

Erection of 1 ½ storey detached double garage annex at Birdlip View Cirencester Road Birdlip Gloucestershire GL4 8JL

Full Application 23/01233/FUL	
Applicant:	Emily Woodward-Court
Agent:	
Case Officer:	Cameron Berry
Ward Member(s):	Councillor Julia Judd
Committee Date:	13th September 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Impact on the Character and Appearance of the Area
- (b) Impact on Residential Amenity
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (d) Highways
- (e) Impact on Biodiversity
- (f) Other Matters

2. Reasons for Referral:

2.1 Birdlip Parish Council has noted the Planning Officer's Delegated Report and reasons listed therein to recommend that permission should be granted for development.

2.2 Birdlip Parish Council has acknowledged the need for a garage structure when it supported the previous planning ref. 21/02208/FUL which included a new car port to the front of the property.

2.3 Whilst the current planning application includes a statement that the car port will no longer be constructed, Birdlip Parish Council does not support the proposed new garage/annex in the form and size proposed.

2.4 The Planning Officer is requested to further consider specific reasons for objection that have already been submitted by this Parish Council and other consultees and therefore NOT to Permit the application in the current form.

In particular:

Design and Impact on the Character and Appearance of the Area

2.5 A third party objector makes reference to the Cotswolds Local Plan Section D - Cotswolds Design Code. This Parish Council considers that the application of the Cotswolds Design Code is of particular relevance to the hamlet of Parsons Pitch, specifically:

Scale and Proportion

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

2.7 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.

2.8 D.18 The height of new buildings should respond to the local context, for example forming a gentle transition from open countryside to settlement edge.

2.9 Furthermore: D.67 Key design considerations states for 2. Garages and other outbuildings:

(a) Garages and outbuildings should be carefully sited, scaled and designed so as not to detract from the character of the main building or its setting AND

'In some sensitive contexts, garages may not be permissible, where for example they detract from the contribution a traditional property and its garden makes to the area, or where breaching the front boundary and introducing vehicular access to the garden is considered harmful'.

(g) Where double or larger garages are permissible, these are better oriented with their doors under the eaves and with their wider gables concealed from view. Roof lines should generally be kept low and dropping the rear eaves can assist in this. Incorporating accommodation above the garage, with associated openings and external stairs, may not always be permissible.

D55 - Modern, incongruous forms of boundary treatment should be avoided, especially in prominent locations. These include close-boarded and other forms of modern timber fencing

2.10 The Planning Officer is requested to reconsider how this proposed garage structure complies with the Cotswold Design Code.

2.11 Birdlip Parish Council considers that the proposed garage and annex is contrary to the Cotswolds Design Code as it:

(a) It is a large structure which will not complement the existing property. Birdlip View is of historical significance to the hamlet of Parsons Pitch as a single dwelling within the context of the landscape of Hawcote Hill. The proposed structure will

dominate the surroundings and give the form and appearance of a separate dwelling and not as a subservient auxiliary building to Birdlip View.

- (b) Referencing D18 the height of the proposed structure will be clearly visible when viewed from the location of Ruby's Bar to the South and the North gable end and large glazed window will be visible on the line the ridge at the top of Hawcote Hill which will not sit comfortable within this iconic Cotswold vista.
- (c) Considering D67 (a) the proposed structure is not considered to be carefully designed and sited. Whilst the applicant has now allowed the rear garden to become degraded, the residents remember the contribution that Birdlip View with its productive vegetable garden made to the context of Parsons Pitch as a rural hamlet. Therefore this is considered to be of 'sensitive context' that should make such a large garage structure not to be permissible under D67.
- (d) Considering D67 (g) the garage design has not considered the Cotswolds Design Code in the context of the proposed external stairs, the visible prominence from the road of the gables and the accommodation above which, if all aspects of this section g) are to be considered should render the application not permissible.
- (e) The proposal appears to breach the front boundary of the curtilage and the proposed vehicle access to the traditional rear garden of Birdlip View is considered by this Parish Council to be harmful as any resemblance of a rear garden at Birdlip View will be removed. This is as a result of the applicant's proposal to site the structure on a perpendicular plane to the road resulting in a wide access splay that removes all of the existing hedgerow and the garden boundary to the road. In addition the grass verge has been removed further reducing this already narrow section of the road.
- (f) D55 references the avoidance of modern fencing. The applicant is proposing a modern contemporary style of fencing to screen the oil tank which will be a prominent feature visible from the road.

