

Application Ref: 22/01310/FUL

**1 Meadow Road
Cirencester
Gloucestershire
GL7 1YA**

Demolition of existing garage and erection of dwelling, first-floor gable roof extension to existing dwelling and associated works at 1 Meadow Road Cirencester Glos GL7 1YA

Full Application 22/01310/FUL	
Applicant:	Zota Ltd
Agent:	Ashleigh Clarke Architects
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Gary Selwyn
Committee Date:	26th April 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of residential development
- (b) Siting and design
- (c) Access and parking
- (d) Impact upon neighbours
- (e) Trees
- (f) Cotswold Beechwoods SAC
- (g) CIL

2. Reasons for Referral:

2.1 The application has been referred to the Planning and Licensing Committee at the request of the Ward Member, Cllr Selwyn, for the following reasons:

- '(1) Concerns over unacceptable impact on highway safety levels of the new proposed entrance to the development. It is very close to "Rugrats" who entertain numerous Children, especially on weekends. Parking has always been a concern for residents as visitors to Rugrats frequently park inconsiderately and on double yellow lines. The safety aspect gives me most concern - reversing out of the new proposed driveway will have limited visibility and cars will be parking either side of the new proposed entrance.
- (2) Concerns about overlooking and overshadowing from the new height of the extension, combined with the removal of trees from the part where the driveway is proposed. These trees were removed around the time the original application was submitted and before the 8th May. Previously trees lined the entire boundary - those by the new drive were removed and the neighbours garden is now clearly visible from the road. The mass of the proposed new roof line of the extension will be overbearing to the neighbour and diminish sunlight for much of the day.
- (3) There is private sewerage to these houses which join a drain outside Rugrats - these are blocked regularly and the existing neighbour has to pay a proportion of any resulting blockage. Does the application need to specifically consider this aspect?

- (4) There is a lack of information in the drawings regarding the impact on number 2 which adjoins the original dwelling.

2.2 Other points raised by the neighbour include student multiple occupation in the existing house and the subsequent noise disturbance (previously a lengthy document trail has been submitted to CDC) and multiple cars parking outside; she is also concerned about working times of the builders as she has previously had a problem with these builders who were even working on Boxing Day - should this application be passed could I ask for three stipulations:

- (1) Hours of work needs to be limited to 8-5 weekday and 9-1 Saturday and none on Sunday (or other reasonable constraints)
- (2) The gravel drive will be noisy - could we stipulate a hard surface?
- (3) The boundary wall between number 1 and number 2 - owned by number 1 - is quite low. Could this be raised to 6 feet to allow more privacy between the two houses?'

3. Site Description:

3.1 The application site lies to the north of Meadow Road, Cirencester. 1 Meadow Road is a semi-detached property with a rendered finish, with an attached flat roofed garage located between the dwelling and highway.

3.2 Access would be taken by way of a new entrance onto the highway from Meadow Road, which would be to the rear of the existing and proposed dwellings, with the existing entrance to the front being closed. The site is within the settlement boundary defined for Fairford in the Local Plan.

3.3 There is no landscape designation for this area, but it does fall within the Cotswold Beechwoods SAC Zone of Influence.

4. Relevant Planning History:

None

5. Planning Policies:

TNPPF The National Planning Policy Framework

DS1 Development Strategy

DS2 Dev within Development Boundaries

S1 Cirencester Town

EN2 Design of Built & Natural Environment

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN9 Bio & Geo: Designated Sites

EN15 Pollution & Contaminated Land

INF3 Sustainable Transport

INF4 Highway Safety

INF5 Parking Provision

6. Observations of Consultees:

6.1 Natural England: Mitigation required for Cotswold Beechwoods SAC

7. View of Town Council:

7.1 Objection to Demolition of existing garage and erection of semi-detached dwelling, first-floor gable roof extension to existing dwelling and associated works, on grounds that loss of trees and of street parking would result. There is lack of information in drawings regarding potential impact on number 2, which adjoins the original dwelling. CTC would object to plans which result in loss of privacy/overlooking or loss of light /overshadowing of that neighbouring property

8. Other Representations:

5 representations objecting to the proposal have been received, raising the following matters:

- i) loss of light / overlooking
- ii) a terrace would be incongruent
- iii) maintenance of No. 2 has not been considered, including structural impact
- iv) impact of car headlights / noise
- v) loss of trees
- vi) insufficient parking provided, each property would need 4 spaces
- vii) impact upon nesting birds

9. Applicant's Supporting Information:

- Design and Access Statement
- Proposed Plans

10. Officer's Assessment:

(a) Principle of Residential Development

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 an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.2 Local Plan Policy DS2 (Development Within Development Boundaries), states that "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle." The application site is within the boundary defined for Cirencester in the Local Plan. In principle, therefore, the erection of a dwelling upon the application site would be in accordance with the policies within the Local Plan.

