

**Item No 12:-**

**19/02817/FUL**

**Cutham Rise  
Cutham Lane  
Bagendon  
Cirencester  
Gloucestershire  
GL7 7DY**

## Item No 12:-

### Erection of a single storey garden room at Cutham Rise Cutham Lane Bagendon Cirencester Gloucestershire GL7 7DY

<b>Full Application 19/02969/FUL</b>	
Applicant:	Cotswold District Council
Agent:	
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Jenny Forde
Committee Date:	13th November 2019
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### **Main Issues:**

- (a) Design
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (c) Impact on the residential amenities of the neighbouring property
- (d) Community Infrastructure Levy (CIL)

#### **Reasons for Referral:**

The application has been referred to the Planning and Licensing Committee for determination in accordance with the Council's scheme of Delegation as the applicant is the partner of a serving Member of the Council.

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

The application site comprises a detached natural Cotswold stone house located outside of the village of Bagendon. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The house has an extensive residential curtilage extending approximately 90 metres to south of the dwelling. The eastern boundary is formed by Cutham Lane, whilst the north and west boundaries are surrounded by open fields. The southern boundary is adjacent to a property known as Withy Close which has mature trees along its shared boundary with the application site.

It is acknowledged that the property sits within an extensive plot of approximately 1.5 acres. Officers are satisfied however, that the land is classified as domestic curtilage and that the previous two applications at the property were assessed on this basis. There are also site photographs showing the land being used as manicured lawns.

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

10/00685/FUL Erection of single storey utility room and amendment to two storey extension on existing footings Approved 18.03.10  
06/02293/FUL Proposed two storey domestic extension and replacement conservatory Approved 20.11.06

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

EN4 The Wider Natural & Historic Landscape  
EN5 Cotswolds AONB  
EN12 HE: Non-designated Heritage Assets  
NPPF National Planning Policy Framework

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

None

#### **5. View of Town/Parish Council:**

None received

#### **6. Other Representations:**

None received

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

Drawings and contextual landscape photographs

#### **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 an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF).

##### **(a) Design**

Local Plan Policy EN2 Design of the Built and Natural Environment, states:

"Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality".

Section 12 of the NPPF (Design) makes it clear that the Government attaches great importance to the design of the built environment. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The proposal relates to the erection of a single-storey timber garden room to the western boundary of the property within its rear garden. It would be sited at a distance of 49 metres from the dwelling and set 3 metres away from the western boundary wall adjacent to existing vegetation. To the eastern boundary of the site is an ancient mound, with elevated slopes to the west, there are established mature specimens of trees that would obscure the public views of the proposal from the road along the eastern boundary.

The proposed walls would be of vertically boarded timber with full length glazed doors and windows to the frontage facing the eastern boundary, the roof would be flat with a rubber membrane. The proposal would be 2.5 metres in height, 7 metres in length and 4 metres in width.

The proposed works are considered to respect the character and appearance of the existing dwelling. The proposal is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF.

## **(b) Impact on the Cotswolds 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.

Policy EN5 (Cotswold Area of Outstanding Natural Beauty) (AONB) 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 National Planning Policy Framework (Conserving and enhancing the natural environment) encourages the conservation and enhancement of the natural environment. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty.

The proposed development is seen within a residential context within the wider landscape. It would be seen in relative proximity to the existing dwelling and against existing boundary vegetation and as such it is considered that the proposal would conserve the natural beauty of the locality having regard to Local Plan Policies EN4 and EN5 and Section 15 of the NPPF.

## **(c) Residential amenities**

The neighbouring property to the south of the application site is some 50 metres distance from the proposed garden room building.

The proposed development is considered not to impinge on the residential amenities of the neighbouring property having regard to loss of light, overlooking and would not have an overbearing impact due to the distance involved. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

## **(d) Community Infrastructure Levy (CIL)**

The proposed development would not be CIL liable as it does not relate to a building greater than 100 square metres.

## **9. Conclusion:**

The proposed design, scale, form, proportions and use of materials would preserve the character and appearance of the Cotswolds AONB. The proposed works are considered to accord with the objectives of Cotswold District Local Plan Policies EN2 and EN5 and the design and landscape considerations contained in Sections 12 and 15 of the NPPF.

