

**Item No 02:-**

**21/01844/FUL**

**Rowan Gate  
Maugersbury  
Cheltenham  
Gloucestershire  
GL54 1HP**

## Item No 02:-

**Variation of Condition 2 (approved plans) of permission 18/00190/FUL (Installation of dormer windows, increase in size of existing windows to rear, and alterations to existing balcony) at Rowan Gate Mangersbury Cheltenham Gloucestershire**

<b>Full Application 21/01844/FUL</b>	
Applicant:	Mr Sammy Li
Agent:	Guiding Light Architecture Limited
Case Officer:	Ed Leeson
Ward Member(s):	Councillor Dilys Neill
Committee Date:	11th August 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

### **Main Issues:**

- (a) Design and Impact on the character and appearance of Stow On The Wold Conservation Area
- (b) Impact on the residential amenities of the neighbouring properties
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Community Infrastructure Levy (CIL)

### **Reasons for Referral:**

This application has been referred to Planning and Licensing Committee following a request from Cllr Neill. The reasons for doing so are that the dormers are significantly larger than permitted, are not characteristic of dormers in the area and are far too large for the modest house.

### **I. Site Description:**

The application site comprises a two storey detached dwelling on the north-western periphery of the village of Mangersbury, and to the south of the principal settlement of Stow-On-The-Wold. The two storey dwelling dates from the 1970s and is constructed from reconstituted stone, under an artificial stone tile roof. The windows and doors are stained timber.

The house itself is located outside, but immediately adjacent to the Stow-On-The-Wold Conservation Area boundary. The site is also within the Cotswold Area of Outstanding Natural Beauty (AONB).

There is a Group Tree Preservation Order (Tree Preservation Order No. 1) covering part of the rear garden of the property.

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

18/00190/FUL - Installation of dormer windows, increase in size of existing windows to rear, and alterations to existing balcony. Permitted 15.03.2018.

07/01564/FUL - Erection of first floor extension. Permitted 06.08.2007.

## **3. Planning Policies:**

EN2 Design of Built & Natural Environment  
EN5 Cotswolds AONB  
EN11 HE: DHA - Conservation Areas  
TNPPF The National Planning Policy Framework

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

N/A

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

Maugersbury Parish Council have provided an objection comment to the application outlining the following concerns:

"Maugersbury Parish Council has considered this application and objects on the basis that the dormer windows as installed are far too large. They are totally out of proportion with the rest of the property and give it an unbalanced appearance that is not in the Cotswold vernacular. In council's opinion had they been designed like this in the original application residents and council would have objected at that stage. Council is also very concerned that this application could set a precedent whereby granted planning permissions are ignored in the belief that retrospective planning can be applied for and secured. This would have the potential to be very damaging to the Cotswold AONB if it were to happen at scale."

## **6. Other Representations:**

One third-party objection comment has been received outlining the following concerns:

"The design of the dormers is not in keeping with the style of dormer windows in the Cotswolds and in a Conservation Area, nor is it in keeping with the architecture of the building."

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

Drawings

## **8. Officer's Assessment:**

Planning permission was granted under reference 18/00190/FUL for the installation of dormer windows, the increase in size of existing windows to the property's rear, and alterations to an existing balcony at Rowan Gate, Maugersbury.

This application retrospectively seeks to amend the approved drawings of that permission, specifically to increase the size of the 3no. front roof dormers, alter the design of the 1no. rear roof dormer and the design of the approved balcony, to see its width reduced and the glazed gable end made solid.

### **(a) Design and Impact on the setting of Stow-On-The-Wold Conservation Area**

The application site is located outside of, but in close proximity to, Stow-On-The-Wold Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act

1990 states that the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy EN2 asserts that development will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."

Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect Conservation Areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

Section 12 of the NPPF sets out criteria for achieving well-designed places, requiring good design, providing sustainable development and creating better place to live and work in.

Section 16 of the NPPF outlines principles relating to conserving and enhancing the historic environment, with paragraph 197 stating that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." It also requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets, stating that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The existing dwelling dates from the 1970s, and is constructed from reconstituted stone under an artificial stone roof. It is the end property of a small number of detached residential properties and set back from the lane, with the track to the north labelled a 'private road', although it would appear to be used regularly by people walking/cycling to and from Stow, if not vehicles.

