

Item No 05:-

19/00996/FUL

**Colmans
Colman
Temple Guiting
Gloucestershire
GL54 5RT**

Item No 05:-**Erection of garage/car port with storage over and garden store at Colmans Colman Temple Guiting Gloucestershire GL54 5RT**

| Full Application 19/00996/FUL | |
|------------------------------------------|----------------------------|
| Applicant: | Mr Nigel Butler |
| Agent: | Mr Chris Jones |
| Case Officer: | Amy Hill |
| Ward Member(s): | Councillor Richard Keeling |
| Committee Date: | 12th June 2019 |
| RECOMMENDATION: | PERMIT |

Main Issues:

- (a) Design and Impact on the Character and Appearance of the Area
- (b) Impact on the Cotswold Area of Outstanding Natural Beauty (AONB) and Trees
- (c) Impact on Residential Amenity

Reasons for Referral:

Councillor Keeling called the application to Committee stating 'In view of the overbearing nature of the buildings that the applicant has proposed I would request that this matter be referred to the full planning committee, please.'

1. Site Description:

The site consists of a residential plot located in a cluster of 5 dwellings outside Temple Guiting. Last year permission was granted for a replacement two storey dwellinghouse in the place of a former bungalow. This has been substantially completed. There are dwellings to either side of the dwellinghouse with fields to the rear.

2. Relevant Planning History:

18/02790/FUL - Demolition of timber bungalow and erection of replacement dwelling - Permitted September 2018

3. Planning Policies:

NPPF National Planning Policy Framework
 EN1 Built, Natural & Historic Environment
 EN2 Design of Built & Natural Environment
 EN4 The Wider Natural & Historic Landscape
 EN5 Cotswold AONB
 EN7 Trees, Hedgerows & Woodlands

4. Observations of Consultees:

N/A

5. View of Town/Parish Council:

Temple Guiting Parish Council (TGPC) commented that 'councillors agreed that there were insufficient grounds to recommend a refusal of permission. However, TGPC recommends that further consideration is given to the options to reduce the impact the proposed buildings could have on the neighbouring property where possible. Recommendations relate to the position and height of structures, selection of roofing materials and the selection of lighting. TGPC recommends that the roofing materials for the garage and carport match those of the house.' The submission comments included a number of ways they considered the proposal could be amended to reduce the impact of garage on the neighbour and other design improvements.

The potential inclusion of solar panels was noted by the Parish; however, these have not been included in the current application.

6. Other Representations:

1 Objection Comment

One neighbouring property objected on the following grounds:

- i) Plans do not show how close the proposed structure is to Colman House (NE corner of Colman House would be 9.5m from the SW corner of the proposed structure)
- ii) Proposed finished ground level of site about 1.3m above area to the rear of Colman House
- iii) No height of garden store given
- iv) Possible other locations on the site, given the current site would be close to and would impact considerably on Colman House because of its proposed height
- v) Other options that would be preferred
- vi) Loss of evening light

1 General Comment

Another neighbour commented, not objecting to the scheme (other than it has already commenced), but raising concerns relating to disturbances caused by the current development and requesting that the works on site are limited to more socially accepted hours and particularly not on a Sunday or bank holiday.

Those aspects which are material planning considerations are covered within the report below.

7. Applicant's Supporting Information:

Proposed Plans

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

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

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

(a) Design and Impact on the Character and Appearance of the Area

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states 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.

The proposal includes a garage with storage above and a garden store. The garage would be located to the rear of the dwellinghouse, to the eastern side. It would measure 6.3m by 6.3m (excluding the external staircase), with an eaves and ridge height of 2.4m and 5.7m respectively. The garden shed would be at the end of the garden, alongside the eastern boundary of trees. It would measure 3m by 6m, with an eaves and ridge height of 2.3m and 3.5m respectively. They would both be made of larch timber cladding, left to weather naturally, and a plain tile roof.

Whilst the outbuildings would not wholly comply with the Cotswold Design Code, with domesticating features such as the external staircase and materials choice, they are considered of suitable design and scale for the site, such that they would be in keeping with the character and appearance of the host dwellinghouse, and not out of keeping with the character and appearance of the area. The larch cladding would be conditioned to be left to weather naturally providing a suitable finish, which should soften the appearance of the buildings allowing them to fit better within the semi-rural area.