Drainage

2.12 The Parish Council has received professional advice that the proposed development cannot be drained of surface water within the boundaries and that the impermeable area is too great to allow space for any natural soakage and there is no public surface water sewer available off site. The Parish Council also notes the CDC Drainage Engineer's report which states there is no water course within 20 metres. However the drainage engineer has not referenced the public spring that is sited directly opposite the proposed development, just inside the boundary of the property opposite. The spring is listed on local ordinance survey maps and historically provided a source of domestic water to the residents of Parsons Pitch. The Planning Officer is requested to reconsider the impact of drainage on any decision to permit the development.

Environmental Impact

2.13 The Planning Officer makes no mention of the impact of the removal of substantial quantities of spoil from the site to construct the proposed building into the sloping garden and the impact of the HGV traffic to remove the spoil through the village. This impact is a direct consequence of the form and scale of the proposed development and its location within the site.

2.14 Finally, Birdlip Parish Council requests that the Planning Officer makes further consideration of the above points that have been made by the Parish Council and others. Birdlip Parish Council is willing to make representation of the same, should it be necessary, at any CDC Planning Committee.

3. Site Description:

3.1 Birdlip View is a detached three-storey property located on Old Cirencester Road. The property is a mixture of stone and render. The property benefits from off road parking and external amenity space wrapping around the property.

3.2 The application site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) however is not located within any designated conservation area. A public right of way (Brimpsfield Bridleway 32) lies 16m to the west of the property.

4. Relevant Planning History:

4.1 CT.2122/D: Erection of single storey rear extension and conservatory to the side. - Permitted 1991.

4.2 21/02208/FUL: Demolish existing side and rear extension, erection of single storey side extension, single storey rear extension and new detached car port - Permitted 2021.

4.3 21/04236/PLP: Erection of a detached dwelling - Refused 2022.

4.4 22/01491/OUT: Outline application for the erection of a detached dwelling with all matters reserved - Refused 2023.

5. Planning Policies:

EN8 Bio & Geo: Features Habitats & Species
TNPPF The National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Landscape Officer - No Objection.
- 6.2 Highways Officer - No Objection, subject to conditions.
- 6.3 Drainage Officer - No Objection subject to conditions.
- 6.4 Biodiversity Officer - No Objection, subject to conditions.

7. View of Town/Parish Council:

- 7.1 "Objects on the grounds that the proposed works will lead to an over-development/overcrowding of the site, and impact on the form, character and appearance of the area. The works are also considered to impact the highways access and safety, drainage, unlawful development on highway verge and the environmental impact caused by excavations."

8. Other Representations:

- 8.1 Seven third party representations objecting to the application have been received, raising concerns of;

8.1.1 The application is flawed as you cannot enter the site in forward gear, and it is not possible to turn a vehicle within the site, it is impossible to park in the furthest bay from the A417. The building will not be used as a garage but as a dwelling. Building regulations require that soakaways are built at least 5 metres from a building; no soakaways on the highway, the surface water on the site must be disposed of within the site boundaries.

8.1.2 The proposed application is more akin to a coach house rather than a garage, the proposed works will remove a large proportion of the dwellings garden which is uncommon for the hamlet. Birdlip has few amenities, which is why garden space is key. Excavation of the site will lead to an increase in HGVS, the site has limited space for turning. The proposed plans are not in keeping with any property within the hamlet.

8.1.3 The proposals will lead to an overdevelopment of the site, an access driveway has been constructed without permission. Given the mass amount of ground works that will have to be carried out, it is hard to understand how the new proposed dwelling would not affect the adjacent property in terms of loss of light. The proposed garage is similar in footprint to the refused applications for a new dwelling.