The proposed development is considered not to impinge on the residential amenities of the neighbouring property, in accordance with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

## **10. Proposed conditions:**

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

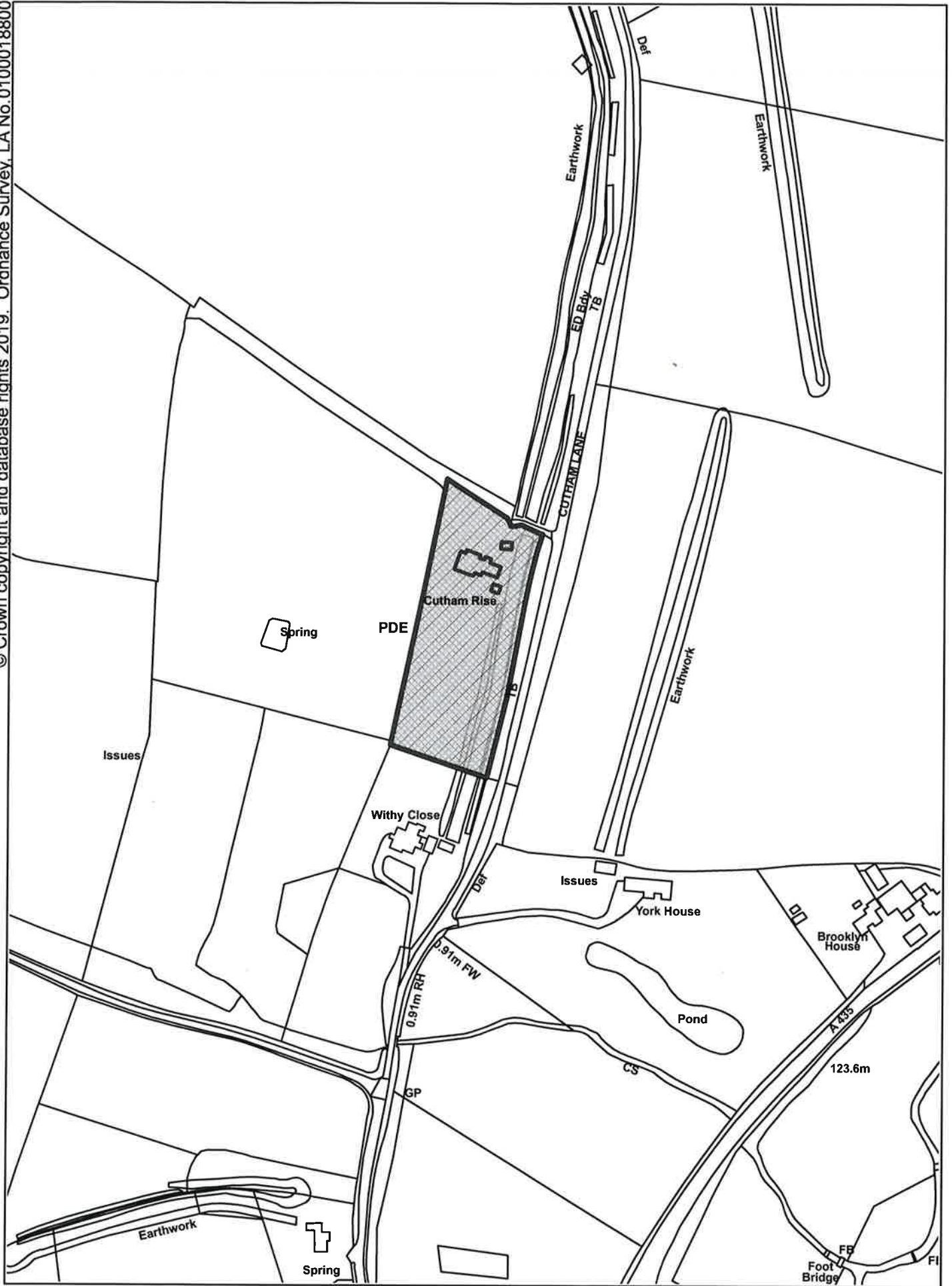
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following unnamed drawings hereafter named Plan 1, Plan 2 and Plan 3.

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

3. No external woodwork shall be installed in the development hereby approved, 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 fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first 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 and EN5 and the design principles within the NPPF. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.



