

Item No 05:-

18/03164/FUL

**Dene Close
School Lane
Blockley
Moreton-In-Marsh
Gloucestershire
GL56 9HU**

Item No 05:-

Variation of Condition 2 (Approved Plans) of permission 16/04282/FUL (Replacement dwelling) - To raise section of roof and addition of roof lights - Retrospective at Dene Close School Lane Blockley Gloucestershire GL56 9HU

Full Application 18/03164/FUL	
Applicant:	Mr Simon Jeffrey
Agent:	Tyack Architects Ltd
Case Officer:	Amy Hill
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	10th October 2018
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of development
- (b) Design and Impact on Heritage Assets
- (c) Impact on Cotswold AONB
- (d) Impact on Residential Amenity
- (e) Trees
- (f) Highways and Parking

Reasons for Referral:

Cllr Sue Jepson has called the application to committee for the following reason:

"I would like this to go before the planning committee. The building is not being built to the approved plans. The main objectors are the widow of Cllr Barry Dare and family. I feel that it is only right that the committee debates this retrospective application which effects Mill Dene the family home of the Dare's."

1. Site Description:

The site is located on School Lane within the Blockley Conservation Area. The site fronts onto a large ornamental pond to the south-east, which lies in the adjoining grounds of the dwelling known as Mill Dene. The site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The application site was formerly part of Blockley Junior School and contained a school outbuilding that had been converted into a dwelling in the early 1950s, known as Dene Close. The Grade II listed school was also converted into a dwelling in the late 1990s, known as The Old School.

The site is located within the Development Boundary of Blockley as defined within the adopted Cotswold District Local Plan.

At the time of the case officer's site visit (13.09.18) the proposed dwelling was extensively built, with the walls and roof structure built (without tiles). The north-east section of the replacement dwelling has not been built in accordance with the approved plans. The approved section had a lower ridge height and the roof line was asymmetric. That built has a symmetrical roof line, with a raised ridgeline and resulting increase in eave height on the south-east elevation. The proposal also includes three additional roof lights to the north-west elevation.

Amendments have also been shown on the plans altering fenestration details on the first floor of the south east elevation. These include removing the 'box' part of the window on the north-east gable, and removing a window and amending the shape of two others in the central section.

2. Relevant Planning History:

16/04282/FUL - Replacement dwelling (revisions to previous permission: 16/00771/FUL) - Permitted December 2016

16/00771/FUL - Replacement dwelling - Permitted May 2016

3. Planning Policies:

NPPF National Planning Policy Framework
 _DS1 Development Strategy
 _DS2 Dev within Development Boundaries
 _EN1 Built, Natural & Historic Environment
 _EN2 Design of Built & Natural Environment
 _EN5 Cotswold AONB
 _EN7 Trees, Hedgerows & Woodlands
 _EN10 HE: Designated Heritage Assets
 _EN11 HE: DHA - Conservation Areas
 _INF4 Highway Safety
 _INF5 Parking Provision

4. Observations of Consultees:

None consulted.

5. View of Town/Parish Council:

None received at time of writing.

6. Other Representations:

None received at time of writing.

7. Applicant's Supporting Information:

Proposed drawings

8. Officer's Assessment:

The application has been submitted as a variation of condition application, under Section 73 of the Town and Country Planning Act 1990. This allows minor material amendments to approved schemes, without requiring the reassessment of matters, other than those relevant to the conditions concerned, unless there have been significant changes to policy or material considerations

The National Planning Practice Guidance states that such applications should be considered against the 'development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.'

The starting point for the determination of this application is now therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the National Planning Policy Framework (NPPF) are a material planning consideration. Given both of these documents have been adopted following the original grant of planning permission, it is considered necessary to re-consider the application as a whole. However, the existing part-implemented permission on the site is a material consideration for this application and one which holds significant weight.

