

Item No 01:-

20/03198/FUL

**Land Parcel Adj To 10 De Havilland Road
Upper Rissington
Gloucestershire**

Item No 01:-

Erection of 1no. detached dwelling and associated works at Land Parcel Adj To 10 De Havilland Road Upper Rissington Gloucestershire

Full Application 20/03198/FUL	
Applicant:	Miss Hannah Maclean
Agent:	
Case Officer:	David Ditchett
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	14th April 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Development
- (b) Design, Character and Appearance
- (c) Impact on Residential Amenity
- (d) Highway Safety and Parking Provision
- (e) Impact to Trees
- (f) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (g) Community Infrastructure Levy (CIL)

Reasons for Referral:

The Council's Scheme of Delegation states that an application should not be decided under delegated powers if the application is 'submitted by or on behalf of a Member of the Council or by a relative or partner of a Member'.

The applicant is the daughter of Councillor Maclean, a serving Member of the Council and current Ward Councillor for 'The Rissingtons'. As such, this application must be referred to the Planning Committee for decision.

I. Site Description:

Upper Rissington is identified as a Principal Settlement within the Local Plan and is located approximately 3.5km south east of Bourton-on-the-Water. It is a relatively high density urban area that benefits from its own primary school, village hall and a number of recently constructed amenities such as shops, allotments and green spaces.

The development site itself is described on the application form as 'Land Parcel Adjacent to 10 De Havilland Road', Upper Rissington. However, the land in question appears to have formed part of the residential curtilage of 5 Avro Road until its recent sale. The site is bounded by fencing and hedging on its eastern, northern and western boundaries. The southern boundary is partially fenced which partially separates the plot from the 5 Avro Road, a detached dwelling to the south. The land does not currently benefit from a separate vehicular or pedestrian access and can only be accessed via 5 Avro Road.

The site is located within the Upper Rissington Development Boundary, within the Cotswolds Area of Outstanding Natural Beauty and within flood zone I. Also, within the plot are a number of trees of varying sizes and species, four of which are protected by individual tree protection orders.

2. Relevant Planning History:

None relevant

3. Planning Policies:

TNPPF The National Planning Policy Framework
DS2 Dev within Development Boundaries
H1 Housing Mix & Tenure to meet local needs
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN14 Managing Flood Risk
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

Gloucestershire County Council Highways: No objection subject to conditions securing an electric vehicle charging point and cycle storage facilities

Drainage Engineer: No Objection subject to a condition securing a surface water drainage strategy

Tree Officer: No Objection subject to conditions securing replacement trees and tree protection measures

5. View of Town/Parish Council:

Upper Rissington Parish Council: No objections other than concerns raised for the access on to De Havilland Road

6. Other Representations:

None received

7. Applicant's Supporting Information:

Design and Access Statement
Arboricultural Assessment
Tree Plan

8. Officer's Assessment:

Proposed Development

The applicant seeks full planning permission for the erection of one detached five bed dwelling and associated works.

The dwelling is proposed to be approximately 9.3m in width, 9.1m in height and 7m in depth. A single storey rear element is also proposed with approximate dimensions of 4.7m in width, 4m in height and 3m in depth. A canopy type front porch is also proposed.

The dwelling is proposed to be set back from De Havilland Road by approximately 11m. A new vehicular access is proposed, and a block paved driveway that could accommodate two vehicles.

The dwelling is proposed to be constructed from brickwork elevations, with uPVC windows and doors under a pitched concrete tiled roof.

(a) Principle of Development

Policy DS2 (Development within Development Boundaries) sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the defined Development Boundary for Upper Rissington, new-build residential development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable. Notwithstanding this, further assessment in regards to design, character and appearance, highway safety, trees, landscape and residential amenity is required, and this is completed below.

(b) Design, Character and Appearance

Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

The Cotswold Design Code advises that new development should pay attention to the density, grain, scale and form of the site, its setting, and the landscape surrounding it. To the north of the dwelling (on both sides of De Havilland Road), is a strong linear character of detached dwellings that front the road, creating a strong building line. Most of these dwellings benefit from relatively open frontages, most with parking areas and front gardens or landscaping located between the principal elevations and the road.

The dwelling as proposed would continue this pattern of development, sitting adjacent to the road, with the bulk of the dwelling broadly in line with the dwellings immediately to the north. In terms of the general scale of the proposal, in footprint terms this would also be broadly in line with the dwellings in the area. Furthermore, a modest amount of landscaping with a block-paved driveway is proposed between the dwelling and the roadside, thereby bringing the new dwelling in line with its immediate neighbours.

