

**PLANNING AND LICENSING COMMITTEE**

**13<sup>th</sup> November 2019**

**ADDITIONAL PAGES**

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**ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST**

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 17

**PLANNING AND LICENSING COMMITTEE**

13<sup>th</sup> November 2019

**ADDITIONAL PAGES ON SCHEDULE ITEMS**

<b>Item</b>	<b>Ref. No</b>	<b>Content</b>
02	19/01184/FUL	<b>Copy of Appeal Decision</b> – Please see attached.
03	19/02620/FUL	<b>Amended drawings received</b> – Please see attached.
04	19/04188/FUL	<p>The Case Officer has labelled approximate dimensions on the 'existing' and 'proposed' plans submitted by the applicant.</p> <p>The Case Officer would also like to provide the Members of the Planning Committee with the following calculations; <b>please note that these are approximate measurements only:</b></p> <p><b><u>AREA</u></b></p> <p>Area of "Original" Bliss Cottage-            Ground Floor = 64m<sup>2</sup>            First Floor = 62m<sup>2</sup>            Total area = 126m<sup>2</sup></p> <p>"Existing" Bliss Cottage (with modern extensions)-            Ground Floor = 119m<sup>2</sup>            First Floor = 93m<sup>2</sup>            Total area = 212m<sup>2</sup></p> <p>"Proposed" Bliss Cottage (including "Original" Bliss Cottage)-            Lower Ground Floor = 117m<sup>2</sup>            Ground Floor = 195m<sup>2</sup>            First Floor = 61m<sup>2</sup>            Total area = 373m<sup>2</sup></p> <p>Therefore the proposed percentage increase in area equals 76%</p> <p><b><u>VOLUME</u></b></p> <p>Volume of "Original" Bliss Cottage = 330m<sup>3</sup></p> <p>Volume of "Existing" Bliss Cottage = 557m<sup>3</sup></p> <p>Volume of "Proposed" Bliss Cottage = 1053m<sup>3</sup></p> <p>Therefore the proposed percentage increase in volume from the "Existing" dwelling to the "Proposed" scheme equals 89%</p>

		The "Proposed" volume is just under double the "Existing" volume and over three times the volume of the "Original" Bliss Cottage (without modern extensions).
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## Appeal Decision

Site visit made on 22 July 2015

by **Elizabeth Jones BSc (Hons) MTCP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 August 2015

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**Appeal Ref: APP/F1610/W/15/3005983**

**Land to North of Midford House, Windrush, Burford, Gloucestershire  
OX18 4TT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Mustoe against the decision of Cotswold District Council.
  - The application Ref 14/03623/FUL, dated 12 August 2014, was refused by notice dated 17 October 2014.
  - The development proposed is change of use of land to residential (C3) and erection of a garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The address of the site differs between the application, appeal forms and decision notice. I have therefore used the address as agreed by the main parties in my formal decision.
3. The description of development above has been taken from the Council's decision notice and appeal form, as it is more precise than that described on the application form.
4. The appellant has requested consideration be given for the proposed garage being lowered so that its base is level with the road. No interested parties have had the opportunity to comment on such a change. In the interests of fairness, my deliberations are based on the drawings submitted with the planning application as determined by the Council, as to do otherwise would deprive those who should be consulted on the change, the opportunity of such consultation.

### Main Issues

5. The main issues are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) whether the proposal would conserve and enhance the natural beauty of the Cotswold Area of Outstanding Natural Beauty (AONB); and
  - iii) whether the proposal would preserve or enhance the character or appearance of this part of the Windrush Conservation Area (WCA).

## Reasons

### *Character and appearance*

6. The appeal site comprises an area of land located in a prominent position on the edge of the village of Windrush. The character of the surrounding area is of sporadic development predominantly comprising larger detached houses set in generous sized plots.
7. The Cotswold District Local Plan (2006) (Local Plan), states that most of the District's settlements have a rural character and blend into the surrounding landscape. They are not considered sustainable locations for development and therefore have no defined settlement boundary. In terms of planning policy they are treated similarly to open countryside. Windrush is one of these rural settlements.
8. The proposal is for a garage measuring 12 metres long by 4 metres wide with a ridge height of 4.1 metres. The garage would be for domestic use in association with the appellant's home known as Inglenook Cottage which is located approximately 400m from the appeal site.
9. Policy 19 of the Local Plan considers that domestic outbuildings within the curtilage of existing dwellings are acceptable. In this instance the proposed garage would not be within a domestic curtilage. Due to its location some distance from other dwellings including those in Church Lane, it would have no physical relationship to any of the surrounding buildings. Consequently, it would be seen as an isolated building in the street scene. As such I consider it would be poorly related to its surroundings.
10. Furthermore, an isolated building would be at odds with the pattern of the surrounding development where the sporadic dwellings are set in generous sized plots. Where garages exist they tend to be within the established boundaries of dwellings where they relate to the host building in terms of function and scale.
11. The siting of the garage within the open countryside and the residential use of the land would have the effect of domesticating this area such that it would have a harmful effect on the character and appearance of this part of the countryside. The appellant has drawn my attention to a detached garage on the opposite side of the road. I saw at my site visit that this garage is smaller than the one proposed, is within a residential curtilage and not on a separate parcel of land. Consequently, this garage is not directly comparable with the proposal before me.
12. Despite the trees and vegetation which afford a degree of screening, due to its size and elevated position, the garage would be clearly visible when viewed from the road. Additional landscaping would not therefore overcome the identified harm of the development.
13. The appellant argues that the proposed garage would be of a sensitive design using appropriate materials, well screened and built into the existing slope resulting in the building being sunk into the ground. Whilst these are points which lend a measure of support to the proposal they are clearly outweighed by the harm I have identified.

14. The garage would be seen as an extension of built development alongside the highway, in the open countryside within the AONB. Having regard to the particular details of this case, I do not consider that the development of this vacant site with a building would enhance the AONB. Consequently, I have not attached significant weight to the appellant's contention in that respect.
15. I conclude that the proposal would cause significant harm to the character and appearance of the area. Consequently, the proposal would conflict with the aims of Policy 19 of the Local Plan which supports development appropriate to a rural area provided that it relates well to existing development. Furthermore, due to its prominent location the proposal would also fail to conserve and enhance the natural beauty of the Cotswold AONB. It would conflict with the aims of the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving the landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

#### *Conservation Area*

16. Part of the appeal site is located within the southern part of the WCA. I have not been provided with a Conservation Area appraisal but it is apparent that the juxtaposition of its buildings, open spaces and gardens is a key element of the village's character and appearance. Although only partially within the WCA, the Council has raised concerns that the proposal would fail to preserve or enhance the character and appearance of the WCA. The proposal would be visually prominent at this entrance to the WCA when travelling into/out of the village. I have already found that the proposal would harm the character and appearance of the area and this has an impact on the wider area, close to an important entrance to the WCA.
17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this respect national policy on heritage assets, which includes Conservation Areas, is set out in the Framework. It states, at paragraph 134, that where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of a proposal. Although the harm I have identified would fall within the category of "less than substantial harm", I have not been provided with any evidence to identify a public benefit. I note the appellant's desire for a garage but I do not consider this would be a public benefit as such.
18. Finally, at paragraph 131, the Framework sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. The incongruity of the proposal is such that no contribution would accrue.
19. I therefore conclude that the proposal would neither preserve nor enhance the character or appearance of this part of the WCA. This would be contrary to Policy 15 of the Local Plan which states that new development must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area. This Policy broadly conforms with the core planning principle of the Framework relating to heritage assets.

**Other Matters**

20. The appellant has suggested a condition restricting the use of the garage solely in connection with the domestic use of Inglenook Cottage. There is no evidence to suggest that the garage will be used for any purpose other than domestic use ancillary to Inglenook Cottage and therefore a condition of this nature is not necessary. In any event, a condition of this nature would not overcome my reasons for dismissing the appeal.
21. I have noted the comments regarding the impact of the proposed development on trees and on highway safety. I have been given no substantive evidence that the proposal would harm the trees or highway safety. Thus, these matters do not add to my reasons for dismissing the appeal.

