

Item No 02:-

21/00139/FUL

**The Dower House
High Street
Bourton-On-The-Water
Cheltenham
Gloucestershire
GL54 2AP**

Item No 02:-

Retrospective permission for garden room at The Dower House High Street Bourton-On-The-Water Cheltenham Gloucestershire GL54 2AP

Full Application 21/00139/FUL	
Applicant:	Mr O'Leary
Agent:	Towers Associates
Case Officer:	Amy Hill
Ward Member(s):	Councillor Nick Maunder
Committee Date:	9th March 2022
RECOMMENDATION:	PERMIT

UPDATE: The application was deferred at the February Planning & Licensing Committee to allow for a Sites Inspection Briefing, to enable Members to consider the impact of the proposed development on the site and surrounding context. Members are to provide comments regarding this at the Committee Meeting. Updates to the report have been shown in bold.

1. Main Issues:

- (a) Design and Impact on Heritage Assets
- (b) Impact on the Residential Amenity
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Flood issues

2. Reasons for Referral:

2.1 In accordance with the Scheme of Delegation, the Ward Member, Cllr Maunder, requested the application was referred to the Planning and Licensing Committee due to the cumulative development that has taken place on this site which he considered is excessive and the impact on the conservation area and nearby listed buildings.

3. Site Description:

3.1 Dower House is a large detached property built circa 1960s, set back from the highway and surrounded by mature trees. It is situated within a generous garden, approximately 0.5 hectares in size. To the rear of the property the site is bounded by the River Windrush. To the front tall metal entrance gates separate a large parking area from the shared access drive.

3.2 One of the other three properties located along the River Windrush, accessed via the shared drive, is a grade II listed semi-detached property Manor House. The site is located within the historic gardens of Manor House; however the site was constructed after 1948 and before the Manor House was listed in 1983. As such the site is considered to be separate to Manor House.

3.3 The site is within Bourton-on-the-Water Conservation Area, within the Cotswolds Area of Outstanding Natural Beauty (AONB) and within Flood Zone 2 and 3.

4. Relevant Planning History:

CD.770/d - Erection of a detached house - Permitted June 1963

CD.770/d/a - Erection of a detached scheme (Revised scheme) - Permitted October 1963

CD.770/E - Double garage, store and W.C - Permitted January 1965

02/00416/CLEUD - Self-contained holiday let - Granted May 2002

15/01629/FUL - Proposed two storey front extensions and first floor rear extensions. **Permitted 14.08.2015.**

15/04727/FUL - Alterations to the dwelling including two-storey front and rear extensions (revision to 15/01629/FUL). Permitted 07.01.2016.

16/00784/FUL - Detached garage. Permitted 26.05.2016.

16/03994/FUL - Amendment to 16/00784/FUL to include 3 x dormers to front of garage. Permitted 11.11.2016.

17/00760/FUL - Two-storey front and rear extensions (retrospective revisions to permitted application 15/04727/FUL). Refused 08.05.2017

17/03001/FUL - Alterations to the elevations of the existing dwelling including two-storey front and rear extensions - (revisions to Application No: 15/04727 granted conditional permission on 6th January 2016). Permitted 21.09.2017

18/02392/FUL - Erection of a detached structure in rear garden. Permitted September 2018

18/04763/FUL - Erection of detached garage. Permitted March 2019

21/00143/FUL - Extensions to existing garage block. Pending consideration.

5. Planning Policies:

TNPPF The National Planning Policy Framework

CDCLP CDC LOCAL PLAN 2011-2031

DS2 Dev within Development Boundaries

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN14 Managing Flood Risk

EN15 Pollution & Contaminated Land

6. Observations of Consultees:

6.1 Environment Agency: Advised of requirement for permit

7. View of Town/Parish Council:

7.1 The Parish Council express that this is yet another serial retrospective planning application. The Parish Council object to the design of the garden room and feel that this does not fit in with the Cotswold vernacular in a conservation area.

8. Other Representations:

8.1 I Comment from the neighbour:

No objections as long as there are no further additions to this room either upwards or outwards, the structure does not become a property in its own right or house people, and that the laurel screening remains untouched.

9. Applicant's Supporting Information:

Flood Risk Assessment

10. Officer's Assessment:

10.1 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.

10.2 The application seeks retrospective permission for a garden room. It has a footprint of approximately 7m by 8.2m, with ridge and eaves heights of approximately 4m and 2.5m respectively. It is constructed of Cotswold stone with a stone tile roof to match the dwellinghouse.

(a) Design and Impact on Heritage Assets

10.3 The site is within Bourton-On-The-Water Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.4 The site is also near to listed buildings; as such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving their setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.5 Local Plan Policy EN1 promotes the protection, conservation and enhancement of the built, historic and natural environment in new development. Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.6 Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

10.7 This accord with the requirements of Sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

10.8 The outbuilding is located to the rear of the site, although visible from the Public Right of Way from over the river. It is a stone single-storey construction, and whilst it has a chimney, reads as a modest scaled outbuilding in the context of the host dwellinghouse. The site is considered large enough to accommodate this (including cumulatively with other outbuildings) without appearing cramped or overdeveloped.