(a) Principle of development

The development strategy of the Cotswold District Local Plan is Policy DS1. This focuses development for new housing and business within 17 Principal Settlements, due to their social and economic sustainability, including accessibility to services and facilities.

Local Plan Policy DS2 (Development with Development Boundaries) states 'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

The site is within the identified Development Boundary of Blockley, a Principal Settlement. As such the principle of the development is supported. The material considerations of the NPPF and extant permission also support the principle of the proposed development.

(b) Design and Impact on Heritage Assets

Given the site is within close proximity to several listed buildings, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving their setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The site is also within Blockley Conservation Area, and as such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Local Plan Policy EN1 promotes the protection, conservation and enhancement of the built, historic and natural environment in new development. Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

NPPF Section 12 requires good design, providing sustainable development and creating better places to live and work. Paragraph 127 states that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

Section 16 of the National Planning Policy Framework states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Specifically Paragraph 192 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 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. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal 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 including, where appropriate, securing its optimum viable use. Paragraphs 201 clarifies that not all elements of a Conservation Area will necessarily contribute to its significance.

Overall Scheme

The current proposal originates from a permission granted in 2016 for a replacement dwelling. The original dwelling on the site was not of any particular architectural merit. This is largely due to the period it was built (interwar period, possibly 1930s), which differs from its 18th and 19th century context, its former use as a storage outbuilding and crucially, the contrasting building materials and finishes. Consequently, it did not make a positive contribution to the character, appearance or significance of the conservation area, or the setting of the nearby listed building, and its removal was not contentious in principle, subject to the design of the replacement.

The replacement building currently under construction is a contemporary design which does reflect various aspects of the vernacular, through the broken massing, the gables, and the facing of the walls with stone. The stepped form of the entrance to create the fifth bedroom reflects and utilises the topography of the site, providing interest, and further linking the building meaningfully to its context.

The use of horizontal boarding on the first floor breaks the massing, but potentially introduces a form of cladding not historically associated with domestic buildings in the Cotswolds. However, the proposed materials at first floor are, on balance, not inherently harmful, providing an appropriate timber is used which would be secured via condition.

The garage is an interesting solution, but is likely to be quite visible from the road. The use of a green roof is considered suitable, as, although it is a contemporary feature, it relates sympathetically to both the context of the new dwelling and its historic surrounds.

The considerations of the new Local Plan and NPPF policies do not materially change the acceptability of the overall design.

Changes from the approved plans

The north-east section of the new dwelling is now proposed to be centralised with a higher ridgeline. This also raises the height of the eaves to the south-east. However, this section is still clearly stepped down from the main roof ridgeline, providing interest and reducing the appearance of bulk of the dwellinghouse. The larger area of walling above the window on the south east elevation, whilst not standard, is not untypical of the area. As a new dwelling, the uniformity of the roofline is in fact considered to be preferable to the asymmetric section permitted. The materials would be to match the remainder of the dwellinghouse. The alteration is considered in keeping with the dwellinghouse and character of the area, and as such is acceptable.

The rooflights to the north-west elevation are proposed as conservation style. Such roof lights are not untypical of older properties in the area and are considered suitable for the new dwellinghouse. The three on the main roof and one on the stepped down section would cumulatively not result in a cluttered appearance. As such their impact on the character and appearance of the building and area is considered acceptable.

The alterations to the first floor elevation on the South East elevation are considered non-material. The removal of the box window and replacement with a flat window of a similar size is a reduction in the massing, and would result in a more typical appearance. The amendments to the windows in the timber clad section result in less glazing, with narrow longer windows. These are proportionate and remain in keeping with the fenestrations of this elevation.

As such, the proposals as a whole, including the amendments, are considered acceptable in design terms and with regards to the impact on the character and appearance of Blockley Conservation Area and nearby listed buildings. The proposal therefore complies with the design and heritage considerations of Local Plan Policies EN2, EN10 and EN11, and Sections 12 and 16 of the NPPF.