In relation to the 3no. dormer windows to the front roofslope of the dwelling, these have been each increased in size from modest dormers with hipped-roofs with dimensions of 1.6m in width, 2.7m in height, and extending approximately 1.7m out at its furthest point, to 2.3m in width, 3m in height and extending approximately 2.3m at their furthest point.

This change is material and the dormers are visibly larger than those previously approved. It is considered that the hipped-roof design of the dormers, together with the lead flashing to the bottom of each window, does, to some extent, help visually reduce their overall scale and

massing. Additionally, the materials used in the construction of the dormers are in keeping with those used in the construction of the existing dwelling, and their overall finish appears to be to a high standard. The property's previously dark brown timber framed windows to the front of the dwelling appear to have been replaced (or painted) to match the casement windows within the existing dormers which is a welcomed approach that helps to assimilate the dormers with the rest of the property.

Although the track that runs to the north-east of the application site is private and not a recognised Public Right Of Way, it's noted that it appears to be used by members of the public to connect Mangersbury with Stow-On-The Wold. Whilst there is quite extensive tree coverage around the property, and the application site is located at the end of the public lane, there are glimpsed views of the property from the informal footpath/lane.

Notwithstanding the above, and as shown on the approved site plan for the 2018 permission, the current opening to the front drive of the property, which was used for construction traffic during the development period, is in the process of being infilled with planting and trees which will assist in further screening the property from the lane.

Taking the above matters into account, and notwithstanding that there are some public views of the site, it is considered that, on balance, and in this context, the design and scale of the dormer windows is acceptable.

With regard to the changes to the balcony and the rear dormer window, these are minimal and wholly contained to the rear of the dwelling with no views from the public realm, and using appropriate materials. As such, these elements of the scheme are also considered to be acceptable.

In summary, it is considered that the amendments would not detrimentally impact upon the character or appearance of the host building or the locality, and would serve to preserve the character and appearance of the conservation area. As such, on balance, the amendments are considered to comply with Local Plan Policies EN2 and EN11 and the NPPF.

### **(b) Impact on the residential amenities of the neighbouring properties**

Appendix D of the Local Plan states that extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. The proposed amendments would not alter the outlook of the approved dormer windows or balcony, and would not offer views of the private amenity spaces of the 2 neighbouring residential properties to the south and south-west.

The proposals are therefore not considered to have an adverse impact on the living conditions currently enjoyed by the occupants of these neighbouring properties in terms of overlooking, or loss of privacy, and as such, the proposals accord with Appendix D of the Local Plan.

### **(c) Impact on the 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 (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Paragraph 174 of the updated NPPF states that planning should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes... and recognising the intrinsic character and beauty of the countryside". More specifically, paragraph 176 of the Framework advises that great weight should be given to conserving the landscape within the AONB (amongst other sensitive areas), which has the highest status of protection for its scenic beauty.

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.

The proposed amendments to the scheme are considered to be relatively minimal, being contained within the residential curtilage of the application site and not extending into open countryside with only partial public views of the property.

The amendments are therefore considered to comply with the NPPF and Policy EN5 with regard to their impact on the Cotswolds AONB.

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

The proposed development does see a small increase in floorspace over the approved scheme, however, neither the original scheme, nor the amendments that form this application have resulted in the creation of a floor area of more than 100m<sup>2</sup>. Therefore, the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it has a floor area of less than 100m<sup>2</sup>, and does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

#### **9. Conclusion:**

For the reasons outlined above, the proposal is considered to comply with national guidance and the relevant policies of the Development Plan. As such, the application is recommended for approval.

#### **10. Proposed conditions:**

1. The development hereby approved shall be carried out in accordance with the following drawing number(s): .

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

2. The materials to be used for the roofing of the dormer windows hereby permitted shall match those used in the existing building.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2 and the National Planning Policy Framework, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

3. The window frames and sills of the dormer windows hereby permitted shall be of timber construction 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 Policy EN2 and the National Planning Policy Framework.