10.9 The proposal is therefore considered to accord with the design and heritage considerations of Local Plan Policies EN2, EN10 and EN11.

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

10.10 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.

10.11 Owing to the scale, siting and position to relative neighbouring properties, the proposed development is considered not to impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing. The neighbour has raised concerns over the use as a separate unit; however, the proposal is for ancillary accommodation only. The proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF.

(c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)

10.12 The site is located within the Cotswolds 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.

10.13 Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Local Plan Policy EN5 relates specifically to the Cotswolds 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. These policies accord with the requirements of NPPF Section 15, which seeks to conserve and enhance the natural environment.

10.14 The proposed development is contained within the residential curtilage of the site within a built up sections of Bourton-on-the-Water. It relates closely to the existing built form on the site and nearby properties. It does not encroach into open countryside nor harm the character or appearance of the Cotswolds AONB. As such the proposal is considered to accord with Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

(d) Flood issues

10.15 Local Plan Policy EN14 relates to managing flood risk and requires developments avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Additionally, proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding. As such a site-specific flood risk assessment is required for all development in Flood Zones 2 and 3. Due to the scale of the development, it would fall within minor household development; as such the proposal does not need to satisfy the requirements of either the Sequential Test or Exceptions Test from a flood risk planning perspective. This is supported by Section 14 of the NPPF which addresses flooding.

10.16 A Flood Risk Assessment has been submitted with the application, and has assessed the potential implications for the building. Given the intended use as an ancillary outbuilding, were this to flood, the impact on the occupiers of the site would be limited. As such the safety risk to the users of the site is not considered to be increased by the proposal. The increase in footprint is relatively minimal given the scale of the wider plot and as such the impact on flooding elsewhere is considered limited. As such the proposal is considered acceptable in regards to Local Plan Policy EN14.

10.17 It is noted that the Environment Agency have advised that a permit is required due to the proximity of the development to the water course. This is a separate matter to the planning application and an informative would be added to any decision to remind the applicants of the need for this.

11. Conclusion:

11.1 The proposal is considered to comply with the above Local Plan Policies and material considerations, as such, it is recommended for permission.

12. Proposed conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing number(s): 3226-GR-03 REV A.

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

Informatives:

1. 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 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

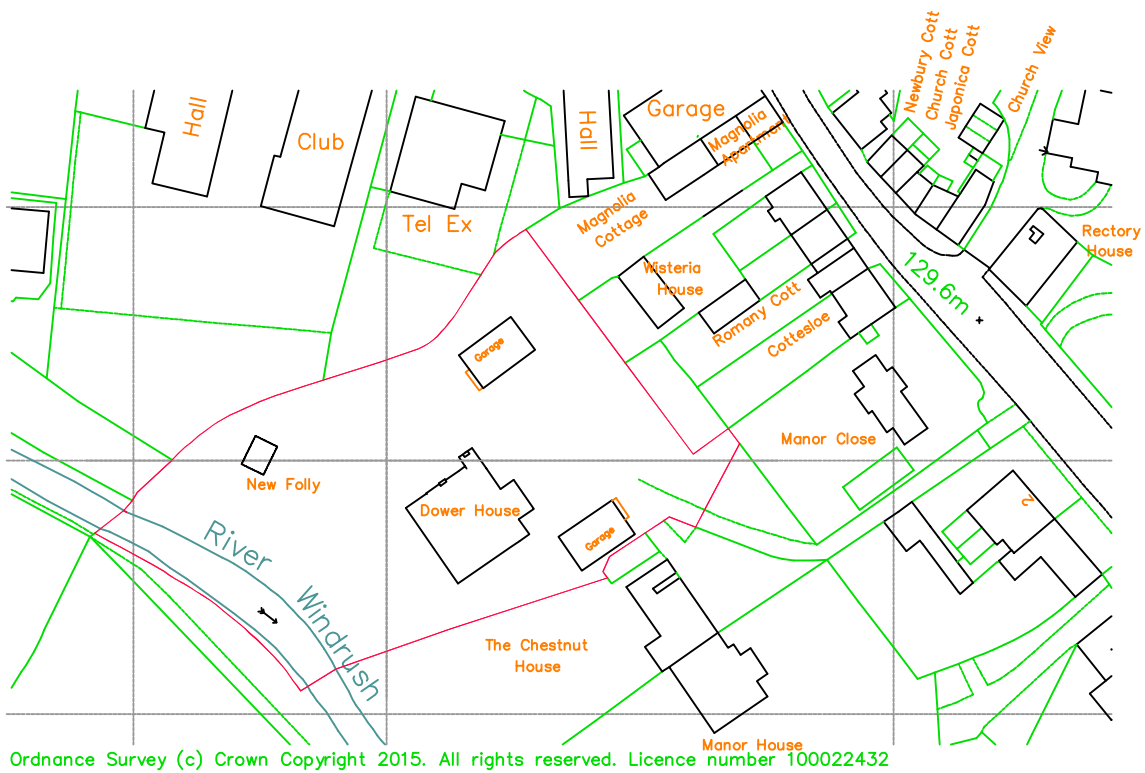
- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