The Parish Council requested a number of amendments relating to design, these included: using tiles to match the main dwellinghouse (rather than a plain tile); external lighting to be selected and positioned to minimise any impact on neighbours and dark skies; and that options to reduce the height of the garden shed should be considered.

In regards to the tile choice, whilst continuity on the site has advantages, as outbuildings it is typical for their building materials to be subservient in quality to the main dwellinghouse (which the plain tile would be). The use of a stone tile for the roof would not show this subservient relationship, and would appear awkward with the wooden cladding.

The limitation on lighting would help preserve dark skies and may limit the impact on the neighbour; however, given the lighting on the rest of the site is not controlled and it has historically been a residential property, the addition of a condition would not be considered reasonable. As such it would fail to meet the six tests of the NPPF and should not be included.

The rationale for the request for a reduction in height of the garden shed has not been provided, and with an eaves height of 2.3m and ridge height of 3.5m, it is considered to be a relatively standard height.

As such, whilst these comments are noted, and have been forwarded to the agent, it is considered that no amendments to the scheme were required given the current proposals are considered acceptable in regards to their design and impact on the area.

The proposals are therefore considered to comply with the design considerations of Local Plan Policy EN2 and NPPF Section 12.

(b) Impact on the Cotswold Area of Outstanding Natural Beauty (AONB) and Trees

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.

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.

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 proposals are within the established domestic curtilage of the dwellinghouse, and whilst the site backs onto fields, the proposed developments would be viewed against a row of trees which would mitigate the impact of the buildings. They would not encroach into open countryside nor harm the character or appearance of the Cotswold AONB.

The bordering trees are not within a conservation area and as such could be removed without prior consent. Their merit to the amenity of the surrounding area is considered to be sufficiently limited that they are considered not to warrant serving a Tree Preservation Order. Whilst trees in the neighbour's garden are protected by a tree preservation order, the works would be over 15m from the trunk of said trees. As such, the root system of the protected trees would be considered not to be harmed. As such the proposal is considered to accord with Local Plan Policies EN5 and EN7, and Section 15 of the NPPF.

(c) 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 in regards 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.

The garden shed is located at the end of the garden away from the neighbouring properties and is of a scale that it is considered to not impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing.

The garage is located just to the rear of the host dwellinghouse, and thus also nearly in line with the neighbouring dwellinghouse, Colmans House. The garage would have no openings on the east elevation facing this property. The roof lights to the front and rear, whilst having the potential to overlook the neighbour and garden, would predominantly look over the applicant's garden. The views towards the neighbour would be limited, with a tree lined and beech hedge boundary dividing the two sites. Even without this boundary, the views would be limited to the extended garden of the neighbour and the side elevation which has limited fenestration. As such the impact on the neighbouring property in regards to loss of privacy would be considered acceptable.

It is noted that there is a difference in ground levels between the site and the neighbouring property; however, even given this the garage would be located such that it would not breach the horizontal or vertical 45 degree line as advocated by the Building Research Establishment publication IP 23/12 - Site Layout Planning for Daylight, referenced in the Cotswold Design Code, for the windows and doors to the rear of the neighbour.

The side windows of Colmans face over the site, with the proposed garage offset from these. These windows face a beech hedge and fence which forms the boundary between the neighbours. The separation of the neighbours is sufficient that whilst the garage would be positioned such that it would breach the 45 degree line on the horizontal plane, it would not do so on the vertical plane (even with the difference in land levels included).

As such, despite concerns raised by the neighbour, the impact in regards to loss of light and overbearing is also considered acceptable.

The proposal is close to Colmans House, and as such is considered to cause a level of overbearing; however, Colmans House benefits from open gardens to the north, east and south. Given this and the height of the proposed garage and its distance from the neighbour, the level of overbearing is considered to be sufficiently limited to be acceptable.

Comments were received relating to noise and disturbance relating to the replacement of the dwellinghouse; however, due to the scale of the proposed development, noise and disturbances from the build are likely to be short-term and would not warrant a condition restricting the hours of working on the site.

The proposed development is therefore considered to accord with the residential amenity considerations of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF.

9. Conclusion:

The proposal complies with Local Plan Policies EN2 and EN5, and NPPF Sections 12 and 15, and as such is recommended for permission.

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.