(c) Impact on Cotswold AONB

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.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

The site is in a built up area of Blockley. As such the replacement dwelling has little impact on the AONB and the wider landscape. Alterations to the scheme are equally considered to have minimal impact on the AONB and landscape. The proposal therefore complies with Local Plan Policy EN5 and Section 12 of the NPPF.

(d) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity with regard to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Overall Scheme

Dene Close benefits from a large rear garden. Whilst it has been reduced by the larger replacement dwelling, this reduction is not significant and there is still be ample private amenity space. The spacing and general relationship with surrounding neighbouring properties including The Old School and Mill Dene are largely the same as with the previous dwellinghouse.

Changes from the approved plans

The section of increased ridge line height is located at a sufficient distance from the neighbouring properties that this increase would not cause an adverse increase in loss of light or overbearing impact on the adjoining neighbours' dwellings. Although some loss of light may occur to the

garden area of Mill Dene, given the distance to the boundaries, trees in the boundary and size of the neighbour's plots, this affect would not be harmful to the amenity of the neighbour.

The roof lights face over the garden of the site, with around 30m separation between the skylights and the built form of The Old School. Additionally the land levels are such that The Old School House is significantly higher than the house on the application site. As such, it is considered no harmful increase in loss of privacy would occur.

The proposal is therefore acceptable in residential amenity regards and is in accordance with Local Plan Policy EN2 and Section 12 of the NPPF.

(e) Trees

Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.

The application site is within the Blockley Conservation Area, as such the trees are protected by Section 211 of the Town and Country Planning Act 1990 and Policy EN7 of the Local Plan apply. The trees on the site provide amenity value and make a positive contribution to the character and appearance of the area. A condition was attached to the previous application requiring the submission of tree protection measures. Given the extent of the works already undertaken and the same footprint of the development, it is considered that requiring ongoing compliance with the protection measures provided will suffice.

The development would therefore accord with the requirements of Local Plan Policy EN7.

(f) Highways and Parking

Local Plan Policy INF4 relates to Highway Safety and seeks to avoid location where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it. Local Plan Policy INF5 states that 'Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.' The guidance notes form this policy support the considerations of Paragraph 105 of the NPPF.

Section 9 of the NPPF promotes sustainable transport. Paragraph 105 requires parking standards to take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 108 requires that all development ensures safe and suitable access to the site can be achieved for all users. Paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is noted the inclusion of unacceptable impacts on highway safety following the revision of the NPPF.

The vehicular access to the dwelling would remain the same and two designated parking spaces would be created. No turning area for vehicles would be available but this is not considered to be an issue because School Lane is an unclassified single track highway where vehicle speeds are

generally low. The section of the lane outside Dene Close and The Old School is one-way only as vehicles are prohibited from driving up the hill which further reduces the highway safety risk.

The proposal therefore complies with Local Plan Policies INF4 and INF5, and NPPF Section 9.

(g) Other Matters

At the time of the original application on the site (16/00771/FUL) a comment was received from Gloucestershire County Council's Archaeologist who advised that the 'application site is archaeologically sensitive, since it is located within Blockley's medieval settlement area. Therefore, ground works undertaken in connection with the construction of the above development may adversely affect significant archaeological remains dating to the medieval period.' However, given the previous construction on the application site, it was advised that archaeological monitoring should be undertaken during the development.

A condition requiring this was not added at the time of the original application, or for the resubmission. The majority of ground works appear to have been undertaken, with the majority of the structure built. It would therefore be considered unreasonable to require such a programme of works at this stage of the construction works.

9. Conclusion:

The proposed amendments to the existing scheme are considered acceptable and in accordance with the relevant Cotswold District Local Plan policies, having due regard to the NPPF and material considerations. As such, the application is recommended for permission, subject to the receipt of any responses containing any relevant material planning considerations not already considered above prior to the expiry of the public advertisement period.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing numbers: 2547-005, 2547-010 C, 2547-011 B, 2547-012 C, 2547-013 C, 2547/002 D, 2547/003 E and 2547/004 E.