In terms of materials and details, the supplied information states that the elevations will be constructed from dark brickwork with uPVC windows and doors, and the roof would be covered with concrete tiles, all of which would match or would be similar to the materials present in the area. Officers acknowledge that the proposed dwelling would not benefit from the front gables that are prevalent in the immediate area, and that the dwelling would include two front dormers that are somewhat wider and shorter than traditional dormers, and are not typical of the area. However, this is a relatively high density area with a number of varying designs and alterations present throughout the development. Furthermore, the area has no historic interest or designations that warrant protection, or would warrant a rigid adherence to the traditional dormer guide, or to attempt a pastiche of the dwellings in the immediate area, especially as what is proposed is quite modest, is of a suitable scale, and is of a design and appearance that would successfully integrate into its surroundings.

Taking all of this into account, Officers are satisfied that the new dwelling would read comfortably as part of the streetscene and would integrate successfully into the site and its immediate surroundings, with no harm caused to the character and appearance of the area. The proposal therefore accords with Local Plan Policy EN2 of the Local Plan and the provisions of the NPPF which seeks to achieve well-designed places.

(c) Impact on Residential Amenity

Local Plan Policy EN2 (Design Code) states that development should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Similarly, paragraph 127 of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

The dwelling would be erected broadly in line with the building line to the north, with a relatively large dwelling already in situ to the south. As such overbearing, loss of light or overshadowing impacts are considered unlikely.

New windows are proposed within the principal elevation of the new dwelling. However, these would look out upon the public highway. One new first floor side elevation window is proposed on the south elevation. However, this will serve a bathroom and will be conditioned to be obscure glazed. New windows are also proposed within the rear elevation of the new dwelling, but these would not face any windows serving neighbouring dwellings. Indeed, except for the obscure glazed window previously mentioned, no new windows would be within the 22m distance between facing windows of one and two storey dwellings advised by Local Plan Policy EN2. Nevertheless, as the distance between the new rear elevation windows of the dwelling and the rear garden of 3 Avro Road is just 14m at its nearest point, some views may be possible between these properties. However, the resultant impacts would be somewhat limited as 3 Avro Road benefits from a 200sqm rear garden, much of which would be unaffected by the possible views highlighted. Furthermore, in light of the existing trees being retained, and the proposed Cherry tree to be planted, these views would be filtered and quite limited, such that while views may be possible to some of the garden serving 3 Avro Road, a detrimental loss of privacy or overlooking impact is unlikely to occur.

Regarding the relationship between the rear garden serving the new dwelling and the windows within the rear elevation of 5 Avro Road, as the separation distance is just 6m between these at the nearest point, some views between the windows on the first floor rear elevation of 5 Avro Road and the rear garden of the new dwelling will be possible. These are not possible at ground floor as a boundary fence is already in situ and restricts these views.

There are six first floor windows that may result in loss of privacy and overlooking impacts. One of these windows serves the staircase, and it appears that three windows serve bathrooms or en-suites. One further window to the far east of 5 Avro Road will look upon the side elevation of the new dwelling. While direct views from these five windows to the garden area of the new dwelling may not be possible, due to the number of windows and their proximity to the garden, and despite the rooms that they serve (staircase and bathrooms), they may result in an impression of being overlooked.

This leaves one window which will look directly into the rear garden of the new dwelling, and this will result in loss of privacy and overlooking impacts to a section of the garden serving the new dwelling. While that is the case, in a similar vein as the impacts to 3 Avro Road, as the proposed dwelling would benefit from a 110sqm garden area, these views would be contained to a small area of the rear of the garden only. Furthermore, two existing trees would reduce the views possible. Taking this into consideration, while some views between the occupier of one bedroom on the first floor of 5 Avro Road, and users of the rear garden of the new dwelling may be possible, these would be filtered, and limited to a small section of the proposed garden. Taking all of these issues into consideration, officers are content that no overriding material harm would be caused as a result of any potential loss of privacy that would justify refusal.

The new dwelling would reduce the garden available to serve 5 Avro Road. However, the existing dwelling benefits from a large garden to the side, and some to the rear such that this loss would still leave around 200sqm of garden to serve 5 Avro Road. The new dwelling is proposed to benefit from a 110sqm garden area. These amounts of garden area will provide appropriate private amenity space, space for the drying of washing and domestic storage to accommodate the needs of each dwelling respectively.

Taking all of this into account, officers are satisfied that the development will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition sufficient private external amenity space is proposed for each dwelling. The proposal therefore accords with Local Plan Policy EN2 of the Local Plan and paragraph 127(f) of the NPPF which seeks to achieve a 'high standard of amenity for existing and future users'.