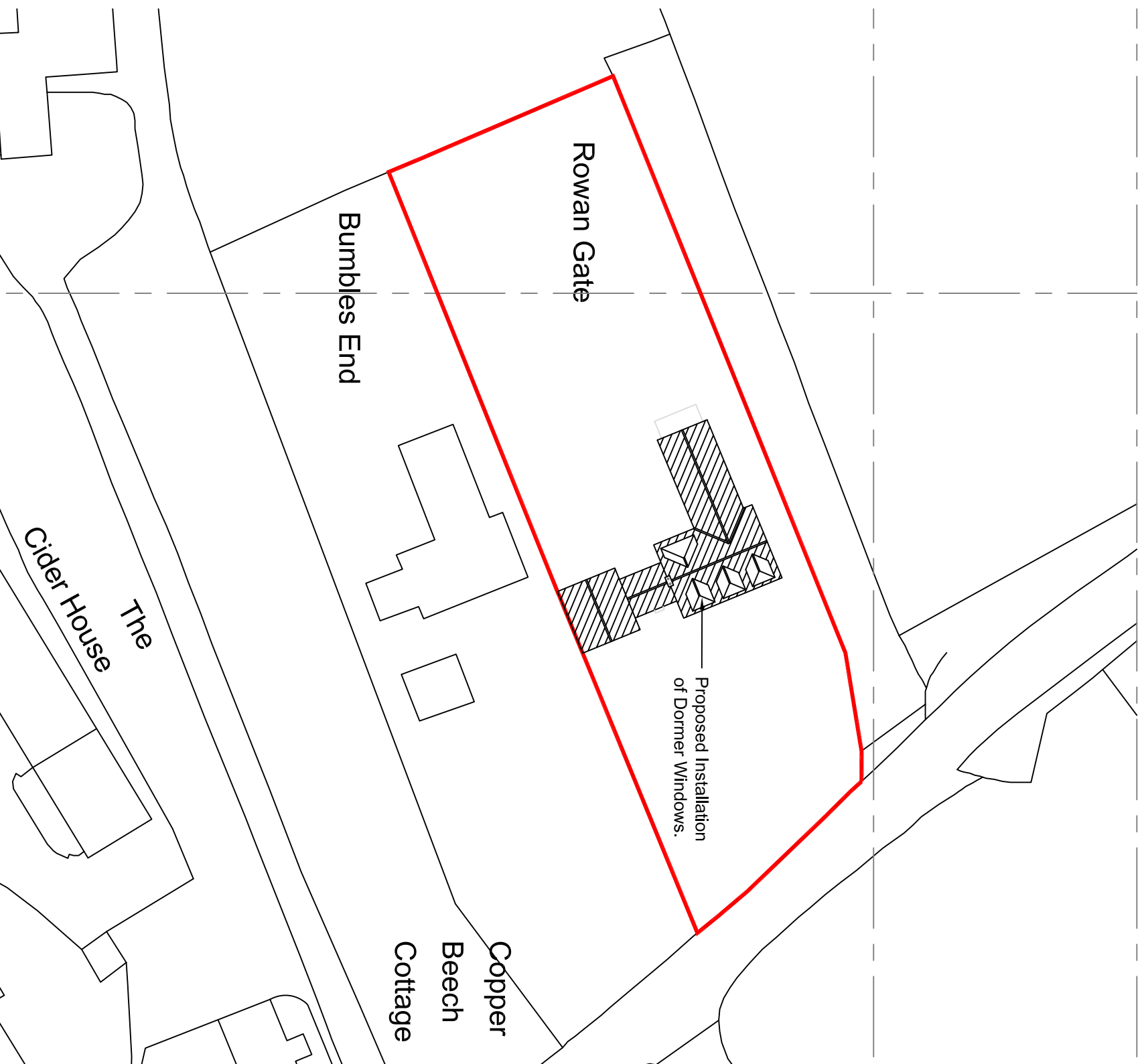
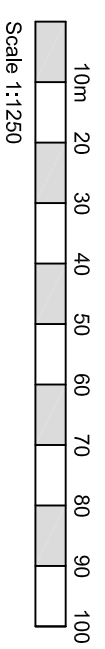
**Informatives:**

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

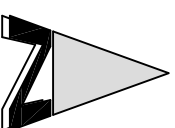
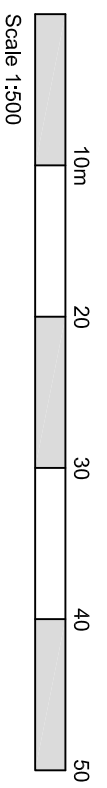
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LOCATION PLAN (1:1250)



BLOCK PLAN (1:500)



