

**Erection of a self-build dwelling at Land Parcel Adj To 10 De Havilland Road
Upper Rissington Cheltenham Gloucestershire GL7 7AS**

Full Application 24/03740/FUL	
Applicant:	Mrs Elizabeth Maclean
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	9 April 2025
RECOMMENDATION:	PERMIT - Subject to completion of S106 legal agreement to secure self-build

1. Main Issues:

- (a) Principle of Development
- (b) Design
- (c) Impact on the Cotswolds National Landscape
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Trees and Biodiversity
- (g) Drainage

2. Reasons for Referral:

- 2.1 The applicant is a close relative of a Ward Member and as such the application is required to be considered by the Planning and Licensing Committee.

3. Site Description:

- 3.1 The application site is located within Upper Rissington, within a housing estate. It lies within the Development Boundary of Upper Rissington, a Principal Settlement. It comprises a section of garden land to the north (rear) of a detached red-brick dwellinghouse (5 Avro Road).
- 3.2 The site is within the Cotswolds National Landscape, albeit a built-up section of it.
- 3.3 Also, within the plot are a number of trees of varying sizes and species, three of which are protected by individual tree protection orders (two of which are replacement trees).

4. Relevant Planning History:

- 4.1 02/02514/FUL: One two-bed house. Refused 20.12.2002
- 4.2 20/03198/FUL: Erection of 1no. detached dwelling and associated works. Permitted 19.04.2021

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- CDCLP CDC LOCAL PLAN 2011-2031
- DS1 Development Strategy
- 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
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision
- INF10 Renewable & Low Carbon Energy Develop't

6. Observations of Consultees:

- 6.1 Drainage Engineer: Additional information sought or pre-commencement condition
- 6.2 Albion Water: No response received
- 6.3 Tree Officer: No objection subject to condition.

7. View of Town/Parish Council:

- 7.1 No comments received

8. Other Representations:

8.1 Two third party representations have been received, objecting to the application on the grounds of:

- Parking issues on the street (congestion and access for refuse collection and emergency vehicles)
- Area has already been extensively developed
- Materials not in keeping with the area
- Strain to sewerage system

9. Applicant's Supporting Information:

- Arboricultural Assessment (Revision A 13th May 2020)
- Design and Access Statement
- Biodiversity Self 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.'

10.2 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.

10.3 The policies and guidance within the National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 The application seeks permission for the erection of a 5 bed, two-and-a-half-storey detached dwellinghouse, including new entranceway.

10.5 Following feedback from the Case Officer, the proposal has been amended such that the property would be constructed with red bricks to the east and south elevations, render to the west and north elevations, and tile roof (zinc standing seam on the single-storey).

- 10.6 The dwellinghouse would have a footprint of approximately 9.8m by 10.5m (including 3.4m single-storey rear extension). The main building would have eaves and ridge heights of 5.7m and 9.3m respectively. It would comprise two-and-a-half storeys, with dormer windows to the front of the property.
- 10.7 The application permitted in 2021 (20/03198/FUL) was similar to the current proposal, albeit of a different design. The application was granted by the Planning and Licensing Committee. The permission has now lapsed as it was not commenced within three years of the grant of permission.

(a) Principle of Development

- 10.8 The application site falls within the Development Boundary of Upper Rissington, which is identified as a Principal Settlement within the Cotswold District Local Plan Policy DS1. Local Plan Policy DS2 states that within the development boundaries indicated on the policies maps, applications for development will be permissible in principle.

(b) Design

- 10.9 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.10 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 135 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.
- 10.11 Section 14 of the NPPF addresses climate change. Paragraph 162 of the NPPF states that, *'in determining planning applications, local planning authorities should expect new development to:*
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

10.12 Additionally, paragraph 167 of the NPPF states that *'Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).'*

10.13 The Cotswold Design Code provides design guidance on dwellings, of particular relevance are:

D.16 *New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.*

D.17 *Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.*

D.20 *The design approach selected should respond to each site and its setting. The success of different design approaches, and in particular architectural styles, is very dependent on location. There are many valid approaches to the design of buildings, depending on their context. Due to the distinctive and consistent traditional architecture of the Cotswolds, a vernacular design approach is commonly successful. On some sites a contemporary approach, well-executed, can be appropriate. These two design approaches are discussed further below.*

10.14 Paragraphs D.59 - D.62 provide guidance regarding sustainable design and states that 'the potential impacts of climate change can be addressed through a variety of means, from the incorporation of better insulation and renewable energy technologies, to adaptations for severe weather events, and the use of local and recycled building materials.' The Design Code also stresses that sustainable design needs to be responsive to the character of the area and the sensitivities of the site.

