

Item No 12:-

17/04194/FUL

**22 Roman Way
Bourton-On-The-Water
Cheltenham
Gloucestershire
GL54 2EW**

Item No 12:-**Retention of outbuilding at 22 Roman Way Bourton-On-The-Water Cheltenham Gloucestershire GL54 2EW**

Full Application 17/04194/FUL	
Applicant:	Miss Clare Mason
Agent:	
Case Officer:	Helen Donnelly
Ward Member(s):	Councillor Len Wilkins
Committee Date:	13th December 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Impact on the Area of Outstanding Natural Beauty (AONB) Scheduled Ancient Monument (SAM) and Street Scene
- (b) Impact upon Residential Amenities
- (c) Use
- (d) Other

Reasons for Referral:

The application has been referred to Planning Committee for determination at the request of the Ward Member, Councillor Len Wilkins, for the following reasons:
 Public Concern over the development;
 The pod is an overdevelopment of the site; and
 Concerns over vehicle access on a busy lane creating a danger to pedestrians.

1. Site Description:

The application site comprises a semi-detached single storey dwelling, constructed of tooled Bradstone in the late 1960s and located within a cul de sac. The property faces into the Roman Way residential area but also has a vehicular access from Moor Lane to the east. This lane is surfaced, within private ownership and is a Public Right of Way (PROW).

The application site lies within the Cotswold Area of Outstanding Natural Beauty (AONB) and to the east of Moor Lane lies open fields. These fields are part of the iron age fortified camp known Salmonsbury Camp which is a Scheduled Ancient Monument.

2. Relevant Planning History:

16/02171/FUL. Single storey side extension. Permitted 22.07.2017.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

N/A

5. View of Town/Parish Council:

Bourton on the Water Parish Council objects to the planning application for the following reason "This type of structure is completely inappropriate for a residential garden setting. The structure is incorrectly described as an outbuilding whereas it is, in fact, a Glamping Pod. The vast majority of advertising of this type of Pod features Pods in rural settings or on camp-sites, reinforcing the type of environment to which these Pods are most suited. Whilst it is compared by the property owner as no more visually intrusive than a garden shed, given it is intended to be used to provide visitor accommodation it introduces a completely different activity to that of a standard garden structure. A shed would be used primarily during the day-time for garden-related activity by the property occupants. A Glamping Pod is not comparable in that the visitor occupants will require constant access throughout the day, evening and night to amenities, including toilet facilities, in the main house. This will generate frequent traffic between the Pod and the House and, in particular, night-time noise and light intrusion which will disturb neighbouring residents. Any disruption cannot be monitored or controlled in this instance, given the property owner will not be present on-site. Additionally, installation of a Pod in the garden represents over-development of the plot, particularly when taking into consideration that planning permission is already in place for a side extension to this property, and the fact that a shed can also be later installed on the plot - both could be constructed / installed at a future date without further permission being required, thereby further over-developing this plot. The Council is extremely concerned at the precedent this would create which could lead to a proliferation of this type of structure in similarly inappropriate residential settings. The Council would urge the rejection of this application and acknowledgement of the principle that this is an inappropriate structure for a residential garden, other than in exceptional circumstances where a rural property plot size or location is such that noise and light intrusion to neighbouring properties is completely absent".

6. Other Representations:

Five letters of objection have been received which can be viewed online via the Planning Register. The summary of the issues is as follows:

- i) Outbuilding is a "Glamping Pod" with main electricity, water and sewer pipes connected for the sole purpose of a holiday let in a residential back garden;
- ii) Pod is too close to the fence with Harp End House;
- iii) Increased vehicle movements on Moor Lane and dust;
- iv) No controls over use and potential noise nuisance;
- v) No right of access via Moor Lane-a private un-adopted road;
- vi) If the application is approved it could lead to a flood of additional applications in any residential garden;
- vii) Pod is more suited to a farm, camping site etc;
- viii) AONB should have the highest level of protection;
- ix) Height and style of buildings is incongruous;
- x) There are already been noise issues with the pod.

7. Applicant's Supporting Information:

Supporting Statement

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

The application is for the retention of an outbuilding within the rear garden of the dwelling known at No.22 Roman Way. The outbuilding has been referred to by the applicant as a "pod" but for the purposes of the application it has been referred to as an outbuilding.