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

The sloping roof of the development hereby approved shall be Bradstone Reconstituted Slate - 'Conservation'.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

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 Policies EN2, EN10 and EN11.

The windows and doors shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed 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 Policies EN2, EN10 and EN11.

No external woodwork shall be installed until a sample of the external woodwork finished in the proposed colour has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished and thereafter retained as approved.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

The timber 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 Policies EN2, EN10 and EN11.

The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

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 Policies EN2, EN10 and EN11.

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 Policies EN2, EN10 and EN11.

The lintels of the doors and windows shall either be natural stone, or oak left to silver; not artificial stone.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

The external windows and doors shall not be installed until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

The development shall be carried out fully in accordance with the recommendations contained within 'Trees and Construction BS5837 Tree Survey, Arboricultural Impact Assessment & Method Statement' submitted on 13th June 2016 for (16/02409/COMPLY) including the specified timescales therein.

Reason: To safeguard the retained/protected trees in accordance with Cotswold District Local Plan Policy EN7.



DENE CLOSE SCHOOL LANE BLOCKLEY

Scale: 1:1250

Organisation: Cotswold District Council

Department:

Date: 27/09/2018



COTSWOLD
DISTRICT COUNCIL



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APPROVED
 16/04282/FUL



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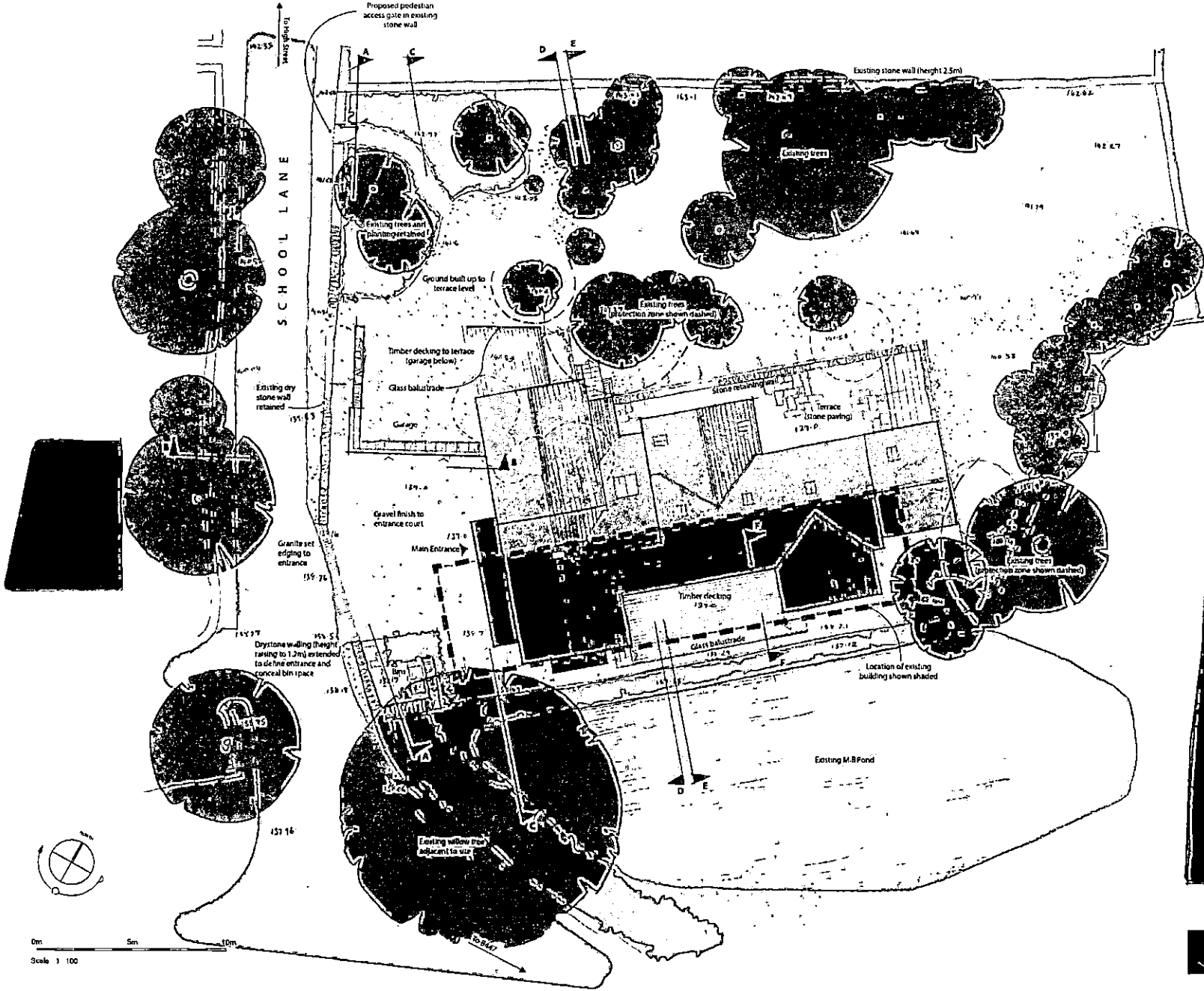
Rev A Near pedestrian access gate to road
 Grass roof to garage
 Building changes as per plans + elevations 12/10/2016