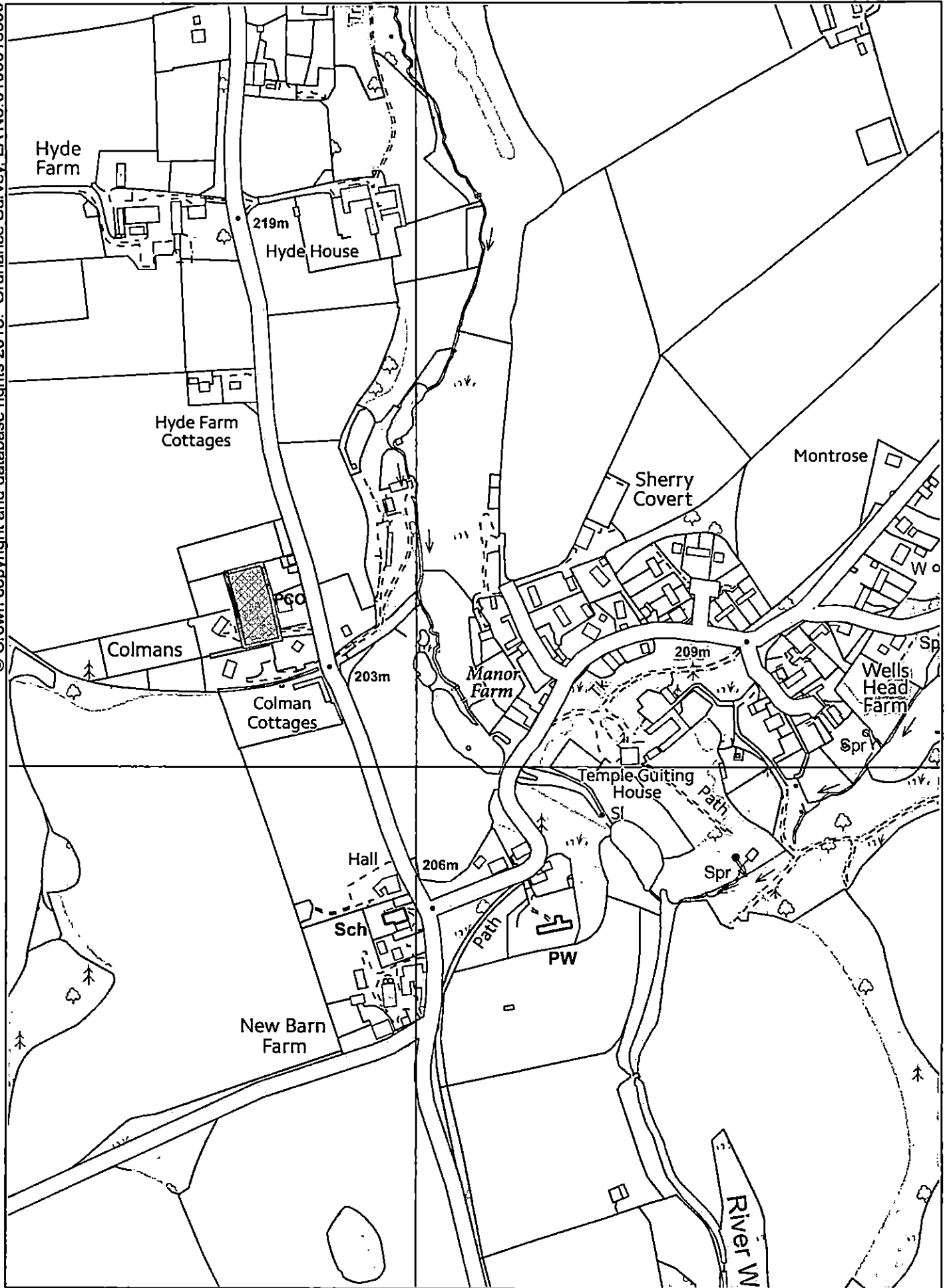
The development hereby approved shall be implemented in accordance with the following drawing number(s): 551/1 and 551/2A.

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

The timber cladding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

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 and EN5.

