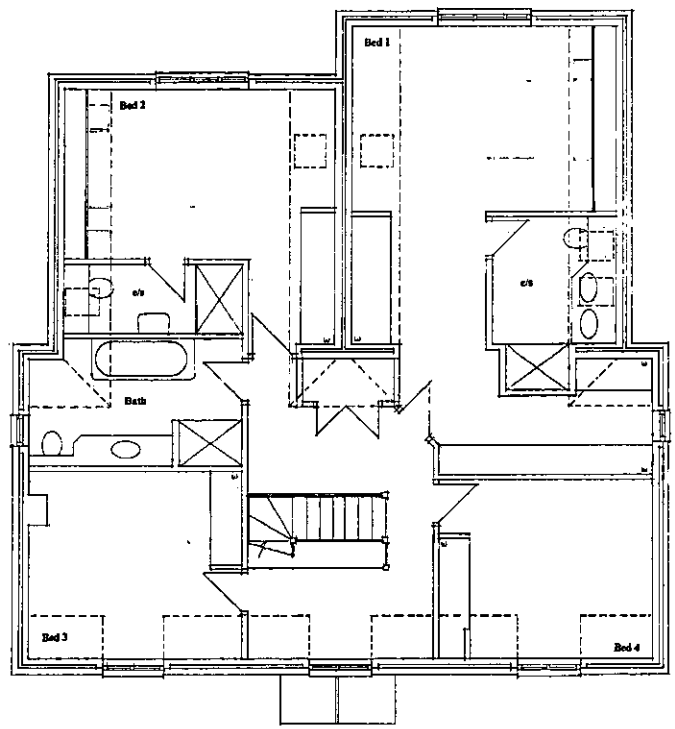


PARTRIDGE HOMES LTD
 Project
LAND AT THE OLD BARN
NO 33 GLOUCESTER RD
CIRENCESTER
 Drawing
NEW HOUSE
PLANS & ELEVATIONS
 Drg No OBGR01501 | 1:100 1:50 | 29-12-11

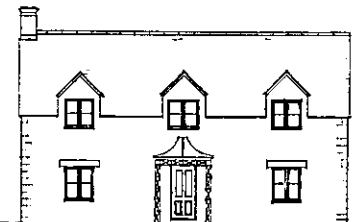
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 CLEEVE HILL, CHELTENHAM,
 GLOUCESTERSHIRE, GL53 9PC
 TELEPHONE/FAX 01243 676633
 e-mail apj@apj-associates.fsnet.co.uk



GROUND FLOOR



FIRST FLOOR



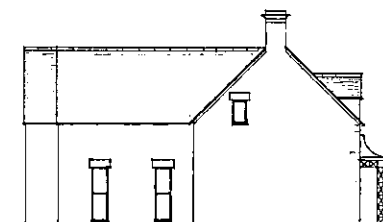
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

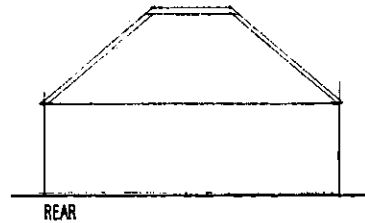
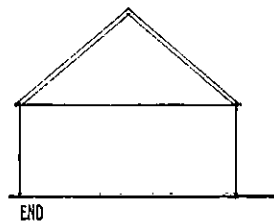
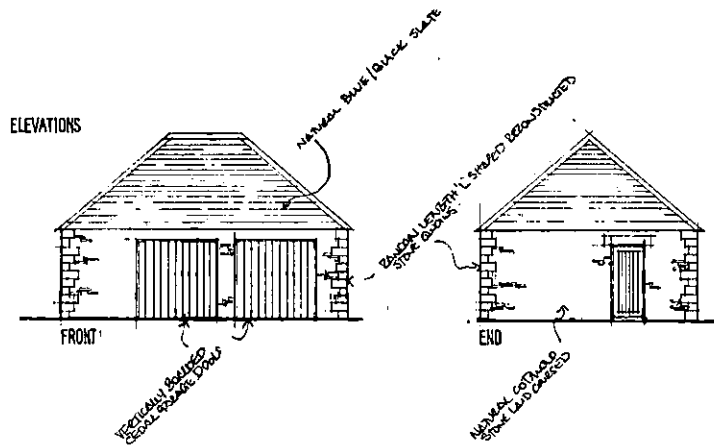
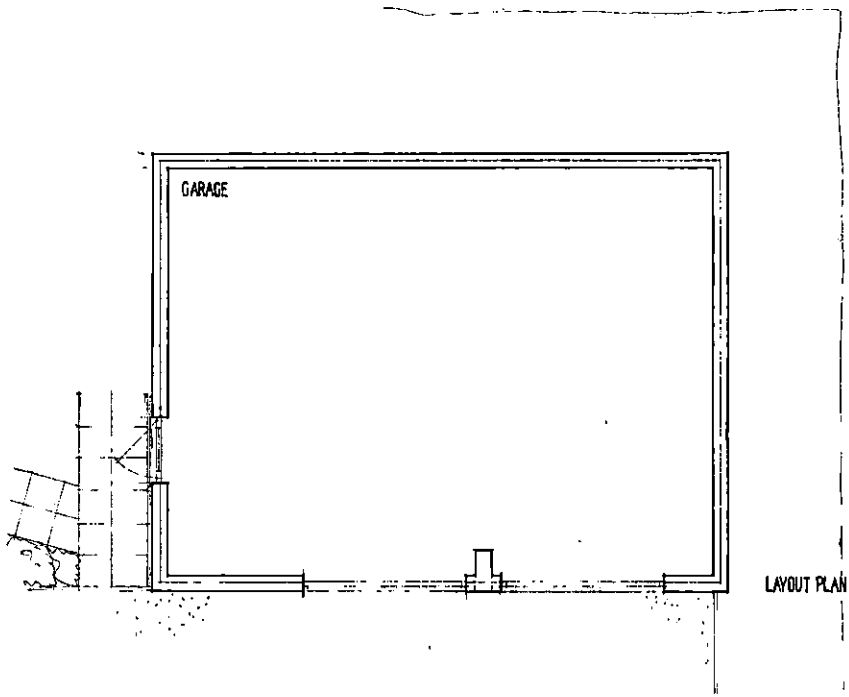


SIDE ELEVATION

55

16103924/FUL

PLANS & ELEVATIONS



NOTES:
All dimensions must be checked on site and not scaled from this drawing.

