

Item No 03:-

21/00143/FUL

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

Item No 03:-

Extensions to existing garage block (part retrospective) at The Dower House High Street Bourton-On-The-Water Cheltenham Gloucestershire GL54 2AP

Full Application 21/00143/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, and the description of works and conditions amended to reflect that the works are part retrospective.

1. Main Issues:

- (a) Principle
- (b) Design and Impact on Heritage Assets
- (c) Impact on the residential amenities of the neighbouring properties
- (d) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (e) Flood Risk

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

21/00139/FUL - Retrospective permission for garden room. 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

INF5 Parking Provision

6. Observations of Consultees:

N/A

7. View of Town/Parish Council:

7.1 Bourton-on-the-Water Parish Council advised, "The Parish Council object to this planning application as it is over development of the site and compared the size of the garage to the house. This appears to be increasing the size of a holiday let."

8. Other Representations:

8.1 One Comment received:

"This is the first of two large coach houses on the plot and so we don't want these further extensions to create a precedent to be replicated at a later date on the second coach house which is directly on our border close to our house.

This does not become a separate property or residence as all traffic to the Dower House has to pass over the land of The Chestnut House which starts from the High Street and directly passes Chestnut House. Only the original Dower House has right of way across Chestnut House from the High Street."

9. Applicant's Supporting Information:

Proposed Plans

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 proposed extensions would include a side one-and-a-half storey extension with an increase in width of 6.05m. It would have the same depth as the existing garage, approximately 7.6m. It would have eaves and ridge heights of approximately 3m and 6.9m, matching the existing **garage**. It would be constructed of stone to match the existing garage, with tiles above.

10.3 To the rear, a lean-to **is** approximately 2.6 deep and 10.8m wide. It is constructed of stone, with slate roof.

(a) Principle

10.4 The proposal is for extensions to a detached garage with ancillary accommodation above. It would include the addition of an extra bay, to be used as a gym with an enlargement to the rooms above. The application also seeks retrospective consent for a lean-to storage room to the rear.

10.5 Furthermore, this application also takes the form of a Householder Development application and as such the future use of the extension is automatically restricted to purposes ancillary or connected to the host dwelling. As such, the development the subject of this application is ancillary to the main dwelling rather than a separate independent planning unit. Separate further planning permission would be required if the extension was to be occupied independently of the existing dwelling. As such a condition restricting the use is not considered necessary on these grounds.

(b) Design and Impact on Heritage Assets

10.6 The site is near to a listed building, and as such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving its setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.7 The site is within Bourton-on-the-Water Conservation Area and as such the Local Planning Authority is also 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.

10.8 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.9 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. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.10 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. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

10.11 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Section 16 (Conserving and enhancing the historic environment) seeks to protect the historic environment. Specifically Paragraph 197 requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial

harm to its significance. Within Conservation Areas Paragraph 206 states proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.12 The proposed extensions to the garage include a single-storey lean to at the rear and a one-and-a-half extension to the side. The side extension would match the size and form of the existing garage, appearing as an additional garage bay (although proposed for use as a gym). The extension would be constructed to match the existing garage, including Cotswold stone walls and plain grey tiles for the roof. Whilst the garage would be large, the plot size can easily accommodate this without appearing cramped or overdeveloped.

10.13 The lean-to at the rear is subservient in form to the main garage and is located such that it does not detract from the appearance of the garage. The use of a slate roof is considered suitable given the location of the addition and subservient nature.

10.14 The host dwellinghouse is a 1960s construction, recently permitted to be extended. Given this, and existing structures on the site, the extensions are considered not to harm the character or appearance of the site.

10.15 The Cotswold Design Code advises that "Garages and other outbuildings should generally not be positioned forward of the street-facing or principal elevation of the building. They should be pushed back to the rear of the building, so as not to compete with or detract from it"; however, the site is not visible from the roadside and as such the garage would not detract from this.

10.16 Whilst the site is visible from the other side of the River Windrush, along a public footpath, only a fleeting view of the side of the garage would be visible, with the extensions even more limited.

10.17 When viewed in connection with the listed Manor House, the visual separation from the site is sufficient that the impact on its setting would not be harmful. Nor is the extension to the garage considered to have a harmful impact on the setting or appearance of the Bourton-on-the-Water Conservation Area.

10.18 The proposal is therefore considered to comply with the design and heritage considerations of Local Plan Policies EN2, EN10 and EN11 of the Cotswold Local Plan and Sections 12 and 16 of the NPPF.

(c) Impact on the Residential Amenity

10.19 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.

10.20 Local Plan Policy EN15 states development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

10.21 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 use of the end section as a gym would be for ancillary use, as such, whilst some noise may result from this, overall the level of noise would be anticipated to be within usual residential levels. The proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

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

10.22 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.

10.23 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.

10.24 The proposed development is contained within the existing residential curtilage of the site and relates closely to the existing built form on the site. 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.

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): 3226-02 Rev A.