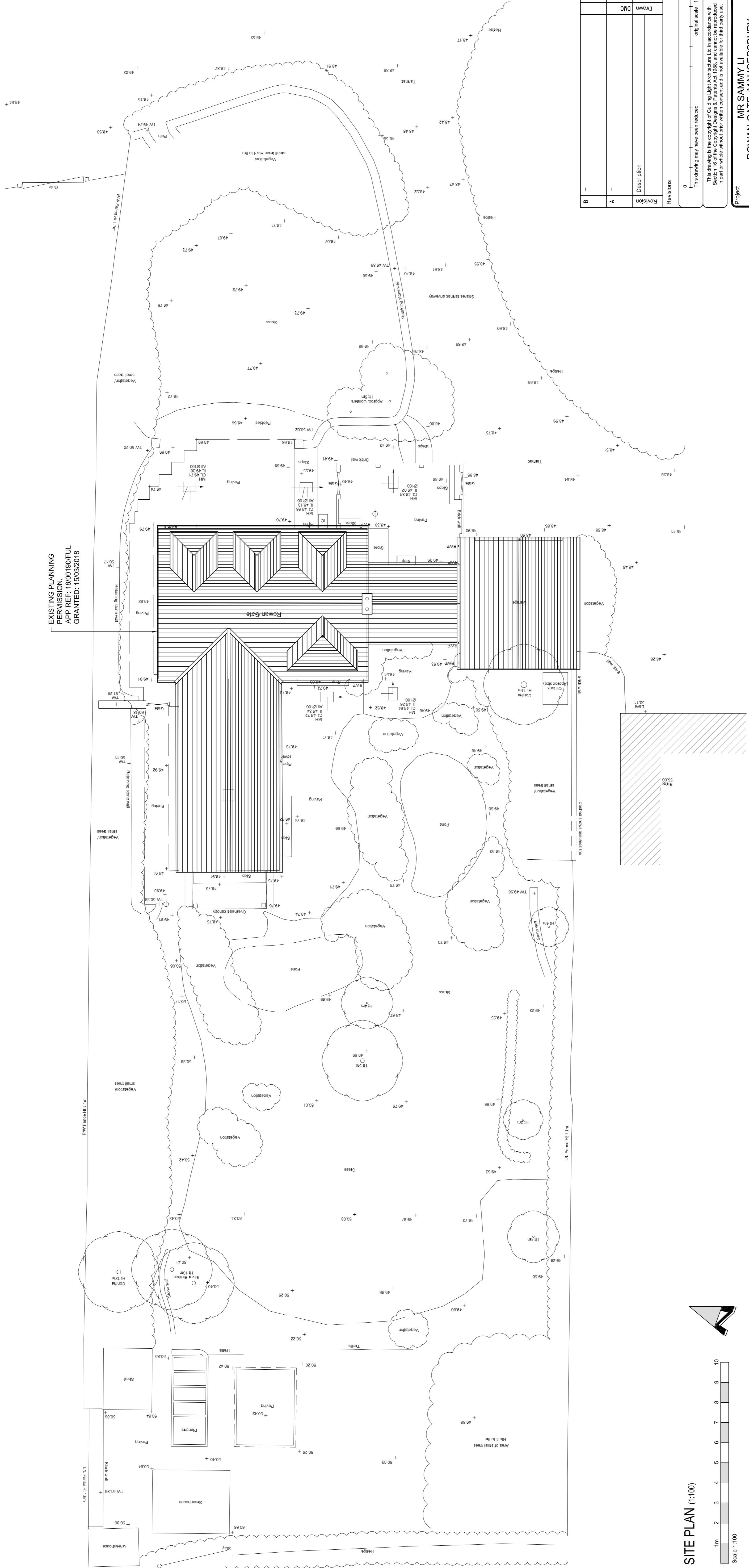
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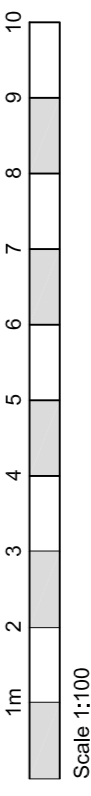
<p><b>Project</b> MR SAMMY LI ROWAN GATE, MAUGERSBURY, CHELTENHAM, GLOS, GL54 1HP</p>																					
<p><b>Title</b> INSTALLATION OF DORMER WINDOWS, PROPOSED BLOCK &amp; LOCATION PLANS.</p>																					
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EXISTING PLANNING PERMISSION. APP REF.: 18/00190/FUL GRANTED: 15/03/2018

