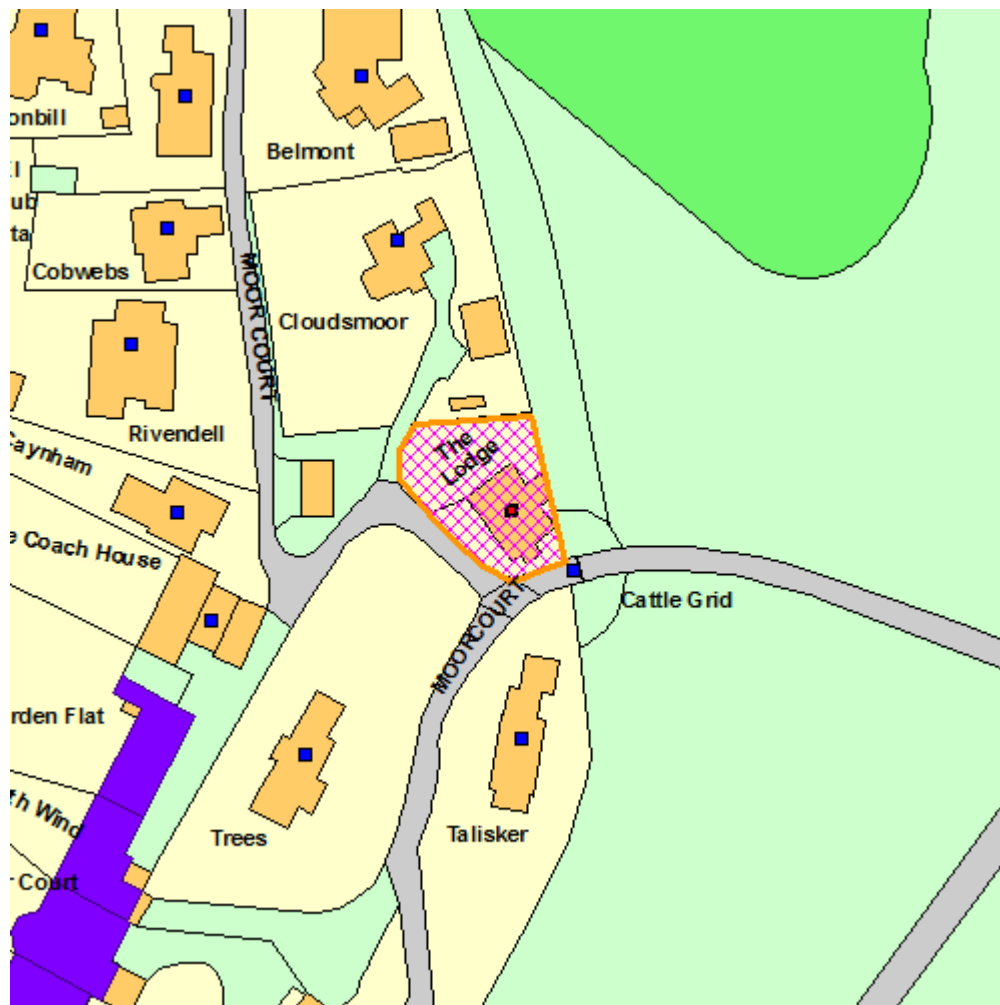




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Item No:	03
Application No.	S.23/0295/HHOLD
Site Address	The Lodge, Moor Court, Rodborough Common, Stroud
Town/Parish	Minchinhampton Parish Council
Grid Reference	385367,202095
Application Type	Householder Application
Proposal	Single storey rear extension (Resubmission of S.22/2421/HHOLD)
Recommendation	Permission
Call in Request	Cllr N Hurst





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Applicant's Details	Mr M Cheale Box Lodge, Balls Green, Minchinhampton, Stroud, Gloucestershire GL6 9AR
Agent's Details	Mr Chris Davies CMD Architects Ltd, Southbank House, Wood End Lane, Nailsworth, Stroud Gloucestershire GL6 0RH
Case Officer	Mykola Druziakin
Application Validated	10.02.2023
	CONSULTEES
Comments Received	Minchinhampton Parish Council Conservation South Team
Constraints	Area of Outstanding Natural Beauty Kemble Airfield Hazard Neighbourhood Plan Minchinhampton Parish Council Rodborough 3km core catchment zone Single Tree Preservation Order Points
	OFFICER'S REPORT