**Conclusion**

22. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

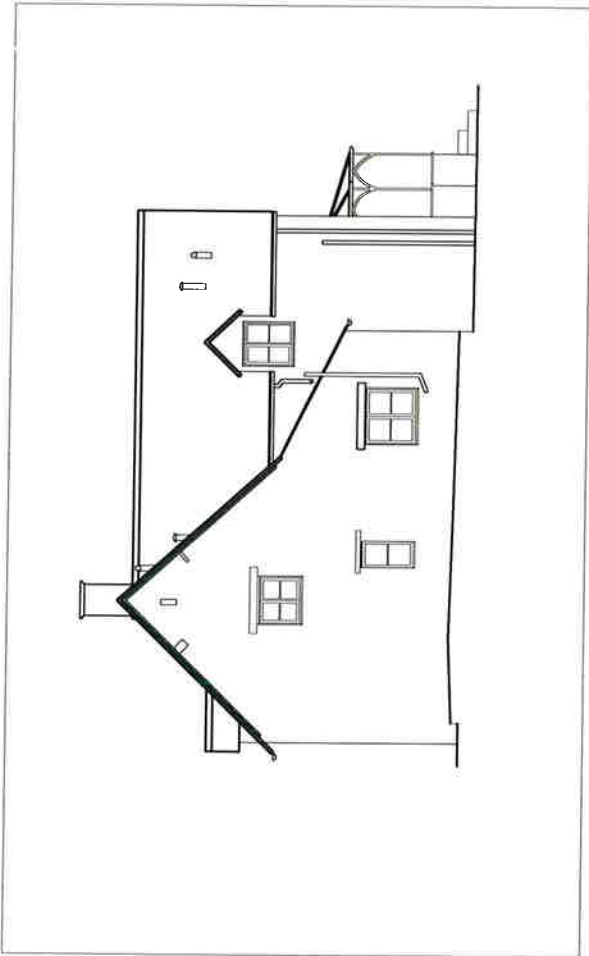
*Elizabeth Jones*

INSPECTOR

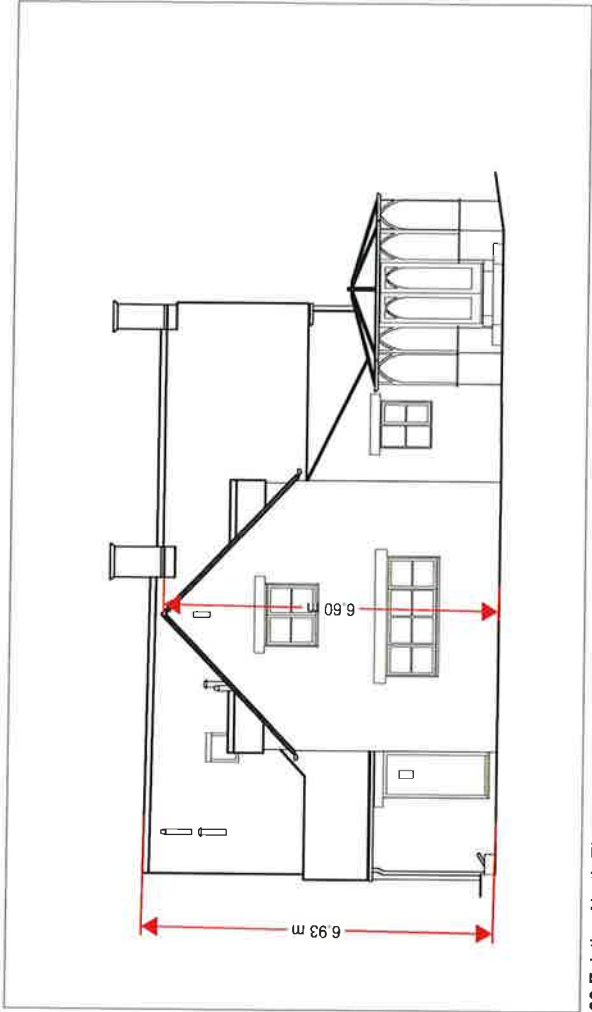








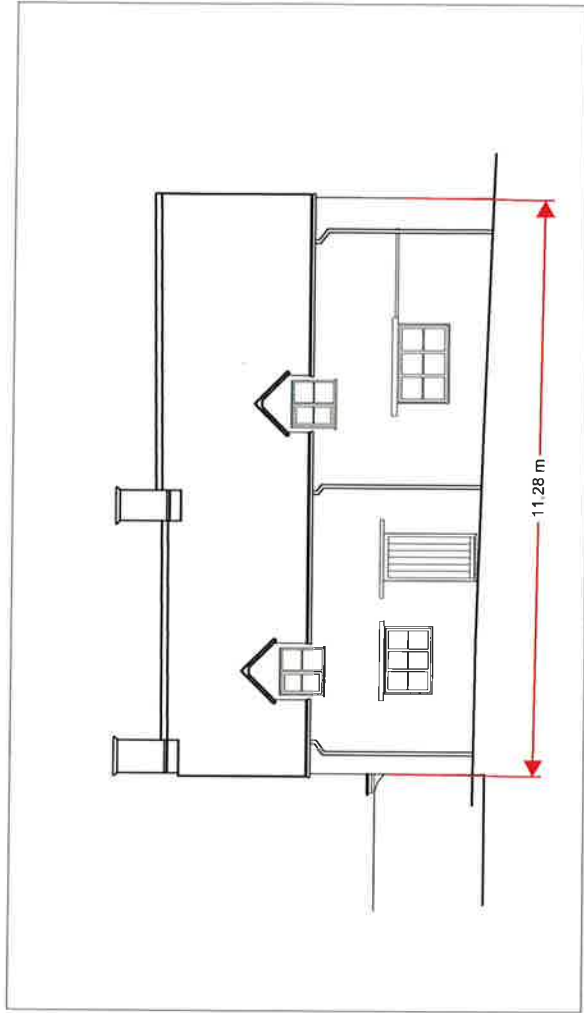
01 Existing East Elevation



03 Existing North Elevation



02 Existing West Elevation



04 Existing South Elevation

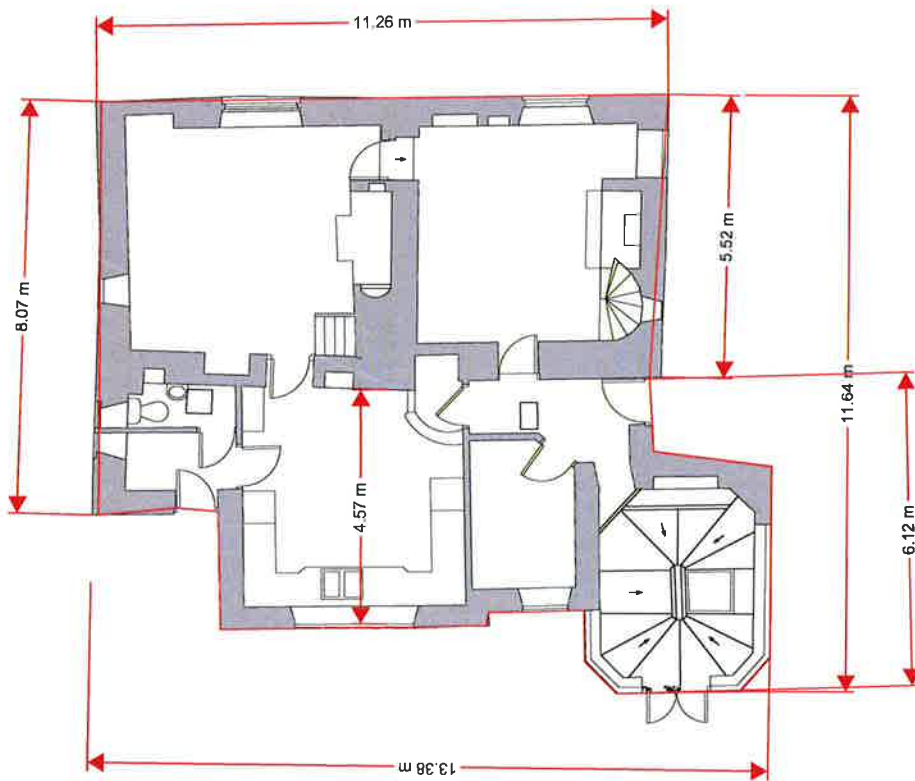
notes	key	rev	description	date
		-	Issued for Comment	30.08.18
<p>01 All dimensions to be checked on site by the contractor and reported to the architect immediately.</p> <p>02 Report all drawing errors, omissions &amp; discrepancies to the architect.</p>				