10.15 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. Most of these dwellings benefit from relatively open frontages, most with parking areas and front gardens or landscaping located between the principal elevation and the road.

10.16 The proposed dwellinghouse would reflect this pattern of development, sitting set back from the road, 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 driveway is proposed between the dwelling and the roadside.

- 10.17 In terms of materials and details, the applicant has confirmed that notwithstanding the submitted plans, that the property would be constructed with brick rather than Cotswold stone with tile roof similar to the materials present in the area. Bricks are the main building material in the immediate area, with render also present on several properties nearby. The amended materials are therefore considered suitable.
- 10.18 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 which are not typical of the area in the immediate streetscene. 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 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.
- 10.19 As such, 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.
- 10.20 The applicant has advised that the proposed building has been designed to exceed the building regulation requirements for insulation in order to minimise the carbon demands of heating. They intend to *"install energy efficient heating with an air-source heat pump and keep heat losses to a minimum by using low U-value walls, triple glazed windows and a SIP [Structural Insulated Panel] panel roof. There will be a large array of in-roof solar PV panels on the south western facing roof and a solar water heater on the lower single storey roof."* These measures are welcomed.
- 10.21 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 the Cotswolds National Landscape (Area of Outstanding Natural Beauty)

- 10.22 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.23 Local Plan Policy EN4 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) of Cotswold District or neighbouring areas, 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.
- 10.24 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) 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.
- 10.25 The site is located with housing in all directions and as such has a built-up residential character. The proposed development would not encroach into the open countryside and is considered not to be harmful to the character or appearance of the Cotswolds National Landscape.

(d) Impact on Residential Amenity

- 10.26 Local Plan Policy EN2 seeks to ensure adequate residential amenity for neighbours and the proposed dwellinghouse.
- 10.27 New windows are proposed within the principal and rear elevations of the new dwelling. To the front, these would look out upon the public highway. To the rear the windows would face over the associated garden area, then the garden area of no. 3 Avro Road. It would be separated from the nearest directly facing windows, the rear elevation of 11 Bristol Road, by over 50m at first floor level. This is well beyond 22m distance, which is the minimum distance advised between facing windows of one and two storey dwellings by Local Plan Policy EN2.

- 10.28 The proposed dwellinghouse would sit directly to the south of 10 De Havilland Road. Given the orientation, and location of windows, the proposal is considered not to harm the residential amenity of this neighbour with regard to loss of light, privacy, or increased overbearing effects. Concerns were raised in regard to loss of light to the garden area of nearby properties, however, whilst the property may result in some loss of morning light, given its location and scale, it is considered that it would not result in unacceptable harm.
- 10.29 Some views of the garden area of 3 Avro Road may be possible, although this is currently, and intended to remain, obscured by trees and hedgerows. Additionally, the rear elevation (at two storey level), would be approximately 13m to the boundary, and is therefore at a sufficient distance for the impact on loss of privacy to be considered not be unacceptably harmful.
- 10.30 Regarding the relationship between 5 Avro Road and the proposed dwellinghouse, it is noted that the applicant and owner of 5 Avro Road have a family connection, and that the proposal is similar to a previously approved application for a dwellinghouse in this location with a similar relationship.
- 10.31 The rear of 5 Avro Road primarily contains windows to rooms which are not considered primary living accommodation. It does include a kitchen at ground floor level, although this benefits other windows on the side and front elevation of the dwelling house. A further bedroom to the west would look over the garden area of the proposed dwellinghouse. As such, the impact on loss of light on 5 Avro Road is considered acceptable.
- 10.32 5 Avro Road would overlook the garden area of the proposed dwellinghouse (primarily from the far western bedroom), with limited separation between the rear elevation and the garden area. Noting the relationship between the two properties, the proposed occupiers in this case are content with a more limited amount of privacy to their garden areas than would usually be sought. The proposal is for a self-build, with any further occupier able to see the physical relationship between the properties.
- 10.33 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.

10.34 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.

(e) Highways

10.35 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.

10.36 Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios."*

10.37 The dwellinghouse is proposed to have five bedrooms with space for two parking spaces. Whilst the roads around the site area busy, and a neighbour has raised concerns relating to this, there are no parking restrictions in the immediate area. The site is in a principal settlement with a school, village hall, vets, shops and park within walking distance, and as such to require additional parking would be unreasonable.

10.38 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.

10.39 To encourage more sustainable forms of transportation, it is considered reasonable and necessary to require cycle storage to be provided on the site.