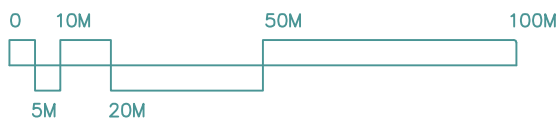
For further guidance please visit:

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>

or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk

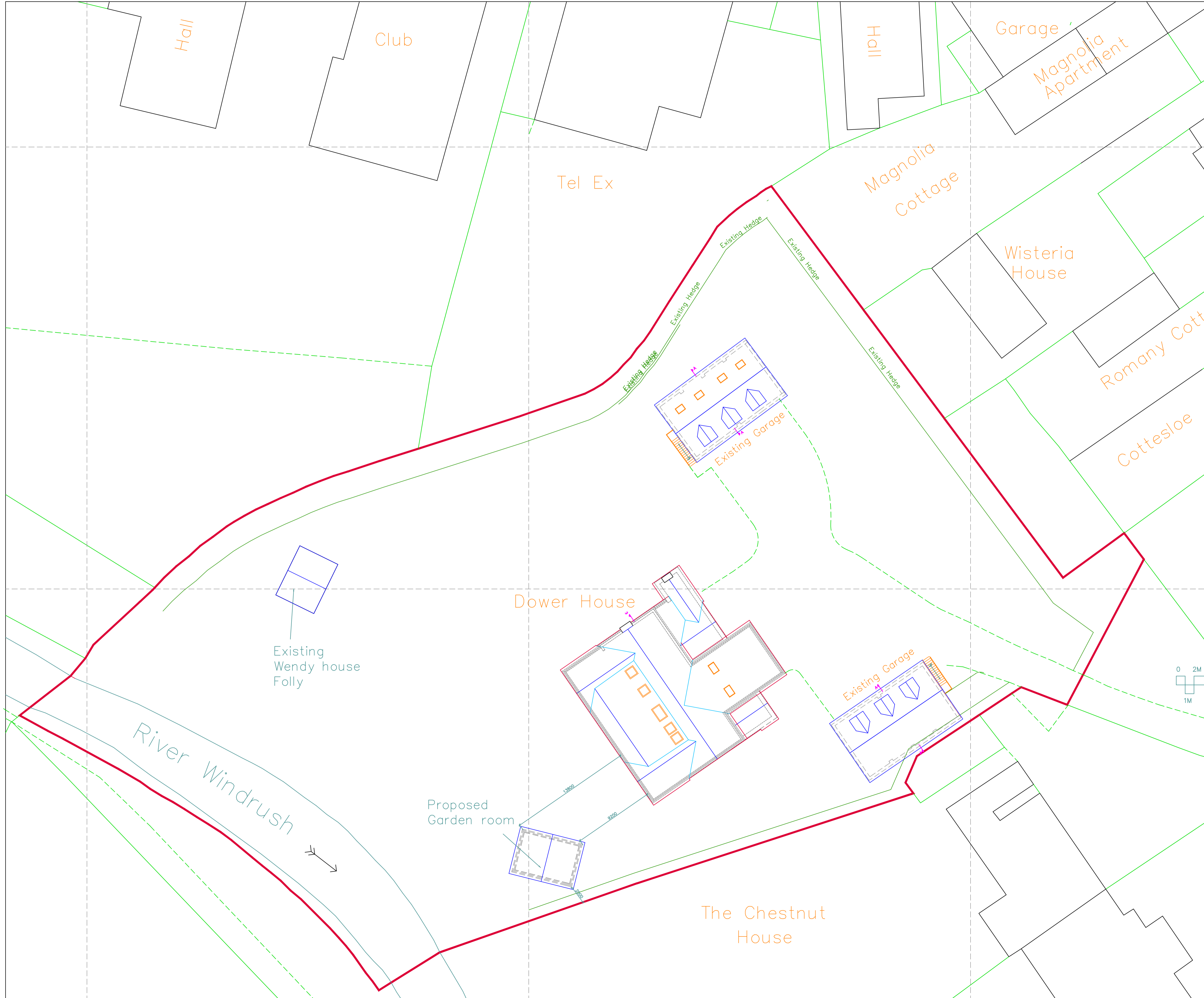


Location plan Scale 1:1250

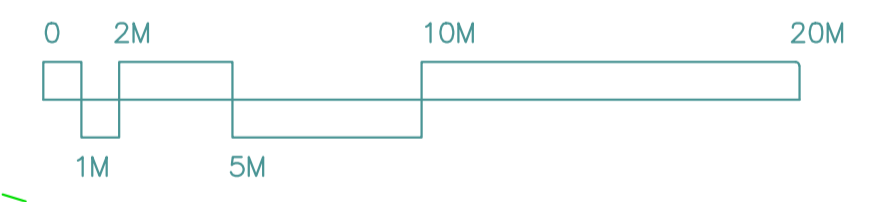
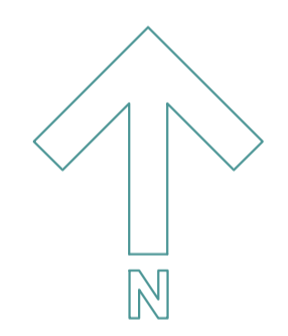


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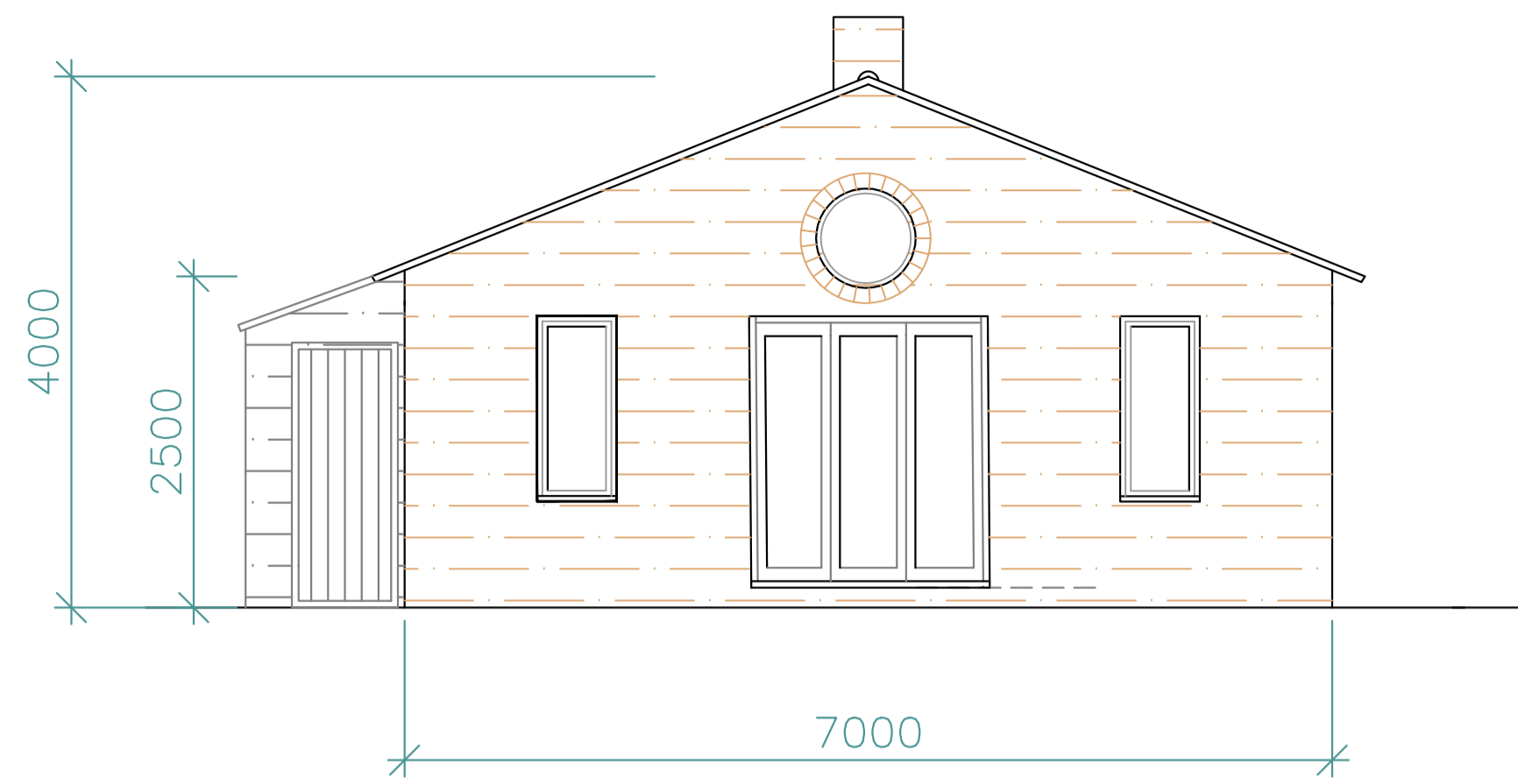
Dower House
 Burton-on-the-Water
 GL54 2AP



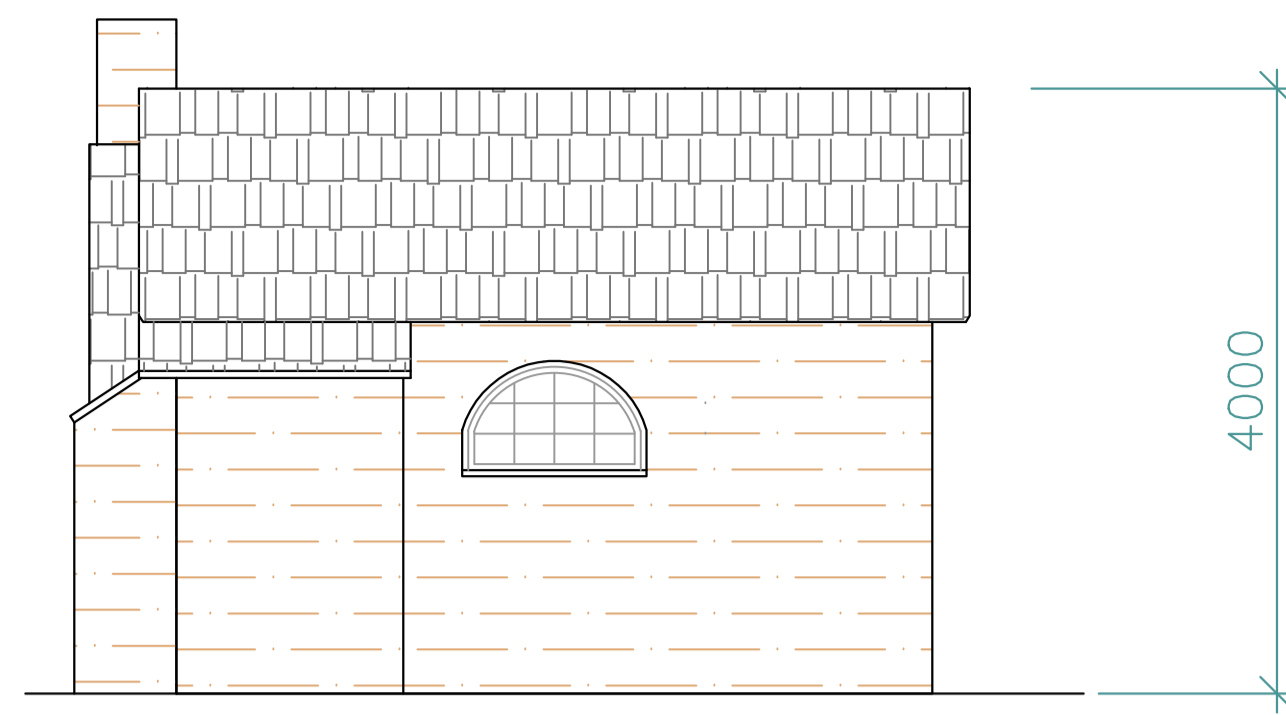
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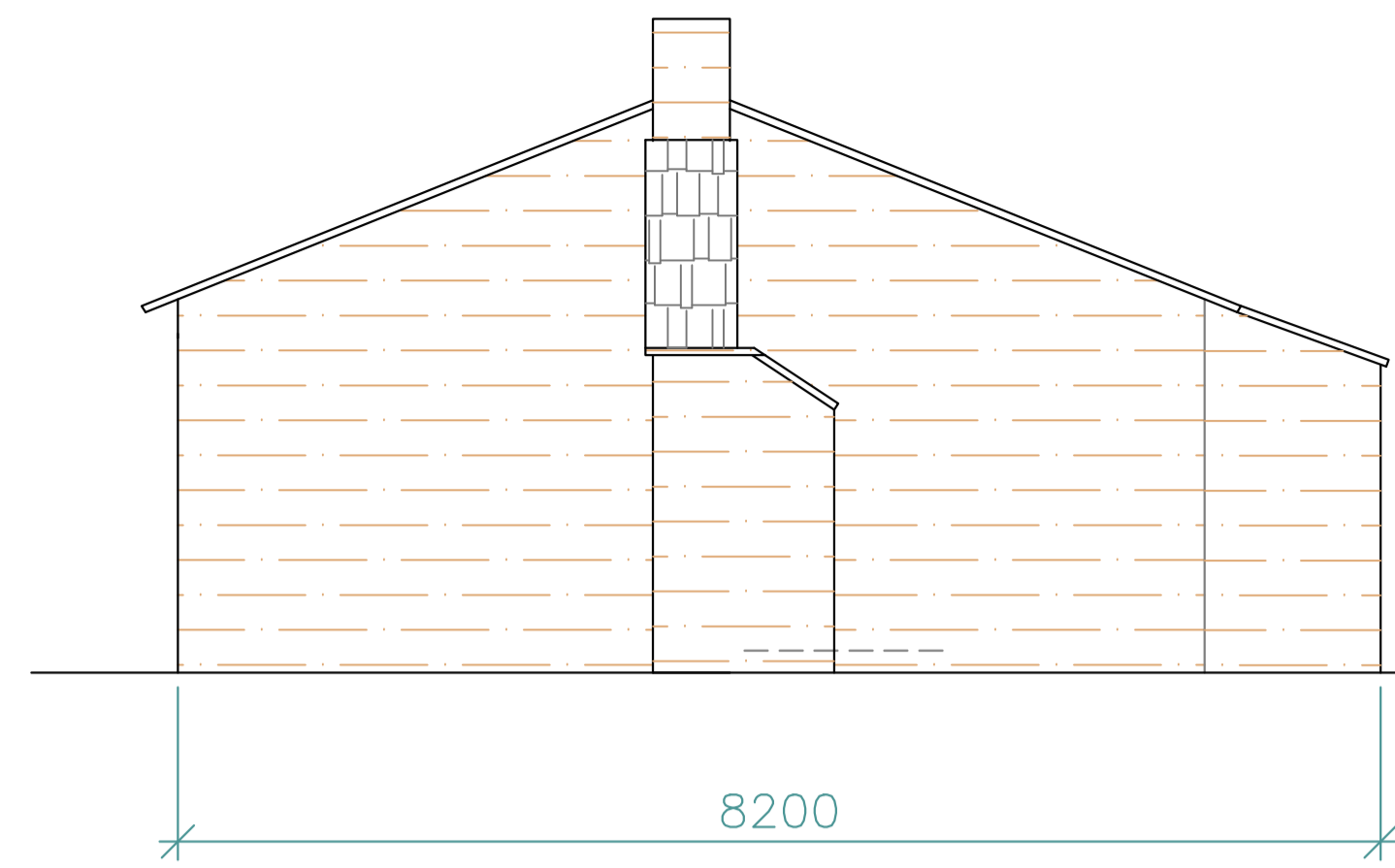
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The Dower House Gloucestershire, GL54 2AP		
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DRG. No. 3226-GR-SP-04 REV.		
SCALE: 1:200	©Copyright 2020	DRN. BY JV
	CHECKED PDN	DATE Mar 20
		DATE Mar 20
TOWERS ASSOCIATES Harefield Oil Terminal, Harvil Rd, Harefield, MIDDX. UB9 6JL. FAX. 01895 814664 TEL. 01895 812822		