Date	Revisions
A FEB 16	ESCAPE DOOR REVISID.

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Client
FARTRIDGE HOMES (LONDON) LTD.

Job Title
LAND ADJOINING THE OLD BARN,
No 33, GLOUCESTER ROAD,
CIRENCESTER, GLOS, GL7 2LF.

Drawing Title
GARAGE LAYOUT & ELEVATIONS

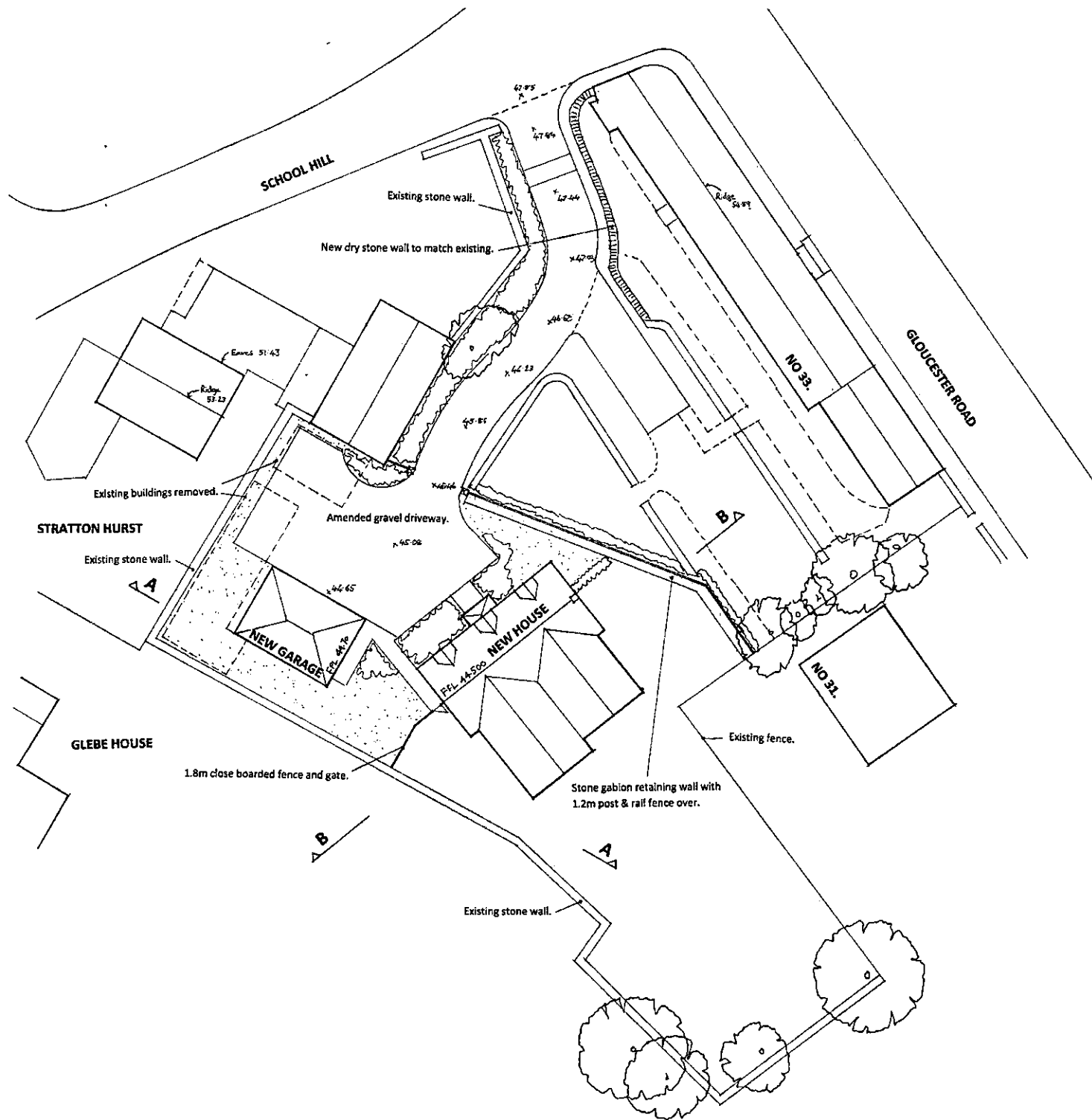
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Date
DEC 2015