REPLACEMENT DWELLING
 PROPOSED SITE PLAN
 Dene Close, Blackley
 Mr S Jeffrey
 Scale: 1:100 Date: February 2016 Dwg No: 2347-016A
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PROPOSED



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Rev A New pedestrian access gate to road 19/12/2016
 Rev B Cross roof to garage
 Building changes as per plans + elevations
 Revised ridge position of Eastern over-roof 26/02/2018
 Additional flights added
 Variation of Elevation Application 17/09/2018
 Rev C Variation of Elevation Application



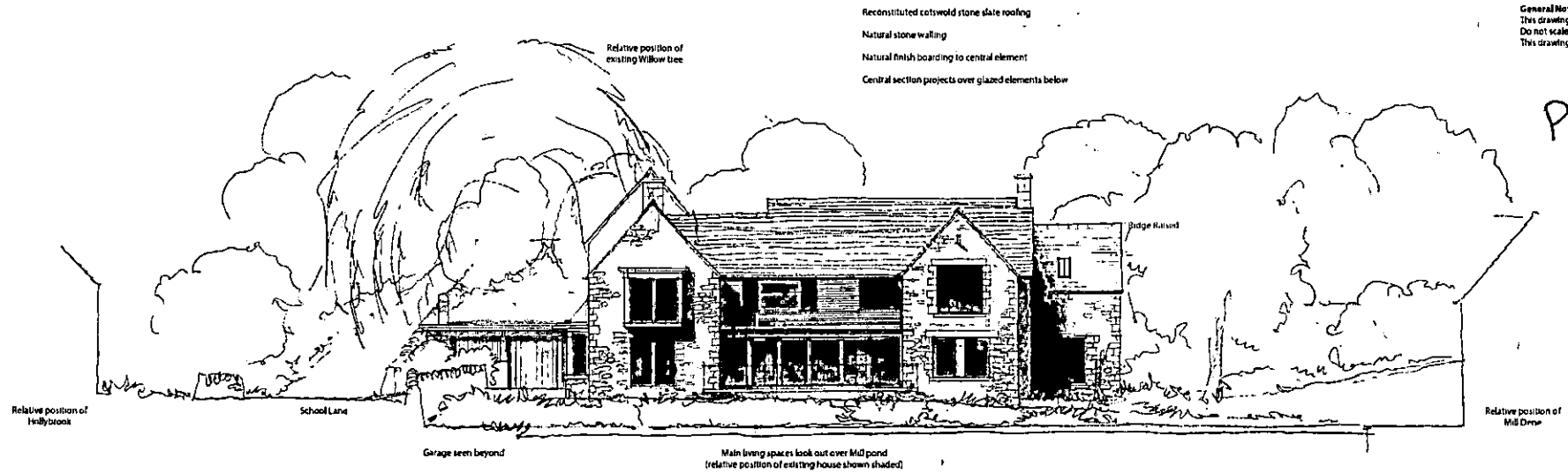