The footprint of the outbuilding measures approximately 2.4m by 4m. The walls of the outbuilding are clad in shingle tiles and curve inwards to meet to give the outbuilding a domed form. The outbuilding has a height of approximately 2.5m and sits on a base as the land beneath it slopes. The overall height of the outbuilding is 2.65m.

The front elevation i.e facing into the garden of No.22, is set back by approximately 1m creating a small recessed area in front of the a pair of glazed double doors. Within the rear elevation, i.e facing onto Moor Lane is a small twin casement window. This window and the doors are timber framed.

Planning permission is required for the outbuilding as it exceeds thresholds as set out within the Town and Country Planning (General Permitted Development) Order 2015. If the building had been 2m in height, or erected 2m away from the boundary, it would not have require planning permission.

A householder application has been submitted and the outbuilding is used for purposes ancillary to No.22. It does not have a toilet, sink or cooking facilities.

Policy Context

1. The National Planning Policy Framework

The National Planning Policy Framework (NPPF) must be read as a whole, but of particular relevance to the consideration of this planning application is chapter 7 - 'Requiring Good Design'. Within the chapter, the importance of good design is stressed and the key role it plays in achieving sustainable development. Good design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Design should reflect local character and history, but innovation should not be stifled.

Within chapter 11.-'Conserving and enhancing the natural environment' it is stated that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty' (paragraph 115).

2. The Adopted Cotswold District Local Plan (2001-2011)

The Cotswold District Local Plan 2001-2011 was adopted in April 2006. In January 2009, a number of policies were saved by the Secretary of State until the emerging Local Plan is adopted. The weight that can be applied to these policies is dependent upon their degree of consistency with the NPPF, i.e. the closer the policy in question accords with the NPPF, the greater the weight that may be given to it (paragraph 215 of the NPPF).

The weight that can be given to other policies of the adopted Local Plan that do not relate to the delivery of housing is a matter of planning judgement for the Council. While many of the policies of the adopted Local Plan accord with the NPPF, they were adopted before the NPPF came into force and the evidence base behind some of the policies is out of date. For those reasons alone, Officers consider that, on the whole, they cannot be afforded significant weight.

Policy 42 (Cotswold District Design Code): This saved policy requires new development to be designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District. It is supported by the 'Cotswold Design Code Supplementary Planning Guidance (SPG)' which confirms that the policy can also be applied to proposals for

contemporary architecture'. This policy is consistent with the NPPF can be afforded moderate weight.

The SPG advises that Council's Cotswold Design Code Supplementary Planning Guidance (SPG) which says that all extensions should be in scale and character with the building to which they are added.

Policy 46 (Privacy and Gardens in Residential Development) states that developments should provide adequate areas of open space around dwellings so as to ensure reasonable privacy, daylight and private outdoor living. The policy refers to extensions to dwellings but not specifically outbuildings; although for the purpose of determining this application it is considered to be relevant. The NPPF refers to the importance of good design in contribute positively to making places better for people. Officers consider that this policy is consistent with the NPPF can be afforded moderate weight.

3. The Emerging Cotswold District Local Plan (2011-2031)

The NPPF advises within paragraph 216 that "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The examination of the emerging Local Plan is continuing at the time of writing this report and the policies within it are unlikely to be adopted for several months. The policies therefore have little weight. However, relevant to the consideration of this planning application is Policy EN2 (The Built Environment). The policy requires development to accord with the Cotswold Design Code.

Policy EN5 (Cotswold AONB) is also relevant. It states that when determining planning applications within the AONB, great weight will be given to the setting, conservation and enhancement of the AONB.

(a) Design and Impact on the Area of Outstanding Natural Beauty (AONB) Scheduled Ancient Monument (SAM) and Street Scene

Officers appreciate that the outbuilding has an unusual design and form and it is highly visible from Moor Lane due to the low boundary wall and an absence of vegetation.

However, if the outbuilding is seen within the context of the existing dwelling and it's the residential curtilage. The appearance of the outbuilding is not inappropriate within a residential area and its modest size means that although it is highly visible its modest size means that it does not dominate the street scene along Moor Lane.

Due to the scale of the outbuilding and its siting within a well-defined residential curtilage, Officers consider that the outbuilding does not have a harmful impact upon the character and appearance of the AONB or the setting of the SAM.

Lighting has been placed on the elevation that faces into the garden. The lighting is discrete and of a nature that would reasonably be expected within a residential area. The lights are underneath the roof structure which provides some shielding. The lights that have been installed do not result in harm to the AONB.

(b) Impact upon Residential Amenities

The pod is sited away from the boundaries with No's 20 and 24 Roman Way and would not result in any loss of privacy to these dwellings, nor is it overbearing.

The neighbouring property to the south is Harp End Cottage. This is accessed from Moor Lane and is set at a lower level than the lane. As a result, the application site is higher than the garden area of this dwelling and the outbuilding is visible above the 1.8m close boarded fencing erected at the Harp End Cottage boundary. However, the outbuilding is sited towards the front garden/parking area of Harp End Cottage where there did not appear to be a sitting out area. The outbuilding is not considered to be overbearing and does not overlook this property.

(c) Use

Officers understand that No.22 Roman Way is operated by the applicant as a holiday let. Planning permission is not required to do so as a holiday let has the same use category as a dwelling (C3).

The outbuilding is ancillary to the use of the No.22, whether it is used as a holiday let or as a primary place of residence. It is not let out as an independent dwelling or holiday let and planning permission would be required to do so.

Officers note the concerns of the Parish Council regarding the potential for similar buildings and uses occurring in the village. However, if such buildings meet the criteria of the General Permitted Development Order and are used for ancillary purposes, planning permission is not required.

(d) Other

The Council's Building Control team have advised that drainage works undertaken were to deal with storm water discharge from the roof structure and the building has met the requirement of Building Regulations with regard to drainage and fire proofing.

Objections have been raised to the access from Moor Lane. This does not form part of the planning application. Nevertheless, the use of the pod is not dependent upon this access as it can be accessed from Roman Way and furthermore, as an ancillary use, does not require a separate access.

Comments have also been made to works to a hedge outside of the application site. This is not relevant to the consideration of the application.

9. Conclusion:

Officers accept that the outbuilding has an unusual design and is visible but as set out above, Officers considered that it does not result in harm to the character and appearance of the area, the AONB or the setting of the SAM. It does not result in overlooking nor is it overbearing to neighbouring properties. Officers are also mindful that if the height of the outbuilding was reduced to 2.5m or if it was moved to a position more than 2 metres from the boundary, it would not require planning permission. The application is considered to accord with the NPPF and Policies 42 and 46 of the Cotswold District Local Plan.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing number(s) in accordance with the following drawing number(s): PodV1 7/10/17 and Block Plan V1 7/10/17.

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

© Crown copyright and database rights 2017. Ordnance Survey, LA No.0100018800



22 ROMAN WAY BOURTON ON THE WATER

Scale: 1:1250

Organisation: Cotswold District Council
Department:

Date: 29/11/2017

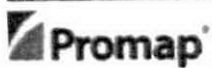
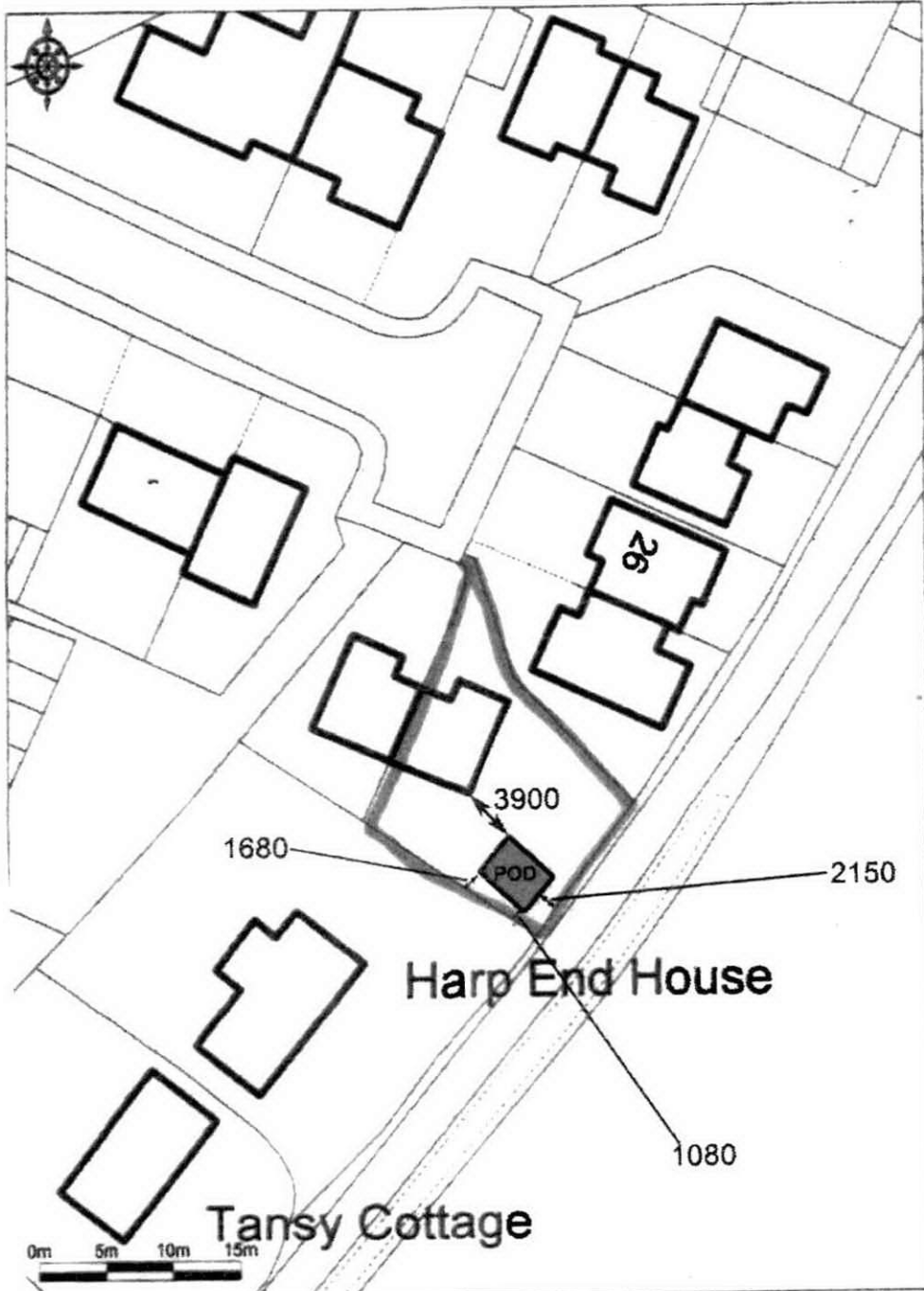


COTSWOLD
DISTRICT COUNCIL



22 Roman Way

BLOCK PLAN V1
V1 7/10/17

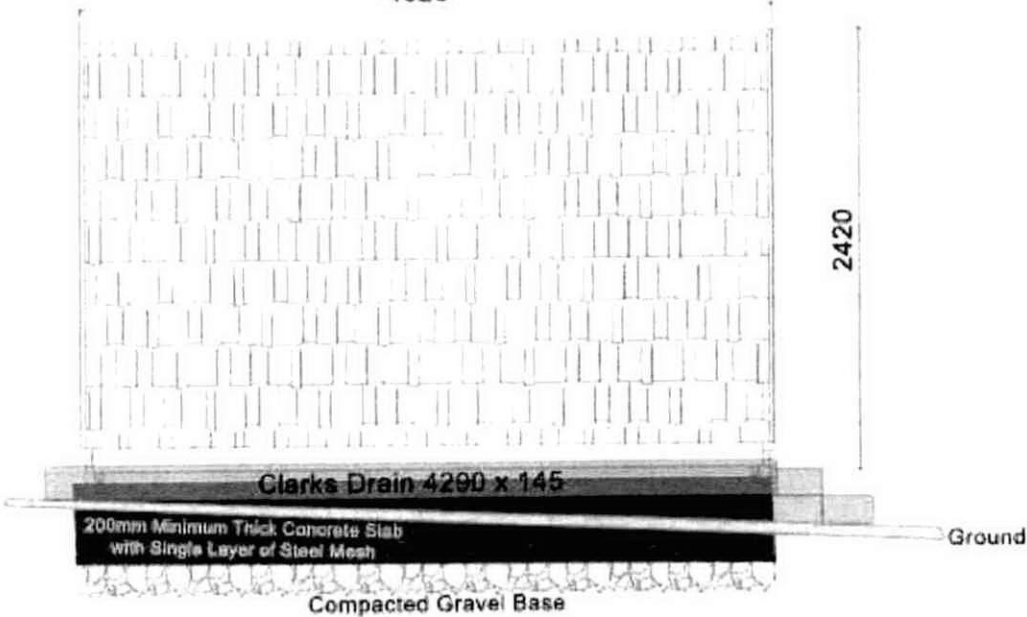


Ordnance Survey © Crown Copyright 2016. All rights reserved.
License number: 10002432. Planed Scale: 1:500

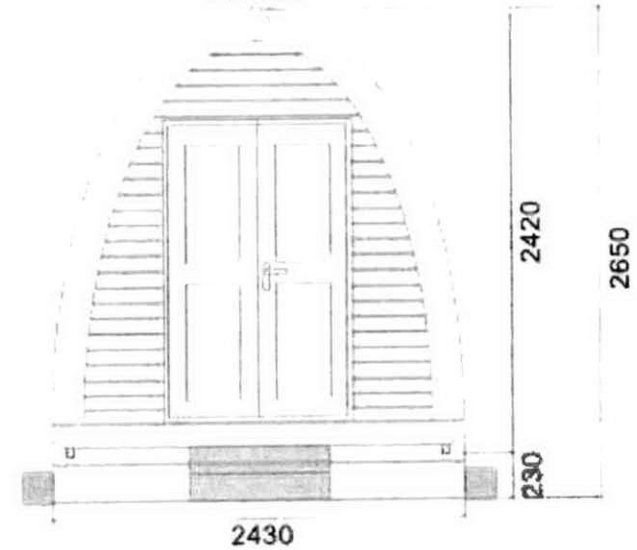
Bourton-on-the-Water
GL54 2EW

SIDE

4025

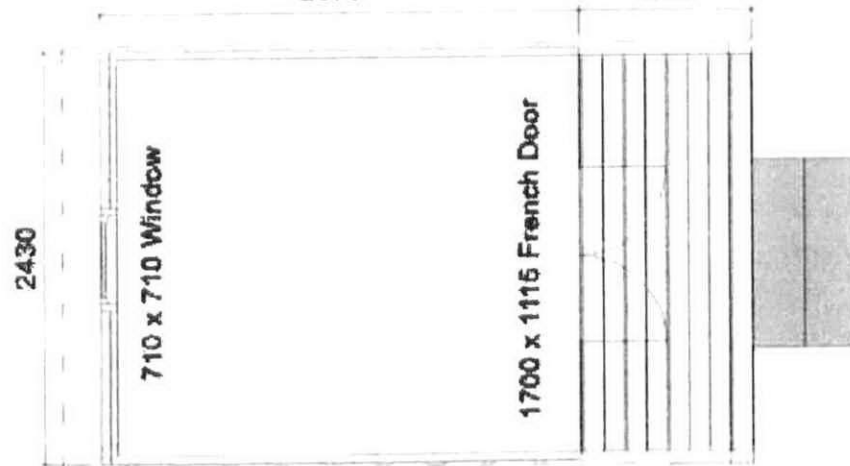


FRONT

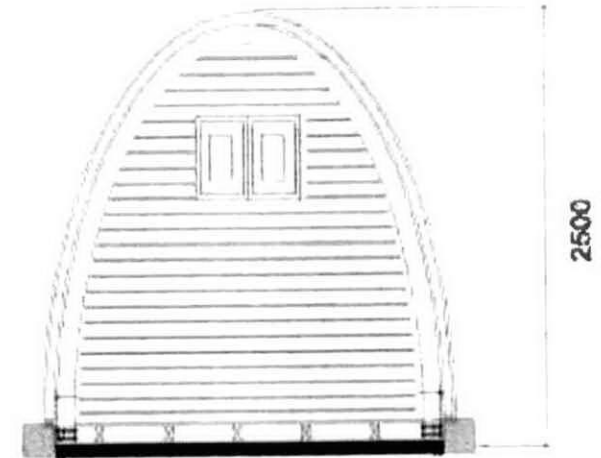


2975

1050



FLOOR PLAN



REAR

219

17/04/17/FUL