- 10.40 Taking all of the above into 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.
- 10.41 It is noted that whilst no electric charging points are shown on the proposed plans, these are required by building regulations.

(f) Biodiversity and Geodiversity

- 10.42 The site comprises an area of existing garden, which appears to be actively maintained as such, and as such is considered to have a limited potential for ecology. Nevertheless, it is considered reasonable to require enhancement works, in accordance with Local Plan Policy EN8.
- 10.43 Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain. The applicant has said the development is exempt on the grounds that the application is a self-build development, it is felt that this justification is satisfactory. This would be secured by a Unilateral Undertaking.

(g) Trees

- 10.44 Local Plan Policy EN7 states *1development will not be permitted that fails to conserve and enhance:*
- a. trees of high landscape, amenity, ecological or historical value;*
 - b. veteran trees;*
 - c. hedgerows of high landscape, amenity, ecological or historical value; and/or*
 - d. woodland of high landscape, amenity, ecological or historical value.'*
- 10.45 Whilst the site has several TPOs indicated, this was based on a preservation order that covered a large area of trees, rather than based on the merit of the individual trees. The applicant has advised that of the original trees with a TPO, only one remains, with two others replanted (a cherry and a whitebeam) elsewhere on the site which are unaffected by the development.
- 10.46 The remaining tree is a mature rowan (mountain ash) tree, which is intended to be protected with protection of the root zone and minor canopy pruning to

accommodate scaffolding. This is considered acceptable, although a condition shall be attached to require the specific protection measures.

(h) Drainage

10.47 Local Plan Policy EN14 requires that 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, through the appropriate application of the sequential and exception tests, and the provision of site specific flood risk assessments where applicable. It requires the incorporation of flood risk management and mitigation measures in the design and layout of development proposals that provide adequate provision for the lifetime of the development, and that include a Sustainable Drainage System unless this is demonstrably inappropriate. This is in accordance with Section 14 of the NPPF.

10.48 The applicant has advised that *"all 4 downpipes from the gutters will be fitted with water butts and the runoff will be taken to soakaways positioned a minimum of 5m from the house. The driveway will be constructed of concrete blocks to allow all surface water to be absorbed on site. The underlying soil is cotswold brash overlying limestone and all surface water will be absorbed on site."*

10.49 The Drainage Engineer has noted the above, but has also advised that a condition should be added to require a full surface water drainage scheme. This is considered reasonable and necessary to ensure suitable and adequate drainage provision.

Other Matters

10.50 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. As this is a self-build development/residential extension/residential annex, the applicant may apply for relief.

11. Conclusion:

11.1 The proposal is considered to accord with the above Local Plan Policies and material considerations. As such, it is recommended for permission subject to the completion of a legal agreement to ensure the building is a self-build.

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(s):

Location Plan - received 11th December 2024

Elevations 1a; Elevations 2a; Ground Floor Plan; First Floor Plan; Second Floor Plan; Roof Plan; Street Scene - Received 17th February 2025

Block Plan - Received 3rd March 2025

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

3. Prior to the construction of any external wall of the development hereby approved (and notwithstanding the details submitted with the application) samples of the proposed walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Full details of any facilitation pruning.
- b) Location and installation of services, utilities and drainage.

- c) Methods of demolition within the root protection area (RPA as defined in BS5837:2012) of retained trees.
- d) Details of construction within the RPA or that may impact on the retained trees.
- e) A full specification for the construction of any roads, parking areas and hard surfacing, including details of the no dig-specification and extent of the areas of the roads, parking areas and hard surfacing to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with any adjacent hard surfacing or structures.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) Tree protection during construction indicated on the TPP with construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, waste as well as any areas to be used for concrete mixing and fires.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to the commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with policies EN1 & EN7 and pursuant of section 197 of the Town and Country Planning Act 1990.

5. Prior to the commencement of development, 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 occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and

Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

6. The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off-road parking is provided, in accordance with Cotswold District Local Plan Policy INF4.

7. 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.

8. Before the erection of any external walls, details of the provision of at least 2 bat roosting features (e.g. bat boxes/tubes/bricks on south or south-west facing elevations) and at least 2 nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) integrated externally on the dwelling or within a suitable tree, shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site, including elevations and heights and a timetable for their provision. The approved details shall be implemented prior to first use of the development hereby approved, and thereafter permanently retained.

Reason: To provide additional opportunities for roosting bats and nesting birds as biodiversity enhancements in accordance with paragraphs 187, 185 and 186 of the revised National Planning Policy Framework, Policy EN8 of the local plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

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