

- 130

Item No 09:-

17/03139/FUL

**177 St Marys Road
Tetbury
Gloucestershire
GL8 8BS**

Item No 09:-**Erection of two storey side extension and single storey rear extension and new vehicle access at 177 St Marys Road Tetbury Gloucestershire GL8 8BS**

Full Application 17/03139/FUL	
Applicant:	Mr Smith
Agent:	I.B.A
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Stephen Hirst
Committee Date:	14th February 2018
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Appearance
- (b) Impact on Residential Amenity
- (c) Impact on the safe operation of the highway network

Reasons for Referral:

Councillor Hirst would like to be determined by the Planning Regulatory Committee for the following reasons:

- 1) The exit from this proposed drive is onto a high volume main road and vehicles exiting would be classed as dangerous.
- 2) There is ample room at the rear of the property for vehicles to park.
- 3) Recommendation would create a dangerous precedent should the application be approved.

1. Site Description:

No.177 is a semi-detached property situated on the north west side of London Road (A433), a classified road leading into Tetbury with a speed limit of 30 mph. The site is situated at a higher level than the road with vehicular access currently to the rear from St Marys Road. The site is within the Cotswold Area of Outstanding Natural Beauty (AONB). The street is characterised by spacious plots to the frontage of the properties with natural Cotswold stone boundary walls at approximately 1 metre in height to the frontages of the property with a green strip between the footway and the highway.

2. Relevant Planning History:

None.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR38 Accessibility to & within New Developments
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Developments

4. Observations of Consultees:

Highways Officer - Supports

5. View of Town/Parish Council:

Tetbury Town Council - Does not support this application as the proposed vehicular access would interrupt the street scene and it would set a precedent for other properties. This is a very busy pathway with children and parents using it on a daily basis to get to and from school and it is also one of the main pathways to the town centre.

6. Other Representations:

2 letters of objection have been received. The concerns raised are summarised below:

- i New access would be quite dangerous as the road is extremely busy and cars park opposite the proposed entrance;
- ii Vehicles would cross the footpath which is in constant use especially as it's near a school;
- iii Would set a precedent for others to apply to do the same; and
- iv Vehicles parked at the front would be an ugly intrusion forward of these houses.

7. Applicant's Supporting Information:

Not applicable.

8. Officer's Assessment:**(a) Design and Appearance**

Section 7 of the NPPF requires good design. Similarly, Local Plan Policy 42 requires development to be 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.

The emerging policies of the Cotswold District Draft Local Plan 2011-2031 submission draft regs.19 cannot yet be afforded significant weight, but the policy is still a material consideration and the weight to be afforded to them will be established through the EiP. The emerging Policy EN2 is consistent with the current Policy 42 of the Saved policies.

Tetbury neighbourhood Plan Policy 2: Enhancement of Tetbury's Townscape and Character requires development proposals to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide. The objectives of this policy is consistent with the current and emerging Local Plan policies relating to design within the Cotswold District.

Both the two storey side extension and single storey rear extension adopt a form and scale appropriate in relation to the context of the character of the surrounding area and the character of the existing property. It is proposed that all materials match those of the existing property and in this respect the development would blend in well. A condition reinforcing this is recommended. As such, the proposed development would comply with the requirements of the NPPF and Policy 42 of the Local Plan and would not cause harm to the character of the AONB.

(b) Impact on Residential Amenity

Paragraph 35 of Section 4 of the NPPF requires that plans should protect and exploit opportunities for the use of sustainable transport modes for movement of goods or people. Therefore, developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrians and cycle movement;
- Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.

Policy 46 of the adopted Cotswold District Local Plan states that extensions to existing dwellings should provide adequate areas of open space around dwellings, so as to ensure reasonable privacy, daylight and adequate private outdoor living space.

The limited scale of the proposed single storey rear extension would ensure that no harm would be caused to the living conditions of the adjoining neighbour in terms of overlooking or overshadowing.

The proposed two storey side extension would maintain a distance of approximately 7.5 metres from the neighbouring property No.2 Beech Tree Gardens to the north east and approximately 7 metres from No.3 Beech Tree Gardens to the north. Whilst the proposal would result in some overshadowing of the rear gardens of these properties it would not be to an extent that would warrant refusal of the application.

No windows are proposed in the north east elevation facing Nos.2 and 3 Beech Tree Gardens. Permitted development rights would allow, once constructed and occupied, windows in this elevation provided they were obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. However, if a first floor window were inserted into this elevation it would look directly into the rear garden of these properties. Whilst permitted development rights would restrict any such window having clear glazing, this would not prevent the perception of overlooking at such close proximity. A condition is recommended removing permitted development rights for any first floor windows in this elevation.

On balance, the application is considered to be in accordance with Policy 46 of the Local Plan, and Section 7 of the NPPF and is acceptable in respect of any potential impact on neighbouring living conditions.

(c) Impact on the safe operation of the highway network

Policy 38 of the adopted Cotswold District Local Plan seeks to ensure sustainable and safe access to and within development.

The emerging policies of the Cotswold District Draft Local Plan 2011-2031 submission draft regs.19 cannot yet be afforded significant weight, but the policy is still a material consideration and the weight to be afforded to them will be established through the EIP. The emerging Policy INF4 is consistent with the current Policy 38 of the Saved policies.

The property currently benefits from vehicular access to the rear and a single detached garage. It is proposed that the garage be removed and a single integral garage incorporated into the side extension. A new vehicular access is proposed from the classified London Road. This would require the widening of an existing pedestrian access and the removal of a 3.5 metre stretch of dry stone wall to create a wide opening set 2.4 metres back from the carriageway at 1 metre in height. The Highways Officer has confirmed that adequate visibility splays have been provided, so as not to require the height of the wall to be reduced.

In accordance with Gloucestershire County Council's Standing Advice, the required visibility splays are 70 metres in both directions. The submitted plans indicate that the required visibility can be achieved. In addition, the proposed driveway provides turning allowing vehicles to egress from the site in a forward gear.

It is proposed that the parking and turning area be constructed of brick pavements and as such would allow permeability. A condition reinforcing this is recommended to ensure that surface water does not discharge onto the highway.

The access for the first 5 metres from the carriageway edge would be finished in tarmac, so as to prevent the migration of loose material onto the carriageway, that could otherwise increase vehicle braking distances.

The suggested highways related conditions require the retention of the parking and visibility splays in perpetuity, so as not to impinge on the safe use of the carriageway.

Whilst the objector's concerns are noted, in consideration of the above, on balance it is considered the proposal would not result in an adverse impact on the safe operation of the highway network in accordance with Policy 38 of the local plan and guidance contained within the NPPF.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing numbers 7065/02 Rev A.

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 materials to be used for the external walls and roof of the development hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

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 first floor window shall be inserted in the north east side elevation of the proposed development.

Reason: To protect the privacy of the occupants of the neighbouring dwellings in accordance with Local Plan Policy 42 of the Cotswold District Local Plan.

In accordance with the approved plans, the parking and turning area hereby approved shall be finished in brick pavements and be permanently retained as such thereafter.

Reason: To ensure that surface water does not discharge onto the highway, in the interests of highway safety and in accordance with Cotswold District Local Plan Policy 38 and paragraph 35 of the National Planning Policy Framework.

The vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no .7065/02 Rev A with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be permanently maintained as such thereafter.

Reason: To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with Local Plan Policy 38 and paragraph 35 of the National Planning Policy Framework.

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter permanently maintained, so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

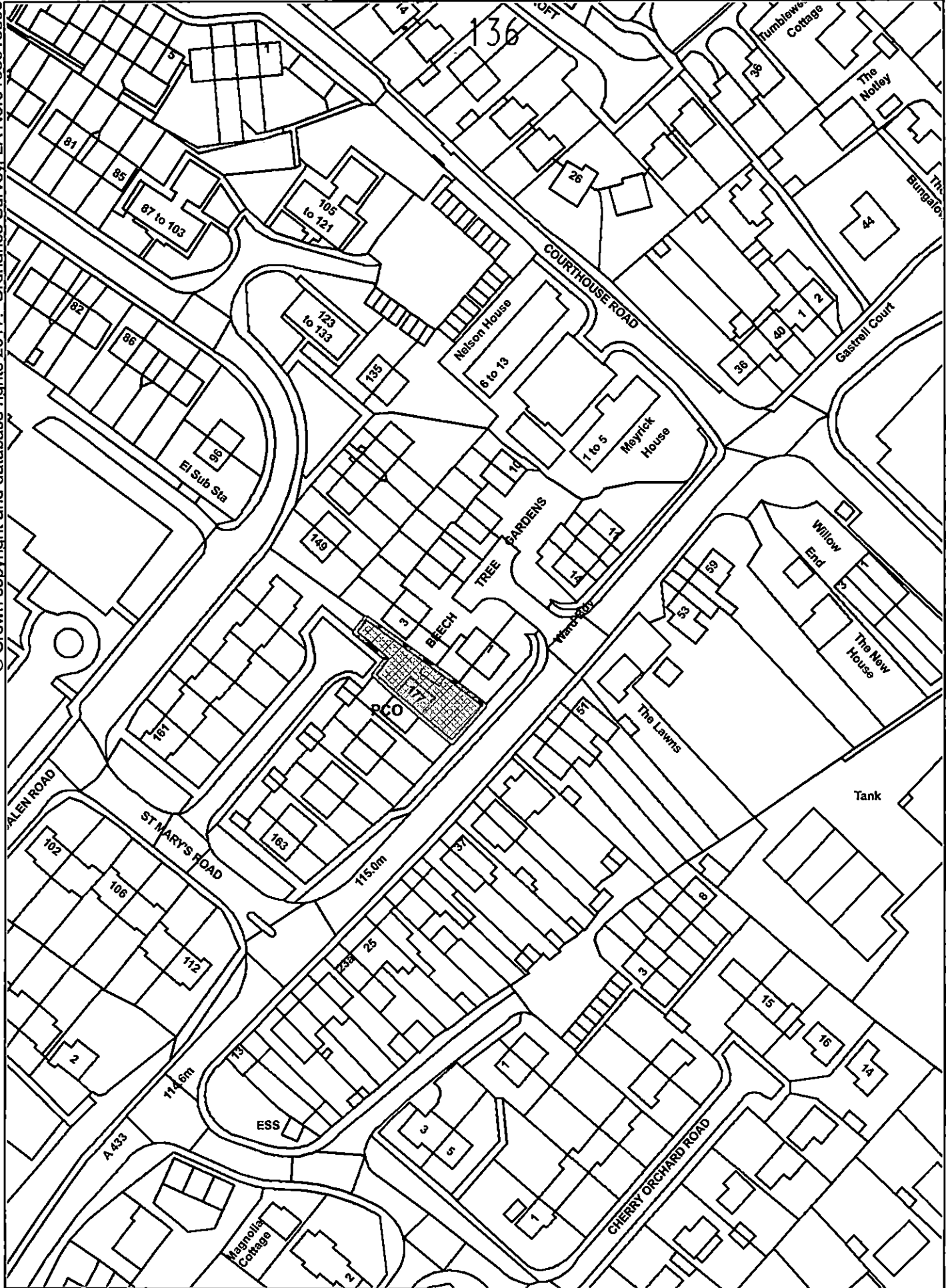
Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Local Plan Policy 38 and Section 4 of the National Planning Policy Framework.

Prior to the access being brought into its first use and notwithstanding the submitted plan no.7065/02 Rev A the vehicular access including the turning area shall be laid out and constructed in accordance with Manual For Gloucestershire Streets Fig. 8.1 and shall be permanently retained as such thereafter.