Drawn by
EJH

Drwg No.
DBGR/015/03

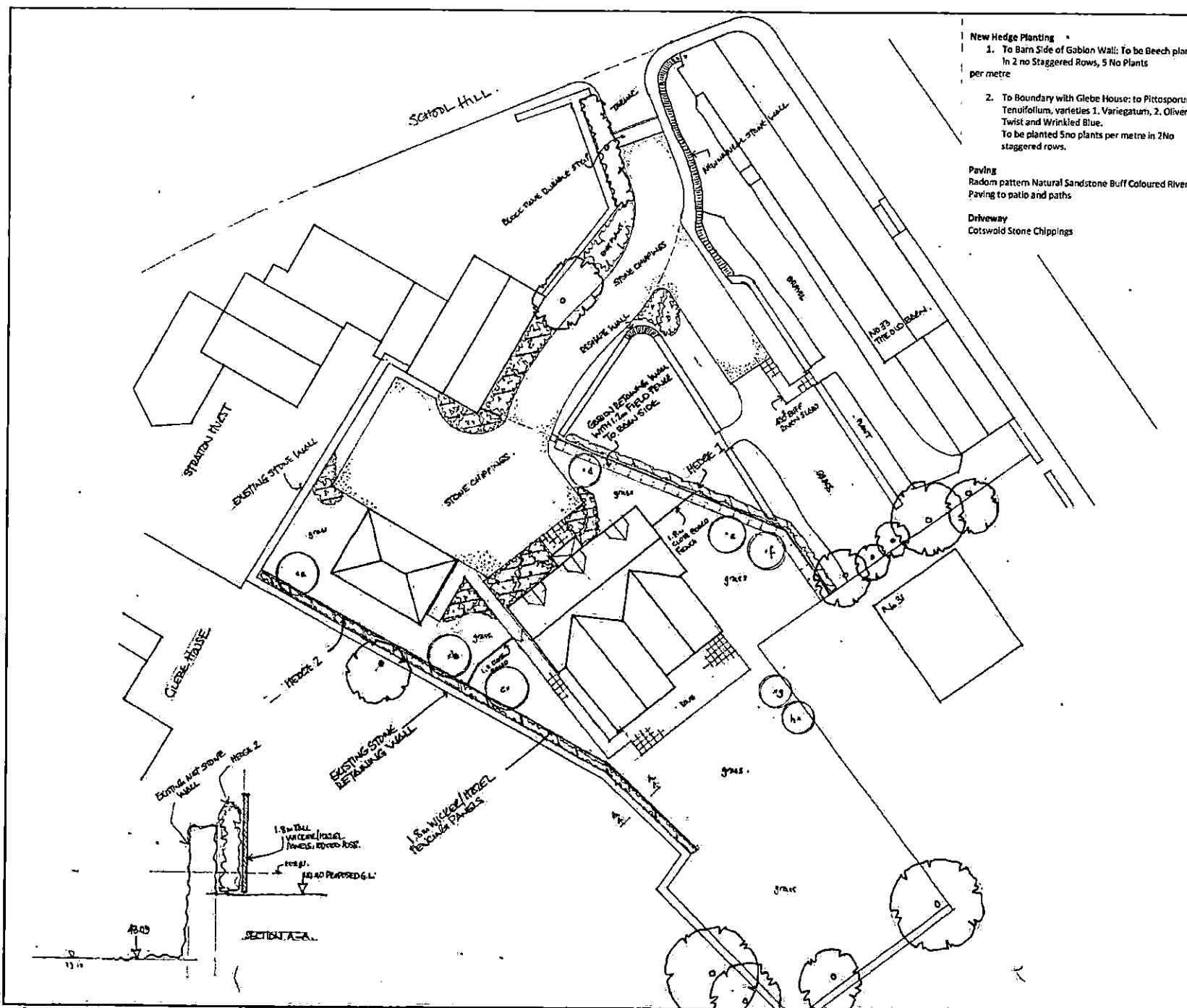
Rev
A



57

Client PARTRIDGE HOMES LTD		
Project LAND AT THE OLD BARN NO 33 GLOUCESTER RD CIRENCESTER		
Drawing SITE LAYOUT		
Dwg No OBGR/015/02	1:200	29-12-11
ANDREW P JONES ASSOCIATES		
Development Consultants HOLLBANK HOUSE, STOCKWELL LANE, CLEVE HILL, CHELTENHAM, GLOUCESTERSHIRE, GL52 3PU TELEPHONE/FAX 01242 676025 e-mail apj@apj-associates.fsnet.co.uk		

SITE LAYOUT



New Hedge Planting

- To Barn Side of Gablon Wall: To be Beech planted in 2 no Staggered Rows, 5 No Plants per metre
- To Boundary with Glebe House: to Pittosporum Tenuifolium, varieties 1. Variegatum, 2. Oliver Twist and Wrinkled Blue. To be planted 5no plants per metre in 2No staggered rows.

Paving
 Radom pattern Natural Sandstone Buff Coloured River Paving to patio and paths

Driveway
 Cotswold Stone Chippings

Landscaping Planting Schedule

Planting areas to contain the following:

- Sedum Spectabile
- Hebe Albicans
- Crocsmia Masonorum
- Senecia Greyi
- Viberinum Tinus
- Wetgeia Bristol Ruby
- Spiraea Snowmound
- Euphorbia Fireglow

All Plant sizes to be 3ltr Pot Standard.
 Planted 3 per m²

Trees
 Trees to be planted in machine dug pits 300mm bigger than the rootball and backfilled with good quality top soil.
 Tree planting to be Semi Mature nursery stock.

New Trees

- Acer Campestre (Field Maple)
- Betula Pendula (Silver Birch)
- Sorbus Aria "Majestica" Whitebeam
- Betula Pendula (Silver Birch)
- Acer Campestre (Field Maple)
- Sorbus Aucuparia (Rowan)
- Betula Pendula (Silver Birch)
- Betula Pendula (Silver Birch)

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BEVA - LANDSCAPE TO BOUNDARY WITH GLEBE HOUSE REVISED AND SECTION ADDED.

Client
PARTRIDGE HOMES (Cotswolds) LTD

Job Title
**LAND ADJOINING THE OLD BARN
 No 33, GLOUCESTER ROAD,
 CIRENCESTER, GLOS, GL7 2LF.**

Drawing Title
LANDSCAPING DETAILS.

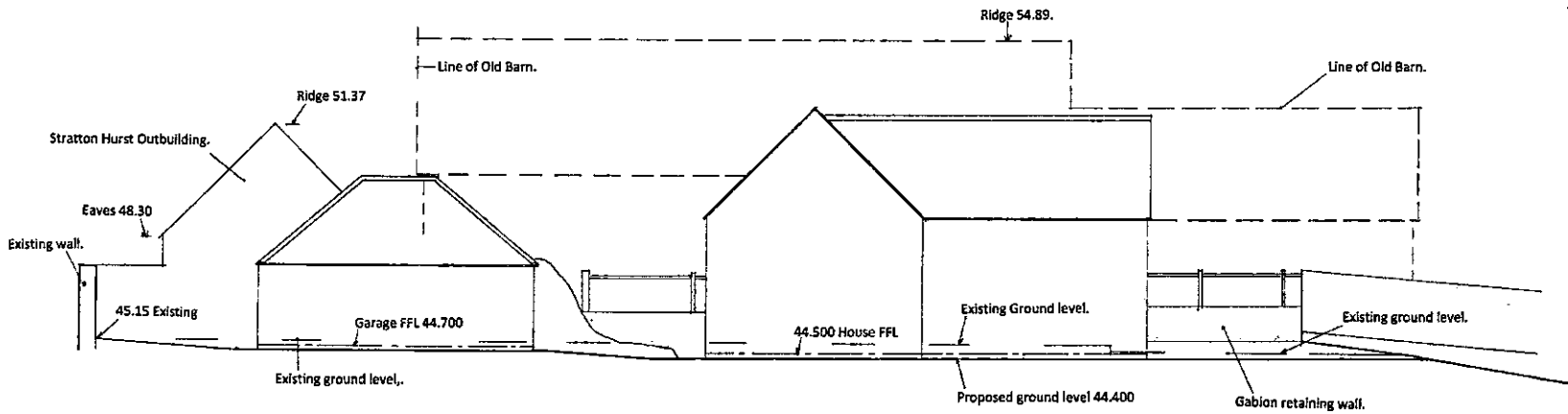
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Date
 SEPT 2016