MAIN ISSUES

Principle of Development
Design and Appearance
Residential Amenity
Highways
Landscape
Heritage Assets
Public Rights of Way

DESCRIPTION OF SITE

The application site relates to a two-storey detached property known as The Lodge, situated within Moor Court development. The site is located adjacent to Minchinhampton Common and is within the Cotswolds AONB. The dwellinghouse is located some 55m northeast from South Moor Court, North Wind, and Moor Court (all Grade II listed).

The property is positioned immediately past the cattle grid at the entrance to the estate. It is unclear what the exact age of the original property is, but based on the historic mapping it dates back from at least the 1880s.

PROPOSAL

It is proposed to erect a single storey rear extension. This planning application follows a previously withdrawn S.22/2421/HHOLD, which was seeking to erect a two-storey rear extension.



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MATERIALS

Walls: Timber cladding
Roof: Slates
Windows: Painted timber
Doors: Painted timber, aluminium

REPRESENTATIONS

Statutory Consultees:

Minchinhampton Parish Council: Having considered the amendments made to previous applications in this new application, Minchinhampton Parish Council's opinion remains unchanged. It believes the proposal is contrary to Stroud District Council's Local Plan Policy HC8 (2) (3), 'Extensions to Dwellings'. The proposal is overdevelopment, not in keeping with the scale and character of the original dwelling and leaves insufficient space for parking. This will result in occupants leaving their cars on the Common. It is the Council's understanding that this dwelling is currently used as an Airbnb and the proposed extension may therefore require Change of Use going forward. Should Stroud District Council be minded to approve this application, councillors would advise that an occupancy condition be imposed, restricting use to the applicant as the scale and design of this proposal lends itself to operating as additional, self-contained holiday accommodation. The council would again further comment that this building should be listed in its own right, not just within the curtilage of Moor Court. If the LPA are minded to approve this application then the Parish Council would wish to see this application being reviewed by the Development Control Committee.

Conservation Specialist: The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise to the setting of the listed building. The application has been assessed in accordance with paragraphs 199 - 208 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Public:

A number of objections have been received from a total of 13no households. Also, support comments were received from what appears to be the applicant replying to the objections. The main points of the objections have been summarised below:

- No site notice has been displayed;
- The parking would be reduced, even though on the application form it states it would be unaffected;
- The location plan is out of date and does not show all the properties which would be impacted;
- The proposal is overdevelopment of the plot;
- The extension is too tall;
- The proposed design is out of character with the surrounding area;
- Only 2no cars would be able to park on site;
- The proposal would cause overlooking and loss of privacy to the houses around it;
- Negative impact on a listed building;



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- Negative impact on Minchinhampton Common as it would change the outlook from the common to the west;
- The proposal would cause issues with the electricity and mains water supply to several surrounding houses;
- Additional window and skylight would cause significantly more light pollution;
- Concern about safety during the works;
- The dwellinghouse has a covenant in the title restricting its use to a single dwellinghouse;
- Outlook from The Coach House to the northeast would be eroded forever;
- The extension could have a mezzanine or second floor installed in the future;
- Trees within falling distance from the property are not shown on the plan;
- The building work is likely to increase the problem of localised flooding;
- Potential ground slippage;
- Loss of privacy and overlooking of Cloudsmoor;
- Proposed timber would be unsympathetic to the existing property;
- Permitted development rights should be removed if the permission is granted;

The comments in full are available on the Council website.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1). If impact on or setting of listed building.

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

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.

ES8 – Trees, hedgerows and woodlands

ES10 – Valuing our historic environment and assets.

ES12 – Better design of places.

CP14 – High quality sustainable development.

Minchinhampton Neighbourhood Development Plan (July 2019):



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MP Env 1 – Landscape Conservation
MP Dev 1 – New Development
MP Parking 2

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

PLANNING CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Policy HC8 allows extensions to dwellings and the erection of outbuildings incidental to the enjoyment of the dwelling subject to relevant criteria.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The property is located immediately to the right of the access to the Moor Court development. The house dates back to approximately mid-19th Century. The property appears single-storey from the front elevation, with the ground level sloping down to the rear, where property becomes two-storey in appearance.