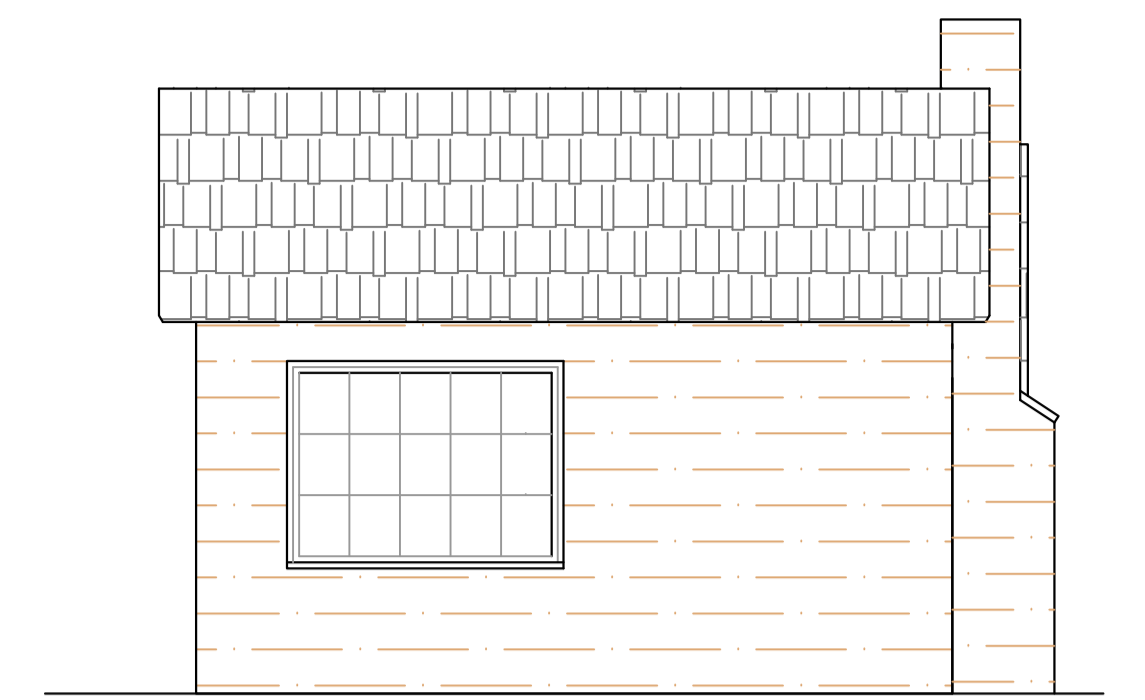
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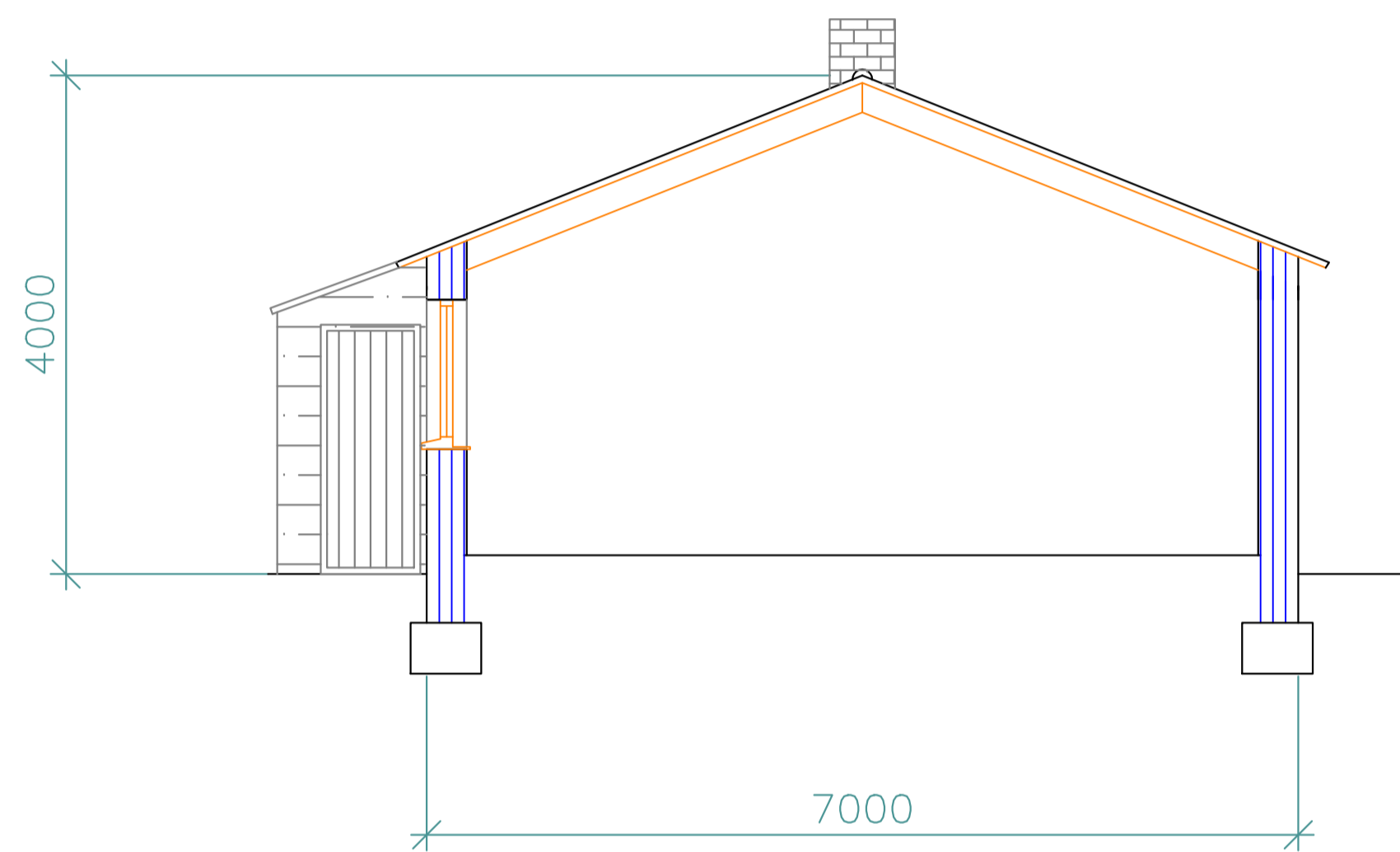
Side Elevation



