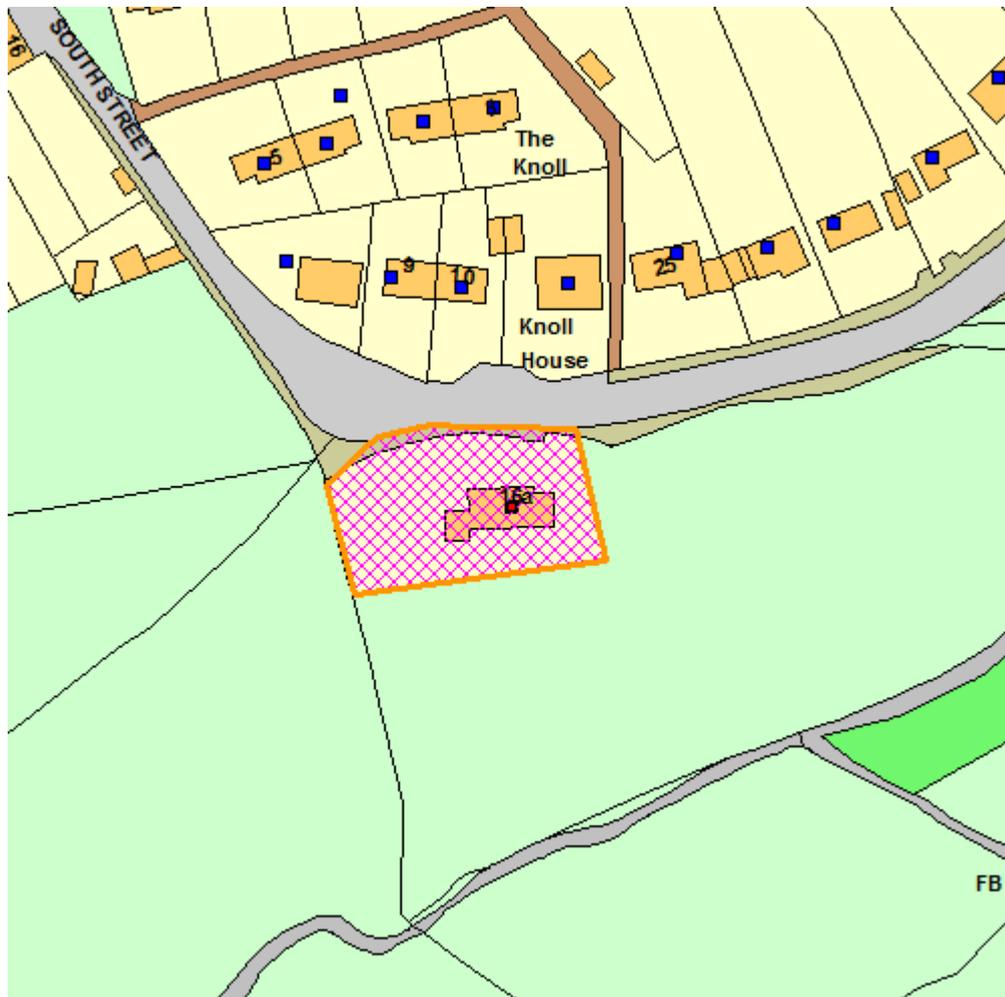




## Development Control Committee Schedule

<b>Item No: 05</b>	
<b>Application No.</b>	S.19/1404/HHOLD
<b>Site No.</b>	PP-07974301
<b>Site Address</b>	16A South Street, Uley, Dursley, Gloucestershire
<b>Town/Parish</b>	Uley Parish Council
<b>Grid Reference</b>	379207,198258
<b>Application Type</b>	Householder Application
<b>Proposal</b>	Side extension and loft conversion with rear dormers and double garage to side (379207 - 198258)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Parish Council