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COTSWOLD
DISTRICT COUNCIL

COLMANS COLMAN TEMPLE GUITING

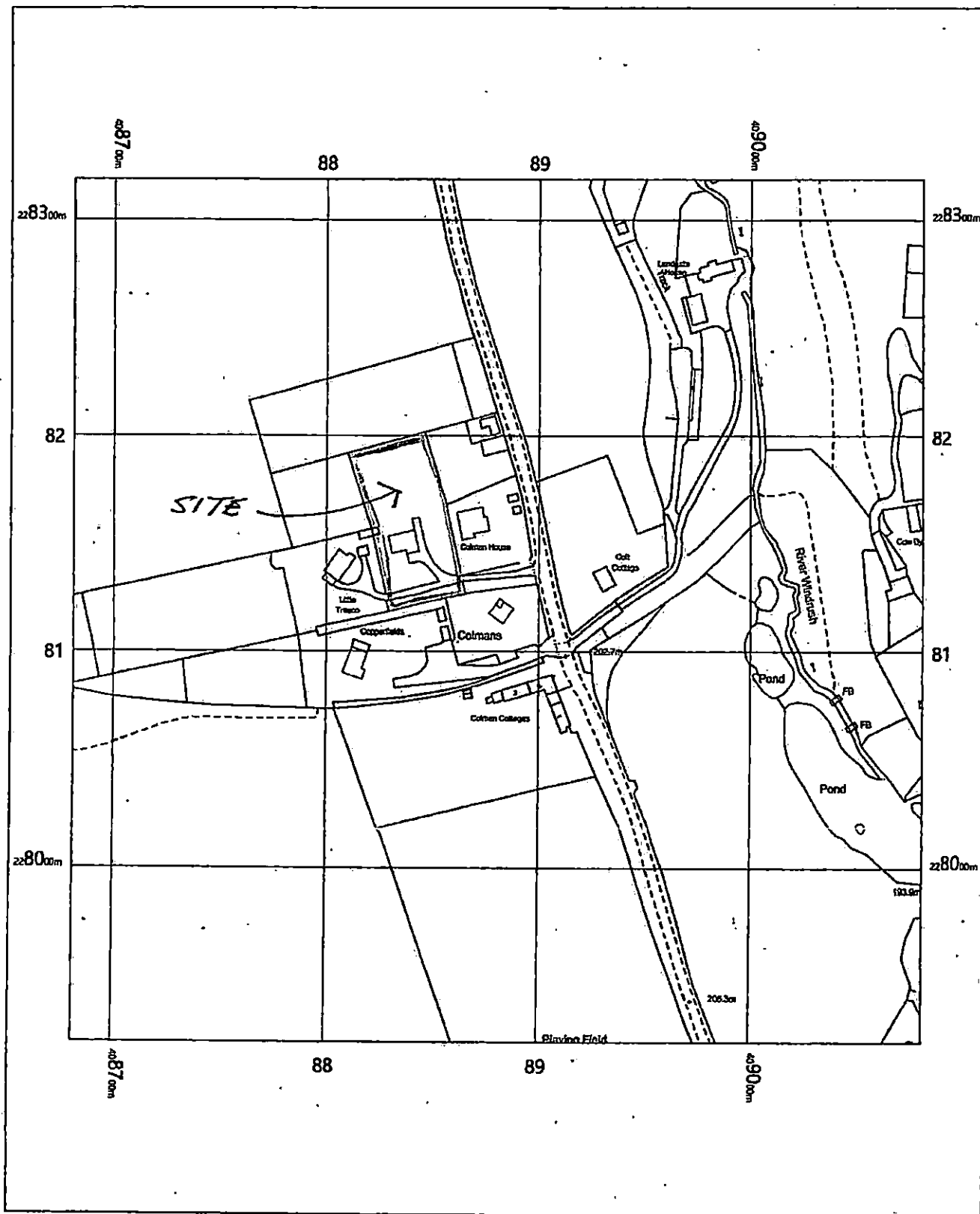
Organisation: Cotswold District Council

Department:

Date: 31/05/2019

Scale: 1:5000





Colmans
Temple Guiting
Gloucestershire
GL54 5RT

OS MasterMap 1250/2500/10000 scale
Thursday, July 12, 2018, ID: UPT-00726739
www.themapshop.co.uk