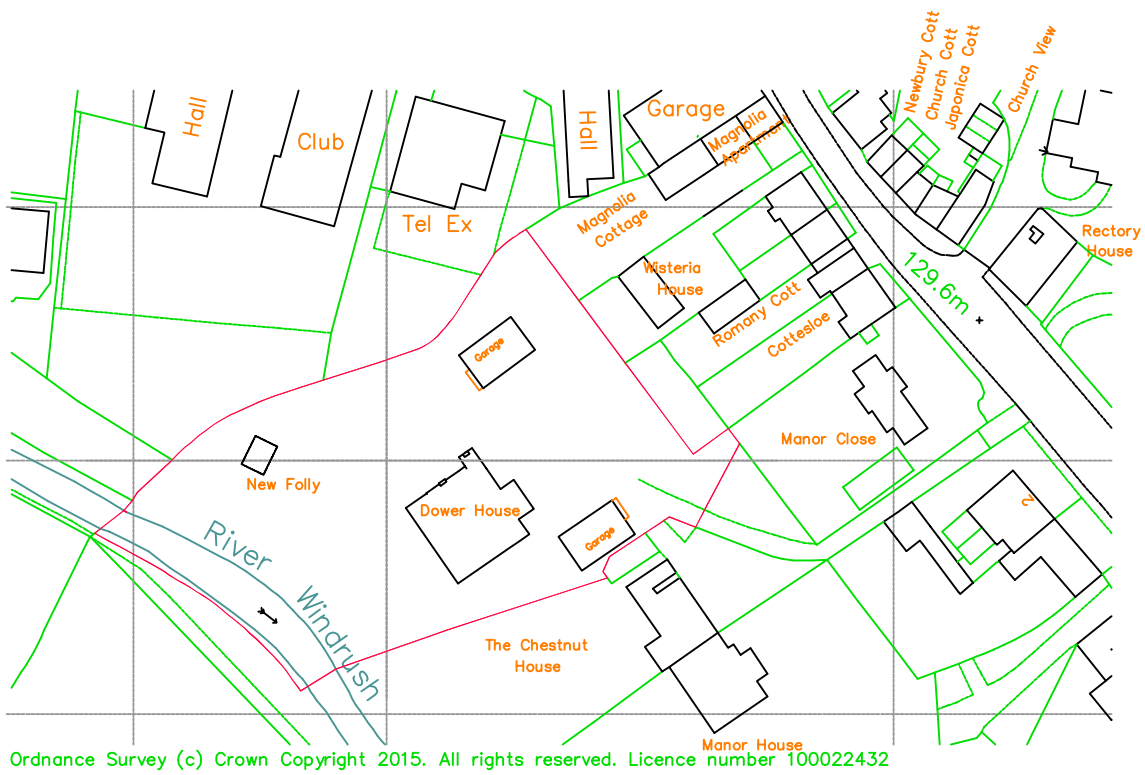
Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

2. The materials to be used for the external walls and roof of the side extension of the development hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

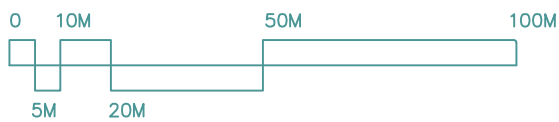
Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

Informative:

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.