It is proposed to erect a single storey extension to the rear of the property, towards the northeast corner of the plot. The proposed additional footprint would amount to approximately 38 sqm. The extension would have a dual pitch roof with a flat roof connection to the existing property. The overall height of the extension would be 4.85m. There are no windows proposed to the rear of the extension. 2no windows would be installed to the southwest (side) elevation which would broadly match the style of windows within the existing property on that elevation. 2no windows would be installed on the northeast (side) elevation and would not be visible from the public realm. The extension would be finished in timber cladding, with the connection part being finished in render.

A number of objections have been received in regards to the appearance of the proposed development. The main concern is that the design of the extension is out of keeping with the property and the surrounding area. It is considered that the proposed design of the extension is acceptable, as it is of a common shape and size, relative to the host dwelling. The timber cladding as the finishing material is also considered acceptable. While there is no timber cladding present on The Lodge, it is considered that it would not appear unsympathetic towards the dwellinghouse or the wider area. It is not uncommon to see timber cladding as a finishing material throughout the district.

Further concerns were raised regarding the height of the extension and the potential that it would be turned into a two-storey extension in the future. At 4.85m tall the proposal is not considered to be too tall, as it still appears subservient to the host dwelling. It is accepted that from a purely structural point of view the owners could introduce a mezzanine/second floor in the future. However, planning applications must be assessed based on what is proposed and not based on what may or may not be done in the future. Mezzanine floors of certain size might not require planning permission. But the potential introduction of the mezzanine floor in the future does not affect the current design considerations.



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It was also mentioned that the proposed extension would amount to overdevelopment of the plot. It is accepted that some open space within the plot would be taken up by the extension. However, given the overall size of the plot and the size of the proposed extension relative to the host dwelling, it is not considered that it would result in overdevelopment of the plot.

It is also proposed to replace and rearrange some existing fenestration to the southwest (side) and northwest (rear) elevations. There is no concern with this part of the proposal.

Overall, it is considered that the proposal is acceptable from the design and visual appearance points of view.

HERITAGE IMPACT

The property is situated about 55m northeast from Grade II listed Moor Court. The objection comments mention the potential negative impact on the listed building. Given the degree of physical and visual separation, there would be no harm to the special character and setting of Moor Court.

RESIDENTIAL AMENITY

A number of objections raise concerns regarding the loss of privacy and overlooking. The proposed extension would be single storey, therefore there would be no opportunity to introduce additional overlooking points towards the neighbouring properties. A larger window would be installed on the first floor rear elevation, replacing 2no smaller windows. Whilst the area of the window would increase, there would be no fundamental change, as the occupiers of The Lodge can already look out in the same direction from the same floor. Therefore, given the proposed changes, it is not considered that they would cause detrimental levels of overlooking. Also, given the nature and scale of the proposed extension, it is not considered that the privacy of the residents of neighbouring properties would be decreased to unacceptable level.

The objection comments also mention that the private amenity to the rear of The Lodge would be detrimentally affected due to the extension and the parking provision taking up that space. Whilst the space to the rear would be reduced, there would still be at least 35sqm of private amenity space left, which includes the garden to the rear and the courtyard to the side. This is above the required minimum of 20 sqm for new residential properties. It is also worth noting the proximity of the property to Minchinhampton Common. It is considered that any loss of the private amenity space would be adequately offset by the proximity to Minchinhampton Common and Rodborough Common.

HIGHWAYS

The proposed development would essentially turn the property into a 5-bedroom dwelling, taking into consideration rooms marked as snug and home office on the proposed plans. Given the existing size of the plot and the submitted proposed block plan, it is evident that there is enough space on site to provide off-street parking for 3no cars. This is considered adequate in numerical terms, as it exceeds the required minimum as per the Local Plan Parking Standards. Some objection comments mention that the residents of The Lodge would potentially park on the common. The issue of unauthorised parking on common land rests with landowner.



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Given the above, it is considered that the parking provision post-development would be adequate and there would be no detrimental impact on highway safety.

