

**Item No 05:-**

**18/02070/FUL**

**Windyridge  
Station Road  
Stow-On-The-Wold  
Gloucestershire  
GL54 1JU**

**Item No 05:-**

**Erection of a single dwelling house, detached garage and associated works, formation of a new access and erection of a garage to serve Windy Ridge (Amendments to size and design of dwelling approved under permission 16/03900/FUL) at Windyridge Station Road Stow-On-The-Wold Glos GL54 1JU**

<b>Full Application 18/02070/FUL</b>	
Applicant:	Derek Morris
Agent:	
Case Officer:	Martin Perks
Ward Member(s):	Councillor Dilys Neill
Committee Date:	8th August 2018
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Main Issues:**

- (a) Residential Development in a Development Boundary
- (b) Size, Design and Impact on Character and Appearance of the Locality and Cotswolds Area of Outstanding Natural Beauty
- (c) Access and Highway Safety
- (d) Residential Amenity
- (e) Arboricultural Impact
- (f) Impact on Protected Species

**Reasons for Referral:**

This application has been referred to Planning and Licensing Committee at the request of Cllr Neill for the following reasons:

'Several residents have spoken to me to object to the amendments to the original application for this development on the Windy Ridge site.

There are several objections.

1. The level of the site has been elevated with landfill so that it is now one and a half metres above the level on the original plan. The eaves height is not mentioned on the new plans but overall the house stands higher than agreed.
2. The garage on the original application is single story. Although on the planning portal it is still shown as single story, I have been told that it is intended to put in an upper floor, as on some drawings I have seen there is an upstairs window.
3. The design of the windows has changed, and they look a lot bigger. There is also a first floor window on the south side which wasn't on the original plan. This overlooks the neighbours.
4. There were a lot of mature trees on the site which have been felled which makes the house much more visible to the neighbours. It is also now prominent on the skyline from Lower Swell, due to the increased height & the lack of trees.

Furthermore, the owner has entered the neighbour's field without permission with a digger to remove the wild strip left at the headland.

Stow Town Council also object to the amended plans, & so if you are minded to permit I should like to call in the application to the planning committee. '

### **1. Site Description:**

This application relates to a parcel of garden land located on the south western edge of Stow-on-the-Wold. The site comprises a single storey early 20th Century dwelling (Windy Ridge) which fronts onto the A429 and a two storey detached dwelling to its rear. The aforementioned two storey dwelling is currently under construction. The site is located outside Stow-on-the-Wold Development Boundary as designated in the Cotswold District Local Plan 2001-2011. However, it is included in the new Development Boundary for the town set out in the Cotswold District Local Plan 2011-2031.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is a former lime quarry and land levels within the site are lower than adjacent land. The site is bordered to the north by a petrol filling station and grassed land, to the west by agricultural fields, to the east by the A429 and to the south by residential development.

A sycamore tree located on the northern boundary of the site and set back approximately 12m from the A429 is subject to a Tree Preservation Order.

### **2. Relevant Planning History:**

05/01038/FUL Erection of conservatory and the retention of two sheds. Granted 2005

15/01328/FUL Erection of a single dwelling house and associated works, formation of a new access and erection of a garage. Granted 2015

15/04940/FUL Erection of a single dwelling house, detached garage and associated works, formation of a new access and erection of a garage to serve Windy Ridge (Amendments to permission 15/01328/FUL). Granted 2016

16/03900/FUL Erection of a single dwelling house, detached garage and associated works, formation of a new access and erection of a garage to serve Windy Ridge (Amendments to size and design of dwelling approved under permission 15/04940/FUL). Granted 2016

### **3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR10 Trees, Woodlands and Hedgerows  
 LPR19 Develop outside Development Boundaries  
 LPR38 Accessibility to & within New Develop  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR45 Landscaping in New Development  
 LPR46 Privacy & Gardens in Residential Deve

### **4. Observations of Consultees:**

Tree Officer: No objection - views incorporated in report

Environmental Health Contamination: No objection subject to condition

Biodiversity Officer: No objection - views incorporated in report

Gloucestershire County Council Highways: No objection subject to conditions

## 5. View of Town/Parish Council:

'Council objects on the grounds that the house under construction does not represent the approved plans (16/03900/FUL) submitted. The height is one and a half metres higher than stated, also a south facing window, not on the plans, has been added which overlooks a neighbouring garden and into their kitchen, encroaching on the neighbour's privacy. As an aside a neighbouring resident advised that there is allegedly a mains gas pipe very near the proposed BBQ area which could prove hazardous. Additionally, the submitted site plan show greenery where none now exists plus that both the Environmental Survey and the Arboreal Survey are identical to that previously submitted despite the fact that many trees and shrubbery have been removed'.

## 6. Other Representations:

Three objections from residents of two properties received.

- i) The house has now been built. The ridge height has been omitted on this Application - we believe it to be built higher than originally agreed.
- ii) A large window has been constructed on the south side overlooking my garden and conservatory. (Previously a velux window in roof only) It is a playroom so will be used throughout the day. This needs to be filled in or at least fitted with obscured glass.
- iii) The Environmental and Arboricultural surveys are in most part those of 2016, but there are no trees now except one at the front drive. The site is completely barren.
- iv) A BBQ area has been added, just across the drive from a Gas Governor installation and next to the BP Petrol station.

The path at the front of the property to be installed as per 2016, has not been constructed.