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 TEJH

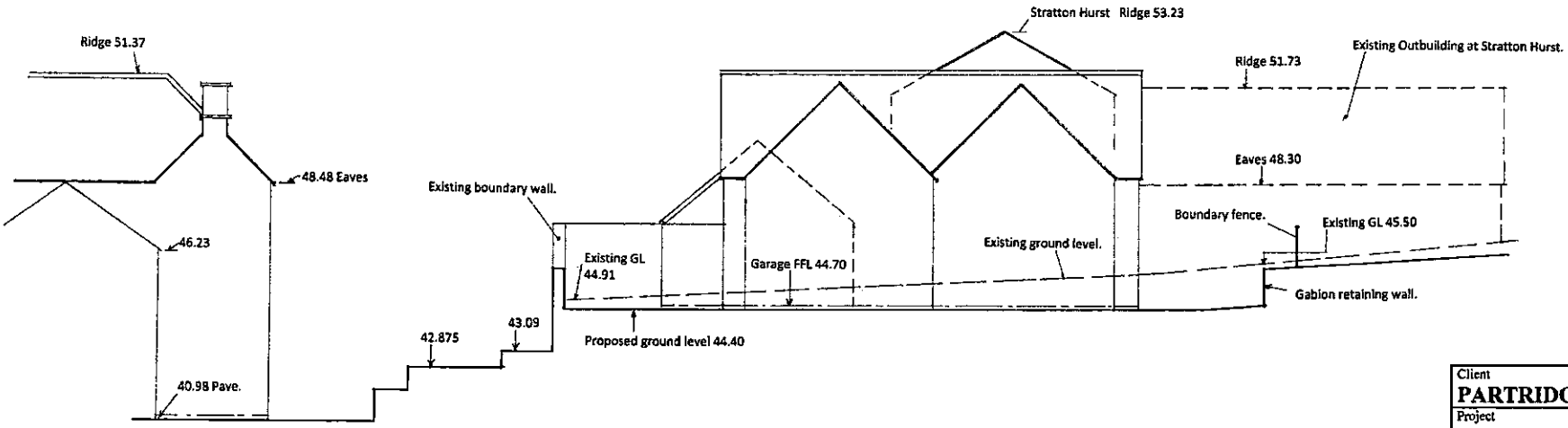
Dir No.
 08GR/015/07

Rev.
 A



SECTION A-A

59



SECTION B-B

Client PARTRIDGE HOMES LTD		
Project LAND AT THE OLD BARN NO 33 GLOUCESTER RD CIRENCESTER		
Drawing SITE SECTIONS		
Drg No OBGR/015/03	1:100	29-12-11
ANDREW P JONES ASSOCIATES		
Development Consultants HOLLBANK HOUSE, STOCKWELL LANE, CLEEVE HILL, CHELTENHAM, GLOUCESTERSHIRE. GL53 3PU TELEPHONE/FAX 01242 676025 e-mail apj@apj-associates.fsnet.co.uk		

SITE SECTIONS

Appeal Decision

Site visit made on 11 August 2014

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2014

Appeal Reference: APP/F1610/A/14/2212964

Land at 'The Old Barn', 33 Gloucester Road, Stratton, Cirencester, Gloucestershire GL7 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rivar Limited against the decision of Cotswold District Council.
 - The application (reference 13/03679/FUL, dated 22 August 2013) was refused by notice dated 29 November 2013.
 - The development proposed is described in the application form as: "demolition of existing outbuilding and erection of 2 no. dwellings, vehicular access, landscaping, parking and associated works".
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Decision

1. The Appeal is dismissed.

Main issues

2. There are four main issues to be determined in this appeal. The first is the effect of the proposed development on the setting of 'Glebe House', which is a listed building. The second is its effect on the garden space and amenities of 'The Old Barn' (primarily by reason of potential disturbance), while the third is its effect on the residential amenities of various neighbouring properties (notably by reason of its effect on privacy and visual intrusiveness). Fourthly, it is necessary to consider the living conditions that would be achieved for occupiers of the new dwellings themselves.

Preliminary point

3. The proposal drawings were amended during the application and further amendments have been made, for consideration at the appeal stage. The revisions do not fundamentally change the nature of the project (though they make some improvements to it) and they have also been taken into account.

Reasons

4. Stratton is a pleasant village, though it suffers from through traffic on the Gloucester Road, even though Stratton and Cirencester have been by-passed by a new trunk road. The village extends along the main road, which defines its historic development pattern, though there is also a significant amount of
-

new development, especially on side roads. The appeal site is located at the junction of Gloucester Road and School Hill, which descends steeply from the main road to the flat bottom of the valley. Outside the built up area of the village the land is more rural in character and a footpath runs along the edge of the fields to the south of the appeal site.

5. The appeal site is occupied by 'The Old Barn', a long single-storey building that is constructed predominantly of roughly coursed stonework under a dominant thatched roof. It is built on the Gloucester Road frontage, close to the road, and it is an impressive and historic feature in the streetscene, although it is not stated to be a listed building. A door appears on the street elevation, but vehicular and pedestrian access to the property is obtained, primarily, from School Hill, close to its junction with the main road.
6. 'The Old Barn' occupies a relatively large plot. The access point on School Hill is somewhat restricted but the site opens out behind the dwelling to form a large and attractive garden, though it is somewhat overgrown. Immediately behind the house there is a more formal area of garden, with elements of an orchard beyond (with some flourishing fruit trees). At the rear of this part of the garden, there are some substantial outbuildings. At the far end of the garden from the dwelling and entrance, there is a further area that is rather separate from the main part of the garden. Here the land is very overgrown indeed, though it appears once to have formed a vegetable garden.
7. The appeal site forms a large part of the grounds of 'The Old Barn'. A relatively small garden area would be retained with the existing dwelling, and the existing access would be adapted to serve both the existing dwelling and the proposed new development.
8. The land slopes down to the south-west, away from 'The Old Barn', behind 'Stratton Hurst', a substantial modern house that faces School Hill. At the end of the main part of the garden, the plot adjoins the back garden of 'Glebe House', which also has its principal elevation facing School Hill. 'Glebe House' is an imposing dwellinghouse, constructed of coursed squared limestone under a hipped slate roof. It dates from the early nineteenth century and is listed (Grade II) as a building of special architectural or historic interest. By contrast, the old vegetable garden adjoins the rear of the plot of number 31 Gloucester Road, a modern bungalow that is architecturally undistinguished.
9. In this case, the ground levels of the various adjoining properties are significant on account of the implications of the levels for both architectural interrelationships and residential amenities. The ground falls away from the main road, generally, towards the valley bottom and number 31 Gloucester Road stands above the furthest part of the appeal site. On the other hand, the long rear boundary of the appeal site is at a significantly higher level than the garden of 'Glebe House', which stands in substantial grounds that provide a good setting for the listed building.
10. The appeal proposals would involve the demolition of existing outbuildings on the site and the construction of two new dwellings, together with ancillary works.
11. The outbuildings stand adjacent to the boundary with 'Stratton Hurst' (though the neighbouring garage would be unaffected of course) and are