REPLACEMENT DWELLING
 PROPOSED SITE PLAN
 Dene Close, Blackley
 Mr S Jeffrey
 Scale: 1:1000A1 Date: February 2016 Dwg No: 2547-010C
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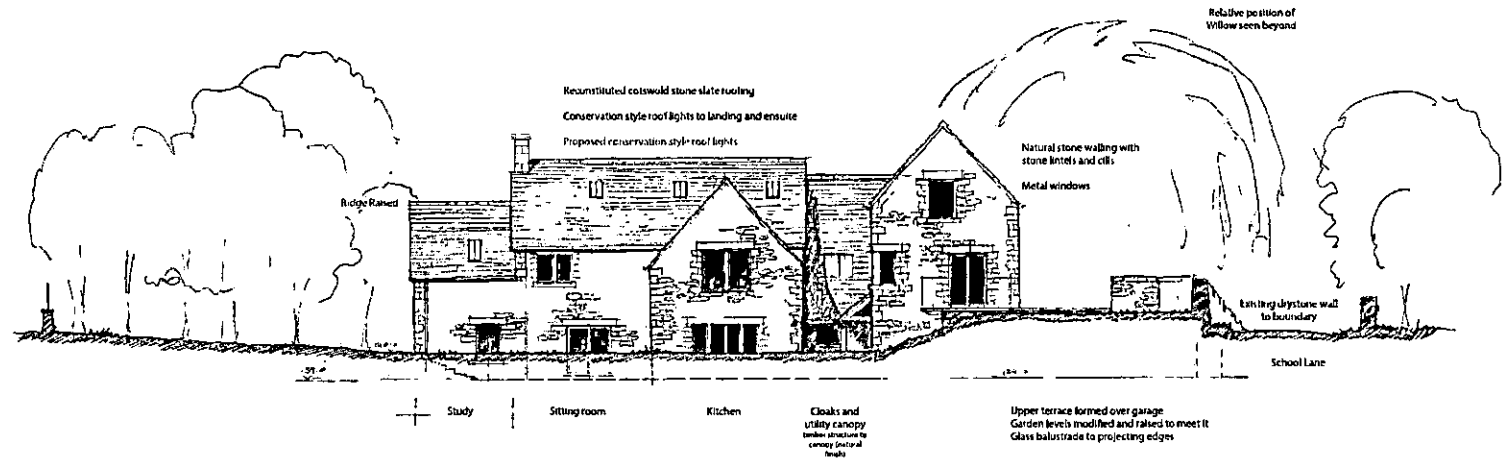
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South east elevation
 (facing over Mill pond)



North west garden elevation
 (relative position of existing building shown shaded)

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Rev C Revised ridge height of eastern over-shoot Add formal rooflights added 15/08/2018