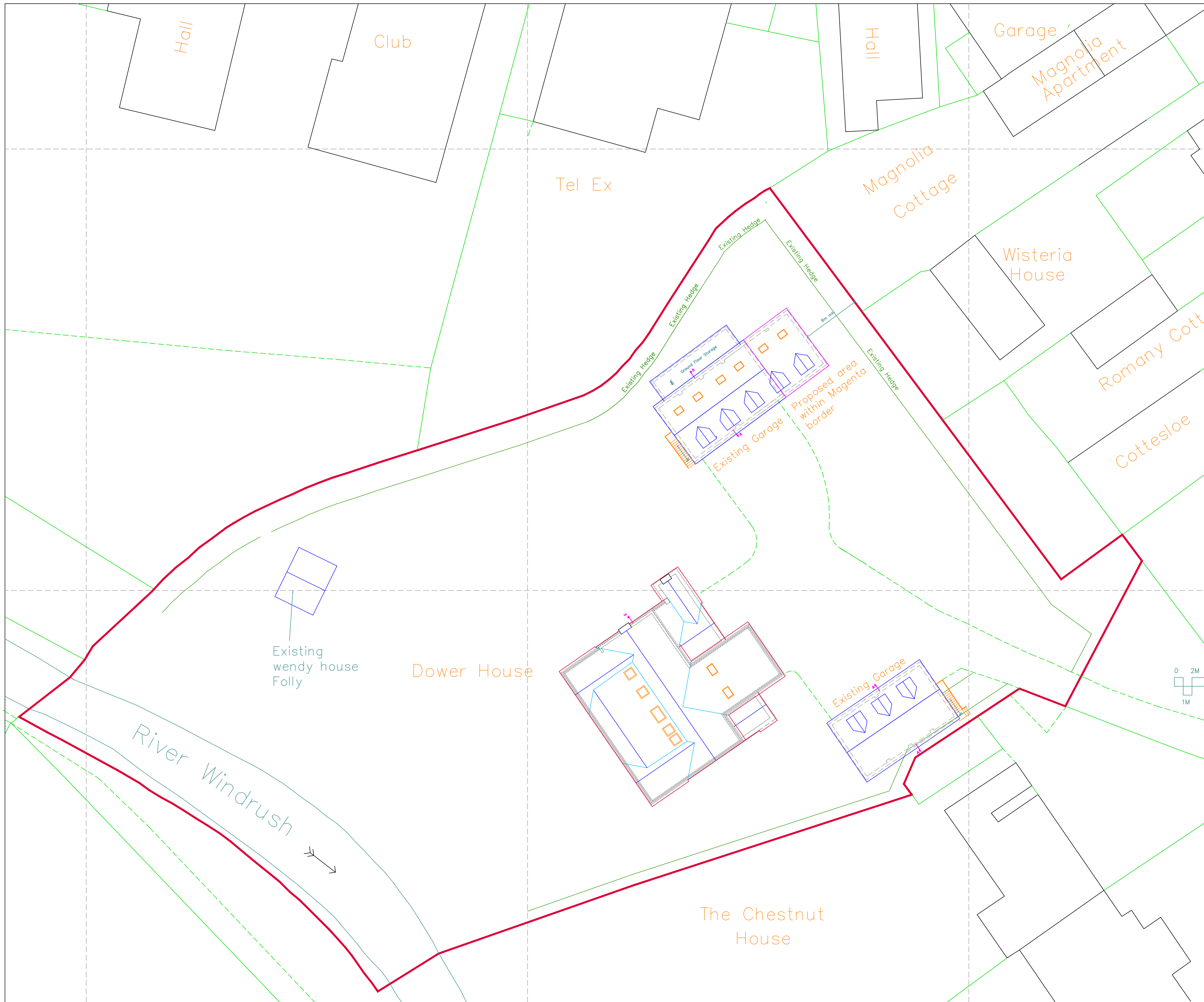


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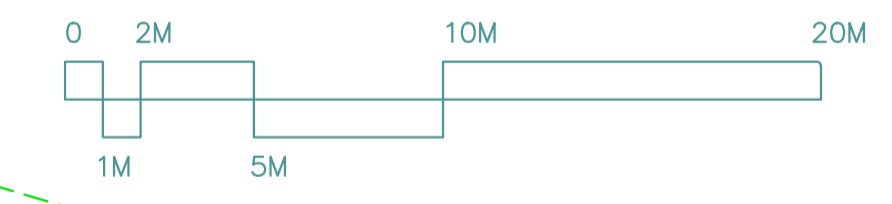
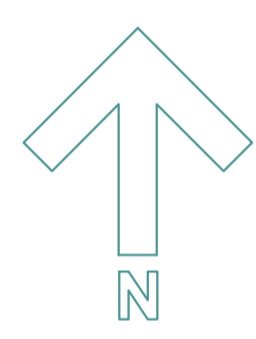