undistinguished in architectural terms. Their loss need not be regretted. The scheme would also require the removal of various trees on the site but, again, the trees to be removed are not of particular importance in the setting, bearing in mind that replacement trees could be planted.

12. The proposed two new dwellinghouses would be constructed on the rear part of the existing property, close to its south-west boundary. It is envisaged that each would enjoy the benefits of a small private garden and that additional planting would be incorporated into the scheme, including new tree and hedge planting on the boundaries. The most significant of the existing trees would be protected and retained.
13. These new houses have been designed in a traditional style, in a "barn-like" image, and they would be constructed with Cotswold rubble stone walls under Cotswold stone tiles on the roofs. They would be arranged around an open area (providing access for cars), adjoining the retained rear garden of 'The Old Barn'. Although the new buildings would be grouped around a "courtyard area", however, the rear garden of 'The Old Barn' would be screened by new boundary planting, subdividing the space.
14. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect the setting of a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the setting.
15. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use".
16. More generally, national planning policy, as expressed in the 'National Planning Policy Framework' (notably at Section 7), also lays emphasis on the importance of good design in the broadest sense. It is aimed at achieving good design standards generally, which includes protecting residential amenities and achieving good standards of accommodation. Indeed, paragraph 17 of the NPPF identifies as a "core planning principle" the need to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
17. Local planning policies also reinforce these underlying principles. In particular, Policy 18 and 42 of the Cotswold District Local Plan are concerned with design issues generally, while Policy 46 focusses on the need to achieve reasonable standards of privacy.
18. The new buildings would stand high above the neighbouring property at 'Glebe House', even though, in the revised scheme, the main two-storey element of the proposed house on Plot 1 would be further set back from this boundary. In visual terms, the new buildings would have a noticeable effect on the setting of the listed building. The impact would be reduced by locating lower buildings on this boundary but, nevertheless, the setting of the listed building would be adversely affected, to some degree. In itself, however, the impact of the proposed buildings on the setting of the listed building would not be so serious

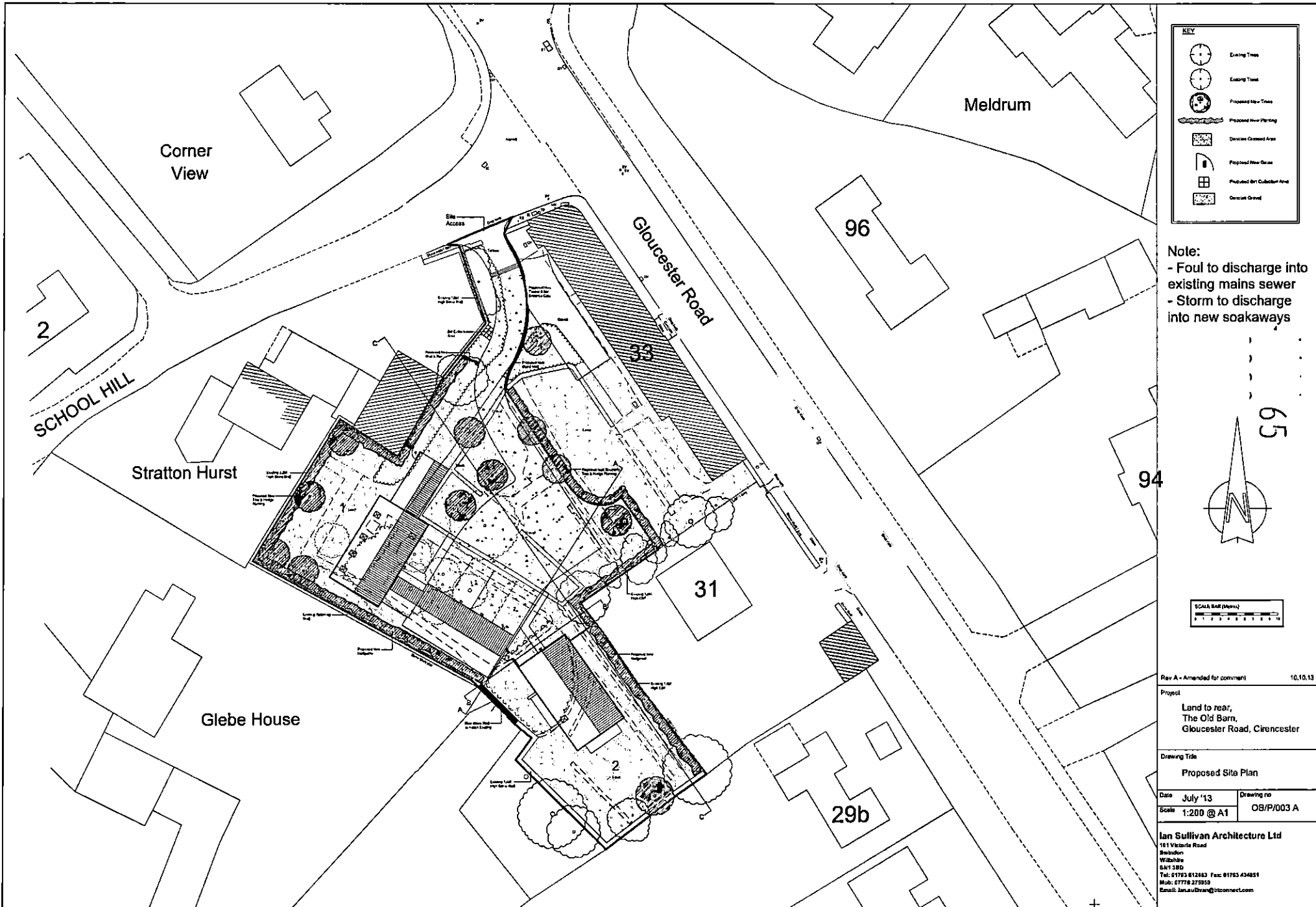
as to justify the refusal of planning permission for a scheme that had real planning benefits.

