

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **9TH JUNE 2014**

ADDRESS/LOCATION : **34 BROOKTHORPE CLOSE, GLOUCESTER**

APPLICATION NO. & WARD : **15/00353/FUL
TUFFLEY**

EXPIRY DATE : **15TH MAY 2015**

APPLICANT : **MR TONY NORTNEY**

PROPOSAL : **TWO STOREY SIDE AND REAR EXTENSION
TOGETHER WITH CHANGE OF USE OF
SIDE PIECE OF LAND FROM OPEN SPACE
TO DOMESTIC CURTILAGE AND
REPOSITIONING OF GARDEN WALL.**

REPORT BY : **BOB RISTIC**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the eastern side of Brookthorpe Close, a residential cul-de-sac accessed from Tuffley Lane.
- 1.2 The application relates to no.34 Brookthorpe Close, the left hand property in pair of semi-detached dwellings and a strip of amenity land to the northern side of the dwelling house. The property backs onto the railway embankment to the east and flanks onto a landscaped amenity area to the north, which includes three trees.
- 1.3 The application seeks planning permission for the change of use of a 2 metre wide strip of amenity land adjacent to the side elevation of the house, to residential curtilage in order to allow for the construction of a 2 storey side and rear extension and a repositioned garden wall.
- 1.4 The proposed extension would be 4.27 metres wide and would project 4.3 metres beyond the rear elevation of the house. The first floor would be set back from the front elevation of the house by 1 metre, with the resultant reduction in the ridge height. The proposal would also involve the repositioning of the rear garden wall, which would extend from the north-eastern corner of the proposed extension.

- 1.5 The proposal would extend in part onto the adjoining amenity land which is City Council ownership and the adjacent 2 metre wide strip would be conveyed to the applicant in order to accommodate the proposed development.
- 1.6 This application has been brought before the planning committee as it relates (in part) to City Council owned land and objections the planning application have been received.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None

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 B.10 – Trees and Hedgerows on Development Sites

Where trees and hedgerows make a valuable contribution to the amenity and/or nature conservation value of a site, the City Council will seek their retention in development proposals.

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

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 City Tree Officer – No objections subject to a condition requiring a foundation method statement or compensatory tree planting provided.

4.2 Gloucestershire County Highways – Raised no objection.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of four neighbouring properties were notified of the application by letter and a site notice was also posted.

5.2 In response, two letters of representation have been received. The comments raised are summarised below:

- There are 3 trees on the land they are wishing to buy
- Object loss of trees to allow this eyesore to be erected
- These trees have bird nests every year
- Would destroy that habitat
- The cul-de-sac is used for visitor parking
- The proposed extended driveway could be blocked by visitor cars
- Houses do not back on directly to the railway lines is for safety reasons
- If a train derails it would have some space to stop before hitting the houses along that side of the road
- The extension to meet the embankment that could cause more deaths
- It will look out of place in the street and would block the view of Robinswood Hill

- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00353/FUL>

6.0 OFFICER OPINION

- 6.1 The application proposes the change of use of a 2 metre wide strip of amenity land and the constriction of a 2 storey side and rear extension.
- 6.2 The proposed flank wall of the extension would be set approximately 3 metres away from two mature birch and cherry trees. While these trees are not significant enough to warrant specific protection they nevertheless contribute to the visual amenities of the area and soften an otherwise urbanised cul-de-sac.
- 6.3 The flank wall of the development will be relatively close to the trees and concerns have been expressed that the development may adversely impact or require the removal of the trees.
- 6.4 The matter has been raised with the applicant who has advised that they have no intentions or requirements for the trees to be removed in order to undertake the development and they are pursuing a 'pile and beam' foundation design to avoid damage to the tree roots.
- 6.5 It is considered that subject to the detailed design of the foundation, which can be secured by condition the works should be able to be undertaken without the loss of the existing trees. This foundation design would also protect the extension from the tree roots in the future
- 6.6 Should it not be possible 'once on site' or if the trees are adversely impacted a further condition requiring compensatory tree planting will be required to mitigate any damage or loss.
- 6.7 Subject to appropriate conditions, the City Council Tree Officer has raised no objections to the development.
- 6.8 The cul-de-sac has a variety of house types and designs as well as a mixture of construction materials. Accordingly the proposed extension to no. 34 would not be out of keeping with the varied character of the area.
- 6.9 The extension has been set back from the front elevation of the house at first floor level, which has formed a reduction in the ridge line and as a result would give a subservient appearance to the proposal.
- 6.10 The rear part of the extension has been revised in order to incorporate a hipped roof and as a result reduce the overall massing of this part of the development.

- 6.11 This rear part of the extension would be set away from the attached neighbour and as a result of the design separation and orientation, would not adversely impact the living conditions of the occupier of this property in terms of any loss of light or overbearing effects.
- 6.12 The extension would be set over 25 metres from the terrace to the northern end of the cul-de-sac. As a result of this significant separation there would be no harm to the living conditions of the occupiers of these properties in terms of loss of light or overlooking.
- 6.13 While concerns have been expressed regarding the loss of views, it should be noted that this is not a material planning consideration and that the outlook from the northern end of the cul-de-sac is already limited by virtue of the existing trees within the verge area.
- 6.14 Concerns have been raised with regards to development closer to the railway embankment and the risk of derailment. The extension would be set 7.3 metres from the base of the embankment. In planning terms there is no requirement for separation from the line and the risk from derailment upon the development is conjecture and not a reason to withhold planning permission.
- 6.15 The incorporation of a strip of verge into the domestic curtilage of the property would not result in any significant harm to the visual amenities of the area and the proposal would not affect the wider footpath linkages in the area.
- 6.16 The extension would replace the existing attached garage at the property and the proposed extension would be approximately 1.9 metres wider. This enlarged property and plot width would not have a significant impact upon on-street parking provision or result in a severe impact upon the highway network.

6.0 CONCLUSION/REASON FOR APPROVAL

- 6.1 It is considered that subject to compliance with conditions, the proposed development would have an acceptable appearance and would not result in any harm to the character or appearance of the area or the living conditions of neighbouring occupiers. For these reasons the proposal is considered to be in accordance with policies B.10 and BE.21 of the Gloucester City Council Second Deposit Local Plan 2002.

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 approved drawing no.8852/01 and 8852/02 received by the Local Planning Authority on 20th March 2015 and any other conditions attached to this permission.

Reason

To ensure that the development 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

No development shall take place until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved details.

Reason

These details are required prior to any ground works taking place in order to prevent the unnecessary damage to or loss of trees in accordance with policy B.10 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Should it not be possible to ensure the protection of the trees through a suitable foundation design under (Condition 3 of this permission), or if the trees are adversely impacted as a result of the construction process, precise details of compensatory tree planting upon the adjoining grass verge area shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the extension hereby permitted. This compensatory planting shall be implemented in accordance with the approved details no later than the first planting season following the first occupation of the extension.

Reason

In the interest of the visual amenities of the area and in accordance with policy B.10 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect the adjoining trees have been submitted to and approved in writing by the local planning authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

These details are required prior to the commencement of works in order to ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policy B.10 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)

15/00353/FUL

34 Brookthorpe Close
Gloucester
GL4 0LJ

Planning Committee