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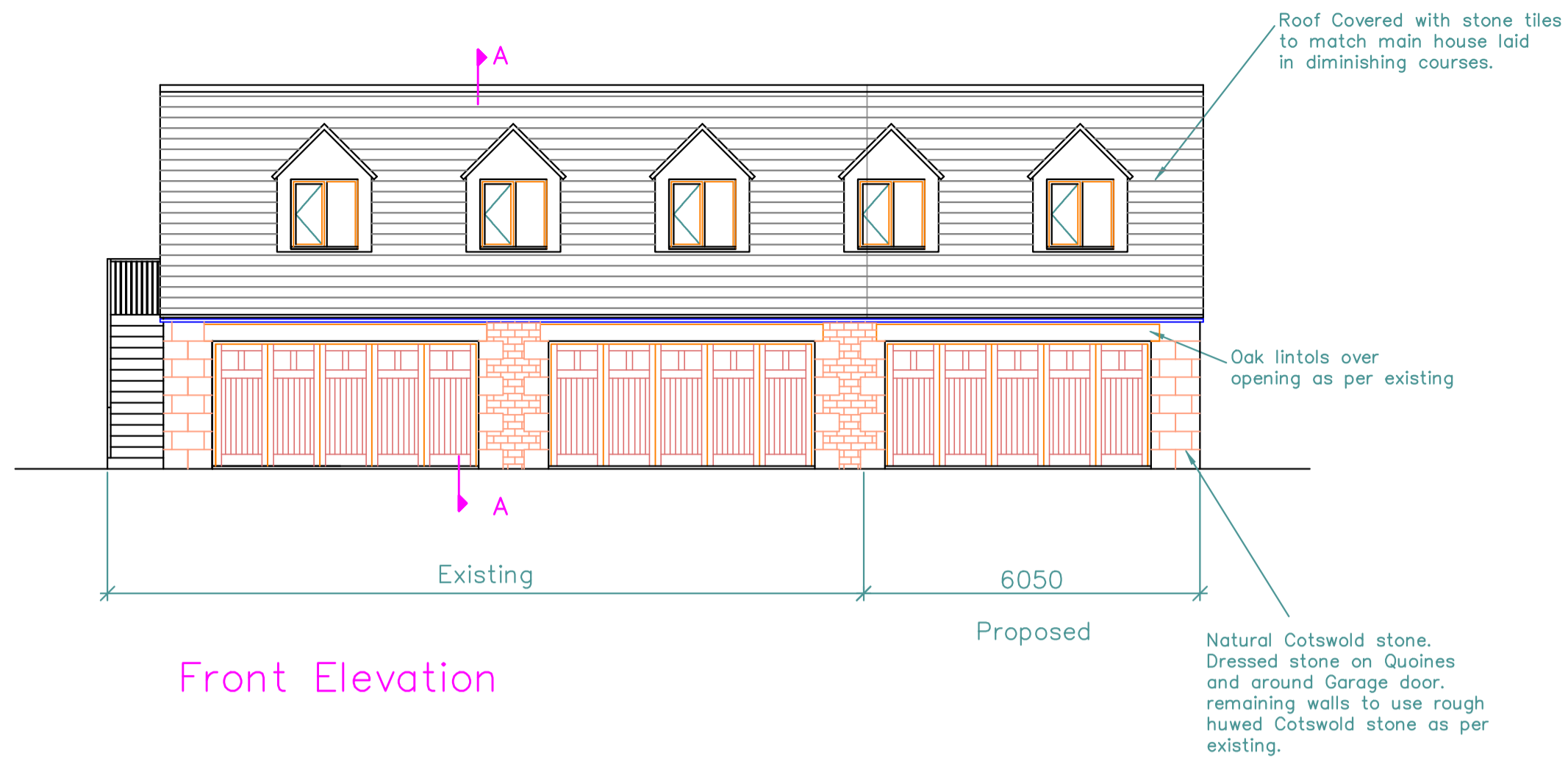
Dower House
 Burton-on-the-Water
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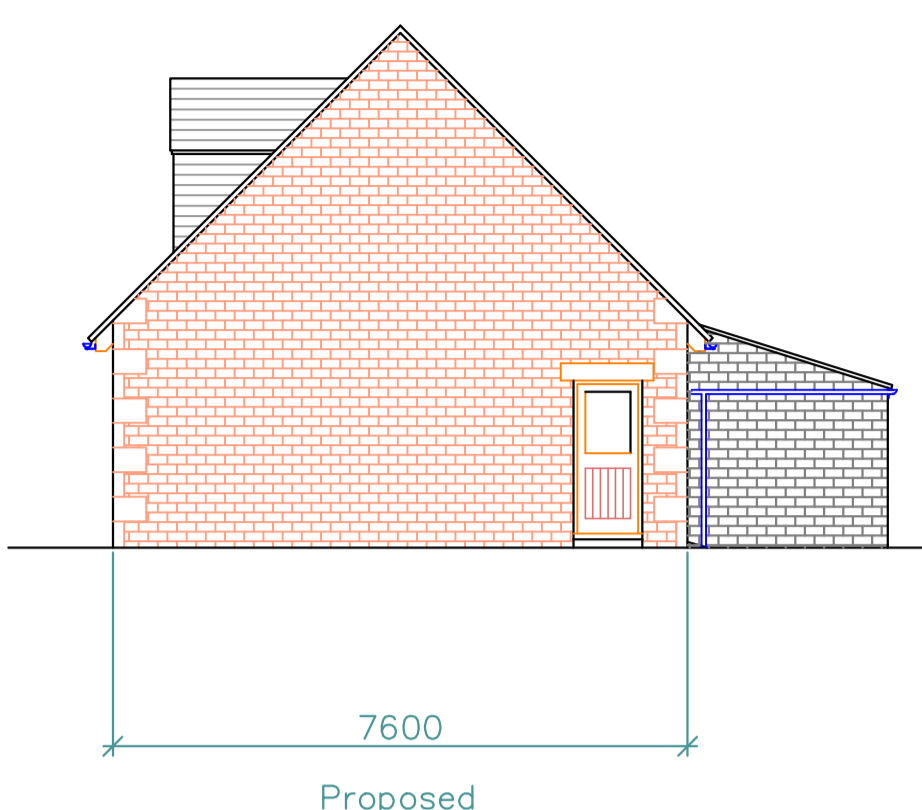
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