8.1.4 Objects on the grounds that the proposed works will increase noise pollution to the residence located opposite. The applicants are trying to make use of what was a single storey chicken coop to promote the idea that a building has been previously placed on the site. The site is within the AONB and should be left as a garden.

8.1.5 The application resembles a coach house not a garage, the proposal will affect the neighbouring dwellings in terms of loss of light and impacts on drainage and water flow.

8.1.6 The proposal relates to an overdevelopment of the site, and will reduce the garden area of the existing dwelling. The proposal will also overshadow the neighbouring properties, impact the character and appearance of the dwelling, will cause highways safety issues and there is currently unlawful development on a highways verge.

8.1.7 The application appears similar to the refused plans of the previously refused dwelling. The implementation of a driveway to the east of the dwelling will overcrowd the site and leave little room for a garden area. The additional storey above the garage will look out of keeping within the hamlet and the proposal will impact the Cotswolds AONB.

9. Applicant's Supporting Information:

- Drawings

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 the current development plan for the District which is the adopted Cotswold District Local Plan 2011-2031.

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

Proposed Development:

10.3 This application seeks permission for the erection of a 1 ½ storey garage/ annex. The proposed works will measure approximately 7.5 metres in height, 7.5 metres in width and 11.3 metres in length. The proposed garage will be constructed with Cotswolds Stone walling and reconstituted Cotswolds stone roof tiles.

(a) Design and Impact on the Character and Appearance of the Area.

10.4 Cotswold District Local Plan Policy EN1 'Built, Natural and Historic Environment' states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by, amongst other things; ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset; ensuring design standards that complement the character of the area and the sustainable use of the development.

10.5 Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.6 Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

10.7 The proposal plans will see a 1 ½ storey detached garage/ annex to be erected to the south east of the original dwelling. The proposed garage/ annex will be constructed with Cotswolds stone walling and reconstituted Cotswolds stone roofing, which will match the materials of the original property and will sympathetic to the local area. The proposed garage will remain subservient to the main dwelling, despite being placed on a higher ground level than the main dwelling. It is noted that two previous applications were refused at the site for development within a similar location to the current proposal. These applications were refused as, the proposals were to construct a dwelling which would have resulted in the erection of a new-built open market dwelling outside of a Principal or Non-Principal Settlement. Design and scale did not form a reason for refusal of the previous applications.

10.8 Paragraph D.67 2, G of the Cotswolds Design Code states "Where double or larger garages are permissible, these are better oriented with their doors under the eaves and with their wider gables concealed from view. Roof lines should generally be kept low and dropping the rear eaves can assist in this. Incorporating accommodation above the garage, with associated openings and external stairs, may not always be permissible". The external stairs of the proposed will be placed facing onto the nearby highway, in this instant this is considered acceptable as the proposed southwest elevations will be constructed into the existing embankment.

10.9 It is noted that there have been a number of objection comments relating to the proposals impact on the main dwellings garden space, leaving them main house without adequate amenity space. It is considered that the current amenity space located to the courtyard and to the rear of the main dwelling is sufficient, as the dwelling would retain an area of private amenity space for sitting out, whilst also maintaining a larger area of space for other garden activities. Therefore, the proposed works are considered to respect the character and appearance of the existing dwelling and surrounding area.

10.10 Thus, the proposed development is considered to accord with the objectives of Cotswolds District Local Plan Policies EN1 and EN2 and the considerations contained in section 12 of the National Planning Policy Framework.

(b) Residential Amenity

10.11 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects development to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.12 Section 12 of the NPPF explains planning decisions should ensure developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

10.13 The proposed works will be placed to the south east of the application site, which will abut the neighbouring dwelling to the southeast. However, the neighbouring dwelling to the south east of the application site will be located approximately 27m away. There will also be no windows installed to the proposed plans southeast roof slope. As such, the proposed plans are not considered to overshadow or lead to a loss of privacy to the neighbouring dwelling to the south east. There is also a neighbouring dwelling that is located over the highway to the north of the application site, a stairwell and a door will be placed on the first floor of the garage/ annex. This dwelling to the north is located approximately 20 metres away. As such the proposed plans are not considered to overshadow or lead to a loss of privacy to the neighbouring dwelling to the north.