SITE PLAN (1:100)



Revisions	
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A	

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Title: INSTALLATION OF DORMER WINDOWS,  
PROPOSED SITE PLAN

Scale	Drawn	DMC	Checked	Approved
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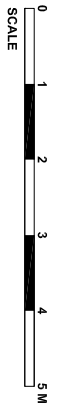
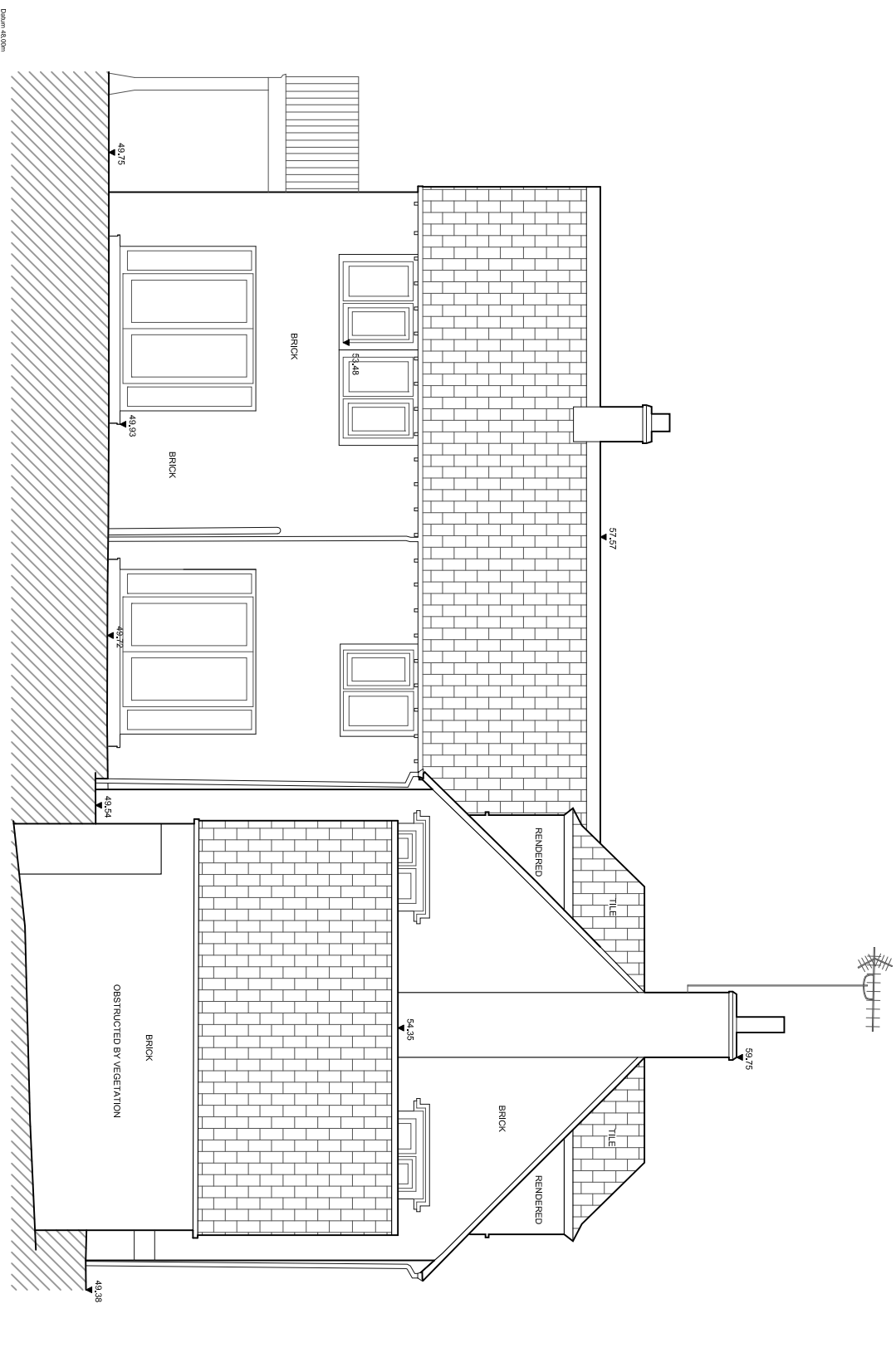
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Project  
**Rowan Gate, Maugersbury, Gloucestershire, GL54 1HP**

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 Date: 06.07.18  
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 Scale: 1:100  
 Drawn: AP  
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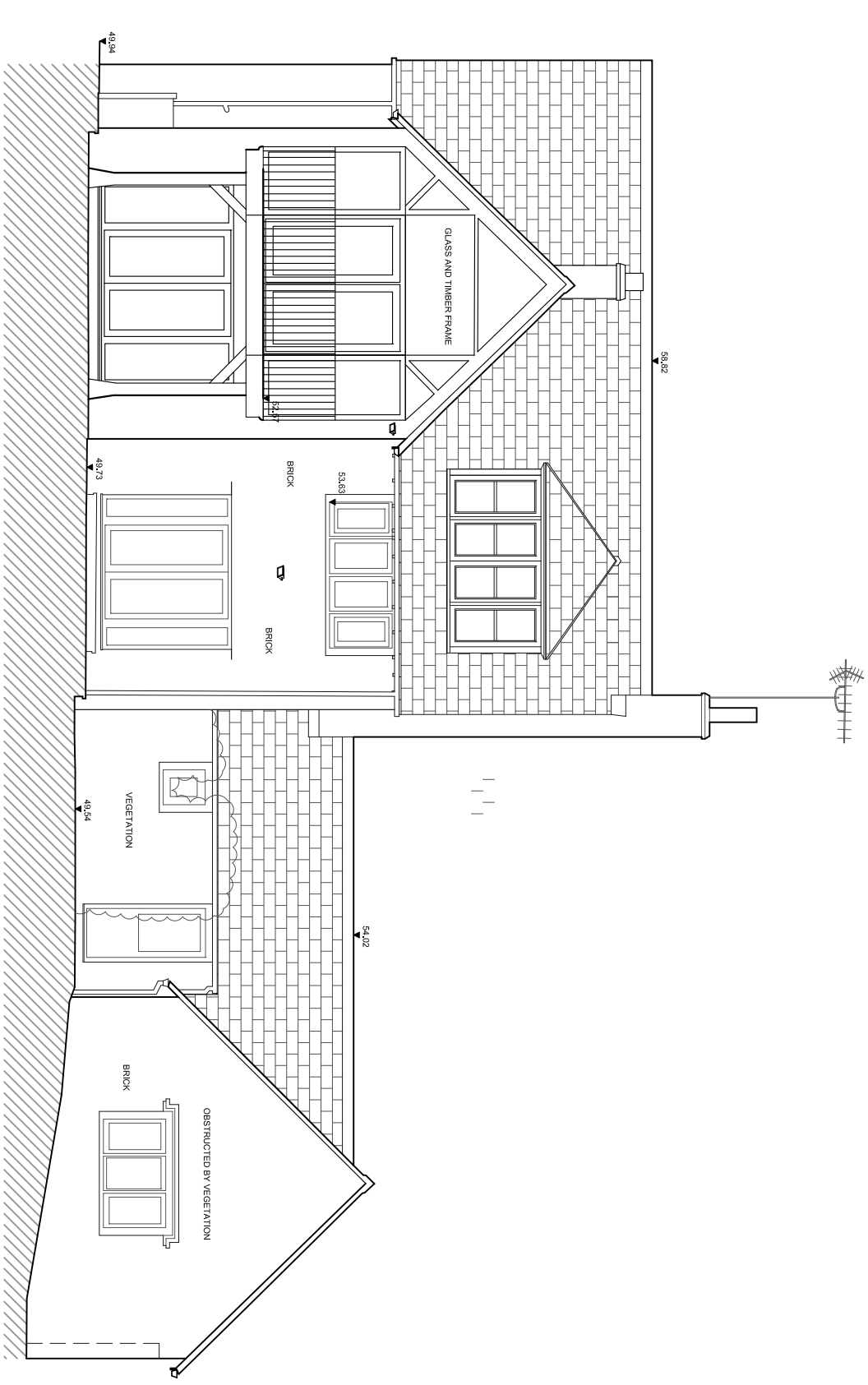
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