Reason: To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with Local Plan Policy 38 and paragraph 35 of the National Planning Policy Framework. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

17/03139/FUL

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



COTSWOLD
DISTRICT COUNCIL

177 ST MARYS ROAD TETBURY

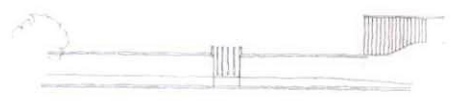
Organisation: Cotswold District Council

Department:

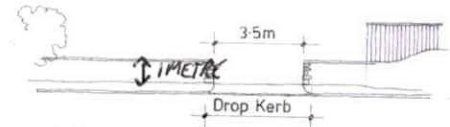
Date: 01/02/2018

Scale: 1:1250





Existing Wall Elevation



Proposed Wall Elevation

REVISIONS:
REV. A - 06-10-2017
ACCESS WIDTH INCREASED
TO 3.5M.

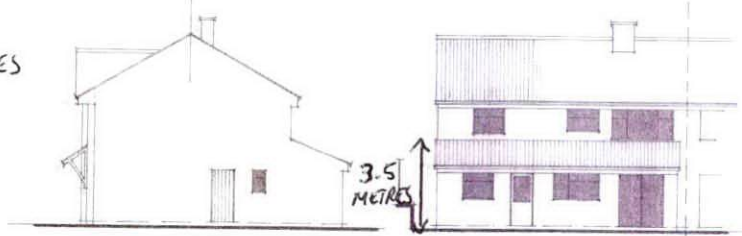
NOT TO SCALE

I.B.A.

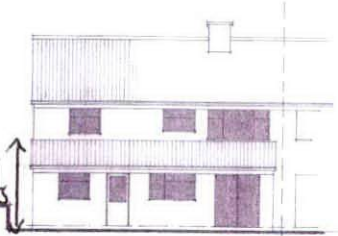
Units E & F
The Old Brickyard
Ashton Keynes
Wilts SN6 6QR
Telephone no. 01285 861383
e-mail: ibr@ibpa.com



Front Elevation 3.7 METRES



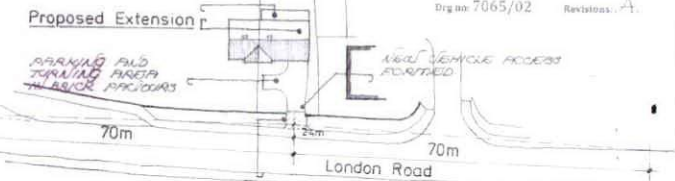
Side Elevation



Rear Elevation 9.7 METRES



Side Elevation



Site Plan

Project:

Proposed Extension & Vehicle Access
177 St Mary's Road
Tetbury

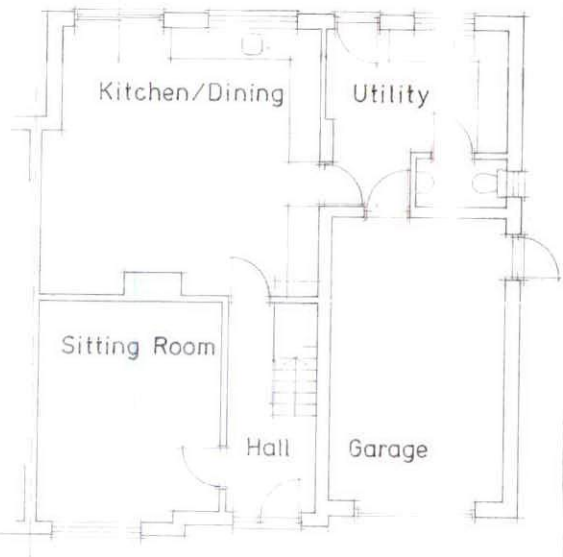
Client:

Mr M Smith

Title:

Proposed Ground & First Floor
Layout, Elevations, Site &
Location Plan

Scale: 1:50 (100 @ A1) Date: July 2017
Dwg no: 7065/02 Revisions: A



Ground Floor Layout



First Floor Layout



Location Plan

PHOTO 1

138

NORTH



139

PHOTO 2

EAST



140

PHOTO 3

WEST



141

PH676 4