10.14 Consequently the proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

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

10.15 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. 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, and requires that it takes account of landscape character, visual quality and local distinctiveness.

10.16 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. This conforms to the considerations of NPPF Section 15, which seeks to conserve and enhance the natural environment.

10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.18 The proposed extension will be set within a residential context, and will not result in the encroachment of urban built form into the wider countryside. The proposed works will also be set within an embankment to the rear and side elevation, views from the side elevation will also be blocked by the existing dwelling. It is therefore considered that the proposal will not lead to a detrimental impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.

10.19 Thus, the proposed development is considered to accord with the objectives of Cotswold District Local Plan Policies EN4 and EN5 and the residential amenity considerations contained in sections 12 and 15 of the NPPF.

(d) Highways

10.20 Local Plan Policy INF4 "Highway Safety" states that development will be permitted that provides safe and suitable access and has regard, where appropriate to the Manual for Gloucester Streets.

10.21 Local Plan Policy INF5 "Parking Provision" 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.

10.22 The Local Highways Authority were consulted on this application and raised no objection to the proposed development, subject to conditions being attached for vehicular and pedestrian visibility splays, as well as a condition attached which limits the use of the proposed works to be ancillary to the main dwelling. It is Officers opinion that these conditions are justifiable and as such, they have been attached to the recommendation of permission. It is considered that as the highway to the front of the dwelling is a relatively quiet road and the turning area facilitated by the proposed garage entry and exit to the application site will not detrimentally impact public safety on the highway. As such, the proposed works are considered to accord with the objectives of the Cotswolds District Local Plan policies INF4 and INF5, and considerations laid out in the National Planning Policy Framework.

(e) Impact on Biodiversity

10.23 Local Plan Policy EN8 - Biodiversity and Geodiversity (Features Habitats and Species) supports development that conserves and enhances biodiversity providing net gains where possible.

10.24 The proposals are considered to be acceptable by the Biodiversity Officer, however conditions have been added which requires a Precautionary Method of Working, Integrated Nesting Opportunities, Lighting Design Strategy and a Landscaping Scheme to be submitted. As such, the proposals are considered to be acceptable and comply with Local Plan Policy EN8 and Section 15 of the National Planning Policy Framework.

(f) Other Matters

10.25 Objections have been raised in regards to the drainage at the site; a Drainage Officer has been consulted and has submitted no objections subject to conditions. The condition requires a surface water drainage scheme to be submitted by the applicants and approved by the council before any construction works take place. Objections have also been raised in regards to the removal of spoil from the construction site. Although spoil will need to be removed from the site, it is not considered to create substantial trips to remove the waste, and as such not create a detrimental impact upon the environment.

11. Conclusion:

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

11.2 This development is liable for CIL because it is over than 100m² of new build.

12. Proposed condition:

1. The development shall be started within 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 permitted shall be implemented in strict accordance with the following approved plans: (00)001REV A, (00)002, SK01, THE LOCATION PLAN received 10th of April 2023.

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, samples of the proposed walling and roofing materials shall be 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 Policies EN2 and EN11, 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. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for distances according with plan SK01 rev A. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

5. The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of carriageway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall only be used for the purposes specified in the planning application ancillary to the existing dwelling.

Reason: To Define the Permission and ensure the trip demands reflect the submitted details according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

7. The development shall be completed in accordance with Cotswold District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

Reason: To ensure biodiversity is protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Before the erection of any external walls, details of the provision of integrated nesting opportunities for birds (e.g. house sparrow terrace, starling boxes, swift brick or swallow/house martin nest cups on the north or east-facing elevations or within a suitable tree), shall be submitted to the Local Planning Authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be carried out in accordance with the approved details and programme of implementation and thereafter permanently retained.

Reason: To provide opportunities for nesting birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

(a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;

(b) Show where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb nocturnal species. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Prior to first use of the garage hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native hedgerow and wildflower planting) and a 5-year maintenance plan. 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.

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 enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that 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 enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

12. Prior to commencement of the 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.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, 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.

Informative:

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk