

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning
Date: | 24.03.2021
Address/Location: | 15 Ballinska Mews Gloucester GL2 0AR
Application No: | 21/00187/FUL
Ward: | Longlevens
Expiry Date: | 15.04.2021
Applicant: | Mr Ken Sewell
Proposal: | Proposed two storey side extension.
Report by: | Elenya Jackson
Appendices: | Site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 No.15 Ballinska Mews is a two-storey detached dwelling that currently benefits from its own driveway and private rear garden. This application is for a two storey side extension on the west elevation of the property and has been received after two previous refusals for a two storey side extension. The previous extensions were refused due to concerns that the proposal would exacerbate an overshadowing and overbearing relationship on no.16 Ballinska Mews
- 1.2 The previous application had a width of 3.8m (matching the original proposal) and a depth of 8.4m (1m less than the previous scheme). The proposal stepped in by 1m towards the rear of the property and did not extend beyond the furthest point of the existing dwelling. The proposal featured a gable end; due to the proposal being stepped in, this had a depth of 6.1m. The maximum height of the proposal was 7.2m with an eaves height of 5.1m.
- 1.3 The revised side extension would have a width of 3.5m (30cm less than the previously refused application) and not extend beyond the furthest point of the rear elevation of the existing dwelling. This would extend 2.08m beyond the principle elevation of the dwelling at first floor level and 1.2m at ground floor level. The first floor extension would be set in 2.2m from the rear elevation of the existing dwelling.
- 1.4 The proposal would feature a gable end within the street scene and have a depth of 8.3m at first floor level along the western boundary. Its maximum height would be 6.7m with an eaves height of 5m.

This application has been called to committee due to Cllr Kathy Williams being approached by the applicant.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
09/00863/LAW	Conversion of integral garage into a room.	RET	07.08.2009
20/00303/FUL	Proposed two storey side extension.	REF	13.05.2020

20/00634/FUL	Proposed two storey side extension.	REF	04.09.2020
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3.0 RELEVANT PLANNING HISTORY

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) 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 215 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 Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited- moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies include:

A9– Extensions to existing dwellings

3.6 Other Planning Policy Documents

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight: : *Case officer to delete any policies that are not relevant. if no policies are relevant replace sentence beginning with “the*

following day- to-day policies & subsequent text with...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**

Gloucester City Council; Home Extensions Guide 2008

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 additional consultations

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 9 Neighbouring properties were notified.

5.2 2 letters of objection raising the following issues:

- Impact on light levels to dining room and patio
- Overbearing impact to their patio and dining room
- The proximity of the proposal altering the character of the two properties and causing difficulties with boundary maintenance
- The proposal would be discordant to the area
- Decreasing light to an opposite lounge window

1 letter in support of the application were received with the following comments:

- The proposal would improve the house and the street scene

5.3 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

6.6 ***Design, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Paragraphs 124, 127 and 130 of 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, Policy A.9 of the emerging City Plan which requires that extensions/outbuildings be in keeping with the character/scale of the existing dwelling and its wider setting 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.

6.7 The proposal would be visible from the street scene as it relates to the side and of the dwelling. The Gloucester City Council Home Extension guide requires extensions to harmonise with the existing dwelling; It is considered that the projecting gable end would fail to integrate with and respect the character of the host dwelling and would appear as an unsympathetic alteration within the street scene. The location of the existing dwelling would cause the proposal to increase its prominence within the street scene and fail to respect the form of the host dwelling and the character of the area. Therefore, it is considered that the current proposal would conflict with policy SD4 of the JCS, and the design criteria of Policy A9 of the City Plan and the Home Extension Guide.

6.8 ***Residential amenity***

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.

6.9 **No. 16 Ballinska Mews:** Adjoins the application property approximately 2m to the west. The two storey element of the existing dwelling is situated a further 2.8m away from the shared boundary between the dwellings. Should the proposal receive permission, the two storey element of the proposal would then reside approximately 90cm away from no.16 and its private amenity space

Overlooking: The proposal would not feature any side facing windows. No issues regarding overlooking would be raised.

Overshadowing/loss of light: The proposal would not reside within the 45 degree visibility splay of any habitable rooms at no.16. The proposal has been stepped away from the shared boundary towards the rear of the property; however, the proposal would still extend 3.3m beyond the rear elevation of no.16 within close proximity to the immediate private amenity space of no.16.

The introduction of a two storey structure which would reduce the spacing between the two dwellings, as the proposal would reside to the east of no.16, would limit light and overshadow the immediate amenity space at the rear of the dwelling. This space is currently a patio. The extent of this increased overshadowing relationship is particularly highlighted by the sunlight analysis submitted in support of this application. Particularly during mornings in the summer and winter months.

Overbearing: Currently the two storey element of the application property is situated approximately 4.8m away from the shared boundary between the dwellings. This would be reduced to approximately 0.9m and extend 3.3m beyond the rear elevation of no.16 next to the private amenity space of no.16. It is considered that the increase in scale and the proximity of the proposal would create an unacceptable overbearing impact to immediate private amenity space of 16 Ballinska Mews.

6.10 The occupiers of no.2 Ballinska Mews have submitted an objection to the proposal on the grounds of it impacting their outlook and the character of the area. Due to the location of the proposal and its distance from no.2, there would not be any significant issues raised regarding the residential amenity of the occupiers of no.2 and the comments regarding the character of the area have been highlighted above. The occupiers of no.7 submitted a letter in support of the application with respect to the character of the area. These comments have been discussed previously in the report

6.11 **Conclusion**

For the reasons outlined above, it is considered that the proposal would conflict with the NPPF, Policies SD4 and SD14 of the Joint Core Strategy, Policy A9 of the Pre-Submission Gloucester City Plan and the Council's Home Extensions SPD. For these reasons, it is recommend that the application be refused.

In compiling the recommendation full consideration has been given 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); Article 1 of the First Protocol (Right to the use and enjoyment of property) 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 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters, warrant any different action to that recommended.

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

7.1 That planning permission is REFUSED for the following reasons:

- 1) By reason of its scale, siting, the orientation and proximity to 16 Ballinska Mews, the proposed first floor extension would be visually intrusive and have a dominant overbearing and overshadowing impact on the private amenity space of 16 Ballinska Mews that would cause significant harm to the amenities of residents of this property. Consequently, the proposed development would have a harmful impact contrary to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017), Policy A9 of the Pre-Submission Gloucester City Plan (2019), The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the guidance contained within the National Planning Policy Framework (2018).
- 2) By virtue of its scale, form and design, together with the prominent location of the existing dwelling, the proposed development would fail to integrate with the host dwelling and its surroundings. The proposal is therefore contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), the Council's Home Extensions SPD (2008), Policy A.9 of the Pre-Submission Gloucester City Plan (2019) and the principles of good design as set down in the National Planning Policy Framework.

Person to Contact: Elenya Jackson (01452 396269)

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Address: | 15 Ballinska Mews Gloucester
GL2 0AR

Committee Date: |