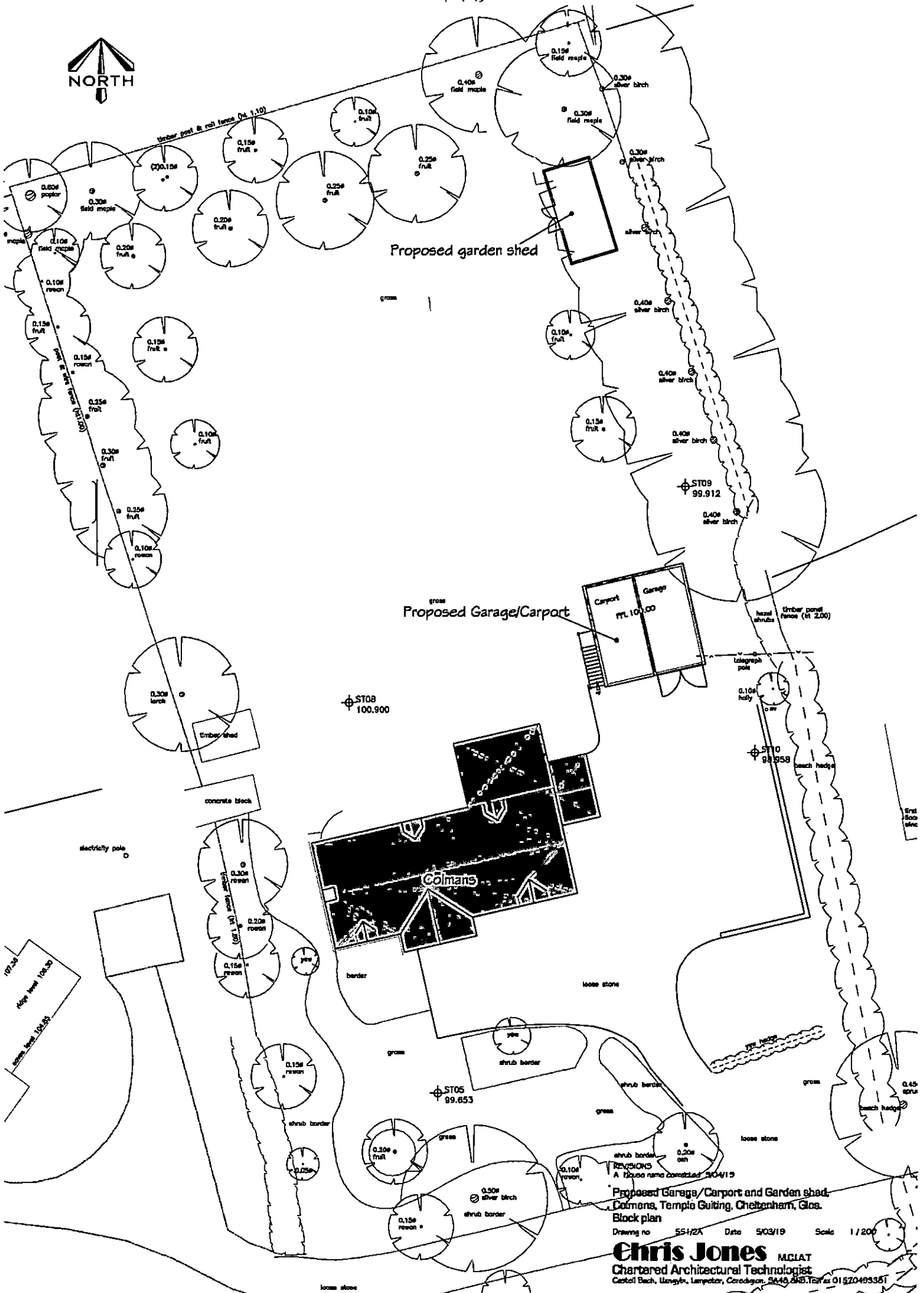
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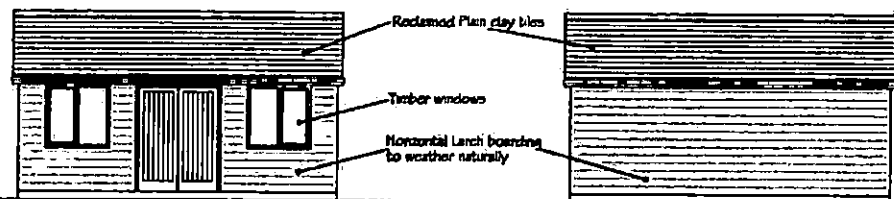


TEL: 01684 593148
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Proposed Garage/Carport and Garden shed
 Colmans, Temple Guiting, Cheltenham, Glos.
 Block plan
 Drawing no 55-12A Date 5/03/19 Scale 1/200
Chris Jones MCIAT
 Chartered Architectural Technologist
 Castell Bach, Umyelw, Llanpeter, Ceredigion, SA43 2AB, Tel: 01570493361

NOTES:
ALL DIMENSIONS TO BE CHECKED ON SITE.