19. Turning to the impact on neighbours' residential amenities, it is plain that the effect of the proposed development on 'The Old Barn' would be very marked. The existing dwelling would be left with a relatively small garden, in its context, and part of that would be taken up by a new parking area. Moreover, the new access, to serve the proposed new properties (as well as the existing dwelling), would run very close to the rear of the house. Although the retained garden would be shielded to some extent from the impact of the drive and the turning area to serve the garages for Plots 1 and 2, these would have a considerable impact on it. Users of the garden would be subject to disturbance and to intrusion on their privacy, in spite of the proposed planting and stone wall. The effect of the drive at the constricted access point would be especially severe.
20. In short, the proposed development would have a wholly unacceptable impact on the residential amenities of 'The Old Barn', due to the disturbance and the reduction in privacy that would be caused, contrary to the aims of the 'National Planning Policy Framework' and of the Development Plan.
21. The proposed development would also have some impact on the residential amenities of 'Glebe House' and 'Stratton Hurst'. The garden of Plot 1 would be at a higher level than both its neighbours and there would be some scope for overlooking or causing disturbance to the neighbours, especially by contrast with the current very quiet environment. Visually, too, the proposed development would have an intrusive impact on its neighbours. Nevertheless, the effect of the new properties on neighbours' residential amenities would not, in itself, be so significant as to amount to a serious planning objection in this case, bearing in mind that conditions could be imposed, to prevent overlooking.
22. Plot 2 is located at a lower level than the dwelling at number 31 Gloucester Road and would not have a significant adverse impact on it.
23. On the other hand, the new dwelling on Plot 2 would be likely to suffer from overlooking by its neighbour, though this could be mitigated to some degree by new planting and fencing. Though the proposed new dwellings would have relatively smaller gardens than others in the immediate vicinity, however, they would not be unacceptably small by modern standards more generally.
24. In short, the proposed development would have some impact on the residential amenities of certain neighbouring properties and would provide living conditions for the new occupiers of the development that would be less than ideal in some respects. Nevertheless, these objections in themselves, again, would not be so serious as to justify the refusal of planning permission for a scheme that had real planning benefits.
25. The traditional or "barn-like" style of the proposed buildings and the courtyard grouping of the buildings offer some attractions but the site is too cramped and awkward for the design approach to work well in all respects and the impact of the proposed development on 'The Old Barn' would be clearly unacceptable in planning terms. Although other objections individually do not clearly and demonstrably outweigh the benefit of providing two new dwellings, they are symptomatic of a scheme that is awkward and seeks an overdevelopment of the site, irrespective of its impact on 'The Old Barn'.

26. Evidently, the appeal site lies within an established built-up area and the creation of new dwellings weighs in favour of the appeal. Nevertheless, the impact of the proposed development on 'The Old Barn' (reinforced by the cumulative impact of other objections to the scheme) clearly and demonstrably outweighs its benefits. Hence, I have concluded that the scheme before me ought not to be allowed and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

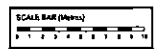
INSPECTOR



KEY

	Existing Tree
	Existing Tree
	Proposed New Tree
	Proposed New Planting
	Driveway Covered Area
	Proposed New Deck
	Proposed Grit Collector Area
	Driveway Gravel

Note:
 - Foul to discharge into existing mains sewer
 - Storm to discharge into new soakaways



Rev A - Amended for comment 10.10.13

Project
 Land to rear,
 The Old Barn,
 Gloucester Road, Cirencester

Drawing Title
 Proposed Site Plan

Date	July '13	Drawing no	
Scale	1:200 @ A1		OB/P/003 A

Ian Sullivan Architecture Ltd
 161 Victoria Road
 Swindon
 Wiltshire
 SN1 3SD
 Tel: 01753 612463 Fax: 01753 434851
 Mob: 07778 275950
 Email: Ian.Sullivan@btconnect.com

SITE PLAN APPEAL PROPOSAL (13/03679/FUL)



COTSWOLD DISTRICT COUNCIL

COTSWOLD DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Agent
SF Planning Limited
12 Royal Crescent
Cheltenham
Gloucestershire
GL50 3DA

Applicant
Partridge Homes (Cotswolds) Ltd
C/o Agent

Demolition of existing outbuildings and erection of 1 No. dwelling, detached garage building, vehicular access, landscaping, parking and associated works at Old Barn 33 Gloucester Road Stratton Cirencester Gloucestershire GL7 2LF

APPLICATION REF: 15/04899/FUL
FILE REF: CT.5679/C

DATE 18th July 2016

DECISION NOTICE

In pursuance of their powers under the above Act, the Council **REFUSES** permission for the above development for the following reason(s).

1 This proposed development site is adjacent to Glebe House, a Grade II Listed Building. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving its setting. The proximity and scale of the proposed new buildings would appear overbearing and dominant within the garden of Glebe House, failing to preserve its setting. The significance of the designated heritage asset would be diminished and it has not been demonstrated that there is any public benefit that would outweigh that harm. It is judged that the proposed development would fail to meet the requirements of Section 12 of the NPPF.

2 The proposed development, by virtue of the proposed access, scale and layout of buildings within the site, and the difference in ground levels, would result in an adverse impact upon the residential amenities of neighbouring properties, notably The Old Barn and The Glebe. The development would appear overbearing particularly in respect of The Glebe given the difference in ground levels between the two sites. The Old Barn would also experience an unacceptable amount of noise and disturbance from vehicle movements associated with the new dwelling. The proposed development would therefore be contrary to Local Plan Policy 46, and Section 7 of the NPPF.