## Development Control Committee Schedule

<b>Applicant's Details</b>	Mr S Littlewood C/O Elevation One Building Design Ltd , 25 Uley Road, Dursley, GL11 4NJ,
<b>Agent's Details</b>	Elevation One Building Design Ltd 25 Uley Road, Dursley, GL11 4NJ, ,
<b>Case Officer</b>	Laurence Corbett
<b>Application Validated</b>	12.07.2019
	<b>CONSULTEES</b>
<b>Comments Received</b>	Conservation South Team Biodiversity Officer Uley Parish Council Contaminated Land Officer (E)
<b>Constraints</b>	Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Consult area Conservation Area Nympsfield Airfield Zone Uley Parish Council Village Design Statement
	<b>OFFICER'S REPORT</b>

### DESCRIPTION OF SITE

The property is a single storey detached dwelling set marginally back from South Street, a minor road running to the front (north) of the property in the village of Uley. The property is surrounded by private garden and has an existing vehicular access onto the public highway. Due to existing ground conditions (sloping uphill from south to north) the property is marginally set down from the public highway. The property is adjacent to the settlement development limit for Uley.

There are Public Rights Of Way (PROW) close to the property, to the north is Uley footpath 41 (approximately 20m away), to the west is Uley footpath 49 and 53 (approximately 25m away, these are within Millennium Green) and to the south is Uley footpath 52 (approximately 110m away). The dwelling is within the Uley Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty.

### PROPOSAL

The application proposes a single storey side extension with glazing, a loft conversion with dormers to the rear and a double garage to the side.

### REVISED DETAILS

Revised plans submitted on the 14/08/2019. Bat report submitted on the 31/10/2019 and method statement submitted on 07/11/2019.

### MATERIALS

Walls: Natural stone to front and sides. Timber cladding to dormer and garage.  
Roof: Recon stone tiles with flat roof to rear.  
Windows: Grey aluminium.  
Door: Detailed on plans.



## Development Control Committee Schedule

### REPRESENTATIONS

#### Statutory Consultees:

Uley Parish Council comments - 08/08/2019:

The site is outside the Uley settlement development boundary. Stroud Local Plan Core Policy CP15 says proposals "outside identified settlement development limits will not be permitted except where these principles are complied with" - then lists six principles, none of which are satisfied in this case (one is "it is a replacement dwelling" but this proposal is for an extension, not a replacement dwelling). The policy then goes on to say that even "Where development accords with any of the principles listed above, it will only be permitted if" - then lists six conditions, of which two are relevant but not in the Parish Council's view satisfied ie "(i) it does not have any adverse impact on heritage assets and their setting" and "(iv) in the case of extensions to buildings, it does not result in an inappropriate increase in the scale, form or footprint of the original building".

The site is inside the Uley Conservation Area. The application includes a heritage statement which focuses only on the compatibility of the proposal with houses on the opposite side of South Street. These are outside the Conservation Area. The issue is the impact on the Conservation Area, which includes a neighbouring large swathe of green land which was presumably included in the Conservation Area as it forms an important apron in front of the village as seen from the south. The scale, form and materials proposed for the extensions would make the building far more prominent in these views (including ones from various footpaths and from the Millennium Green public space immediately to the west). Paragraph 5 of Stroud Local Policy Delivery Policy ES10 says that "Any harm or loss [to the heritage asset] would require clear and convincing justification to the relevant decision-maker as to why the heritage interest should be overridden." Indeed paragraph 195 of the National Planning Policy Framework appears to go further and states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss" (or that four conditions - not met in this application - subsequently set in the paragraph are satisfied).

The application is in conflict with seven policies set out in the Uley and Owlpen Community Design Statement:

UO1: "New buildings or alterations should not demonstrably harm the landscape character in the valley when viewed from public vantage points"

Key vantage points are identified in Appendix D to the Design Statement and the site is visible in the photographs from Viewpoints 1, 7 and 8 included in that Appendix and the supporting selection at the link <http://bit.ly/CDS-photos> referred to on page 42 of the Design Statement. The large dormer and two storey full height glazing to the south elevation, the fully glazed gable end on the west elevation and the extended length of the buildings would be much more prominent in these views, particularly given the reflective quality of the extensive glazing and the proposal to remove the large conifer at the west end of the site (see the application's block plan, drawing 01).

UO2: "In amplification of Stroud District Local Plan 2015, Policy CP15, the design of any new buildings or alterations to existing buildings outside the identified Local Plan development limits should be sympathetic to adjacent properties and their wider landscape setting and not be obtrusive in scale or in terms of building materials."



## Development Control Committee Schedule

The design is not sympathetic to the adjoining Conservation Area landscape and is obtrusive to that landscape in terms of scale and materials.

UO7: "A clear visual transition between outlying areas and the core of the existing settlement should be maintained. Proposals for further building or alterations anywhere near the settlement boundary should be closely reviewed for the impact looking towards the village as a whole and public views looking out from the village to the surrounding countryside, which are an important part of the settlement character"

Comments as for UO1.

UO9: "New buildings or extensions should observe locally distinctive detailing, proportions and scale and respect the existing pattern of development especially in terms of scale, proportion and massing..."

The fully glazed gable on the western elevation and the full height glazing on both storeys of the southern elevation do not meet this requirement.

UO10: "The impact on the wider 'villagescape' should be considered... [the village's] historic setting should not be demonstrably harmed."

Comments as for the other Design Statement policies cited above.

UO14: "New dormers and rooflights should be installed in a way sympathetic to the roofscape..."

Neither the first floor dormer running the full length of the building nor the fully glazed gable to the western elevation at the same level are sympathetic to the roofscape of the village, nor is the extensive cladding in uPVC.

UO15: "In the Conservation Area replacement windows and doors should be constructed in traditional materials, detailing and design. The use of uPVC will be strongly resisted..."

The windows are of non-traditional materials (uPVC or aluminium), detailing and design.

Uley Parish Council comments - 23/09/2019:

The Parish Council remains of the view that the proposal represents overdevelopment of the site, whose sensitivity is underlined by the past decisions to include it within the Conservation Area and to place it outside the adjacent settlement boundary, and inappropriate design. As set out in detail in our earlier comments, the proposal breaches no less than seven policies adopted in the Uley and Owlpen Design Statement and if officers are minded to recommend approval it is our very strong wish that the proposal goes before the Development Control Committee.

### Policy HC8

The Parish Council considers that the application does not meet criterion 2 ie that "the height, scale, form and design of the extension ... is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions) and the site's wider setting and location."

This is a sensitive site, as clearly reflected in the decisions. While it is true, as the Conservation Officers comment, that the existing bungalow does not contribute positively to the character or appearance of the Conservation Area, it sits low on the site and the absence of roof lights or dormers, the traditional-sized glazing, the dull colouring of the roof and the large conifer on the western side



## Development Control Committee Schedule

mean that it is visually unobtrusive viewed from the Millennium Green or the Design Statement viewpoints 1, 7 and 8. The increased mass, the proposed extensive glazing to the west and south elevations and the felling of the conifer (although the application form states no trees are to be felled, the block plan states that the conifer will be removed) will make the building much more prominent. This would not be in keeping with the scale or character of the original dwelling nor with the wider setting and location.

Paragraph 4.56 of the Local Plan states that SDC will seek a high standard of design for extensions to dwellings. In our view, the proposal fails to meet the principles set out therein, ie it does not "respect the appearance of the site and local area" or "minimise the impact on the environment". Arguably it also, by transforming a modest dwelling into what might be termed an "executive home", fails to "avoid potential impact on local community socio-economic needs, including housing mix."

The conflicts with seven Design Statement policies demonstrates that the applicants have not followed the advice in paragraph 4.57 of the Local Plan.

### Policy CP15

While we accept that it may have been the policy intention behind CP15 that it did not apply to extensions to existing dwellings outside settlement boundaries, this is not an interpretation that had previously occurred to us and one that we find difficult to support from looking at the Policy's wording. The Policy starts by referring simply to "proposals" outside settlement boundaries, with no exclusion of household extensions, and condition (iv) states that "in the case of extensions to buildings, it does not result in an inappropriate increase in the scale, form or footprint of the original building." We can find nothing that excludes condition (iv) from applying to extensions to existing dwellings. The existence of a separate policy for household extensions regardless of location (ie Policy HC8) does not preclude household extensions outside settlement boundaries having to be assessed against both Policy HC8 and CP15. We therefore respectfully request that SDC do so in the current case.

### Conservation Officers' Comments

Since we spoke, the Parish Council has seen the Conservation Officers' comments posted on the SDC website. These contain two errors of fact:

- (i) The "significant glazing" is not restricted to the south elevation, the gable on the west elevation is also entirely glazed.
- (ii) The "unequivocally modern elements" on the south elevation will be seen from a variety of publicly accessible viewpoints of which Design Statement viewpoints 1, 7 and 8 are illustrative. From those viewpoints, the proposed extensions will be prominent in the foreground of the village and therefore be a discordant element in the views of the "historic built form" of the village seen in its wider landscape setting.

The Parish Council also notes that the Conservation Officers refer to the fields to the south of the site but not to the Millennium Field to the west, which is also part of the Conservation Area and from which, as noted above, the west elevation of the proposed extension will be clearly visible and particularly so if the conifer is felled.

We therefore cannot agree with the Conservation Officers' conclusion of "no harm" to the character or appearance of the Conservation Area.

Stroud Contaminated Land Officer:

Thank you for consulting me on the above application. I have no comments.

Stroud Conservation Officer - 18/09/2019:

The above site is situated in the Uley Conservation Area.



## Development Control Committee Schedule

The proposal is for a side extension and loft conversion of a modern detached bungalow. The existing bungalow does not contribute positively to the character or appearance of the conservation area. Whilst the proposed extension would add unequivocally modern elements including box dormers, a significant amount of glazing and a first floor balcony, these are all on the rear elevation. These features will not be seen in relation to any historic built form and will not harm the character of the street scene.

It is noted that the conservation area includes the fields to the south of the site, but it is not considered that the proposed extensions would have a negative impact on the character of the natural environment.

For these reasons, it is considered that no harm will be done to the character or appearance of the conservation area.

The application has been assessed in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Bio-diversity Officer comments:

Comments relate to the following documents:

Bat Inspection Survey, by All Ecology, dated 24th October 2019

Bat Method Statement, by All Ecology, dated November 2019

Recommendation:

Acceptable subject to the following conditions:

- No development, site clearance, soil stripping, removal of materials shall take place other than in STRICT accordance with the details contained in the Bat Method Statement, by All Ecology, dated November 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
Reason: To ensure the safeguard of protected species in accordance with Policy ES6 of the Adopted Local Plan.
- Prior to the first habitation of the approved development, written confirmation from the Project Ecologist that the mitigation and enhancement measures have been implemented as approved shall be submitted to the Local Planning Authority.  
Reason: To ensure the protection of biodiversity in the long-term and in accordance with Local Plan Policy ES6.
- No additional external lighting shall be erected unless a lighting design strategy for biodiversity is submitted to and approved in writing by the local planning authority
  - a) the strategy will identify the areas/features on site that are particularly sensitive for foraging bats;
  - b) show how and 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 or prevent the above species using their commuter route.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.  
Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.



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### Comments:

The original bat survey concluded that the building provides some potential roost features that could not be fully inspected and therefore given the site location and the nature of the features, which are minor gaps, some of which at relatively low heights, any potential for bat roosts can only be regarded as low and likely limited to individual or low numbers of bats, however, the presence of bats cannot be entirely ruled out and as such a minimum of one activity needs to be undertaken between the optimal survey period between the months of May and August in accordance with published guidance Bat Survey Guidelines, Bat Conservation Trust, 2015.

However, the features that provide potential bat access points have largely been created during demolition of an extension and the removal of tiles by the applicant which the applicant has stated took place just prior to the original bat survey taking place and as such it is highly unlikely that in such a short space of time outside of the optimal bat roosting season that bats would have colonised the features. There are however, two further possible opportunities for bats to enter as shown on page 14 of the October bat inspection survey, photograph 11, showing gaps under tiles these types of features would only offer limited roosting space for either individual or low numbers of crevice dwelling species.

It has therefore been agreed in this instance to move away from recommended guidance due to the very limited likelihood of bats being present within the existing building concerned. In support of the application A Bat Method Statement has been submitted in order to mitigate the likely worst case scenario roost that could be discovered at the site. The likely worst case scenario that the identified features could offer roosting bats is a crevice dwelling bat species maternity roost (however, this has been deemed as highly unlikely) which will be mitigated through the provision of adequate compensatory roosting features (A bat box to be installed on a suitable tree and 3 bat access panels to be incorporated into the proposed design) in the new building, timings and methods of working and post development monitoring.

In the unlikely event that roosting bats are discovered during works, correct working methods and mitigation to mitigate the worst likely scenario has been provided to the LPA and if a licence was required the LPA can confirm that the proposed development is able to meet the three tests of derogation as listed with the Conservation of Habitats and Species Regulations 2017:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Suitable bat roost mitigation has been provided in the form of working methods and timings, 3x bat access panels and 1 x hibernation bat box. The proposals are considered likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned if found at a favourable conservation status in their natural range and as such this would meet Reg 53(9)(b) of the Habitat Regulations.

I am satisfied that this derogation test can be met by this application so long as the actions conditioned are implemented in full.



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Regulation 55(2)(e) which states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Regulation 55(9)(a) which states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the LPA. It is my view that if the case officer feels that the application accords with Local Planning Policy all 3 derogation tests have been adequately assessed in a accordance with Natural England guidance.

### **Public:**

Three letters of support, two letters objecting and one neither supporting nor objecting. Support letter says the proposal will not be any larger than the existing and that the proposal is fitting within the area, also that the objection comments are not from people within the street who are affected by existing property. Objection letters echo the concerns raised by the Parish Council suggesting the proposal is aggressive and unsympathetic. Letter of comment states that proposal will be bigger than existing and an opportunity has been missed to "pretty up" the property.

### **PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was published on July 2018.

National Planning Policy Framework available to view at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

For the full content of the Stroud District Local Plan policies above together with the preamble text and associated supplementary planning documents are available to view on the Councils website <http://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy>

Local Plan policies considered for this application include:

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character

ES10 - Valuing our historic environment and assets.

CP15 - A Quality Living and Working Countryside.

Uley and Owlpen Design Guide July 2016



## Development Control Committee Schedule

### **DESIGN/APPEARANCE/IMPACT ON THE AREA**

The proposal will replace an existing single storey side extension, add a flat roofed single storey rear extension that will have a balcony above, also proposed is a flat roofed dormer to the rear. An attached garage will be removed and a pitched roof double garage is proposed to the side.

The proposed replacement side extension is not detailed to be any higher than the host property. The replacement side extension will be brought forward from its current position and is proposed to be built inline with the original dwelling which will have glazing to the gable end to the roof. This replacement has been designed to match the ridge and eaves of the host property. Due to its minor scale this is considered to be subservient to the original dwelling. The proposed double garage to the side will be a detached structure and will be set down from the host property. The rear extension will extend approximately 1.5m off the rear of the original dwelling and will allow for a small balcony above.

There are public footpaths to the side and rear of the dwelling. Glimpses of the property can be seen from here PROW Uley 53 through established boundary hedging but due to the location and size of the extension any proposed development would be viewed against the existing built form of the host property. The application site is not overly visible from PROW 52, but due to existing ground conditions (land rising from south to north) the built form of South Street, and Uley in general is visible behind the application site, as such any views of the property would be viewed in context of the built form of Uley as a whole.

Whilst the proposed development has modern elements (as referenced in the Conservation Officers response) the development is not considered to harm the character or appearance of the Conservation Area. The main development is to the rear of the site that is not visible from the street scene. As mentioned earlier the site has limited views from nearby PROW's. These PROW's do have views of numerous other dwellings that show numerous built forms including properties with significant areas of glazing that have been found acceptable within the wider setting.

The existing dwelling is a 1 ½ storey property that is set marginally down from the public highway to the north. The proposed development would marginally increase the built form when viewed from the public highway but it is considered the overall modest character of the dwelling would be retained.