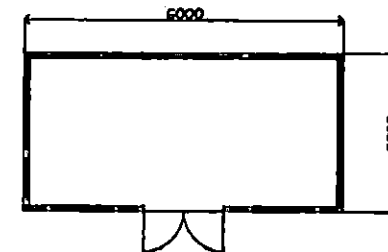


West elevation
Garden shed

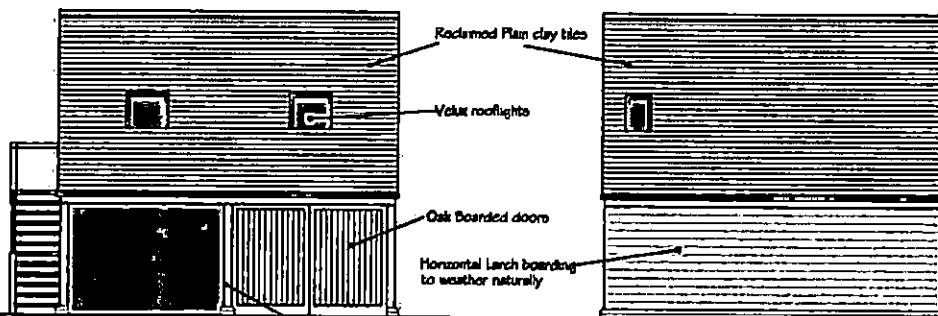
East elevation



South elevation

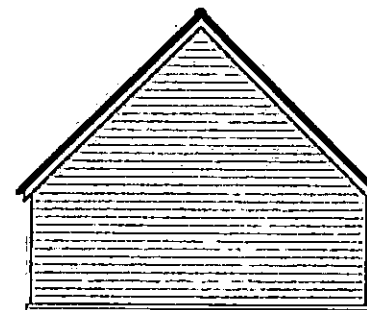


Ground floor plan

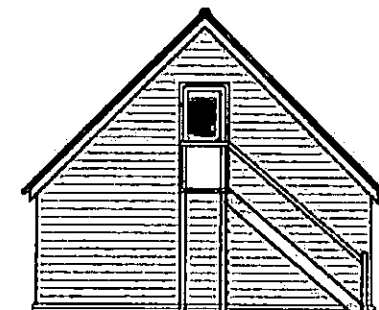


South elevation

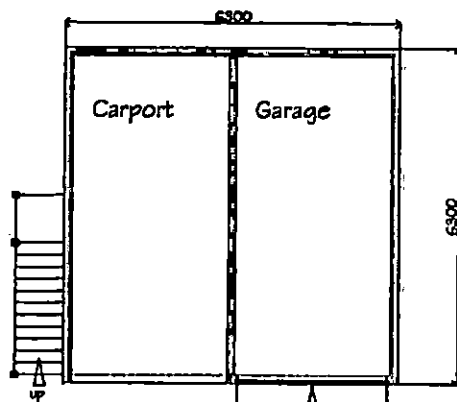
North elevation



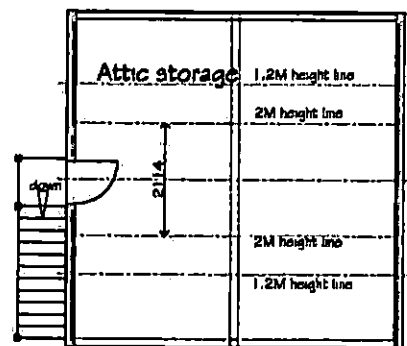
East elevation



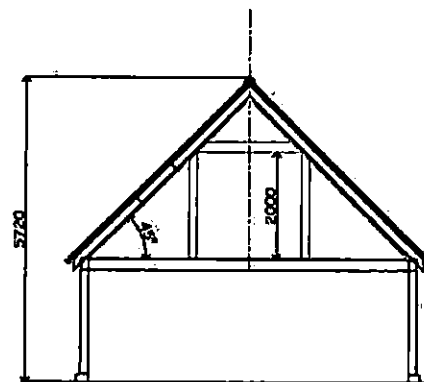
West elevation



Ground floor plan



First floor plan



Section

REVISIONS
A Notes amended re materials 29/05/19

Proposed Garage/Carport and Garden shed,
Colmans, Temple Guiting, Cheltenham, Glos.

Drawing no 551/1A Date 20/03/19 Scale 1/100

Chris Jones MCLAT

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