Note: Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority

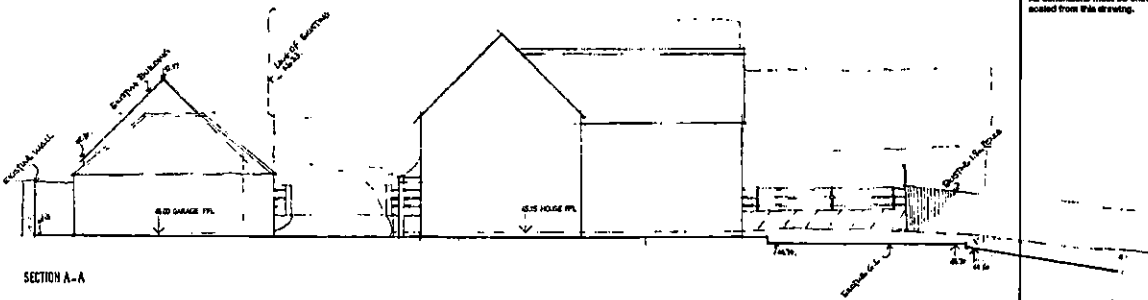
In accordance with the requirements of paragraphs 186 and 187 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and proactive manner that improve the economic, social and environmental conditions of the area and in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy. Negotiations have, however, been unsuccessful in this case to achieve sustainable development.

Your attention is drawn to the NOTES overleaf.

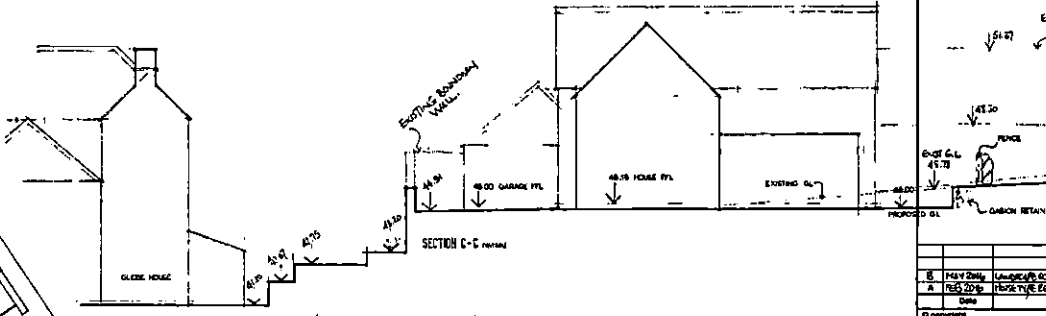
Kevin Field

Kevin Field
Planning and Development Manager on behalf of Cotswold District Council

- Landscaping Planting Schedule**
- Planting rates to cover the following:
1. Hedge
 2. New Planting
 3. Existing Retention
 4. New Planting
 5. New Planting
 6. New Planting
 7. New Planting
 8. New Planting
 9. New Planting
 10. New Planting
 11. New Planting
 12. New Planting
 13. New Planting
 14. New Planting
 15. New Planting
 16. New Planting
 17. New Planting
 18. New Planting
 19. New Planting
 20. New Planting
- Notes:**
- 1. All plants to be planted in staggered rows, 3m staggered.
 - 2. All plants to be planted in staggered rows, 3m staggered.
 - 3. All plants to be planted in staggered rows, 3m staggered.
 - 4. All plants to be planted in staggered rows, 3m staggered.
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 - 20. All plants to be planted in staggered rows, 3m staggered.

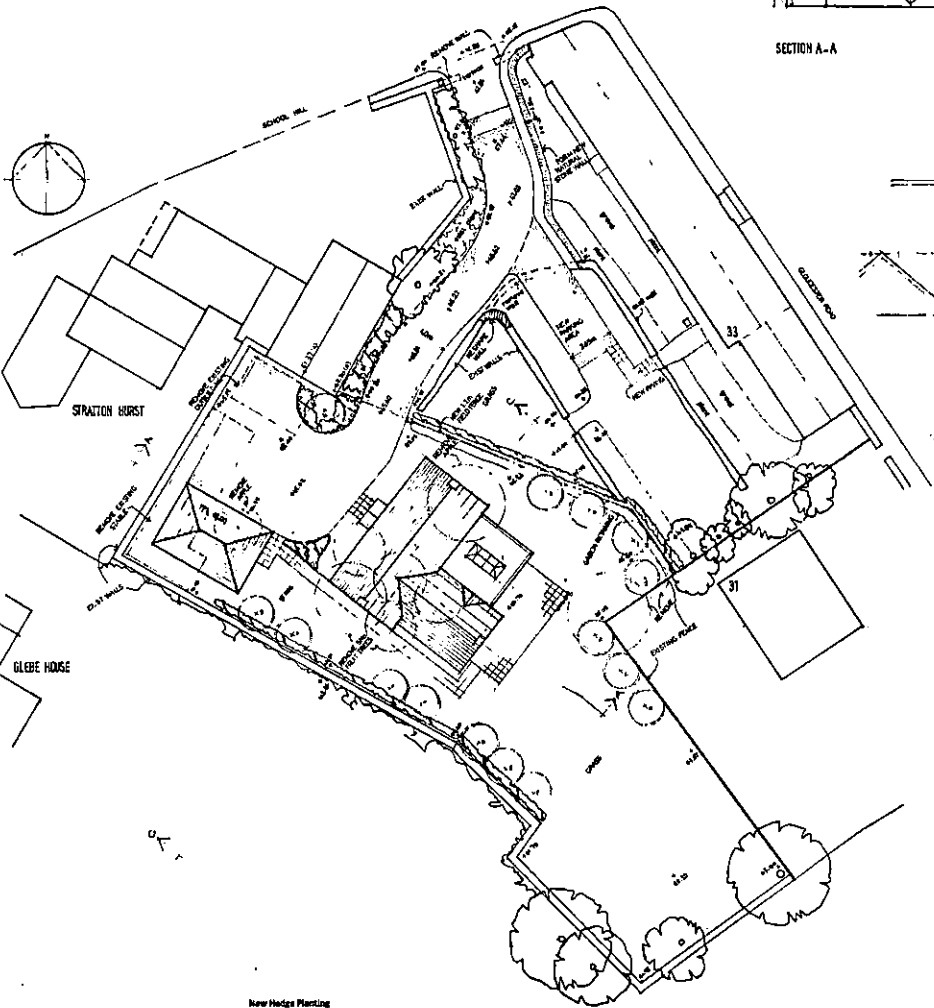


SECTION A-A



SECTION C-C

NOTES:
All dimensions must be checked on site and not scaled from this drawing.



8	REVISED	DATE	REVISIONS
1	REVISED	DATE	REVISIONS
2	REVISED	DATE	REVISIONS

Client: PARTRIDGE HOMES (Glos) LTD.