The proposal does increase the size of the property but the plot size is large enough to accommodate the development without appearing cramped with adequate amenity space remaining to serve the enlarged dwelling.

The materials proposed for the property would be similar to existing. This is considered appropriate for the host property and would not harm wider setting including the Conservation Area or the Cotswold AONB.

### **RESIDENTIAL AMENITY**

The proposal will introduce glazing to the side (north) and rear and also a balcony. The property does not have and neighbours to the side or rear and it is considered that these developments would not introduce any overlooking of private amenity areas.

Due to the height and size of the proposed extension and the position in relation to the neighbouring dwelling the authority considers there would be no unacceptable impact on the living conditions of neighbouring residents and it is considered the proposed extension will not affect the amenity of neighbouring dwellings.



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### **HIGHWAY SAFETY**

The existing covered parking provision would be increased to two off street parking places and the vehicular access would remain unaffected by this proposal. The development will not lead to any significant increase in traffic movements and therefore will not be detrimental to highway safety and would accord with policy HC8 & ES3 of the local plan.

### **ECOLOGY**

The proposal represents a minimal increase in foot print, which would be confined to the existing residential curtilage. Due to the location of the proposal and current condition of the property the Councils Bio-diversity team requested a bat survey. This was submitted on the 1st November 2019. In response to this report additional information was requested. A method statement submitted on the 7th November 2019 and was found acceptable by the bio-diversity team. The proposal is recommended for approval subject to conditions.

### **RESPONSE TO OBJECTIONS RAISED**

Uley Parish Council have stated that the proposal should be considered with regards to CP15 of the SDLP 2015 as the dwelling is outside the settlement development limit for Uley and this policy does not specifically omit extensions to dwellings but does state "proposals outside identified settlement development limits". The proposal site is a residential property and is being considered under the most appropriate policy contained within the SDLP 2015 which is HC8 - Extensions to Dwellings. Policy CP15 would not be the most appropriate policy as the proposal would not be addressed within the principles of the policy. Uley Parish Council states that criterion iv of Policy CP15 would be appropriate for this type of development:

iv in the case of extensions to buildings, it does not result in an inappropriate increase in scale, form or footprint of the original building.

This criteria would only be relevant if the proposal accords with any of the principles of this policy which it does not. Therefore the proposal is being considered under the most appropriate policy HC8.

Uley parish council state that the proposal is contrary to policies within Uley and Owlpen Design Statement 2016, as detailed earlier in the report. This document is a material consideration with regards to the application. The concerns raised have been addressed within the body of the report.

The objections highlighted that a tree has been identified as being removed from the site but the application form states that no trees are being removed. The agent was contacted and the plan showing the tree being removed has been addressed. Amended plan submitted on the 06/11/2019.

### **RECOMMENDATION**

In light of the above, it is considered that the proposal does comply with the policies outlined and permission is recommended.

### **HUMAN RIGHTS**

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.



## Development Control Committee Schedule

**Subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
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 carried out in all respects in strict accordance with the approved plans listed below:  
  
Location Plan: Ref - 01 - 02/07/2019  
Elevation Plan: Ref - 05 - 02/07/2019  
Floor Plan: Ref - 04 - 02/07/2019  
  
Reason:  
To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.
3. No development, site clearance, soil stripping, removal of materials shall take place other than in STRICT accordance with the details contained in the Bat Method Statement, by All Ecology, dated November 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
  
Reason:  
To ensure the safeguard of protected species in accordance with Policy ES6 of the Adopted Local Plan.
4. Prior to the first habitation of the approved development, written confirmation from the Project Ecologist that the mitigation and enhancement measures have been implemented as approved shall be submitted to the Local Planning Authority.  
  
Reason:  
To ensure the protection of biodiversity in the long-term and in accordance with Local Plan Policy ES6.
5. No additional external lighting shall be erected unless a lighting design strategy for biodiversity is submitted to and approved in writing by the local planning authority:
  - a) the strategy will identify the areas/features on site that are particularly sensitive for foraging bats;
  - b) show how and 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 or prevent the above species using their commuter route.



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All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason:

To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.



## **Development Control Committee Schedule**