LANDSCAPE

The site is located within the Cotswolds Area of Outstanding Natural Beauty, adjacent to Minchinhampton Common. Several public footpaths run close to the site, the closest of which is Minchinhampton Footpath 5. The submitted objection comments mention the potential negative impact on Minchinhampton Common as the outlook to the west would be affected. It is accepted that part of the proposed extension would be visible from the common when looking west. In the immediate context the extension would be noticeable. However, from the wider point of view, the outlook from the common looking west would remain largely unaffected, as there are many vantage points in the vicinity.

Therefore, it is considered that the proposed development would not have a harmful impact on the wider landscape within this part of the AONB.

REVIEW OF CONSULTATION RESPONSES

Regarding the inaccuracy of the submitted location plan. It is accepted that the location plan is not up to date. However, its purpose is to show the exact location of the site, which it does. Therefore, it is considered sufficient for the purposes of this planning application.

Officers can confirm a site notice was correctly displayed.

Regarding the comment that the proposal would cause issues with the electricity and mains water supply to several surrounding houses, this is not a material planning consideration.

Regarding the increase in the light pollution. It is accepted that the 3no roof lights and a replacement window would increase the levels of light pollution. However, this increase is not considered to be significant, as the scale of the works is well within what would be expected in such residential setting.

Regarding the concern about safety during the works, this is not a material planning consideration.

Regarding the covenant in the title restricting the use of the property as a single dwellinghouse only and the suggestion that The Lodge is currently being rented out as a tourist accommodation. This is a legal matter and therefore no weight has been given to it during the assessment.

Regarding the outlook from The Coach House being eroded. The loss of a private view is not a material planning consideration.

Regarding the trees within falling distance from the property not being shown on the plan. It does not appear that the trees in question would be affected by the proposed development. Therefore, there is no requirement to have them shown on the plan.



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Regarding the claim that the building work is likely to increase the problem of localised flooding. No evidence was provided to support this claim. Based on the internal flood management mapping, the area does not appear to be within the risk of surface water flooding (1 in 30 or 1 in 100 years events).

Regarding the potential ground slippage, this is not a material planning consideration.

Regarding the request that the permitted development rights should be removed in the event the planning permission is granted. Paragraph 54 of the NPPF states that 'planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so'. Given the location of the site within the AONB, as well as the previous additions to the property, it is very unlikely that a significant increase in footprint would be possible without applying for planning permission. Therefore, it is considered that on this particular occasion the condition to remove permitted development rights would not be reasonable or necessary.

Regarding the imposition of an occupancy condition due to the potential that the property would be rented out as a tourist accommodation long-term. In most cases a change of use application would not be required as the class use of the property would not change (Class C3). Therefore, it is not considered justifiable to impose such a condition. The earlier concerns regarding the occupancy and the covenant in the title is a legal, not a planning matter.

CONCLUSION

For the reasons outlined above, the proposal is considered to accord with policy.

RECOMMENDATION

Permission

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.



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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:

Location Plan – Drawing No TLMC-SUR-01-A, Rev A – Received 10.02.2023

Proposed Site Plan – Drawing No TLMC-LAY-10-C, Rev C – Received 10.02.2023

Proposed Lower Ground Floor Plan – Drawing No TLMC-LAY-11-C, Rev C – Received 10.02.2023

Proposed Upper Ground Floor Plan – Drawing No TLMC-LAY-12-C, Rev C – Received 10.02.2023

Proposed South East & South West Elevation – Drawing No TLMC-LAY-13-C, Rev C – Received 10.02.2023

Proposed North West & North East Elevation – Drawing No TLMC-LAY-14-C, Rev C – Received 10.02.2023

Proposed Section A-A – Drawing No TLMC-LAY-15-C, Rev C – Received 10.02.2023

Proposed Sections B-B – Drawing No TLMC-LAY-16-B, Rev B – Received 10.02.2023

Reason: To ensure that the development is carried out in accordance with the approved plans.

Informatives:

1. ARTICLE 35 (2) STATEMENT - Whilst there was little, if any, pre-application discussion on this project it was found to be acceptable and required no further dialogue with the applicant.