(d) Highway Safety and Parking Provision

Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets. Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

Paragraph 109 of the NPPF 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.

The dwelling is proposed to have five bedrooms, and just two parking spaces are proposed. However, there are no parking restrictions in the immediate area such that, should the two parking spaces be insufficient to accommodate the parking requirements of the dwelling, there is sufficient on street parking in the area that could accommodate any overspill without impacting on highway safety or creating local congestion.

As a turning circle is not proposed, it is acknowledged that vehicles may reverse onto the highway from these parking spaces. However, this is a relatively high density area which is subject to a 30mph speed limit. In addition, De Havilland Road is approximately 140m in length, with a relatively sharp turn to the north, and a 'T' junction to the south. With that in mind, vehicles are likely to be travelling at low speeds, and vehicular movements either in a forward or reverse gear either into, or out of the site is unlikely to cause conflict. Indeed, a number of properties in the immediate area utilise similar parking spaces, as such, these vehicular movements are common in the area. Officers also note that Gloucestershire County Council Highways has not objected to the proposal, subject to securing an electric vehicle charging point and cycle storage by condition.

Taking all of the above in to account, officers are satisfied that a new dwelling in the proposed location would not result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. As such, the development is acceptable in transport terms.

(e) Impact to Trees

Policy EN7 of the Local Plan seeks to conserve and enhance trees, hedgerows and woodlands that are veteran, or are of high landscape, amenity, ecological or historical value.

Within the plot are a number of trees of varying sizes and species, four of which are protected by individual tree protection orders. Two of these protected trees are proposed for removal, and this is contrary to Policy EN7 of the Local Plan. However, the applicant has proposed replacement tree planting with an existing Whitebeam to the front of the plot allocated for protection, and a new Cherry planted to the rear. Officers are satisfied that this is an acceptable in mitigation for the trees being removed. The planting of these, their retention, and should they fail, replacement, is recommended to be secured by condition.

A further condition is recommended to secure compliance with the submitted tree protection plan and arboricultural method statement during construction of the dwelling in order to protect the remaining trees on site.

While two protected trees are being lost, there is acceptable mitigation for this loss, and the protection proposed for the remaining trees is also acceptable. With that in mind, the proposal accords with Policy EN7 of the Local Plan.

(f) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' 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.

The site is bound by built form in all directions and the proposal will not encroach into open countryside. The development therefore is not considered to be harmful to the character or appearance of the Cotswolds AONB

(g) Community Infrastructure Levy (CIL)

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

9. Conclusion:

The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

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 permitted shall be implemented in strict accordance with the following approved plans: Location Plan (Unnumbered, received by the Council on 12/10/2020); South and East Elevations (Drawing No. 1a, received by the Council on 07/01/2021); Block Plan (Unnumbered), Ground Floor Plan (Unnumbered), First Floor Plan (Unnumbered), Second Floor Plan (Unnumbered), and North and West Elevations (Drawing No. 2A) (All received by the Council on 25/01/2021).

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

3. Prior to the commencement of the development hereby approved, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In light of the above details not being submitted at determination stage for consideration and approval, this condition, which has been agreed with the applicant, is necessary to ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14, The Cotswold Strategic Flood Risk Assessment, The National Planning Policy Framework and Planning Practice Guidance.

4. The brickwork and roof tiles to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match, as close as possible, to those used in 10 De Havilland Road and shall be retained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy EN2 of the Cotswold District Local Plan and the National Planning Policy Framework.

5. The existing Whitebeam Tree and the proposed Cherry Tree as shown as T12 and T10 respectively on the submitted 'Tree Plan' (Received by the Council on 04/01/2021) are to be adequately staked, protected and mulched. All works to accord with 'BS 3936-1:1992 Nursery stock. Specification for trees and shrubs' and 'BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces)' and 'BS 8545:2014 Trees: from nursery to independence in the landscape Recommendations'.

The tree planting scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Should existing Whitebeam Tree or the proposed Cherry Tree as shown as T12 and T10 respectively on the submitted 'Tree Plan' (Received by the Council on 04/01/2021) be removed, die or become severely damaged or seriously diseased, all within 5 years of planting, it/they must be replaced by a tree of a similar size and species to that originally planted. Any modifications to the requirements of this condition must be agreed in writing with the Local Planning Authority.

Reason: To ensure that the tree cover on the site is maintained for the benefit of the amenity of the area in accordance with Cotswold District Local Plan Policy EN7.

6. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on 'Drawing No. TP 2593/2002/TPP Rev A' and within the 'Arboricultural Assessment' (Written by Tim Pursey, Revision A 13th May 2020) shall be installed in accordance with the specifications set out within the plan and 'BS5837:2012 Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

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

7. Prior to the first occupation of the development hereby approved, the first floor window in the south elevation, as shown on Drawing No. 1a shall be fitted with obscure glazing (and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) and shall be permanently retained as such thereafter.

Reason: To protect the residential amenities of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy EN2 and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, the new dwelling shall be fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with Local Plan Policies INF3 and INF4; and the National Planning Policy Framework.

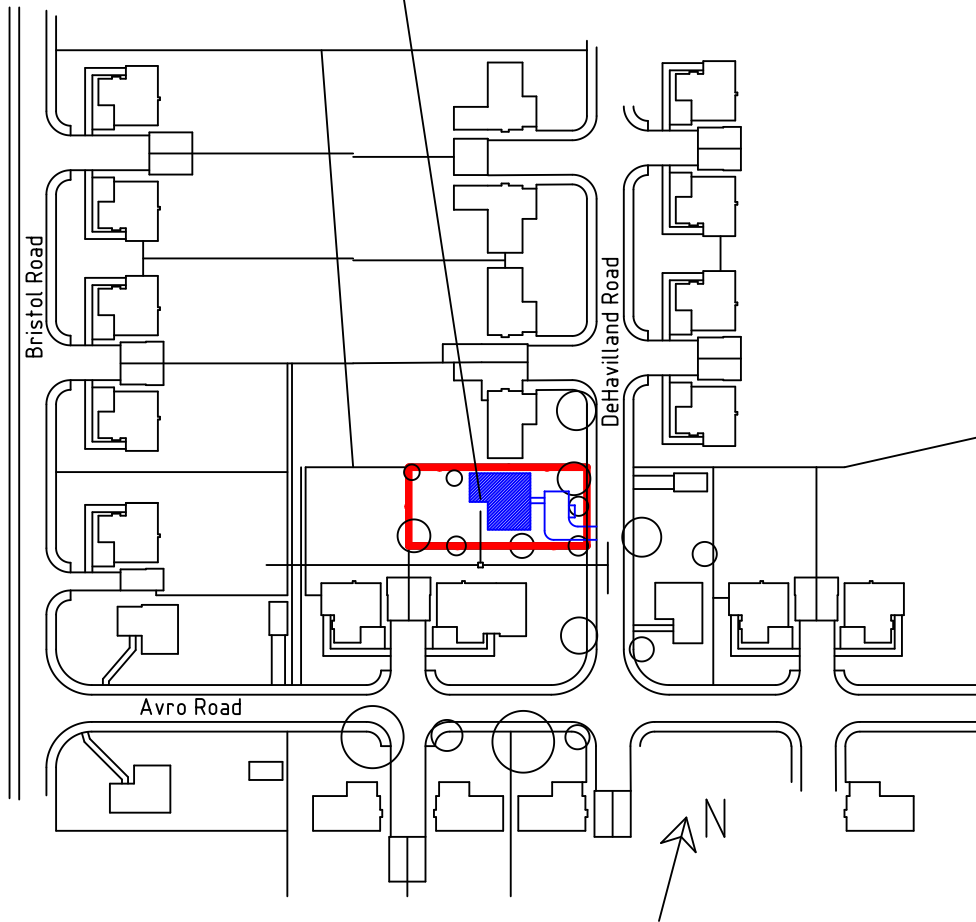
9. Prior to the first occupation of the development hereby approved, details of secure and covered cycle storage facilities for a minimum of 2 no. cycles shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in line with the approved details and shall be retained as such thereafter.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with Local Plan Policies INF3 and INF4; and the National Planning Policy Framework.

Informatives:

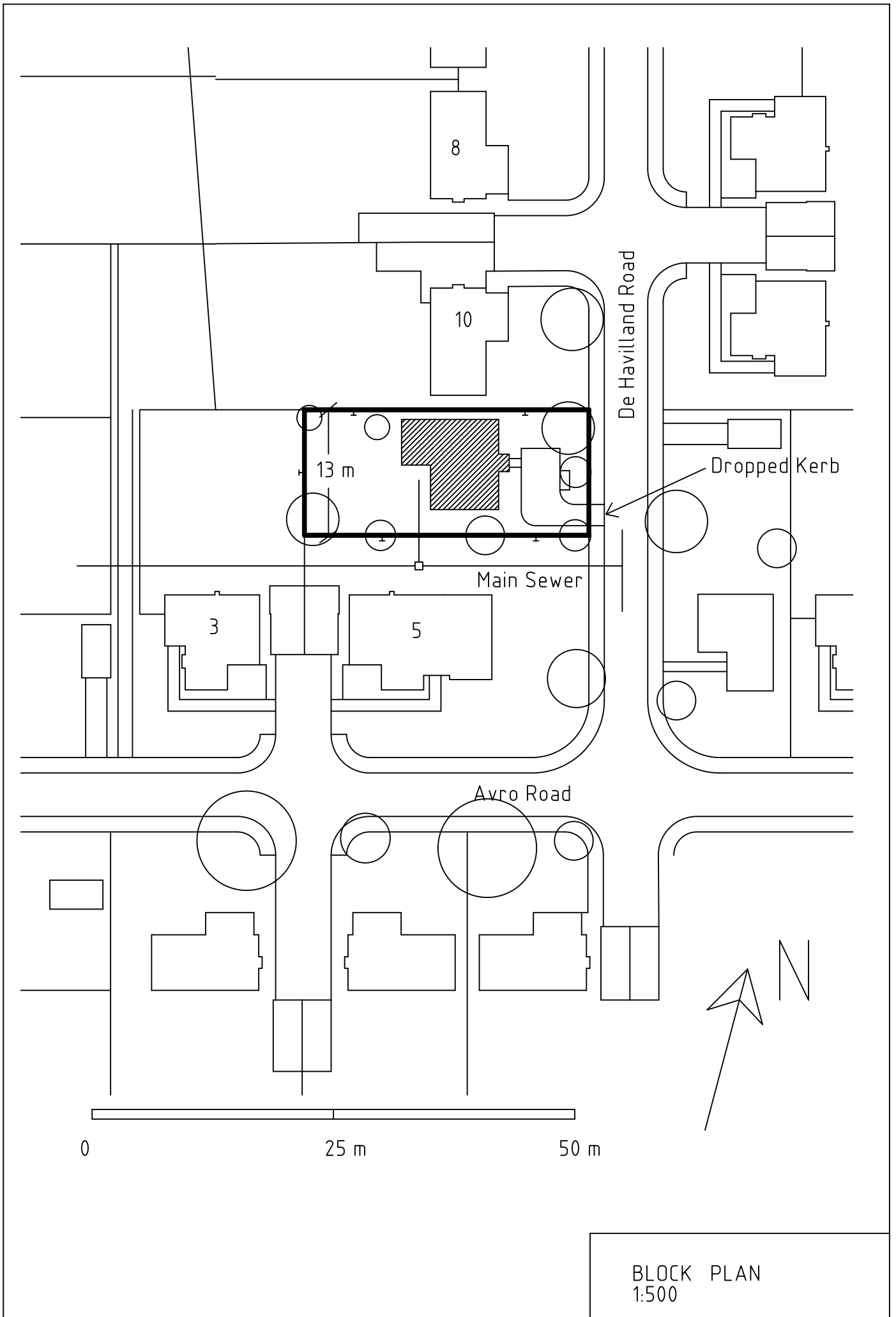
1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.

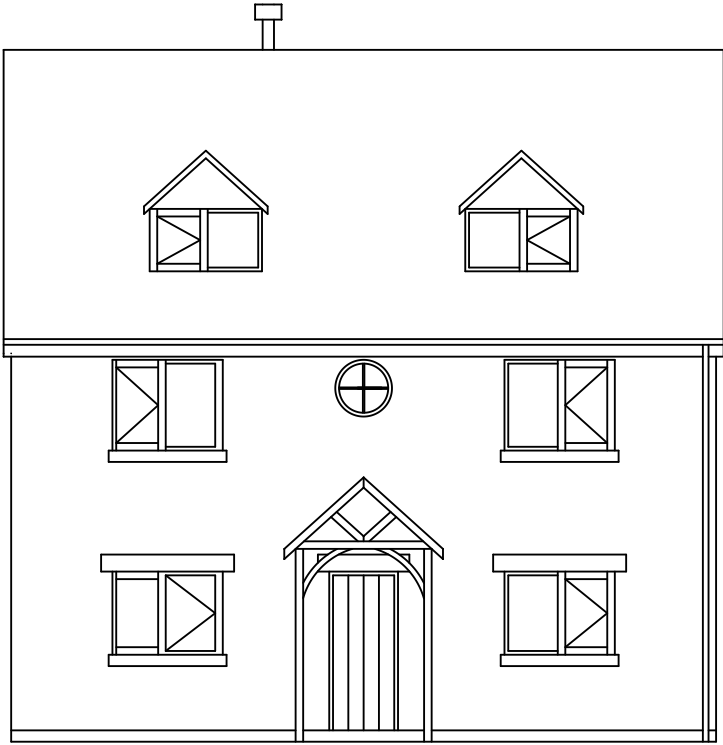
Proposed Site



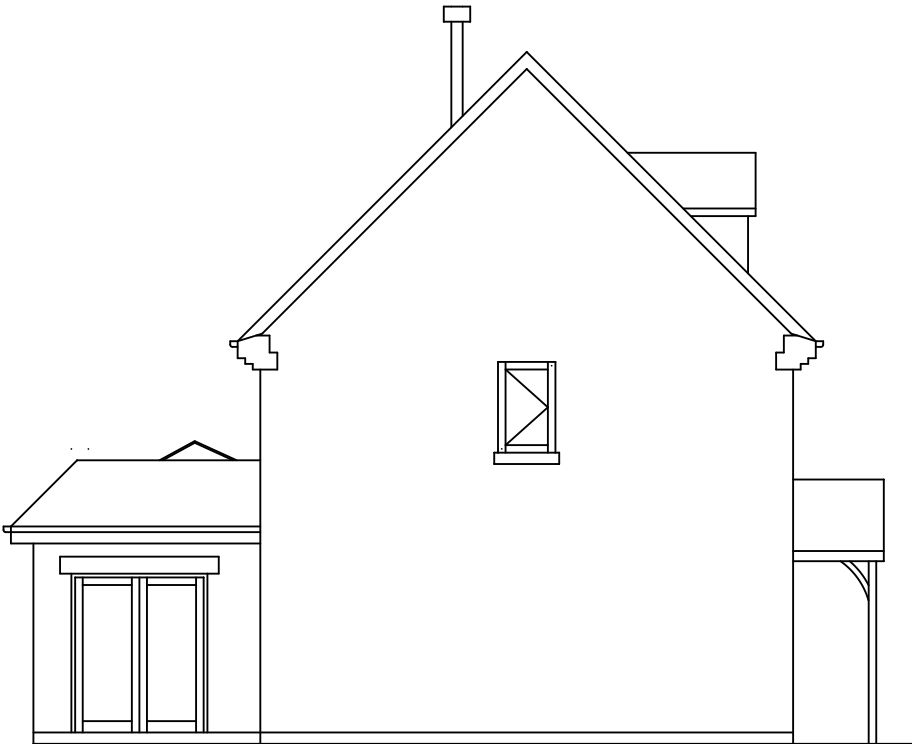
Upper Rissington

LOCATION PLAN
1:1250



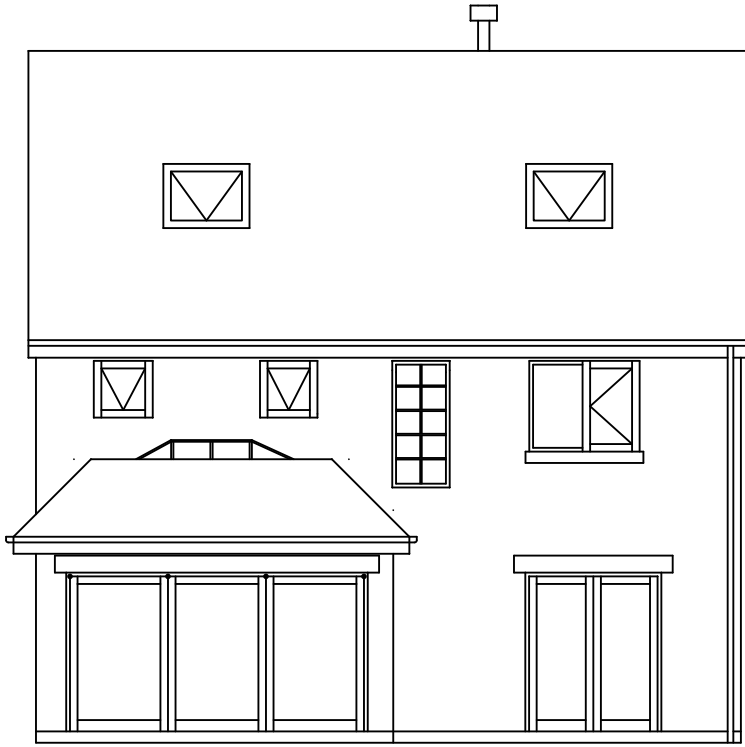


East Elevation

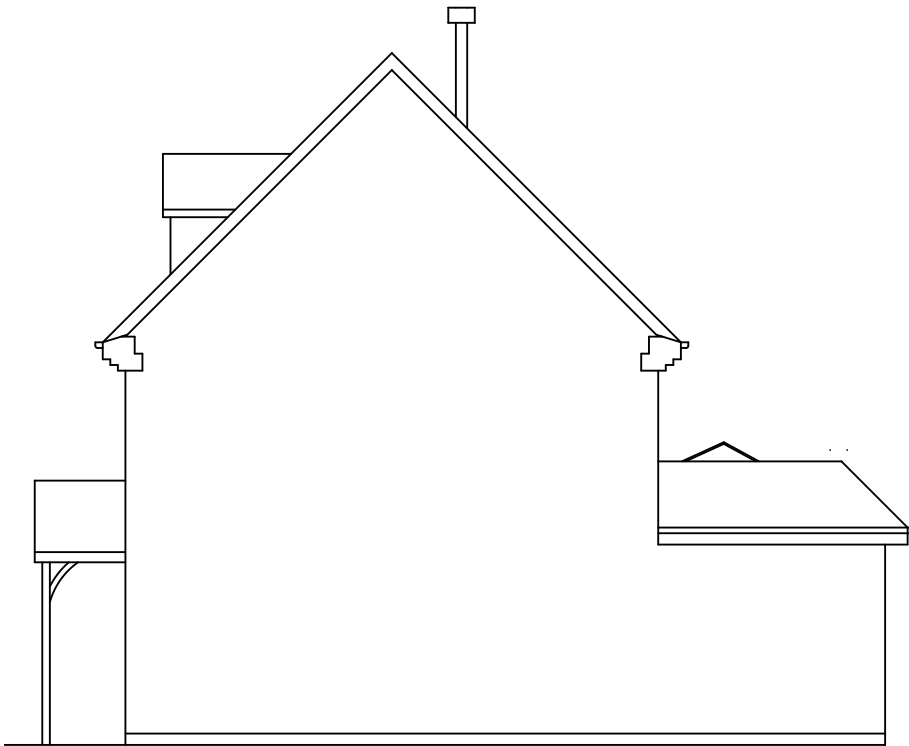


South Elevation

Elevations 1a
1 : 100

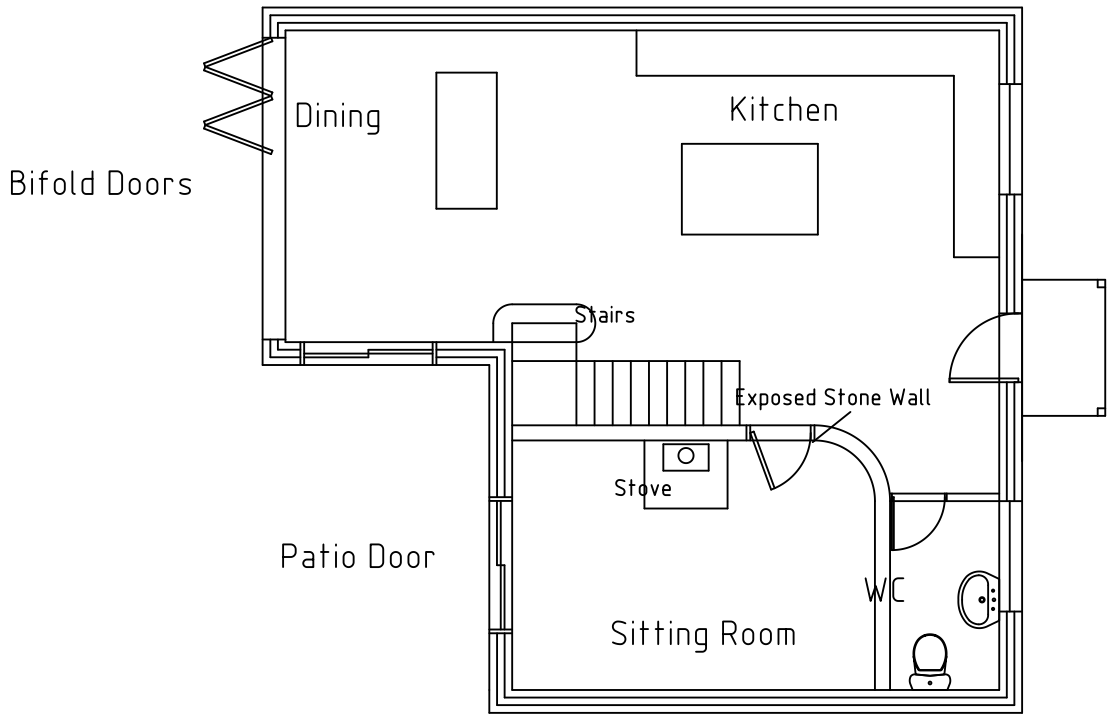


West Elevation

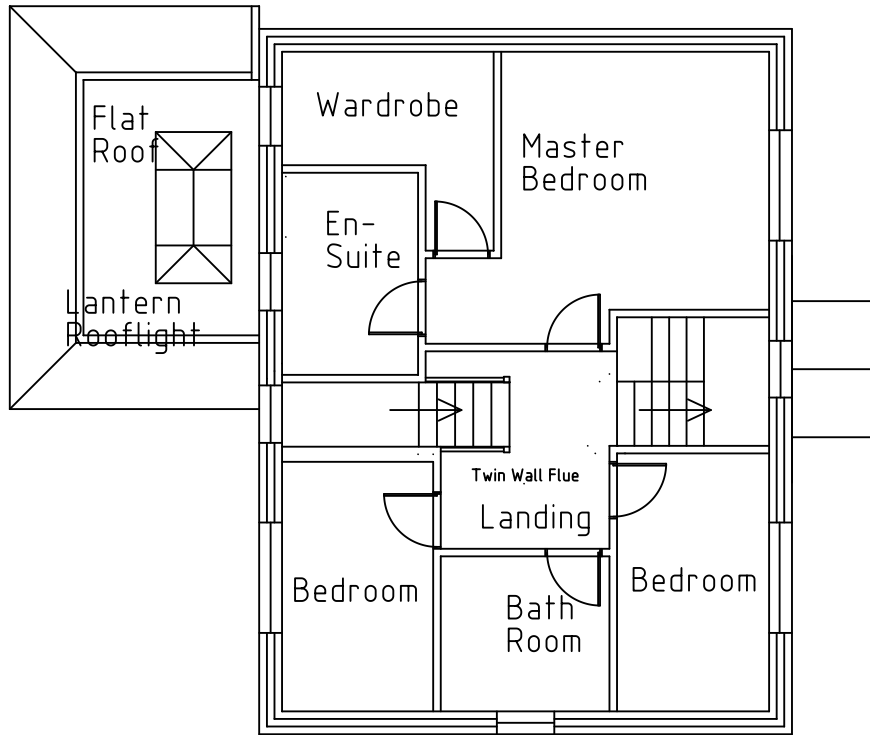


North Elevation

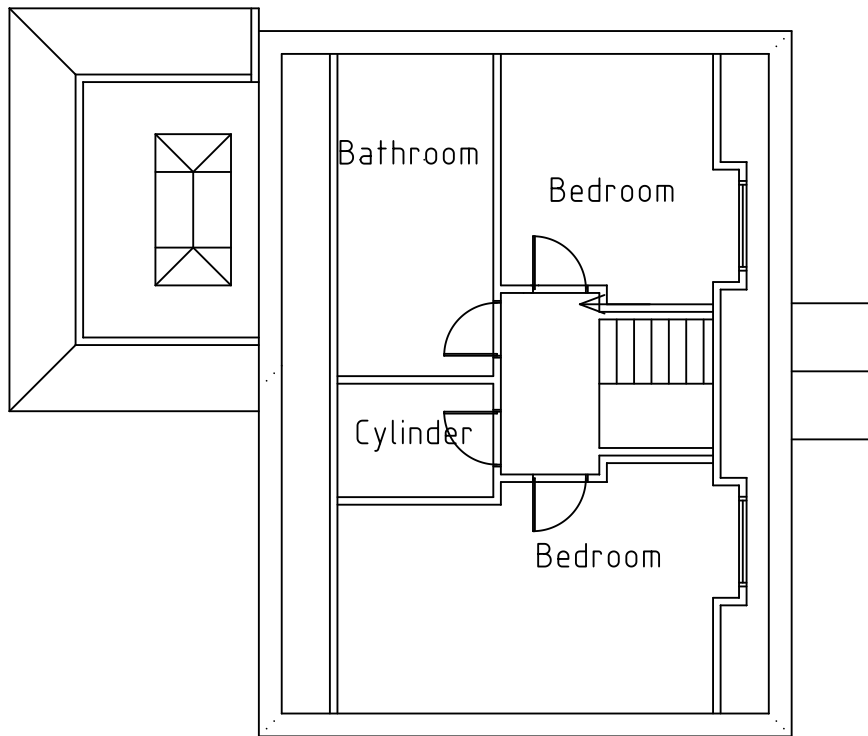
Elevations 2a
1 : 100



GROUND FLOOR PLAN
1:100



First Floor
1 : 100



Second Floor
1 : 100

○ Existing Trees and Shrubs

○ Trees to be removed