**CUTHAM RISE BAGENDON**

Organisation: Cotswold District Council

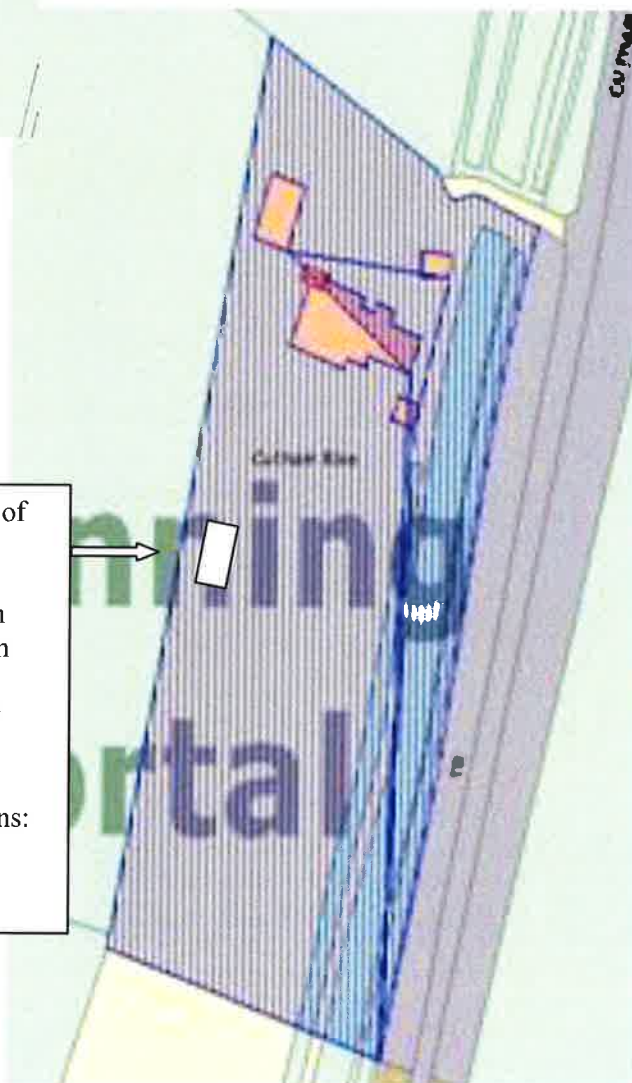
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Date: 31/10/2019

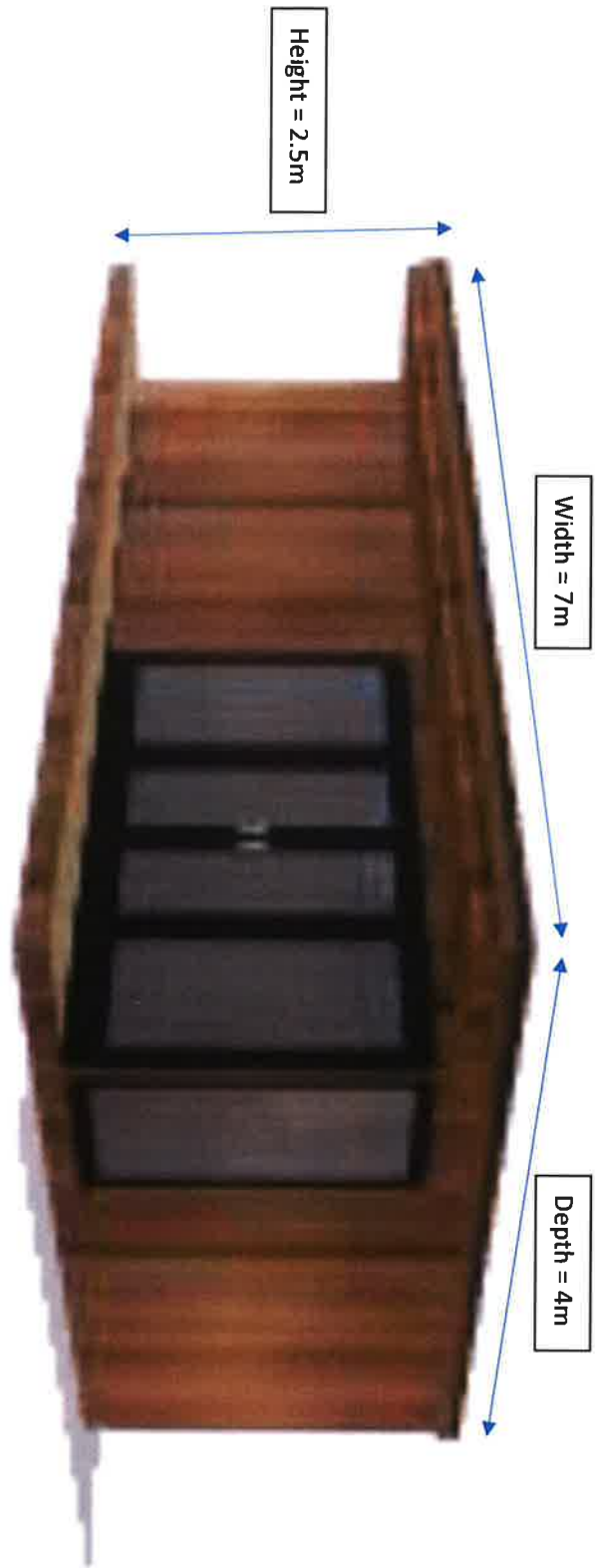
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Location of Garden Room:  
49m from house, 3m from boundary wall.  
Building dimensions: 7m x 4m







Front



North - viewed from house



West - Rear



South - side wall



North - side wall



View from Bagendon Lane

Not to scale – estimated

More screening would be added



View from Bagendon Lane

Not to scale – estimated

More screening would be added