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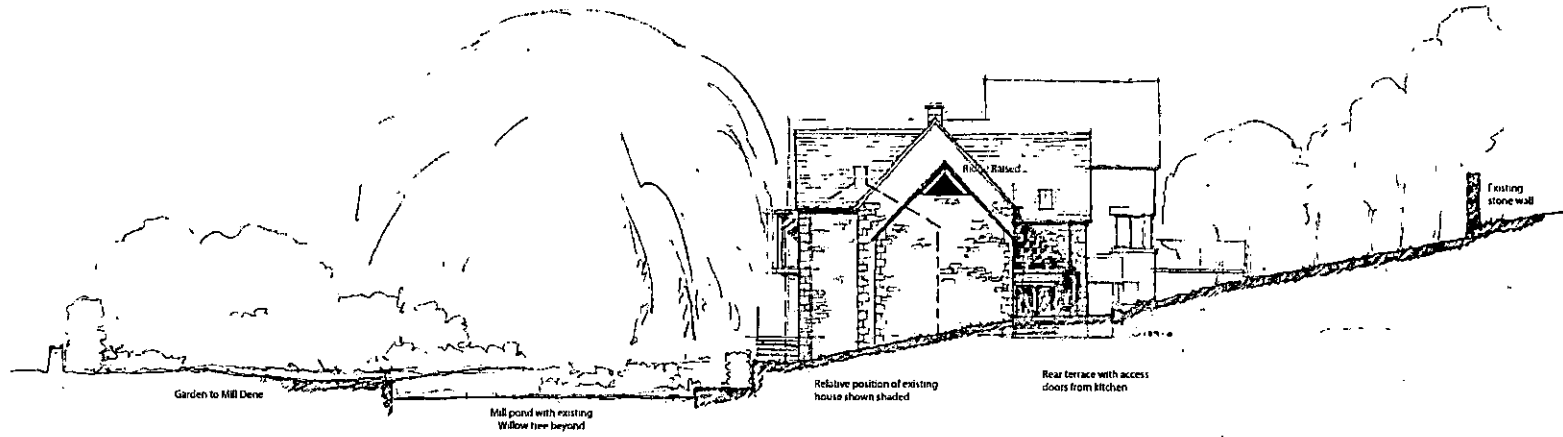
REPLACEMENT DWELLING
PROPOSED ELEVATIONS (2 of 3)
 Dene Close, Stockley
 Mr S. Jeffrey
 Scale: 1:100(A1) Date: February 2018 Dwg No: 25147-01BC
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Scale 1:100

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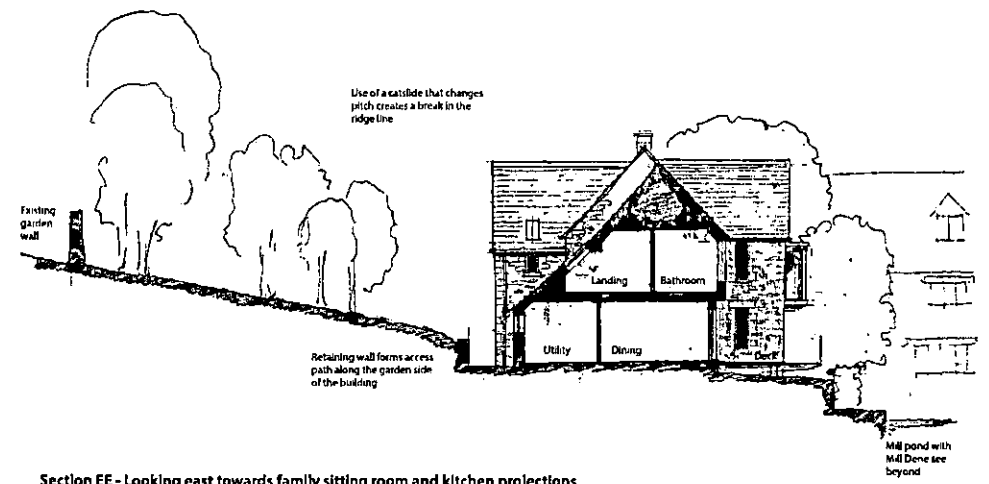
PROPOSED



North east elevation



Section DD - Looking west towards entrance wing



Section EE - Looking east towards family sitting room and kitchen projections

105



Rev C
Revised ridge height of Eastern out-shoot
Additional rooflights added
13/08/2016
REPLACEMENT DWELLING
PROPOSED ELEVATIONS (8 of 31)
Dene Close, Stockley
Mr S. Jeffrey
Scale: 1:100(A1) Date: February 2016 Orig No: 2347-03C
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