(b) Siting and Design

10.3 Policies EN2 (Design of The Built and Natural Environment) requires that 'Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

10.4 The proposal is for the erection of new two-storey dwelling attached to the existing property to create a terrace of three units, with the proposed dwelling having 3 bedrooms. The existing property would also be altered internally at first floor to increase room sizes, with the second bedroom now to be provided by way of a first floor extension at the rear. This property has 3 bedrooms as existing.

10.5 There is no objection to the design of the property or the first floor extension to the existing dwelling. External materials proposed would match the existing building, to include render and red brick to the walls, slate roof tiles. The first floor extension to the existing property would extend upwards from the line of the existing ground floor rear extension and continue the roof slope from the extension at the rear of the neighbouring property.

10.6 Therefore, the proposal is considered to accord with Policy EN2 and the Cotswold Design Code within the Local Plan, in addition to Section 12 of the NPPF.

(c) Access and Parking

10.7 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

10.8 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

10.9 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

10.10 The existing entrance to the front of the property would be closed off to vehicles, with a new entrance provided off Meadow Road into the rear garden. Parking for one vehicle for each dwelling is shown to be provided as well as a turning area. Considering the sustainable location of the site, this is considered to be an acceptable level of parking provision.

10.11 The road outside the site is subject to a 30mph speed limit, and considering the road is straight, acceptable visibility may be provided. The Town Council's comments regarding loss of parking are noted, however the road outside the site from which the new entrance is to be taken has double yellow lines.

10.12 NPPF paragraph 109 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.' It is considered that the proposed development of one dwelling would not result in a severe impact on the local highway network. The proposal is therefore considered to be compliant with Cotswold District Local Plan Policies INF4 and INF5 in this regard.

(d) Impact on Neighbours

10.13 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 130 (f) of the NPPF.

10.14 The main property that would be affected by the proposal is 2 Meadow Road, the other half of the existing semi-detached property, and concerns have been raised regarding loss of light and overlooking. However, considering that the first floor extension would extend no further than the existing ground floor, and that the gable roof to the first floor extension to No. 1 slopes away from the boundary, it is considered that any impact upon outlook or loss of light would be acceptable.

10.15 There would be a first floor bedroom window in the extension and to the new property, however this would look directly down the garden of the existing dwelling and has a relationship to the neighbouring dwelling that is to be expected where any rear first floor windows are proposed. This relationship is considered to be acceptable and not sufficient grounds to refuse planning permission.

10.16 Therefore, it is considered that each neighbouring dwelling would be able to retain its own privacy and it is considered that a high standard of amenity can be maintained for existing and future occupants of both the existing and proposed dwellings, which is in accordance with the guidance outlined in NPPF paragraph 130(f) and Cotswold District Local Plan Appendix D.

(e) Trees

10.17 Policy EN7 of the Local Plan is applicable with regard to the existing landscape features, including trees. Whilst there are no protected trees on site, the loss of trees would require consideration with this application.

10.18 The Town Council comments are noted, however the proposed plans do not show the removal of any existing trees as a result of the development. Therefore, it is considered that the scheme accords with Policy EN7 of the Local Plan.

(f) Cotswold Beechwoods SAC

10.19 The site is within the Zone of Influence for the Cotswold Beechwoods Special Area of Conservation (SAC), and the applicant has paid the necessary financial contribution to mitigate any impacts arising from the provision of additional residential accommodation.

(g) CIL

10.20 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.

11. Conclusion:

11.1 The proposal is considered to accord with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for planning permission to be granted.

12. 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 approved shall be carried out in accordance with the following drawing number: 0055-B.

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

3. The materials to be used for the external walls and roof of the development hereby permitted, to include the new dwelling and the first floor extension to the existing property, 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 Policy EN2, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

4. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building 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.

5. No bargeboards or eaves fascias shall be used in the proposed development.

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.

6. The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall be approved in writing by the Local Planning Authority. Such works shall be completed in accordance with the approved details within 1 month of the new vehicular access hereby authorised being first brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Cotswold District Local Plan Policy INF4.

7. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard in accordance with Policy INF5 of the Cotswold District Local Plan.

8. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need 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 Policy INF3 of the Cotswold District Local Plan.

9. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

10. The entire landscaping 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.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

11. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

12. Before the occupation of the dwelling(s) or the vehicular access being brought into use, the access driveway shall be surfaced in bituminous macadam or other non-migratory material for at least the first 5m from the carriageway edge and thereafter similarly maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loose material being carried onto the highway in the interests of highway safety and in accordance with Cotswold District Local Plan Policy INF4.

13. Demolition or construction works shall not take place outside 7:30 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy EN15.

Informative:

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