<p>9 The Common, Sidington Cirencester, GL7 6EY t 07949 946798 e info@rixonarchitects.com</p>	<p><b>RIXON</b> ARCHITECTS</p>	<p>Bliss Cottage, Chedworth</p>
<p>drawing title / location Existing House Elevations</p>	<p>status COMMENTS</p>	<p>scale 1:100 @ A3</p>
<p>drawn by JR</p>	<p>checked by JR</p>	<p>drawing number 02</p>
<p>project number 1814</p>	<p>revision -</p>	

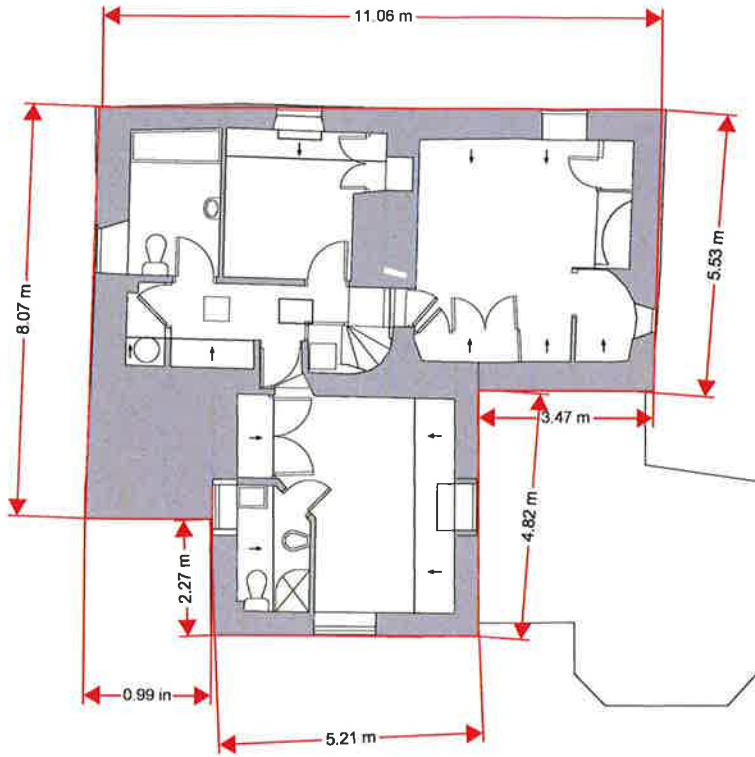
g  
Item 04  
19/04/2020/FUL.

TOTAL EXISTING FOOTPRINT AREA FOR GROUND FLOOR = 119.10m<sup>2</sup> (APPROX)



01 Existing Ground Floor Plan

TOTAL EXISTING FOOTPRINT AREA FOR FIRST FLOOR = 92.96m<sup>2</sup> (APPROX)



02 Existing First Floor Plan

notes	key	rev	description	date
<p>1. All dimensions to be checked on site by the contractor.</p> <p>2. Report all drawing errors, omissions &amp; discrepancies to the architect.</p>		-	Issued for Comment	30.09.19

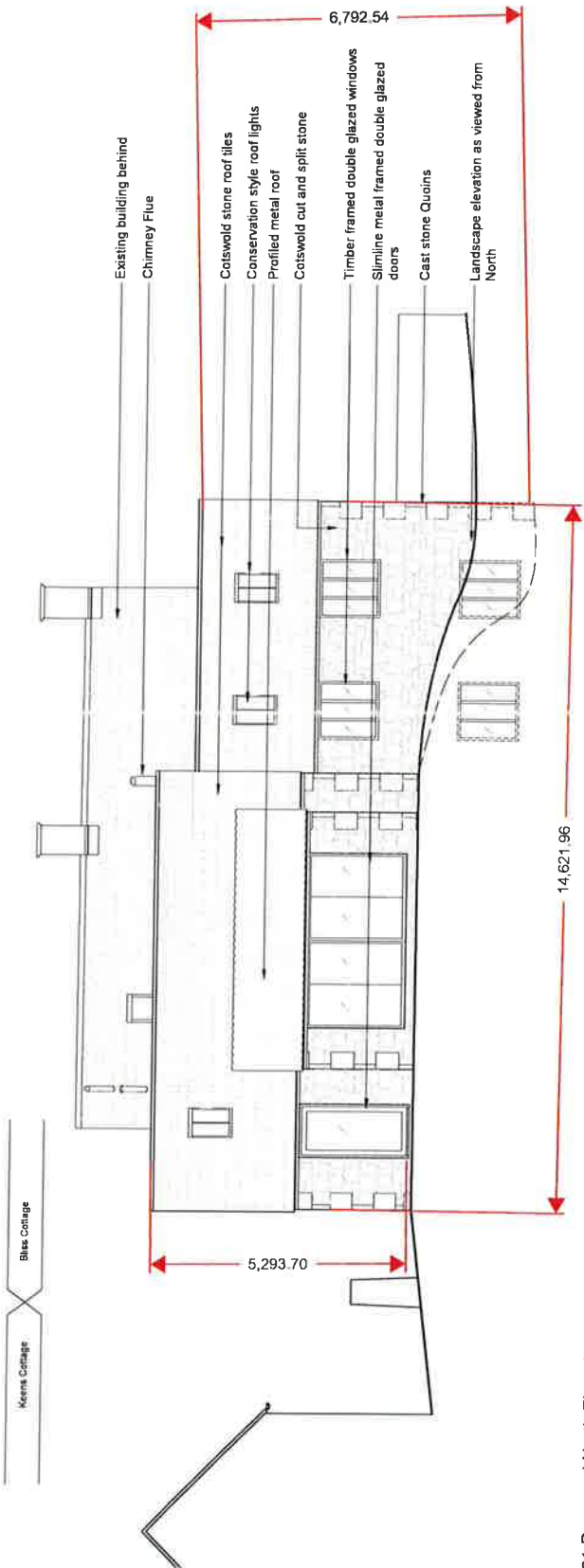
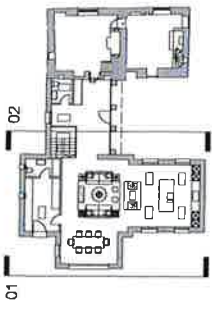
drawn by	JR	drawing title / location	Existing House Floor Plans
checked by	JR	status	COMMENTS
revision		scale	1:100 @ A3
		project number	1814
		drawing number	01

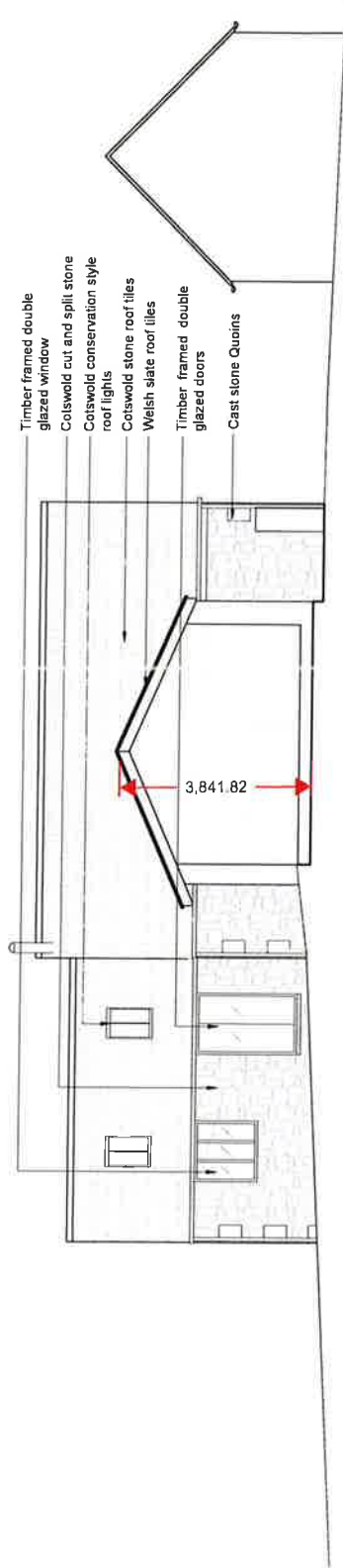
9 The Common, Siddingington Cirencester, GL7 6EY	<b>RIXON</b> ARCHITECTS
t: 07949 946788 e: info@rixonarchitects.com	
Bliss Cottage, Chedworth	

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Item 04  
1904188 (FUL)





01 Proposed North Elevation



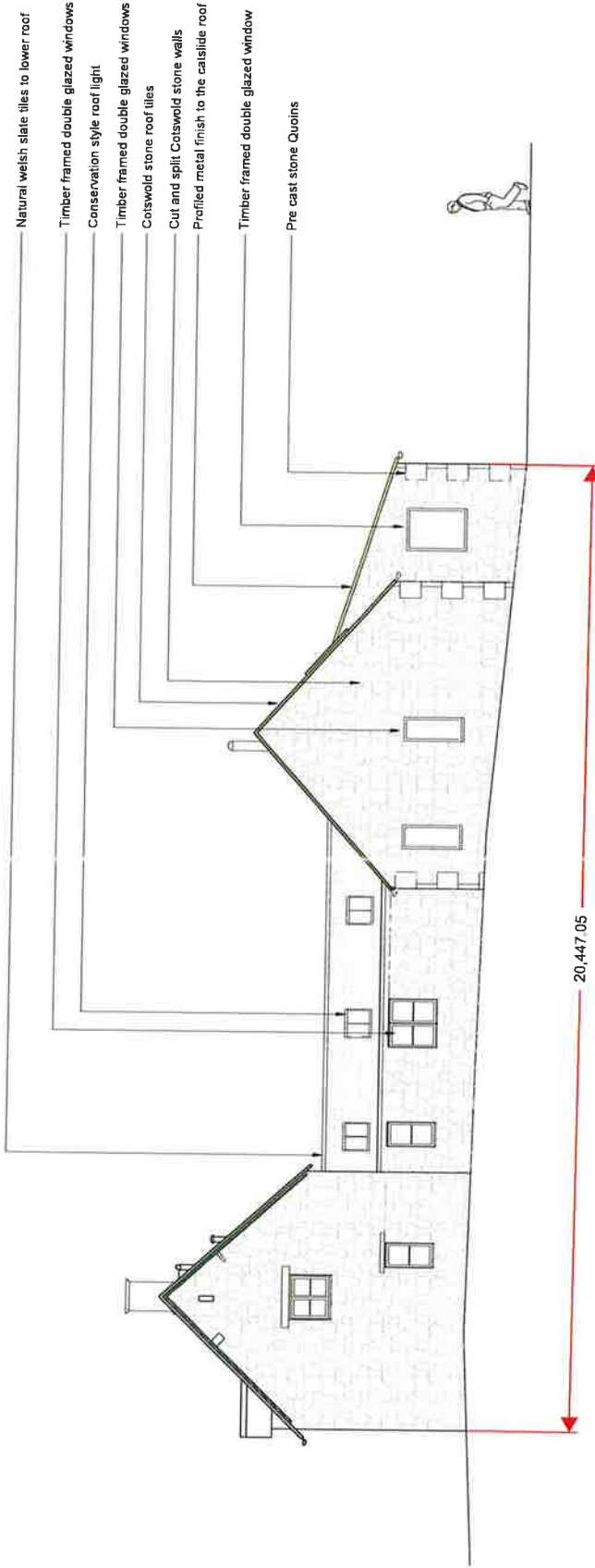
02 Proposed South Elevation

notes	key	rev	description	date	date	drawing title / location	drawn by
<p>01 All dimensions to be checked on site by the contractor, such dimensions to be a liability</p> <p>02 Report all drawing errors, omissions &amp; discrepancies to the architect.</p>		F	Issued for Comment	30.05.19	09 The Common, Saddington Cirencester, GL7 6EY	Proposed North & South Elevations	JR
		G	Issued for Comment	11.06.19	t: 07949 946798	status PLANNING	checked by JR
		H	Issued for Planning	14.06.19	e: info@rixonarchitects.com	scale 1:100 @ A3	checked by JR
					job title Bliss Cottage, Chedworth	project number 1814	revision H



12 Item 04 19/10/183/FUL





- Natural welsh slate tiles to lower roof
- Timber framed double glazed windows
- Conservation style roof light
- Timber framed double glazed windows
- Cotswold stone roof tiles
- Cut and split Cotswold stone walls
- Profiled metal finish to the caaiside roof
- Timber framed double glazed window
- Pre cast stone Quoins

key	rev	description	date	g	location
	F	Issued for Comment	30.03.19	9 The Common, Siddingion	
	G	Issued for Comment	11.06.19	Crencester, GL7 6EY	Proposed East Elevation
	H	Issued for Comment	13.06.19	t: 07949 946799	status
				e: info@rixonarchitects.com	COMMENTS
				job title	scale
				Bliss Cottage, Chedworth	1:100 @ A3
					project number
					1814
					drawing number
					DN 19
					revision
					J
					checked by
					JR
					drawn by
					JR

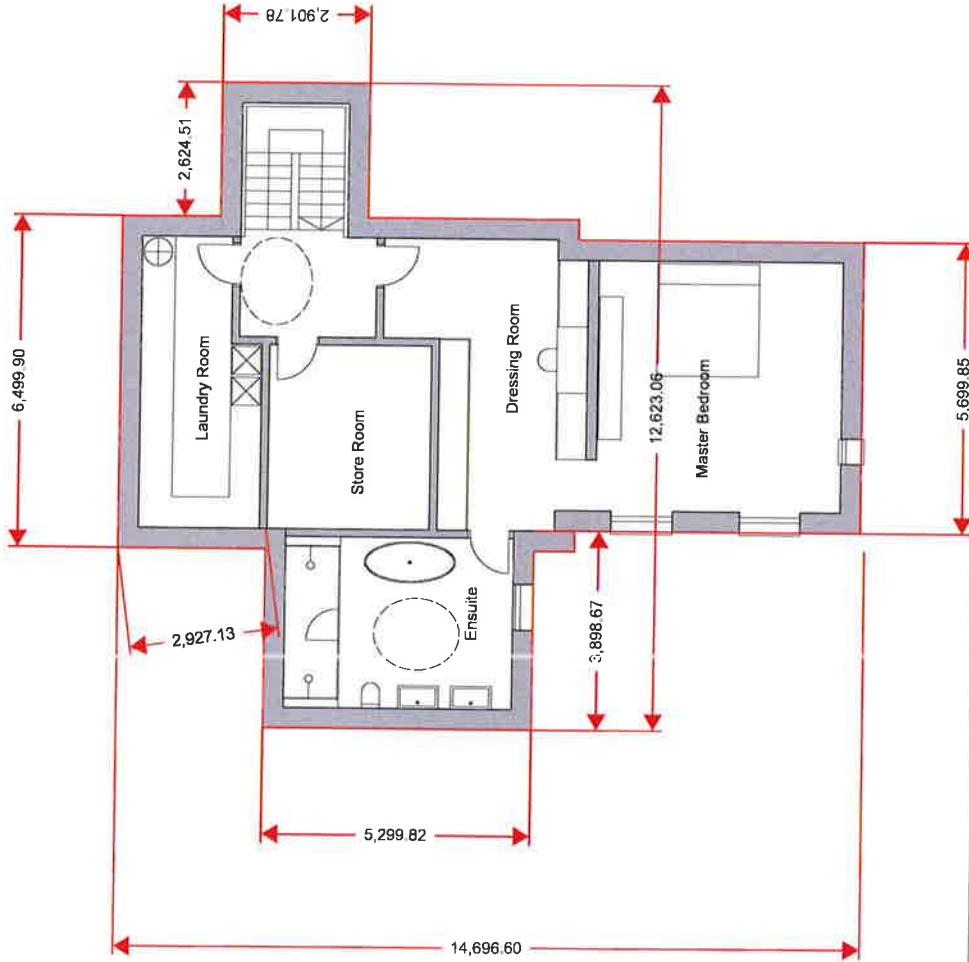
notes

- 01 All drawings to be checked on site by the contractor and approved accordingly
- 02 Report all drawing errors, omissions & discrepancies to the architect.

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Hen 04  
19/04/2019/FU

TOTAL FOOTPRINT AREA FOR LOWER GROUND FLOOR PROPOSED = 116.68 m<sup>2</sup> (APPROX)



key	rev	description	date	9 The Common, Saddington Cirencester, GL7 6EY	ARCHITECTS	drawing title / location	drawn by
	G	Issued for Planning	11.02.19		RIXON	Proposed Lower Ground Floor Plan	JR
	H	Issued for Planning	22.02.19	t: 07949 946798	ARCHITECTS	status	checked by
	J	Issued for Planning	29.05.19	e: info@rixonarchitects.com		PLANNING	JR
	K	Issued for Planning	06.05.19	Job title		project number	revision
	L	Issued for Planning	13.06.19	Bliss Cottage, Chedworth		1814	L

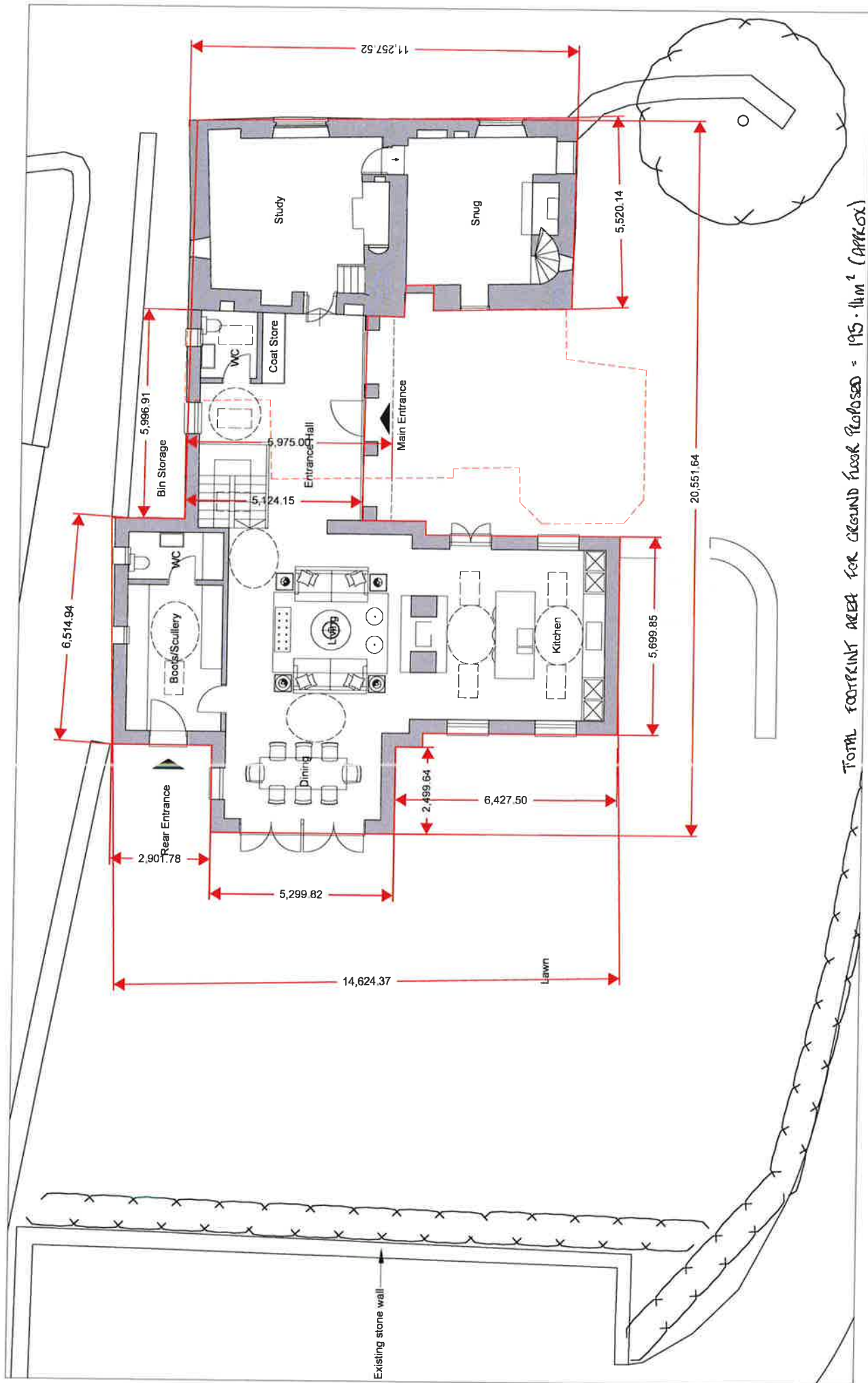
notes

01 All drawings to be checked on site by the contractor, who is responsible for any discrepancy or error. 02 Report all drawing errors, omissions & discrepancies to the architect.

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Item 04  
19/04/2019/FU





TOTAL FOOTPRINT AREA FOR GROUND FLOOR PROPOSED = 195.44m<sup>2</sup> (APPROX)

rev	description	date	g	g
G	Issued for Planning	11.02.19	The Common, Saddington	Proposed Ground Floor Plan
H	Issued for Planning	22.02.19	Cirencester, GL7 6EY	status
J	Issued for Planning	26.05.19	t: 07949 946788	PLANNING
K	Issued for Planning	06.06.19	e: info@rxnarchitects.com	scale
L	Issued for Planning	13.05.19	Bliss Cottage, Chedworth	1:100 @ A3
				project number
				1814
				drawing number
				10
				revision
				L

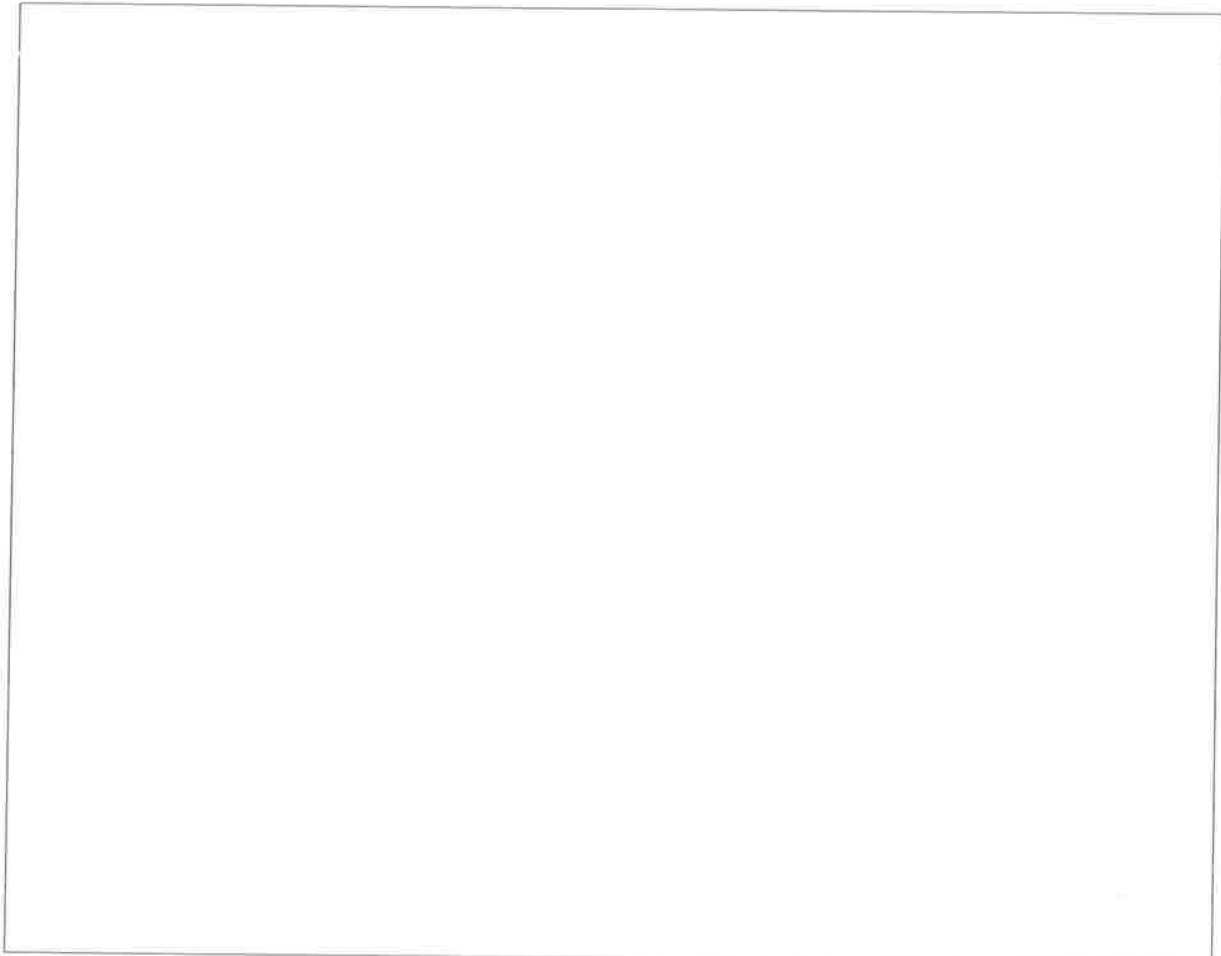
notes

01 All dimensions to be checked on site by the architect.  
 02 Report all discrepancies to the architect.

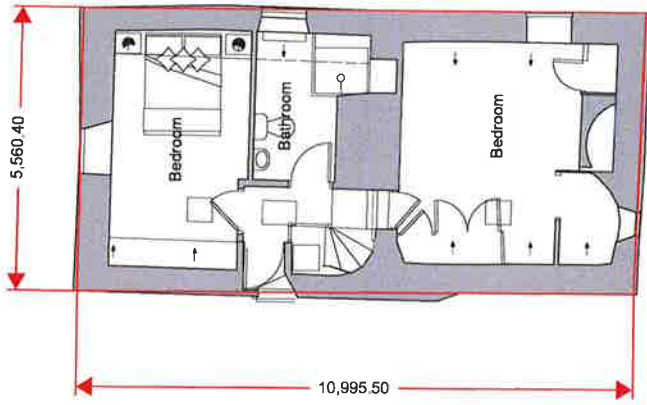
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Item 04

19/04/2019 FUL



01 Placeholder



TOTAL FOOTPRINT AREA FOR FIRST FLOOR PROPOSED = 61.25 M<sup>2</sup> (APPROX)

02 First Floor Plan

notes	key	rev	description	date
<p>01 All dimensions to be checked on site by the contractor and the contractor is to be held responsible for any discrepancies to the contract.</p> <p>02 Report all discrepancies to the architect.</p>		-	Issued for Comment	30.08.18
		-	Issued for Planning	16.01.19

<p>9 The Common, Siddington Cirencester, G17 6EY t: 07949 946798 e: info@rixonarchitects.com</p>		<p><b>RIXON</b> ARCHITECTS</p>		<p>Bliss Cottage, Chedworth</p>
<p>drawing title / location Proposed First Floor Plan</p>		<p>status COMMENTS</p>		<p>project number 1814</p>
<p>scale 1:100 @ A3</p>		<p>drawing number 11</p>		<p>revision -</p>
<p>drawn by JR</p>		<p>checked by JR</p>		<p>revision -</p>

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Ham 04  
1904180/FU