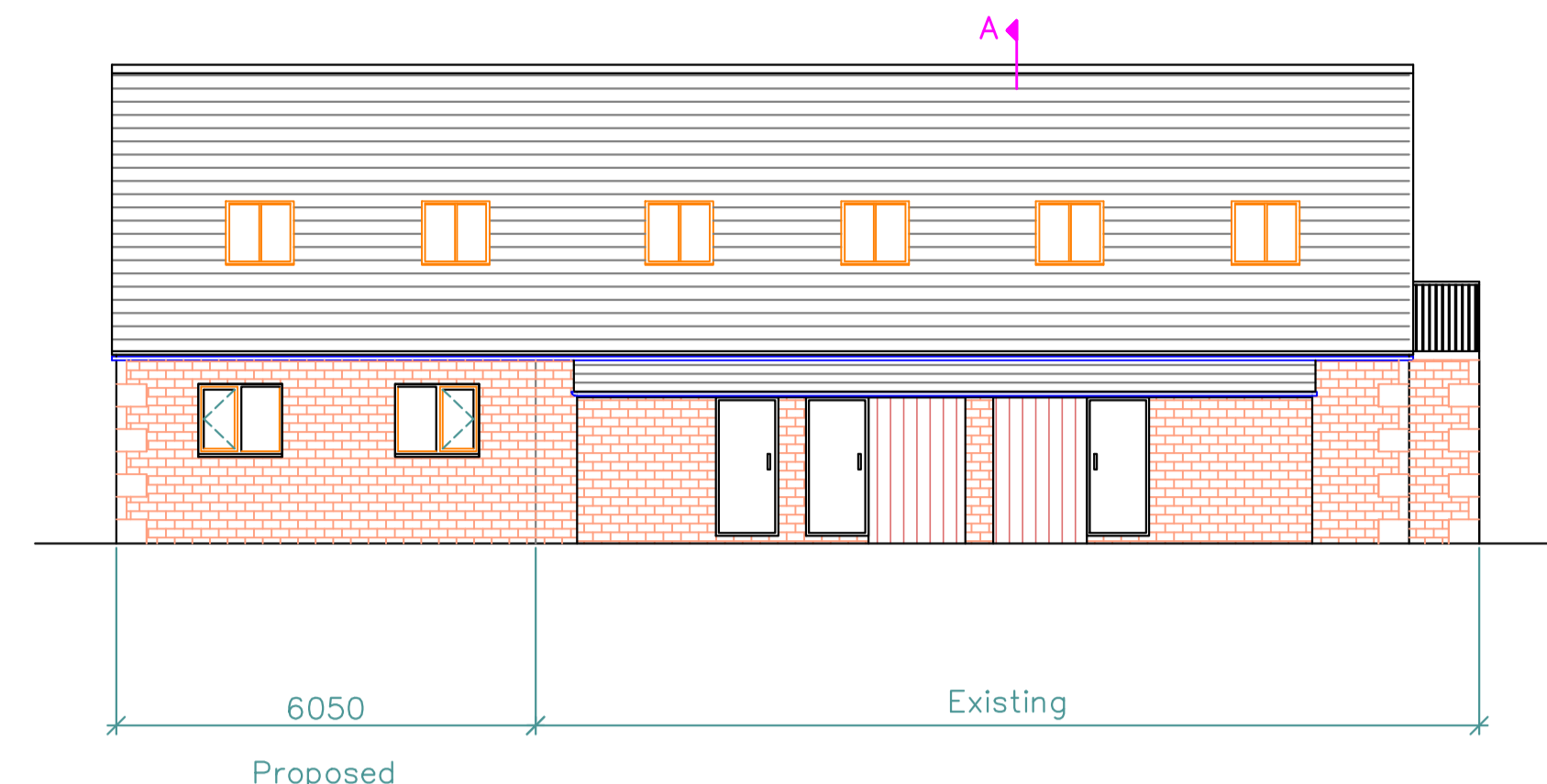
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		DATE Mar 20
		CHECKED PDN
		DATE Mar 20
TOWERS ASSOCIATES Harefield Oil Terminal, Harvil Rd, Harefield, MIDDX. UB9 6JL. FAX. 01895 814664 TEL. 01895 812822		



