

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH MAY 2014**

ADDRESS/LOCATION : **1 STEWARTS MILL LANE**

APPLICATION NO. & WARD : **14/00243/FUL
ABBEY**

EXPIRY DATE : **21ST APRIL 2014**

APPLICANT : **MR M DIX**

PROPOSAL : **EXTENSION TO SIDE TO PROVIDE
GARAGE AND STORE.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application property comprises a detached dwelling house sited upon the eastern side of Stewarts Mill Lane. The property comprises a group of three detached dwellings which are accessed via a private drive and are orientated at 90 degrees to the street.
- 1.2 The application property flanks towards Stewart Mill Lane and is separated by a small side garden area to the western side of the property and is screened from the street by a Laurel hedge. The rear garden to the property is enclosed by a 1.8 metre high brick wall, which runs along the back edge of the pavement.
- 1.3 The application seeks planning permission for a garage extension to the western side elevation of the property which would be 3.15 metres wide on its frontage, stepping down to 2.3 metres in width towards the rear. The proposal would create a garage with bike/garden store on the ground floor and a storage area within the attic space, which would be accessed from within the existing property.
- 1.4 This application has been brought before the planning committee as the applicant is a City Council employee.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The property has been subject to two recent planning applications which are set out below:

03/00924/FUL - Erection of boundary wall (1.8 metre high) – Grant

00/00384/FUL - Conversion of garage to living accommodation (family room) and first floor extension above (bedroom) – Grant

- 2.3 The adjoining property at no.3 Stewarts Mill Lane has also been extended with a single and two 2 story extension to its side elevation.

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

- 3.4 From the Second Stage Deposit Plan the following policies are relevant:

3.4.1 **BE.21 - Safeguarding of Amenity**

Planning permission will not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers

- 3.5 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Draft Joint Core Strategy in October 2013. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents, which reached Preferred Options stage in 2006.

- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

4.0 CONSULTATIONS

4.1 None

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of three neighbouring properties were notified of the application by letter.

5.2 There have been no representations.

5.2 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 The application seeks planning permission for an extension to the western side elevation of the property upon a narrow and under-used side garden area between the existing house and Stewarts Mill Lane.

6.2 The area to the side of the existing property is of limited amenity value and is dominated by the existing flank wall of the application property. The area is presently used for general open air garden/household storage.

6.3 The proposed extension would provide a garage (and additional parking space) to serve the house. The applicant's vehicles are presently parked on an area of hard standing to the front of the house.

6.4 The surrounding area comprises a variety of house types, designs and layouts and includes a variety of boundary treatments. Considering this varied character and the subservient design and scale of the extension, there would be no demonstrable harm upon the visual amenities of the area.

6.5 The proposed extension would be set away from neighbouring properties. As a result of the siting separation and scale the proposal would not therefore result in any demonstrable harm to the amenities of the occupiers of the properties on the opposite side of Stewarts Mill Lane in terms of loss of light or any overbearing effect.

6.6 The application includes a rear roof light to serve the attic storage space. The general outlook from this window would be towards the road and a small 'residual' public amenity space beyond the back of the rear garden area to the

application property. This window would therefore not result in any adverse overlooking impacts.

- 6.7 The development process is likely to result in the removal of part of the existing overgrown Laurel hedge at the property. Nevertheless, the submitted drawings indicate that there would be sufficient space between the flank wall of the extension and the back edge of the pavement to allow for the retention of some of the existing planting and provision of some compensatory planting. A suitably worded condition will ensure this provision and a satisfactory appearance to the development.
- 6.8 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 affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended. The unlikely event of any anti-social behaviour associated with the proposal, this is best controlled by the police and the city licensing officers.

6.0 CONCLUSION/REASON FOR APPROVAL

- 6.1 The proposed development is considered to be acceptable and it is therefore recommended that planning permission is granted for the following reason:

Reason for Approval

The impact of the extensions in terms of design and neighbouring amenities has been carefully assessed. It is concluded that the proposed works are of an acceptable design and scale, which would not result in any demonstrable harm to the character or visual amenities of the area or the residential amenities currently enjoyed by the occupiers of the neighbouring property. For these reasons the proposal is considered to be in accordance with Policies BE.20 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 7.1 That planning permission is granted subject to the following conditions:

Condition 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.

Condition 2

The development hereby permitted shall be carried out in accordance with the submitted application form, and drawing nos.1010.101 Rev.A and 102 Rev.A received by the local planning authority on 12th March 2014, as well as any other conditions attached to this permission.

Reason

To ensure that the use is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

Any Laurel hedging removed or damaged during the construction phase shall be replaced with similar planting, no later than the first planting season following the completion of the extension hereby permitted and in accordance with approved drawing no.1010. 101Rev.A.

Reason

To preserve the visual amenities of the area and in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision:

Notes:

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Person to contact: Bob Ristic (Tel: 01452 396822)