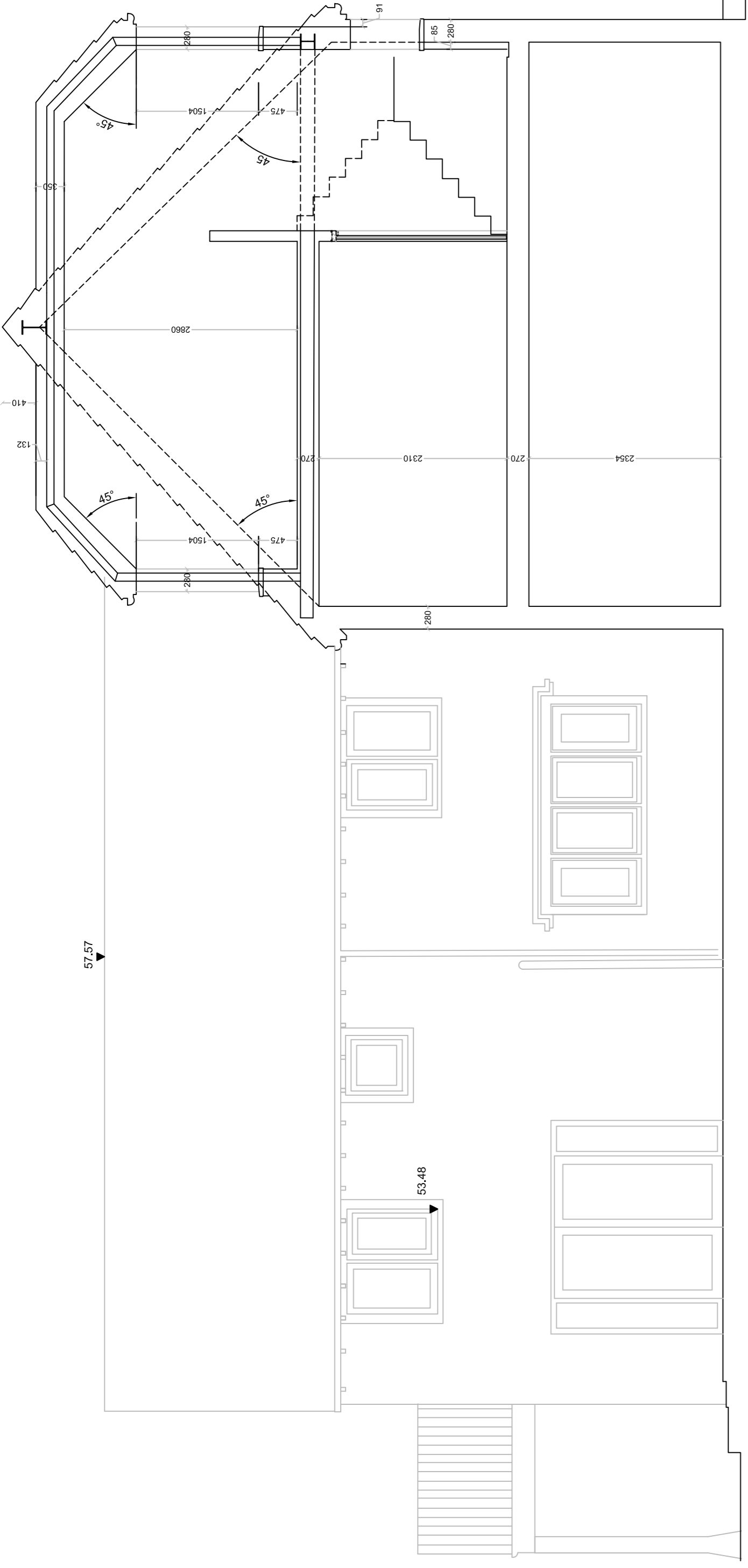
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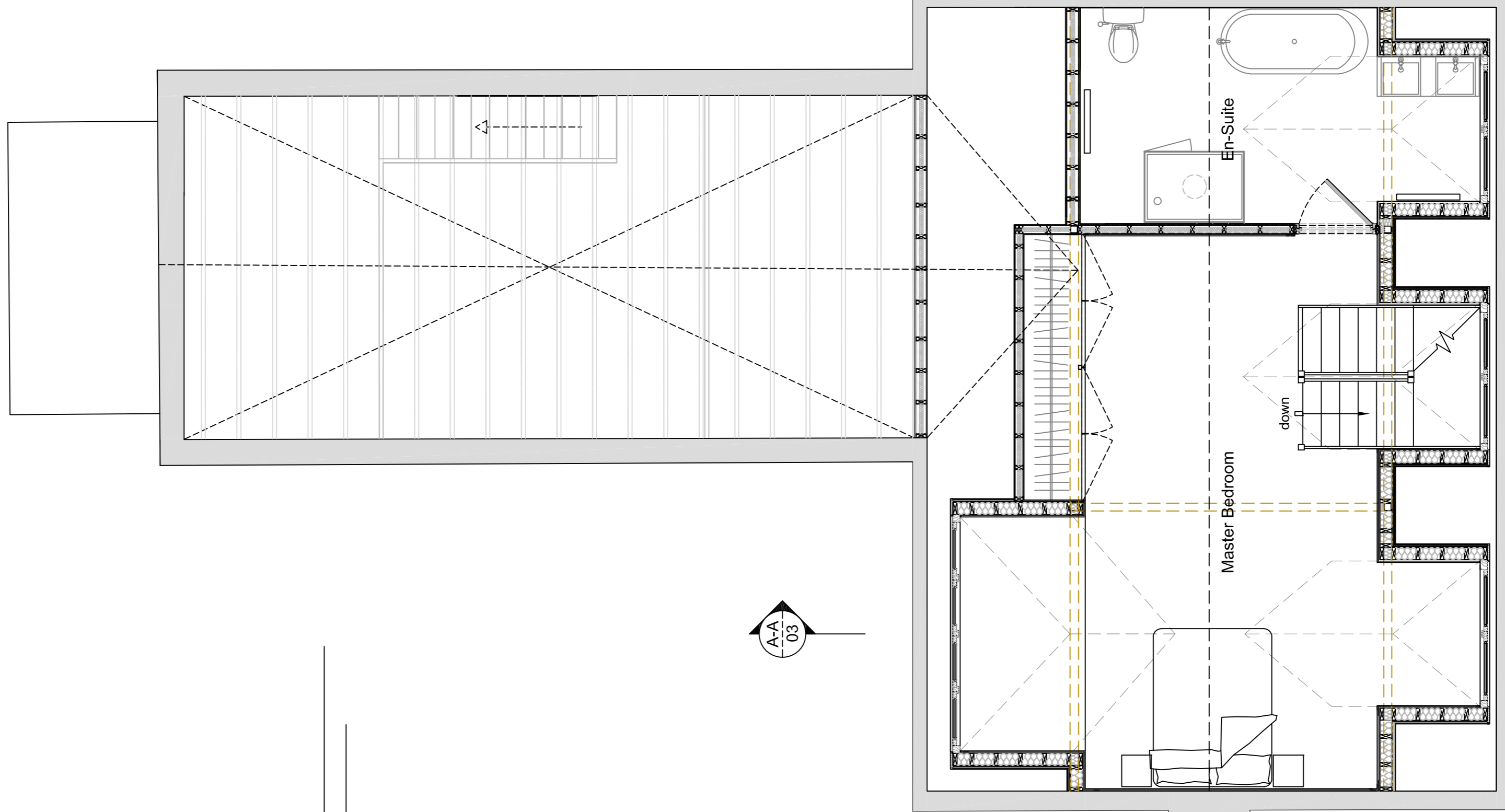
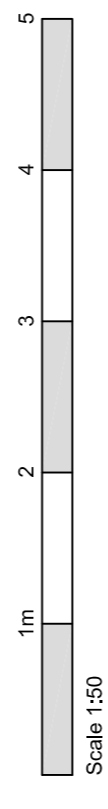
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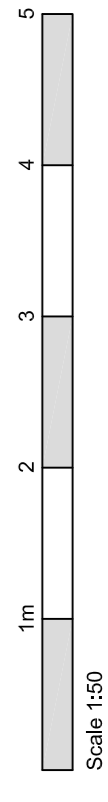
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SECTION A - A (1:150)



SECOND FLOOR PLAN (1:150)



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INSTALLATION OF DORMER WINDOWS, PROPOSED SECOND FLOOR PLAN AND SECTION A - A THROUGH DORMERS.							
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