Front Elevation

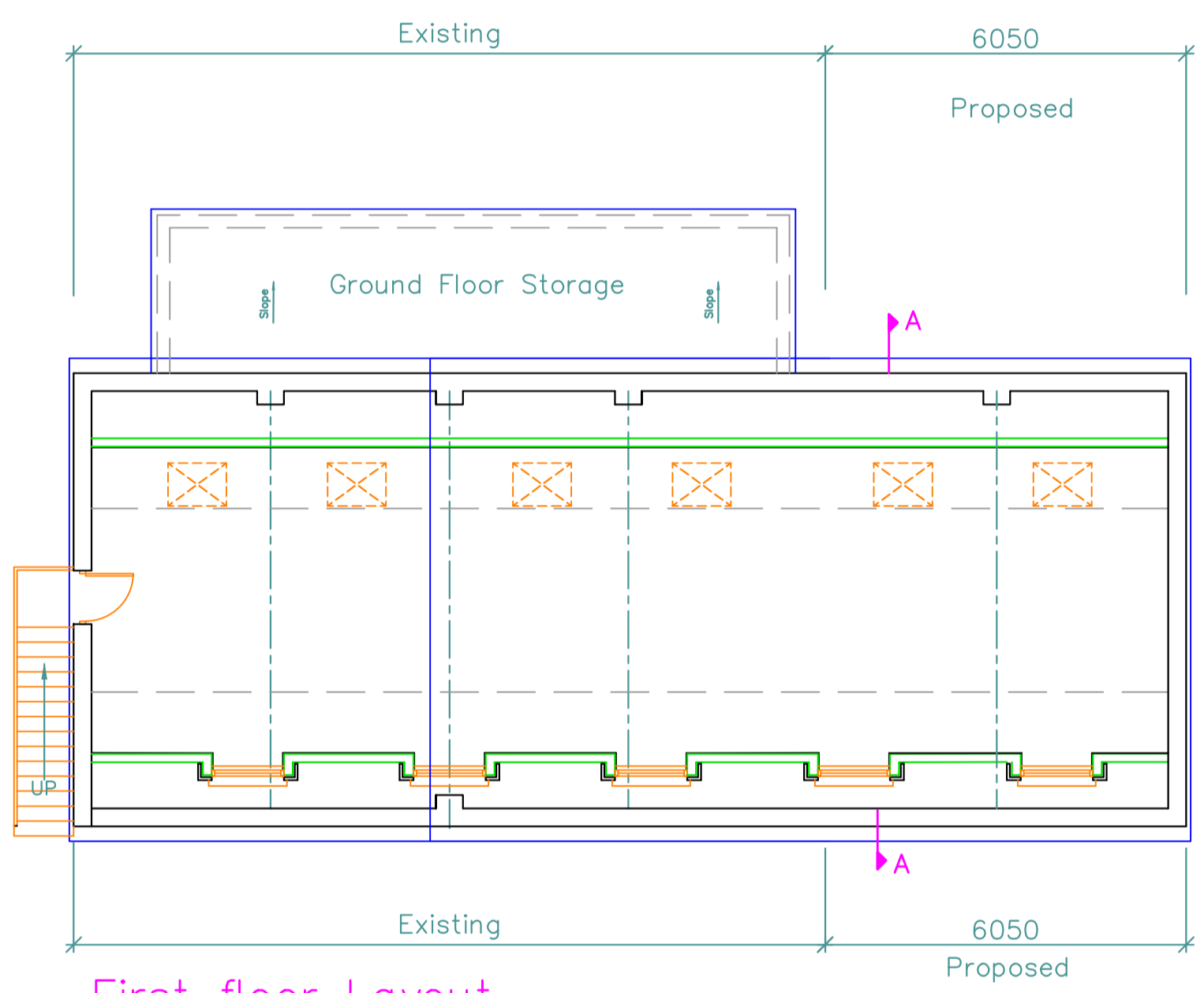


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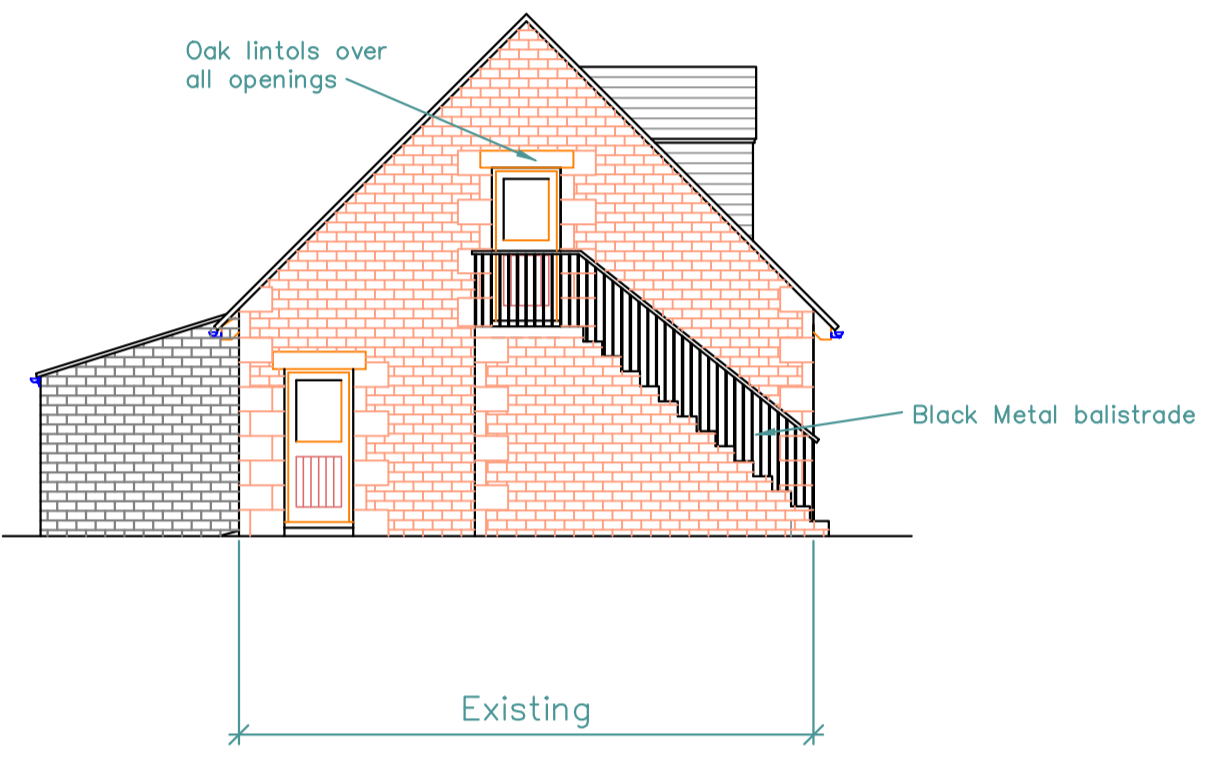


Rear Elevation

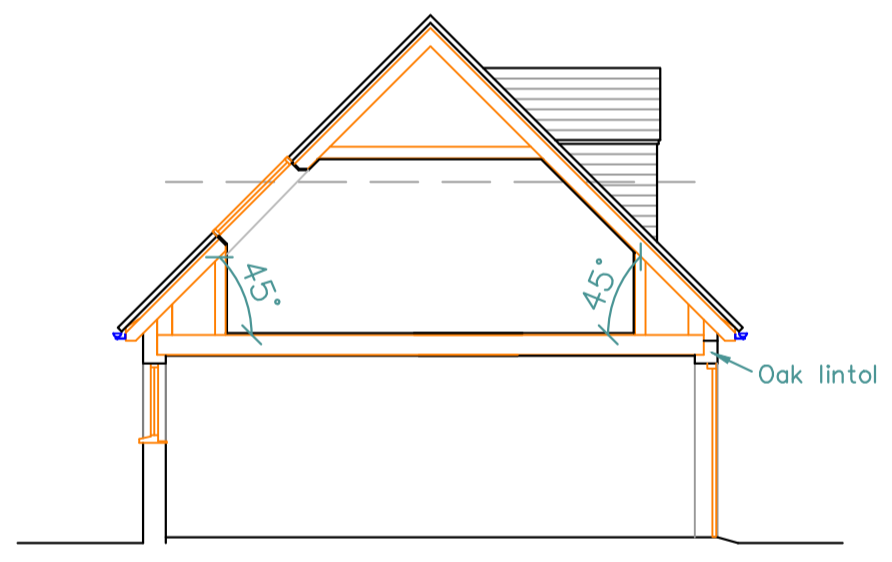
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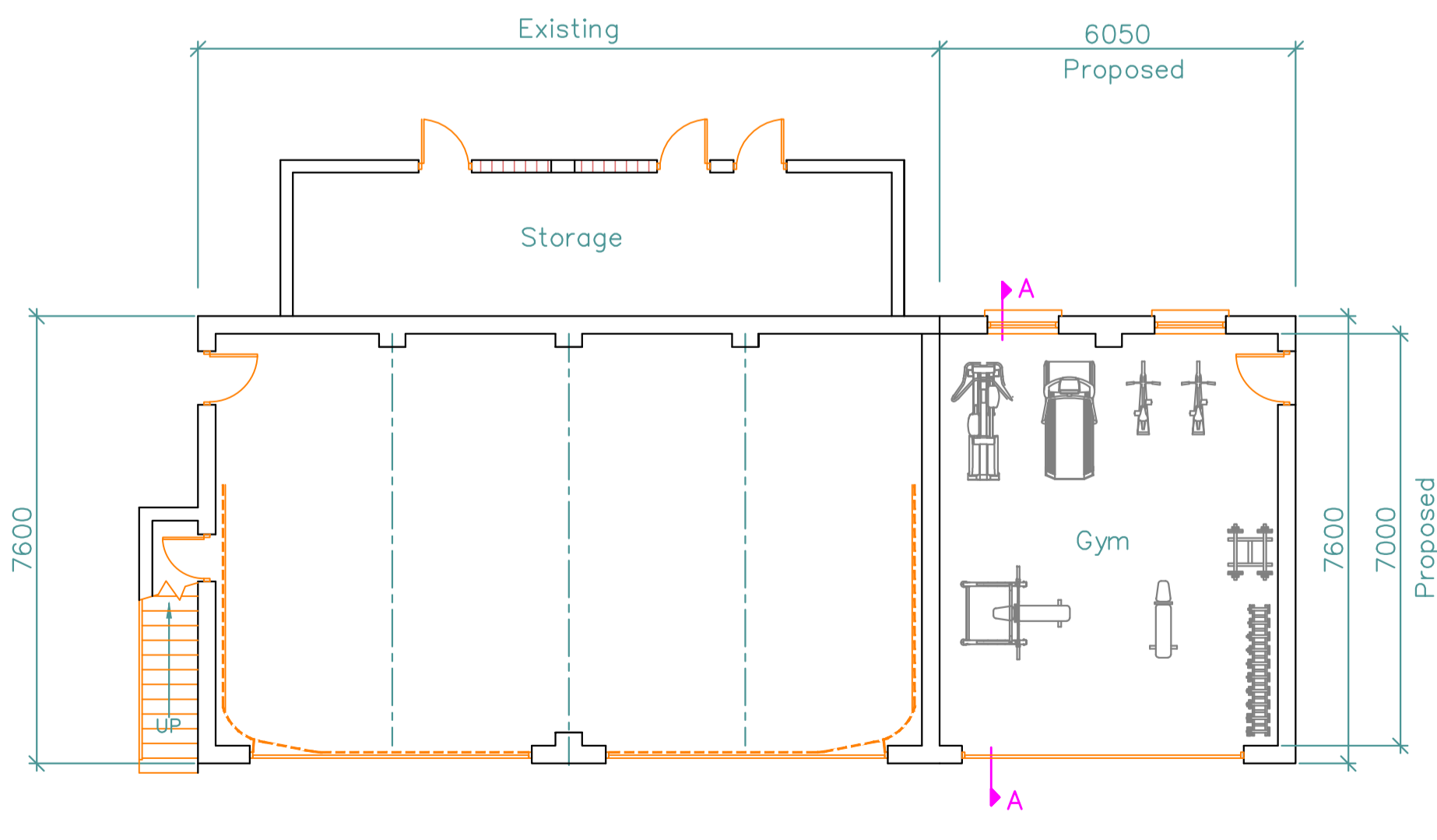
First floor Layout