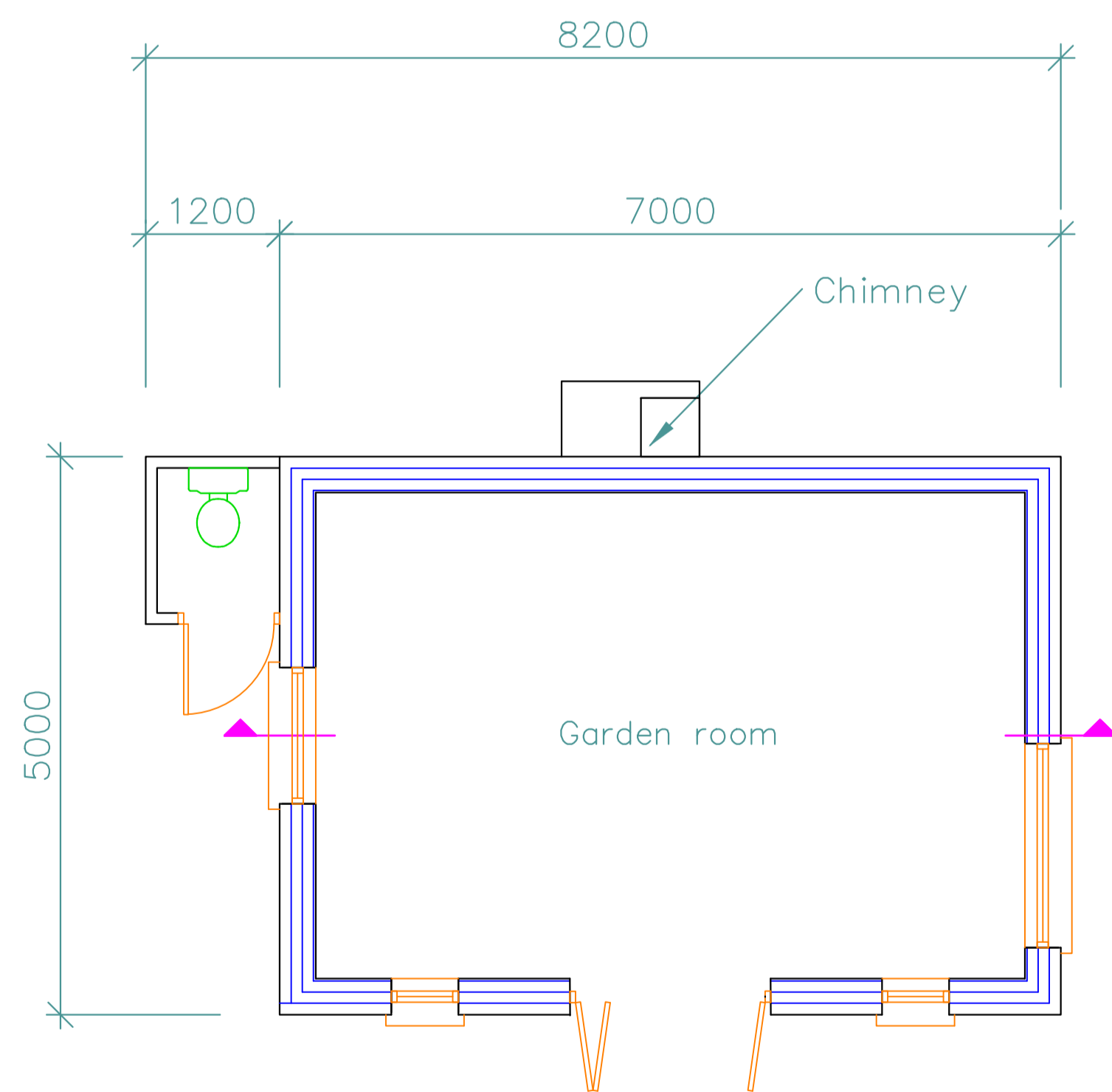
Rear Elevation



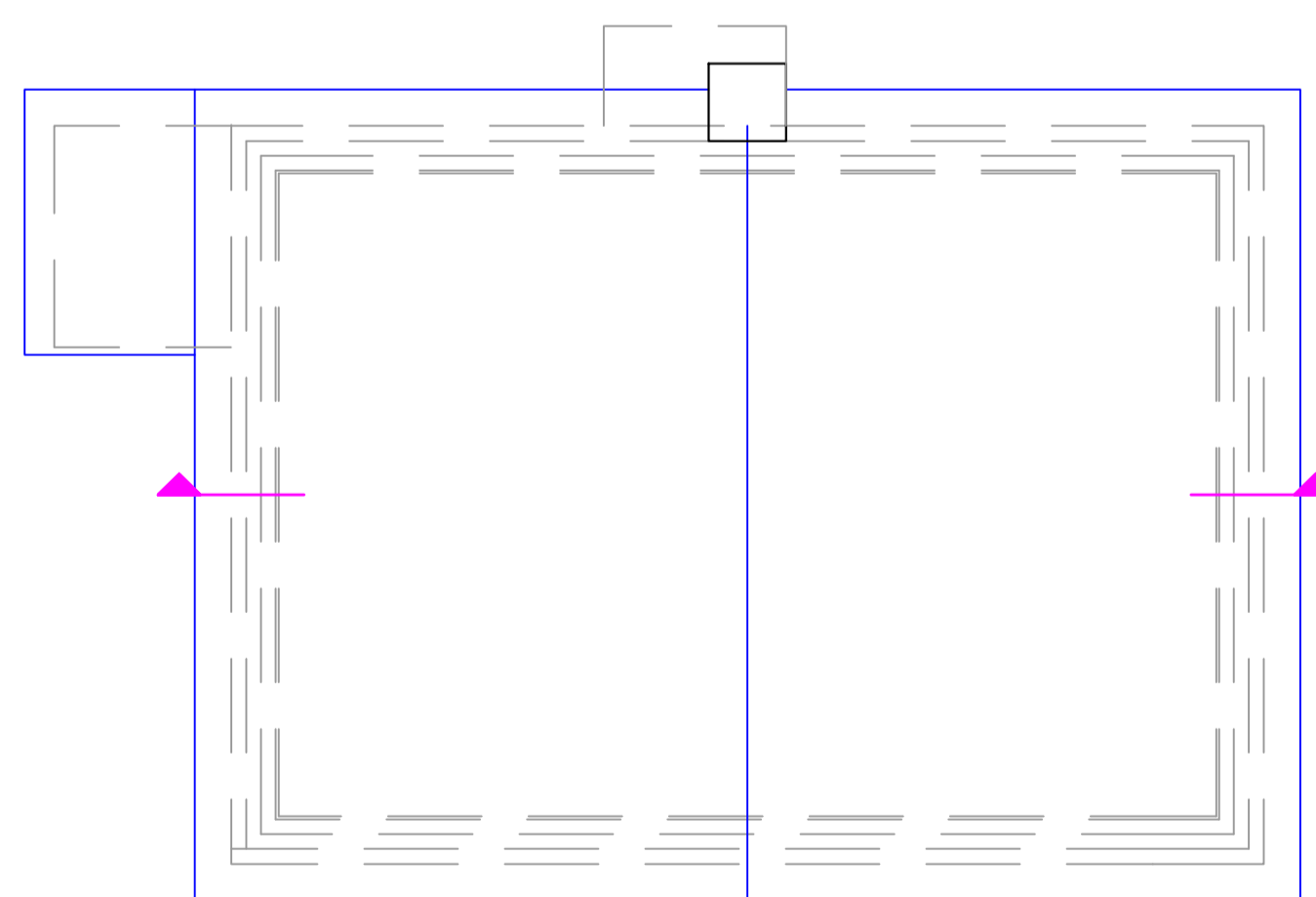
Side Elevation



Section



FLOOR LAYOUT



Roof Plan

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A	MAR 2021	REQUESTED AMENDMENTS
REV.	DATE	DESCRIPTION
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		DATE Mar 20
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