- v) This application is a retrospective application following complaints to the Enforcement Team, and the house is fully built already.
- vi) Design - The house is visibly higher than on the submitted plans, and having asked the owner of the property about this, I was told "Oh, well we had to jack it up a metre and a half to get the view". Consequently it is now highly visible from the highway, and particularly from a distance from the west, where it takes prominence over other buildings. Dark coloured window frames have been fitted which are very much out of keeping with the neighbouring houses.
- vii) On this set of amended plans, to accompany this retrospective application, a window has been added, and already constructed. It directly overlooks my garden and conservatory, and was not on the previous set of plans. It is highly intrusive and denies me privacy in my garden and my house.
- viii) The Enforcement Officer insisted that the applicant draw up a new full application for this site, but little has changed on the plans apart from the features already constructed in contravention of the original permission. The applicant was also instructed to provide a new Ecological survey for the site. Instead the previous ecological and arboricultural reports from 2015 have been resubmitted which portray a false impression of the site as it is now.  
The site has radically changed, since, even before permission was given on the previous application, all trees and vegetation were removed from the western boundary, and one tree from the northern boundary (despite it not being wholly owned by the applicant). The colour plan of the site does not truly represent the site now, or in the next 10 to 20 years. The applicant even broke through a fence to clear the area on the other side of his western boundary, such is his intent to clear the whole area.
- ix) The applicant has shown that they will not adhere to any permissions, and I hope that this application will be refused, and that enforcement will do exactly that; Enforce the previous permission in every aspect, and seriously consider some sort of action.
- x) The house has not been constructed in accordance with a previously granted permission in a number of ways. It stands considerably higher than originally planned and as a result acts as an unsightly blot on the skyline when approaching the town from the Lower Swell and the west.
- xi) Additional fenestration has been added on the southern elevation which intrudes on both my neighbour's and my gardens and one of my bedrooms. Prior to making the original planning application a large number of trees were removed on the site. Regrettably none of these trees had TPOs. Had the trees not been removed they would have helped but not solved the lack of

screening on the southern and western edges of the site. The lack of screening has been further exacerbated by the removal of a number of trees designated in the original plan to remain and be protected during building operations

## **7. Applicant's Supporting Information:**

Ecological Appraisal  
Arboricultural Survey and Report

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

### **Status of Cotswold District Local Plan 2011-2031**

At the time of writing this report, the Cotswold District Local Plan 2001-2011 is the adopted development plan for the District. The Planning Policies section of this report refers to policies in the aforementioned adopted plan. Notwithstanding this, it is anticipated that the new Cotswold District Local Plan 2011-2031 will be adopted by the Council at the beginning of August 2018. If adopted, the aforementioned plan will be the adopted development plan in place at the time of the Planning and Licensing Committee meeting on the 8th August 2018.

The Officer report makes reference to both adopted and emerging Local Plan Policies. For clarification, if the new Cotswold District Local Plan 2011-2031 is adopted prior to the 8th August meeting, Members should no longer have regard to policies in the Cotswold District Local Plan 2001-2011 when making their decision.

### **Background and Proposed Development**

Planning permission was granted in 2015 and 2016 for the erection of a detached dwelling and garage on land to the rear of Windy Ridge. The aforementioned permissions also granted consent for the erection of a detached garage to the front (east) of Windy Ridge and for the creation of a new vehicular access from Windy Ridge onto the A429. The applicant has implemented the latest permission granted in 2016 (16/03900/FUL) and the dwelling is now substantially complete and the access created. Notwithstanding this, there are a number of variations between the scheme as approved and that built on site. In addition, the applicant wishes to add a timber extension to the approved dwelling. The alterations and amendments to the approved scheme are as follows:

- i) The addition of a solar panel to the rear (western) roof slope of a 1.5 storey side range. The solar panel replaces a rooflight. A first floor window has been installed in the southern gable elevation of the 1.5 storey range to compensate for the loss of the rooflight;
- ii) Repositioning of rooflight in front elevation;
- iii) Addition of French doors and Juliet balconies in place of two windows in rear elevation;
- iv) Addition of barbeque shelter to the northern elevation of the dwelling. The shelter will be timber clad and will have a flat roof measuring approximately 2.5m in height.

This application is seeking to regularise the changes to the previously approved scheme.

### **(a) Residential Development in a Development Boundary**

The application site is currently located outside the designated Development Boundary for Stow-on-the-Wold as set out in the Cotswold District Local Plan 2001-2011. Notwithstanding this, the aforementioned plan is due to be replaced in the near future by the new Cotswold District Local Plan 2011-2031. The aforementioned plan extends the Development Boundary for the settlement to the south so that it includes the application site. In light of the very advanced stage of the new Local Plan and its imminent adoption it is considered that substantial weight can now be given to the new plan. In addition, the erection of a dwelling on the site has previously been considered to be acceptable in principle. It is considered that there are significant material considerations that weigh in favour of the current development. The following emerging Local Plan policy is considered to carry substantial weight:

## Policy DS2 Development Within Development Boundaries

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

In light of the above policy and the extant permission for a new dwelling on the site it is considered that the erection of an open market dwelling on the site is acceptable in principle.

### **(b) Size, Design and Impact on Character and Appearance of the Locality and Cotswolds Area of Outstanding Natural Beauty**

The scheme approved in 2016 established that the introduction of a two storey dwelling on the site could be undertaken without having an adverse impact on the character or appearance of the AONB. The dwelling now proposed visually appears the same size and scale as that previously approved. The principle changes relate to the design and position of windows, the addition of a solar panel and the erection of a flat roofed barbeque space. With regard to the windows, the first floor window in the southern gable elevation is of a size, design and proportion that is in keeping with the remainder of the dwelling. It is not readily visible from public view and is considered not to detract from the character or appearance of the dwelling. The re-positioning of the rooflight from one part of the front elevation to another is also considered not to have a material impact on the overall appearance of the dwelling. The introduction of French doors and Juliet balconies in the rear elevation are not traditional Cotswold design features. However, they are not readily visible from public view and considered not to have an adverse impact on the overall appearance of the dwelling. It is considered that they will not have a materially greater impact in terms of light pollution than the approved window arrangement. The solar panel is also located on a rear roofslope and could potentially have been installed under permitted development rights following completion of the dwelling. It is considered that the panel does not have an adverse impact on the character or appearance of the dwelling or AONB.

The flat roofed barbeque area is modest in height and will be set to the side of the dwelling. Due to the orientation of the dwelling to the north east it will be partially screened from the main road by the main body of the existing dwelling. It will also be set back approximately 55m from the aforementioned highway. It is considered that the addition will not have an adverse impact on the character or appearance of the AONB.

The development is considered to accord with Local Plan Policy 42, emerging Local Plan Policies EN2, EN4 and EN5 and paragraph 172 of the NPPF.