Job Title: LAND JOINING THE OLD BARN, No 33, GLoucester Rd, Glos, GL1 2LF.

Scale: SITE PLAN 1:200 / SECTIONS 1:100.

Date: SEPT 2015

Drawn by: JGH.

Drawing Title: SITE PLAN PROPOSED SECTIONS.

Rev No: 015/02.

LEGEND

	1.2m Tall Field Fence		EXISTING TREE.	+44.87	EXISTING LEVEL
	Block Paving		TREE TO BE REMOVED	+45	PROPOSED LEVEL
	Stone Curbing		NEW TREE PLANTING		
	New Stone Trunk		NEW PLANTING		
	New Hedge Fencing				

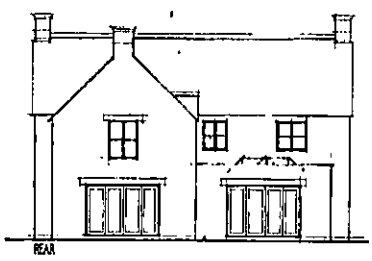
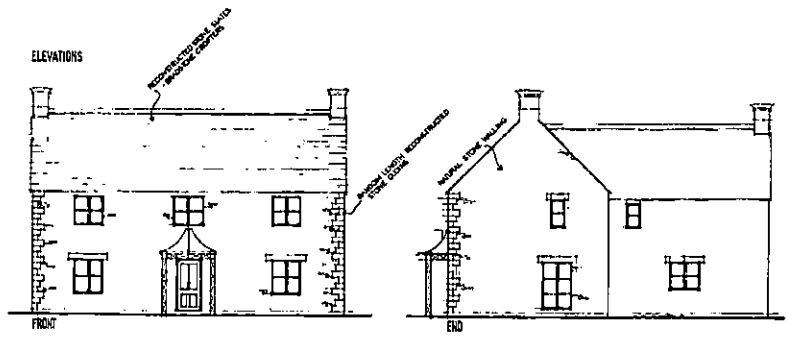
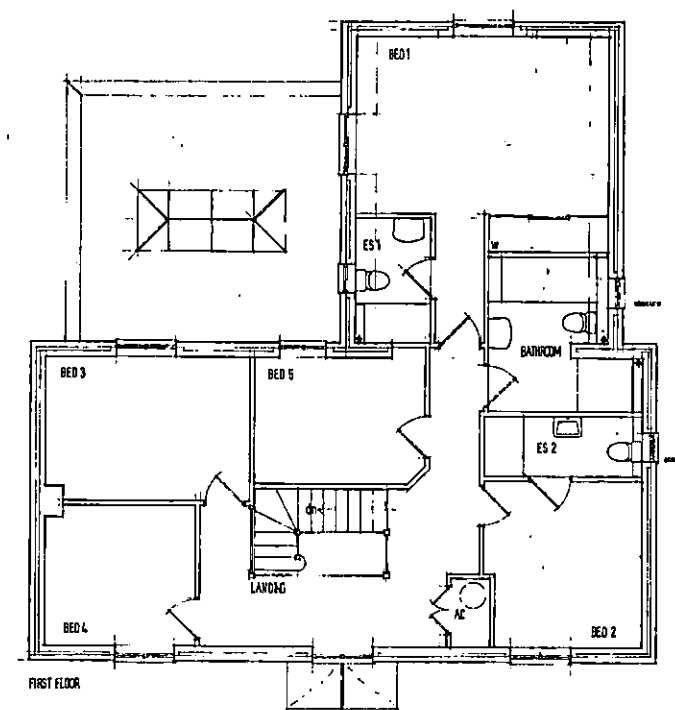
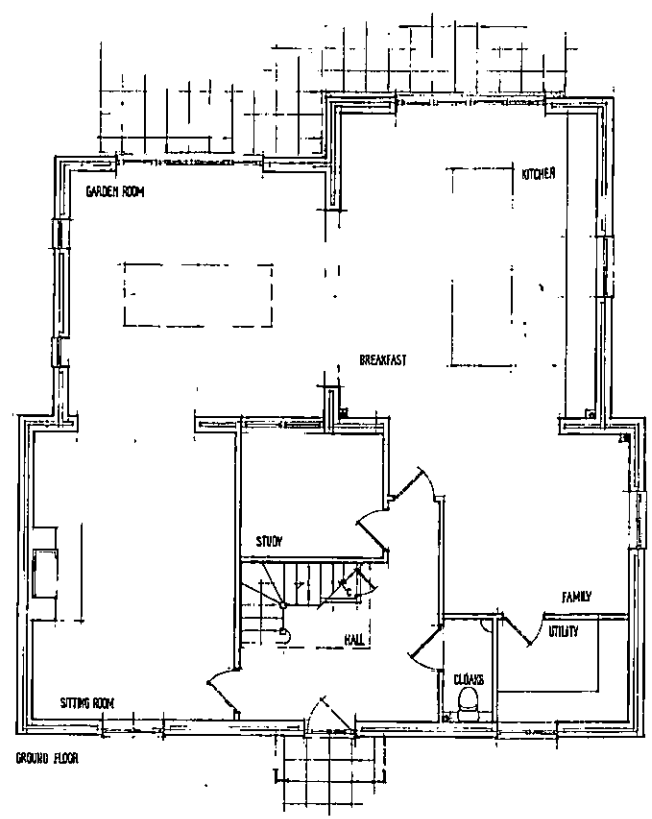
New Hedge Planting
To be Beech planted in 2 no staggered rows, 3 No Plants per metre

Paving
Random pattern Natural Buff Coloured River Paving to paths and paths

Driveway
Oxford Stone Chippings

SITE LAYOUT, REFUSED APPLICATION
15/04899/PUL

NOTE:
All dimensions must be checked on site and not scaled from this drawing.



A		REVISED BY	
DATE	BY	DATE	BY
69			

Client
PARTIDGE HOMES (Stowells) LTD.
Job Title
LAND ADJOINING THE OLD
BARN, No 33, GLOUCESTER RD,
CIRENCESTER, GLOS, GL1 2LF.

Drawing Title
HOUSE - FLOOR LAYOUTS
- ELEVATIONS.

Scale
ELEVATIONS 1:100 / LAYOUT 1:50

Date
FEB 2016

Drawn by
J.H.

Drawn by
0862 015101

Sheet
A

FLOOR PLANS AND ELEVATIONS REFWED APPLICATION
15/04899/FULL