

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5.02.2019
Address/Location:	2 Birdwood Close Gloucester GL4 5UF
Application No:	18/01344/FUL
Ward:	Abbeymead
Expiry Date:	04.01.2019
Applicant:	Mr & Mrs Allan Byron
Proposal:	Small ground floor extension and first floor extension over part of garage and new area to ground floor
Report by:	Elenya Jackson
Appendices:	Appendix 1: Site Location plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 2 Birdwood Close is a two storey detached dwelling located to the north east side of Birdwood Close. The property is set within a residential cul de sac within the Abbeymead area of Gloucester. The dwelling is set back from the road by garden space and benefits from an attached garage to its side elevation and private garden space to the rear.
- 1.2 This application is identical to the application determined under 18/00590/FUL. However, this application also includes a design and access statement in support of the proposal.
- 1.3 The proposal seeks to construct a first floor extension above the existing garage as well as extend at a two storey level behind the garage up to the rear elevation of the dwelling. The proposal would create additional living space at the property in the form of an extended kitchen area on the ground floor and a bathroom and additional bedroom on the first floor. The proposal would follow the roofline of the existing dwelling and would be constructed from matching materials in the form of interlocking concrete tiles, facing brick and render walls and white UPVC windows and doors.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
18/00590/FUL	First floor side extension.	REF	13.07.2018

3.0 RELEVANT PLANNING POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) (2019) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS (Main Modifications) include:

SD4 – Design requirements

SD14 – Health and environmental quality

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

3.7 **Supplementary Planning Guidance/Documents**

All policies can be viewed at the relevant website address:- national policies:

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

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

No Consultations required

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified .

5.2 No letters of objection were received.

5.3 No letters supporting the application were submitted to the Local Planning Authority during the consultation period. However, the applicant submitted a letter of support from no.1 Birdwood Close. After the consultation period the applicant has approached: No.3 Birdwood Close, No.5 Birdwood, No.7 Birdwood Close, No.8 Birdwood Close, No.9 Birdwood Close, No.10 Birdwood Close, and No.11 Birdwood Close. These letters were submitted on the 20.01.2019. An additional letter was received from the applicant on the 22.02.2019 from 6 Beckford Road.

5.4 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 ***Legislative background***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

Visual Impacts

6.5 The National Planning Policy Framework (2018) requires high quality design and for account to be taken of the character of different areas. This is reflected in Policy SD4 of the Joint Core Strategy which sets out requirements for high quality design and the Council's Home Extensions SPD which identifies that extensions should be of a style, form and design that is appropriate and respectful to the character of the locality and the appearance of the existing house.

6.6 The proposal would be visible from the street scene. The scale and design of the proposal is considered to be acceptable and the use of appropriate matching materials will help the extension to assimilate with the existing dwelling. It is therefore considered that the proposal would not result in significant harm to the character and appearance of the existing dwelling or the surrounding street scene.

Residential amenity

6.7 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.8 The main dwelling likely to be affected by the proposal is 1 Birdwood Close. There is approximately 80cm between the two dwellings which provides a side entrance to the garden of no.1.

6.9 The proposed first floor and two storey side extension would result in a two storey structure extending along the side boundary of the two properties some 7.24 metres beyond the rear elevation of 1 Birdwood Close.

6.10 Currently there is a single storey structure in this location. The proposal would increase structure height along this boundary from 4.2m to 7.9m. It is judged that the introduction of a first floor and two storey extension of this nature and in this location would result in an overbearing and dominant structure at the boundary of 1 Birdwood Close. This would lead to harmful overshadowing and loss of light for the neighbouring resident's rear windows as well as loss of light to their rear garden and amenity space.

- 6.11 The agent for the application has submitted eight supporting letters from no.3, no.5, no.7, no.8, no.9, no.10 and no.11 Birdwood Close. These letters are in support of the application as the neighbours do not want the occupiers of no.2 to move from the area.
- 6.12 With regards to the applicants design and access statement, evidence in support of the proposal not being significantly overbearing has been submitted. The document contains images of no.9 Stewart Mill Lane, no.3 Stewart Mill Lane, no.4 Damson Close, no.4 Plum Tree Close and a few other dwellings. A key difference is the relationship between the dwellings; these houses sit directly adjacent to each other or have the same orientation within the street scene, no.2 Birdwood close is set back by 3.6m.
- 6.13 The applicants have paid particular attention to the relationship between no.12 Birdwood Close, No.4 Beckford Road and no.11 Birdwood Close. They have highlighted the relationship between no.12 and no.4 as being similar to the relationship between no.1 and no.2 Birdwood Close, and that no. 12 is overshadowed by no.11 Birdwood Close. These dwellings were given approval in 1987, since this the supplementary planning document: Gloucester City Council Home Extension Guide- 2008 has been adopted to ensure high quality design around Gloucester
- 6.14 No.12 Birdwood Close is a north-west facing, first floor flat over a garage, with no ground floor rear facing windows. The orientation of this dwelling within the street scene is dissimilar to that of the application property and it does not benefit from a rear amenity space.
- 6.15 It is therefore considered that due to the harmful impacts on the neighbouring property, no 1 Birdwood Close, the proposal would conflict with the NPPF, Policy SD14 of the Joint Core Strategy and the Council's Home Extensions SPD and therefore the proposal cannot be considered acceptable.
- 6.16 The proposal would not include any windows on its side elevation facing towards 1 Birdwood Close and therefore overlooking towards this property is not considered to be an issue. Given the location of the proposal in relation to other neighbouring residents it is judged that other residents to neighbouring dwellings would not be significantly affected by the proposal
- 6.17 **Conclusion**
This application has been considered in the context of the policies and guidance referred to above. Whilst the supporting evidence following the previous refusal is noted, it is not considered that this outweighs the reasons for refusing planning permission.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

- 7.1 That planning permission is **REFUSED** for the following reasons.
- 7.2 The proposal would result in harmful effects on the living conditions of the neighbouring residents at 1 Birdwood Close in terms of overshadowing and overbearing. Currently, there is a single storey structure in this location. It is judged that the introduction of a first floor and two storey extension of this nature and in this location would result in an overbearing and dominant structure at the boundary of 1 Birdwood Close which would result in harmful overshadowing for the neighbouring residents rear windows and rear garden. As such, the proposal is contrary to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, the interim Adoption Supplementary Planning Document 'Home Extension Guide' (August 2008), and guidance in the National Planning Policy Framework (2019).

Person to Contact: Elenya Jackson (01452 396269)

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Committee Date: |