The comments of Stow Town Council and neighbours regarding the height of the dwelling are noted. However, the submitted plans show the height, proportions and levels of the proposed development as being the same as that approved in 2016. The previous scheme allowed site levels to be changed as part of the development and the completed works appear consistent with those previously agreed. No evidence has been provided to demonstrate that the building constructed is 1.5m higher than that approved previously. Notwithstanding this, the development now submitted has to be assessed on its own merits. Even if it were larger than the scheme approved in 2016, it would not automatically mean that the development is unacceptable. The development under construction still has to be assessed against policy, guidance and other material considerations. In this instance, the dwelling is set back approximately 50m from the A429 and is set down below the level of the road. The neighbouring dwelling (Four Gables) to the south is located on ground which is approximately 2m higher than the application site. The aforementioned dwelling is noticeably higher than the dwelling at Windy Ridge. The dwelling does not appear incongruous, obtrusive or disproportionately large. It also does not appear out of character with the existing pattern of development evident along the western side of the A429 as you approach the town from the south. The development is considered not to have an adverse impact on the character and appearance of the area.

### **(c) Access and Highway Safety**

The schemes previously approved granted permission for the creation of a new vehicular access from the front (east) of Windy Ridge onto the A429 and for improvements to an existing driveway lying to the side (north) of the aforementioned dwelling. The applicant has completed the new access onto the A429. With regard to the existing driveway entrance, the applicant is proposing to upgrade the entrance and to introduce a 2m wide tarmac footway in a grass verge lying between the front of the application site and the A429. The footway will be set back approximately 2m from the carriageway of the A429. The footway will provide future residents of Windy Ridge and the new dwelling with a dedicated pedestrian access to existing hard surfaced areas to the north. The new footway is considered to represent a betterment in highway safety terms.

It is considered that the development will not have an adverse impact on highway safety and that it is in accordance with Local Plan Policy 38, emerging Local Plan Policy INF4 and Section 4 of the NPPF.

### **(d) Impact on Residential Amenity**

The dwelling under construction has the same orientation and position as that approved in 2016. The relationship between the dwelling and Windy Ridge has previously been considered to be acceptable. The scheme now proposed does not materially alter the relationship between the two properties.

The main change to the approved scheme, insofar as privacy and amenity are concerned, is the installation of a first floor window in the southern gable elevation of the dwelling. The new window is positioned in a 1.5 storey high extension and serves a play room. The window is located approximately 21m from the southern boundary of the application site. The southern boundary adjoins the side boundary of a residential dwelling (Four Gables). Four Gables lies side on to the application site. Its front elevation faces west towards the A429. Its northernmost side elevation is located approximately 9m from the application site boundary and approximately 30m from the window in the southern gable elevation of the new dwelling. In addition, Four Gables and its rear garden are elevated approximately 2m above the application site. A 1.8m high timber close boarded fence also extends along the side boundary of Four Gables.

Adopted Local Plan Policy 46 states that 'as a rule of thumb, it should be reasonable to identify an area within the garden as a sitting out area that is private and reasonably screened from view from neighbouring properties or passers-by'.

With regard to the emerging Local Plan, the Cotswold Design Code states:

'Extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect'.

'To ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22m and, for buildings higher than two storeys, no less than 28m.' The Design Code goes on to state 'facing windows are those which can readily be seen into from within principal rooms in another property, including windows at an angle to another, but excluding windows on front elevations. Much will depend on the angle and the topography. A principal room is a bedroom, living room, dining room, kitchen, study or other living space, but not a hallway, stairs, bathroom, utility or store'.

The window in the southern elevation of the new dwelling is located approximately 30m from windows in the rear elevation of Four Gables. The respective windows also lie at an oblique angle to the application site. It is considered that, by virtue of distance and the obliqueness, that the new dwelling will not have an unacceptable impact on the privacy of habitable rooms within Four Gables. With regard to the conservatory to the rear of Four Gables, the aforementioned development is located in excess of 22m from the window in question and is therefore beyond the 22m distance specified in the Design Code. It would not therefore be possible to sustain an

objection to the window in the southern elevation with regard to its impact on the neighbour's conservatory.

With regard to outdoor amenity space, the rear garden of Four Gables is elevated approximately 2m above the application site. A 1.8m high timber fence also extends along the site boundary. Due to the elevated nature of Four Gables, the distance of the new window from the garden area and the position/height of the boundary fence, it is considered that the new window will not have an unacceptable impact on the privacy of the private amenity space enjoyed by the occupiers of Four Gables.

It is considered that the revised scheme does not have an unacceptable adverse impact in terms of privacy or residential amenity and that it accords with adopted Local Plan Policy 46 and guidance contained in the emerging Cotswold Design Code.

#### **(e) Arboricultural Impact**

A protected sycamore tree lies adjacent to the entrance driveway serving the new dwelling. The tree is subject to a Tree Preservation Order (TPO).

The Council's Tree Officer has examined the application and states:

'The protected tree to the front of the development grows on a raised area, just above what was an existing gravel drive. Protection measures were put in place, with temporary ground protection, during the development. The development has been completed, and the tree has survived. The trees to the rear were not of good form, and were not protected. It was understood at the time they would be removed, to which I had no objection. As the tree is still present and the development has been completed, I have no further comment.'

At the time of the submission of the original application in 2015, there were five other trees on the site in addition to the protected sycamore. Four trees were located on or close to the western boundary of the site and one was located towards its site. The trees consisted of a sycamore, three hawthorn and a holly. The Tree Officer assessed the aforementioned trees prior to the determination of the 2015 scheme and determined that they were not of a condition that would merit the serving of a TPO. The trees were also not located within a conservation area and therefore there were no grounds to object to their removal.

The main construction work on the site has already been undertaken and therefore the main threat to the protected sycamore at the front of the site has largely passed. The Council's Tree Officer has no objection to the current application. It is considered that the development accords with adopted Local Plan Policy 10 and emerging Policy EN7.

#### **(f) Impact on Protected Species**

The original application submitted in 2015 was accompanied by an Ecological Appraisal.

Stow Town Council and the objectors state that the ecological report is the same as that submitted in 2015. However, the Ecological Appraisal submitted with the current application was updated in May 2018 to reflect the changes that have taken place in and around the site.