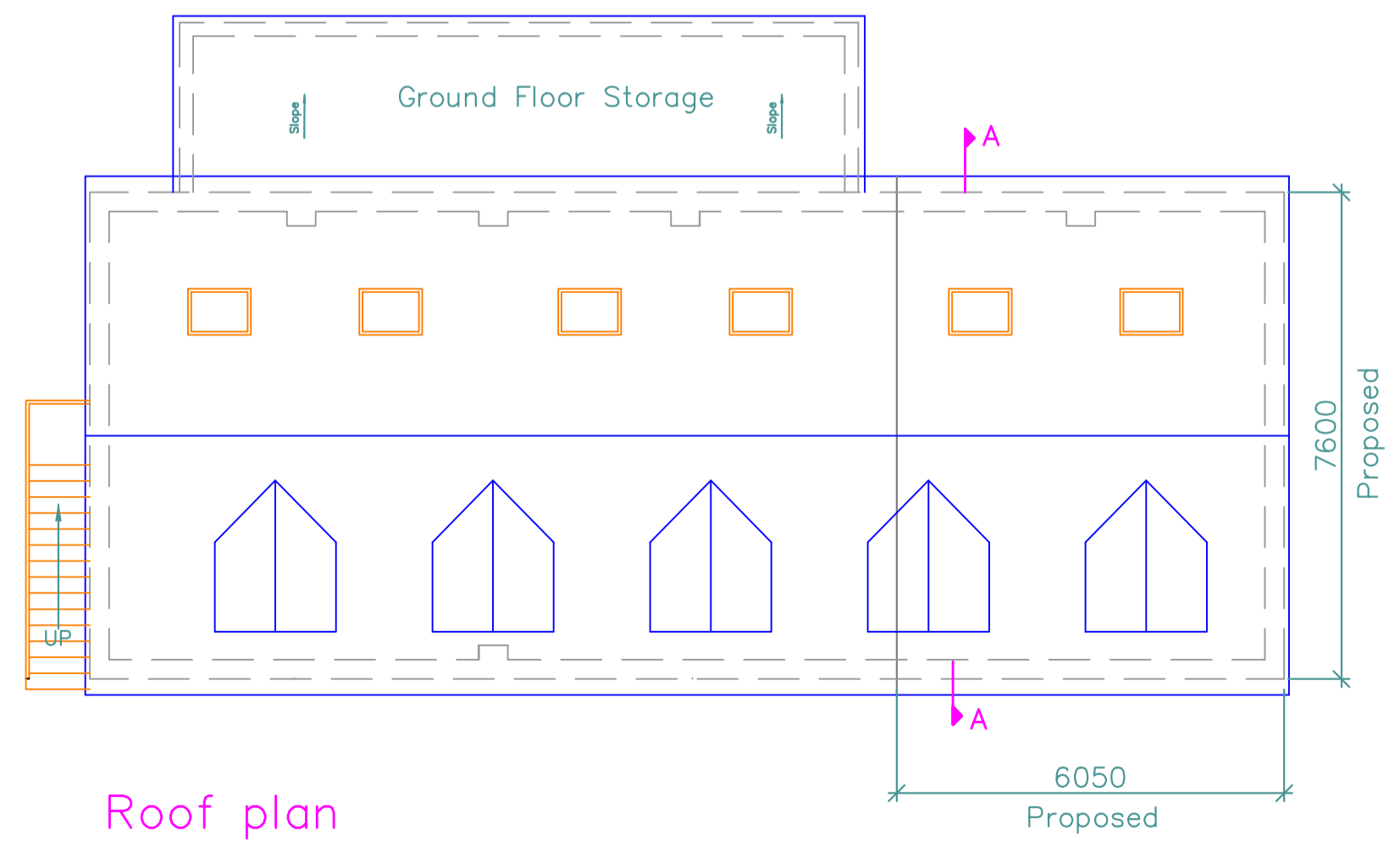
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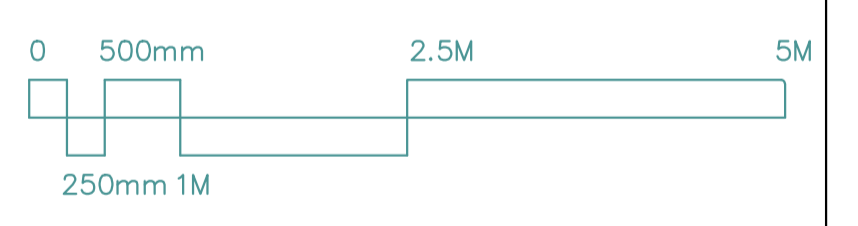
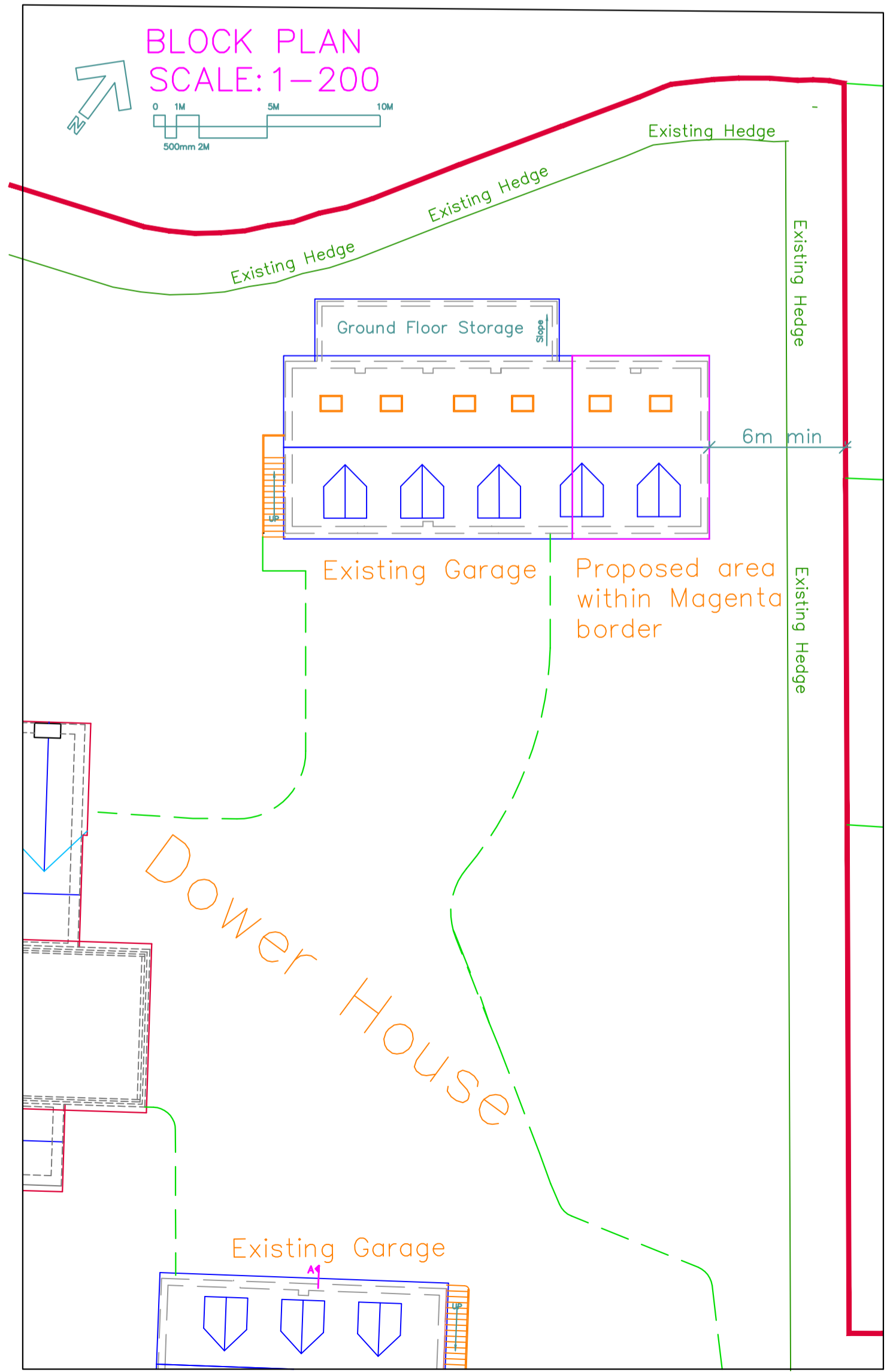
Section A-A



Ground floor Layout



Roof plan



A	MAR 2021	AMENDMENTS
REV.	DATE	DESCRIPTION
JOB The Dower House Gloucestershire, GL54 2AP		
TITLE Proposed Garage Layout		
DRG. No. 3226-02		REV. A
SCALE 1:100	©Copyright 2020	DRN BY JV
	DATE Mar 20	CHECKED PDN
	DATE Mar 20	
TOWERS ASSOCIATES Harefield Oil Terminal, Harvil Rd, Harefield, MIDDX. UB9 6JL. FAX: 01895 814664 TEL: 01895 812822		