The Council's Biodiversity Officer has assessed the application and ecological report and states:

'An updated Ecological Appraisal report dated May 2018 has been submitted with the above planning application. The site already has planning permission for the construction of a dwelling and garage (ref. 16/03900/FUL) and the current application is for a change in the size and design of the new dwelling. The updated ecological report is satisfactory and there are no further requirements for information. Bat and bird boxes are illustrated in an amended version of Plan 1 at the end of the ecological report, which should form the basis of a condition for implementation



in accordance with these details. This would provide an integrated bat tube, two house sparrow terraces ('colony boxes'), house martin nest cups and two other bird boxes in trees.'

It is considered that the development does not have an adverse impact on protected species or their habitat and that it accords with adopted Local Plan Policy 9 and emerging Local Plan Policy EN8.

### **9. Conclusion:**

Overall, it is considered that the revised scheme is acceptable and can be completed without having an unacceptable adverse impact on the character or appearance of the AONB, the privacy or amenity of neighbouring residents, highway safety, trees or protected. It is therefore recommended that the application is granted.

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

The development hereby approved shall be carried out in accordance with the following drawing number(s): 180520a, 180521, 020418, 300318, 260318a, 200418.

**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 in the development hereby approved (including the mix and colour of mortar) shall match those agreed under condition compliance approval 17/01828/COMPLY.

**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.

All development works must be carried out in accordance with the recommendations in Section 4 of the Ecological Appraisal (All Ecology May 2018) and illustrated on Plan 1 in the aforementioned appraisal. All proposed mitigation and enhancements must be completed before the new dwelling is first brought into use and permanently retained thereafter.

**Reason:** To ensure that badgers & birds and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policy 9 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the first occupation of the dwelling hereby approved the footway adjacent to the A429 shall be completed fully in accordance with drawing 110718 and retained as such until adopted as highway maintainable at the public expense

**Reason:** To reduce potential highway impact to ensure that safe and suitable access is provided for all in accordance with Local Plan Policy 38 and Section 4 of the NPPF.

Prior to the first occupation of the dwelling hereby approved a Remediation Scheme specifying the measures to deal with potential ground gases/vapours at site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated in accordance with Cotswold District Local Plan Policy EN15.

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### WINDYRIDGE STATION ROAD STOW ON THE WOLD

Scale: 1:2500

Organisation: Cotswold District Council

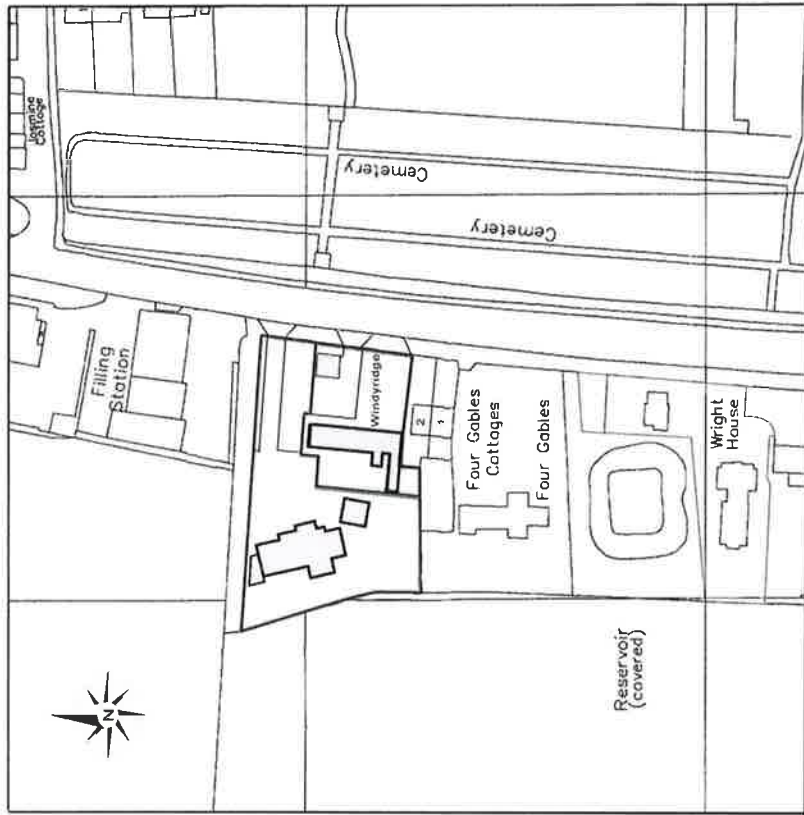
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Date: 26/07/2018

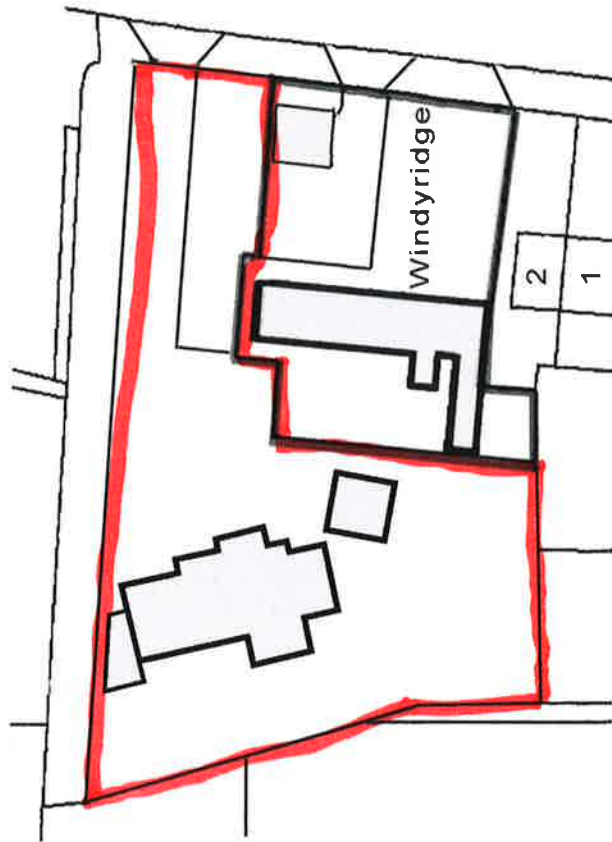


**COTSWOLD**  
DISTRICT COUNCIL

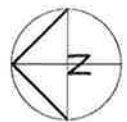




PROPOSED SITE LOCATION 1:1250

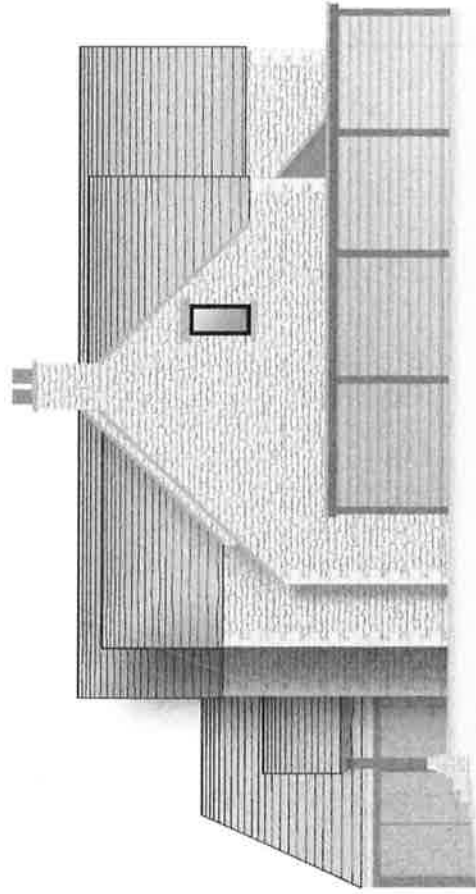
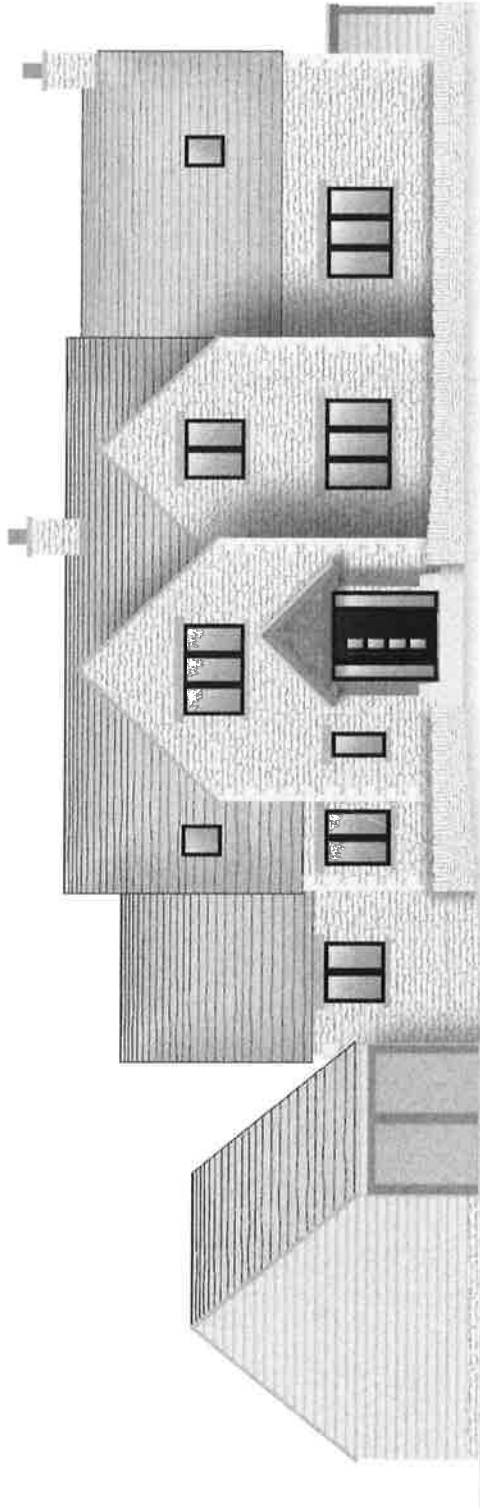


PROPOSED BLOCK PLAN 1:500



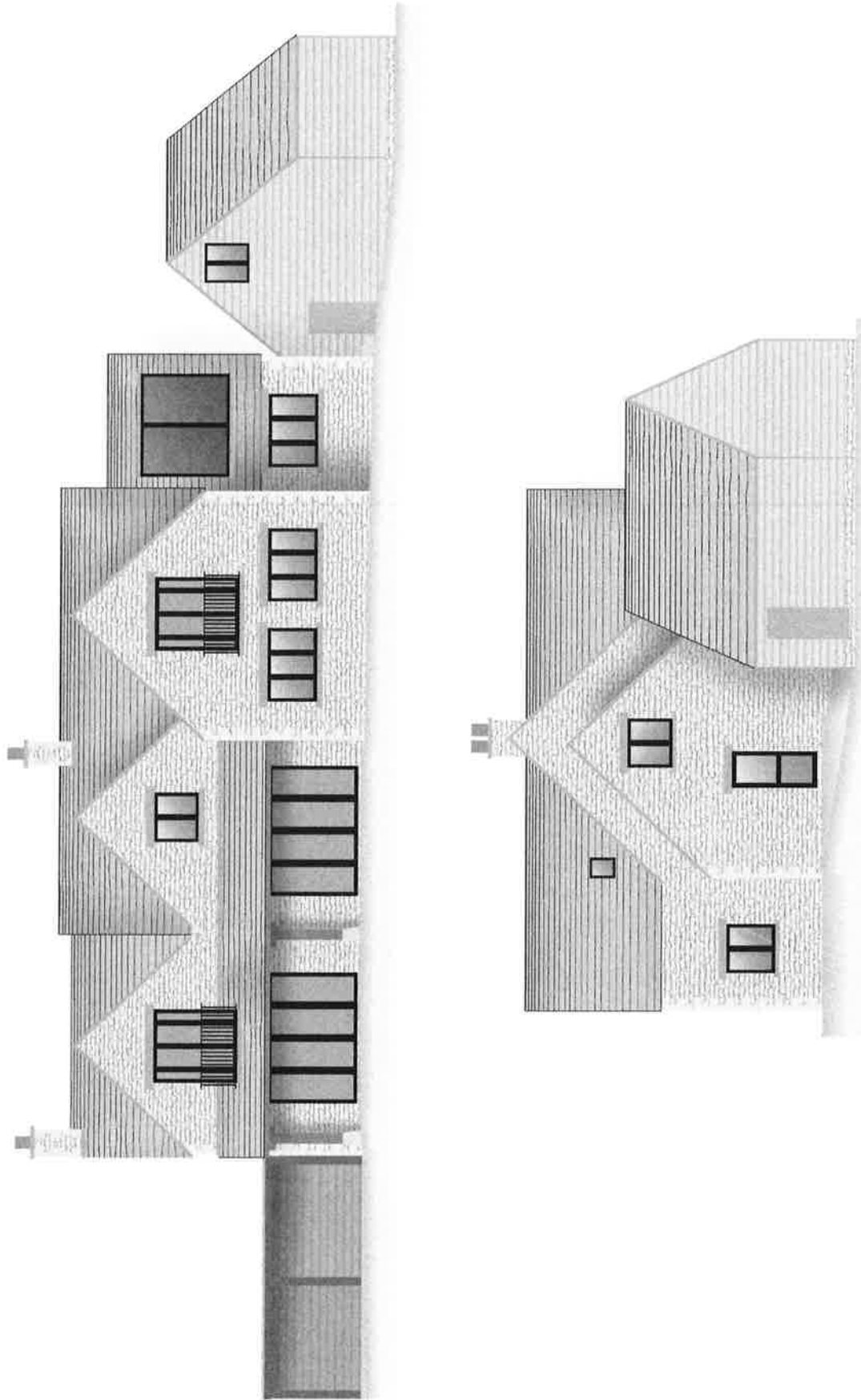
**Block Plan and Site Location Plan**





**Proposed Elevations - North East and North West**

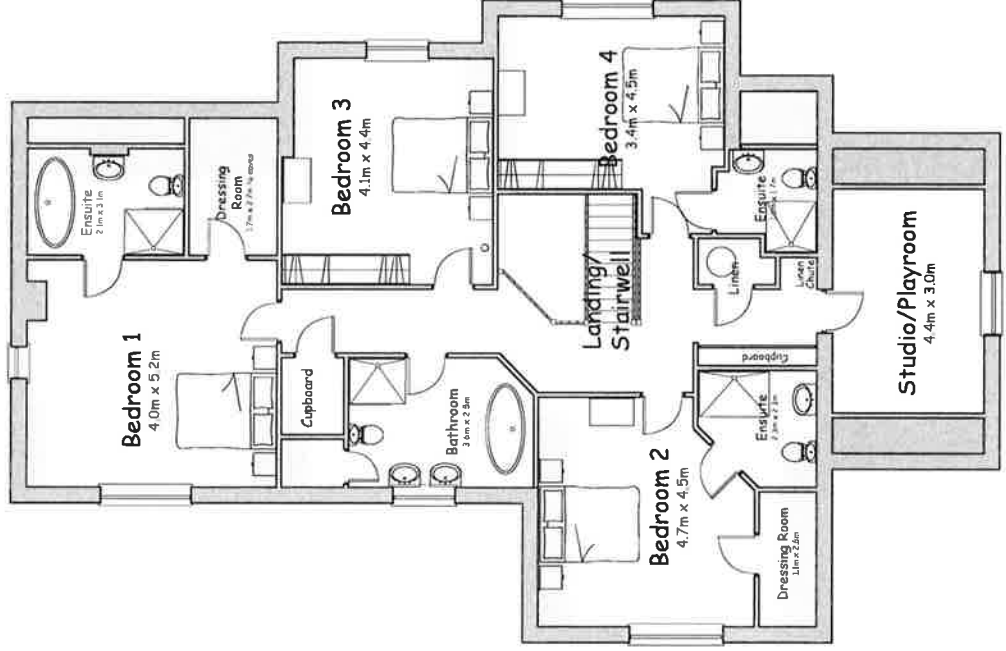
Swell View, Stow-on-the-Wold      Scale: 1:100 @A3      Date: March 2018      Drg No: 300318



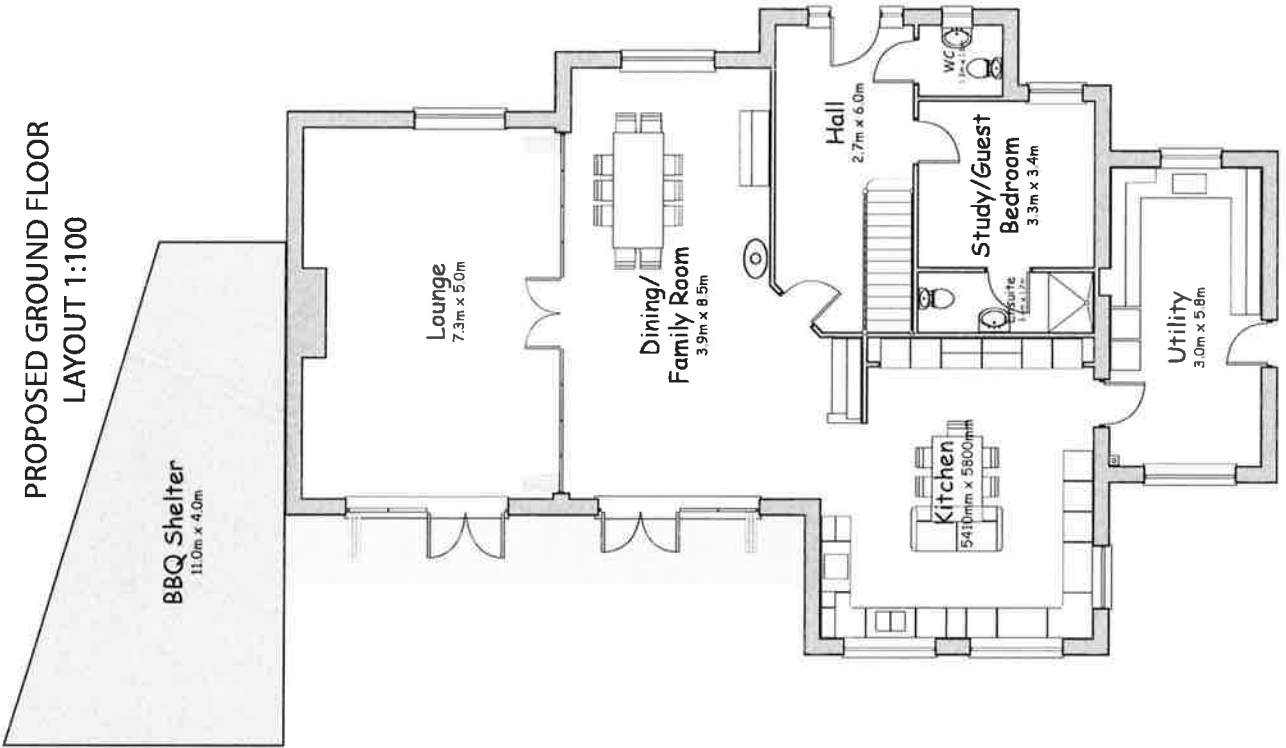
**Proposed Elevations - South West and South East**

Swell View, Stow-on-the-Wold      Scale: 1:100 @A3      Date: April 2018      Drg No: 020418

PROPOSED FIRST FLOOR  
LAYOUT 1:100



PROPOSED GROUND FLOOR  
LAYOUT 1:100



**Floor Layout Plans**

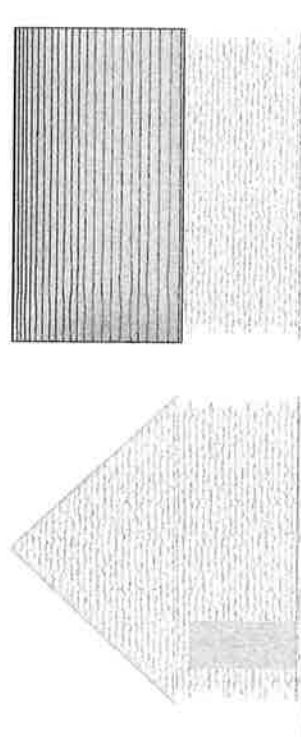
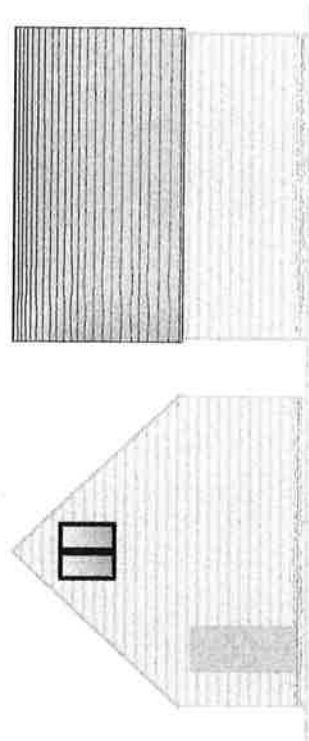
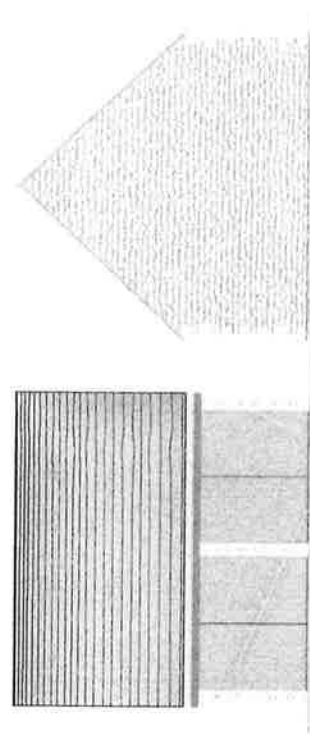
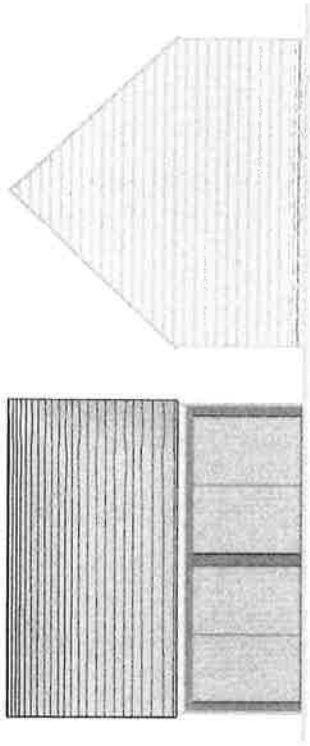
Swell View, Stow-on-the-Wold

Scale: 1:100 @A3

Date: May 2018

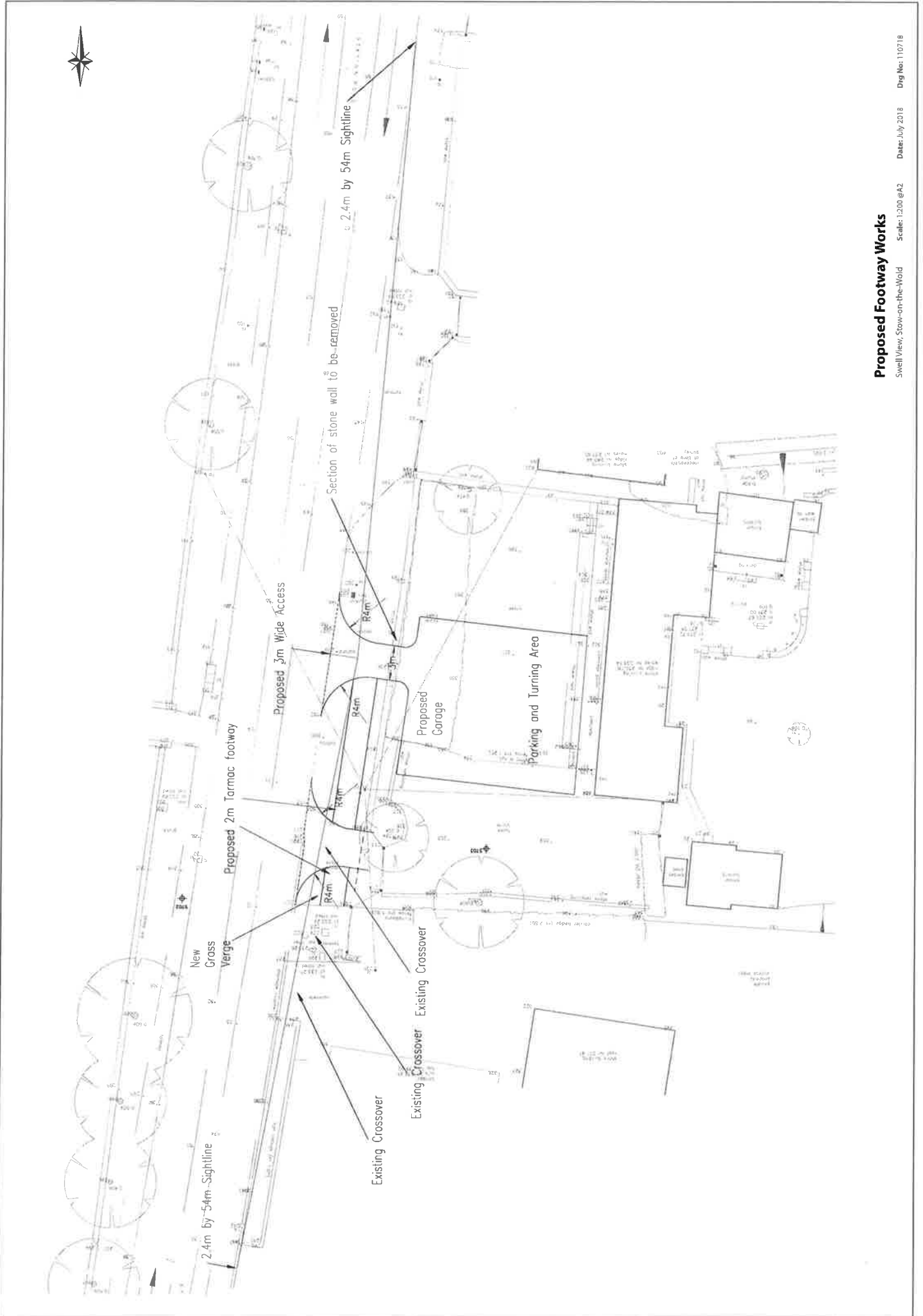
Drg No: 200418





PROPOSED GARAGE ELEVATIONS 1:100  
(Swell View)

PROPOSED GARAGE ELEVATIONS 1:100  
(Windyridge)



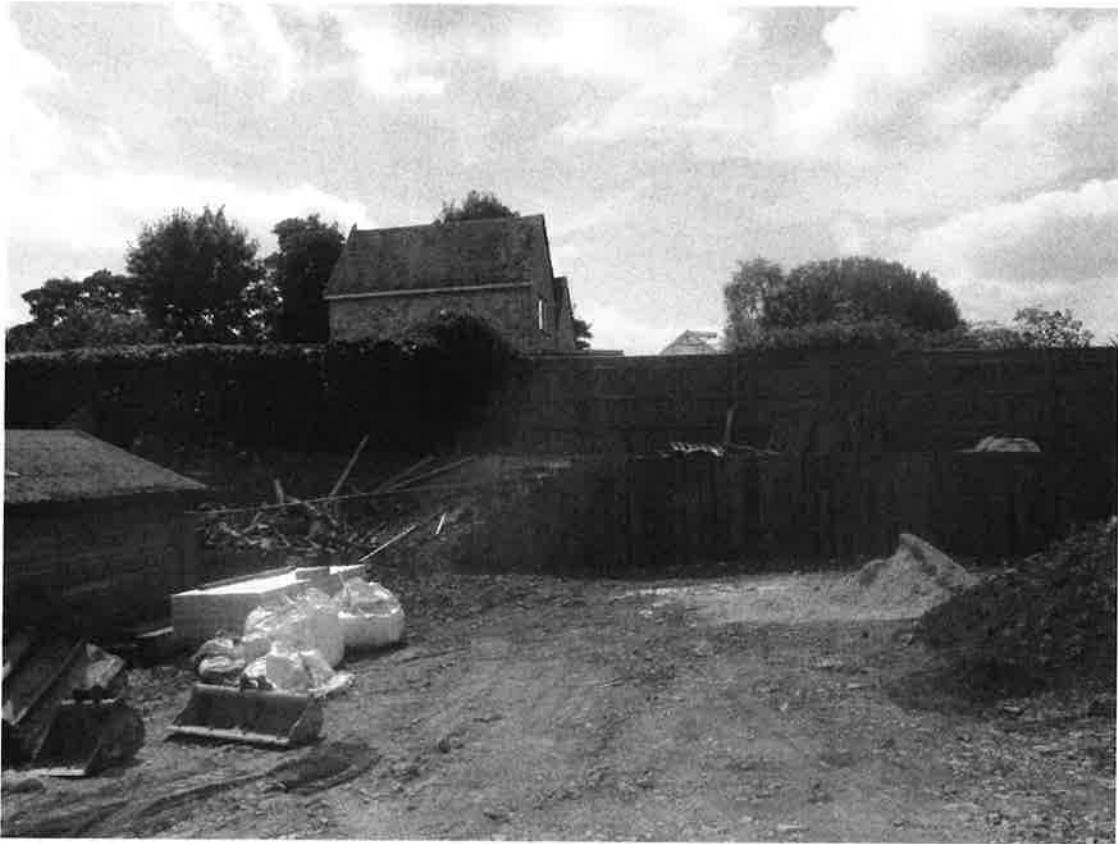
**Proposed Footway Works**

Swell View, Stow-on-the-Wold Scale: 1:200 @A2

Date: July 2018

Proj No: 110718





View south

Southern gable elevation

