

CM/P23-1653

15 February 2023

Area Planning Manager
South Gloucestershire Council
Department for Environment and Community Service
Strategic Planning
PO Box 1954
Bristol
BS37 ODD

SUBMITTED VIA THE PLANNING PORTAL

Dear Sir/Madam

Application for Householder Planning Permission – Berry Cottage, Foxholes Lane, Tockington, Bristol BS32 4PF

Pegasus Group is instructed by Mr Tim Pearce to submit a householder application for planning permission in respect of proposed extensions and alterations at Berry Cottage, Foxholes Lane, Tockington (the site). In support of the submission, please find enclosed the following details:

- Completed Planning Application Form;
- Site Location Plan;
- Dwg. Ref. 2367-00 – Site Location – Block Plan;
- Dwg. Ref. 2367-01 – Ground Floor & Roof Plan Existing;
- Dwg. Ref. 2367-02 – First Floor Plan Existing;
- Dwg. Ref. 2367-03 – Elevations as Existing;
- Dwg. Ref. 2367-04 – Ground Floor & Roof Plan as Proposed;
- Dwg. Ref. 2367-05 – First Floor Plan;
- Dwg. Ref. 2367-06 – Elevations as Proposed; and
- Dwg. Pack 2368-01, 02, 03 Rev B – ‘Alternative Scheme’

The associated fee of £258.00 (plus £64.00 admin fee) has been paid via the Planning Portal (ref. PP-12781895).

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Proposals

The proposed works comprise a first-floor extension to create an ensuite bathroom accessible via the landing of Berry Cottage, to create improved accommodation for the occupiers, who are relocating to the property from the Down House, adjacent.

The extension is to be positioned above the ground-floor study on the north-easter side of the cottage, projecting beyond what is presently a windowless gable end, set back from the main two-storey gable that sits centrally to this elevation.

The works will extend to the north-eastern extent of the ground floor study, which maintains a slight setback from the adjacent kitchen/bed 3 projecting gable, and will be set beneath the existing eaves of the exposed gable to the current landing.

Externally, the extension is to be finished in stone to the projecting gable element, with natural render to the return (north-west) exposed wall, beneath a slate roof to match the existing palette of materials.

The extension is designed so as not to increase the footprint or overall height of the cottage, while integrating in terms of its proportions and materials.

It should be noted that the submission is accompanied by a separate 'alternative' scheme that does not form part of the proposals but is nonetheless discussed later as a relevant consideration.

Policy Context

Policy CS1 ('High Quality Design') of the adopted South Gloucestershire Core Strategy states, *inter alia*, that "Development will only be permitted where the highest possible standards of design and site planning are achieved. Information submitted with an application should be proportionate to the scale, significance and impact of the proposal.

Development proposals will be required to demonstrate that:

1. *Siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context..."*

Although policy contains several more criteria, the supporting text at Para. 5.5 explains "Information required from applicants should be proportionate to the scale, significance and impact of a proposal. For example, householder applications for residential extensions will not be expected to submit information with regard criteria 2, 3, 4, 5, 6, 7, and 11", with criteria 8, 9 and 10 focusing on sustainable design, safety/security, and waste management respectively.



Similarly, Policy PSP1 ('Local Distinctiveness') of the adopted Policies, Sites and Places Plan states, *inter alia*, that: "Development proposal(s) will be acceptable where the proposals demonstrate an understanding of, and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area / locality..."

Policy PSP8 ('Residential Amenity') goes on to detail that "Development proposal(s) will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to):

- a. loss of privacy and overlooking;
- b. overbearing and dominant impact;
- c. loss of light (daylight/sunlight);
- d. noise or disturbance; and
- e. odours, fumes or vibration."

In respect of the site's location within the Green Belt, Policy PSP7 ('Development in the Green Belt') is relevant and states at part (3) that "Additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. As a general guide, an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.

Additions that exceed 30% volume increase will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate.

Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development."

The National Planning Policy Framework at Paragraph 130 sets out the general national policy requirements in respect of design for developments of all scales. The Paragraph explains that:

"Planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*



c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The Framework also lists at Paragraph 149, *inter alia*, in respect of development that is 'not inappropriate' in the Green Belt, that this includes:

"c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

Where development in the Green Belt is considered 'inappropriate', Paragraph 147 directs that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which Paragraph 148 goes on to clarify that "...'*Very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Another important material consideration is the South Gloucestershire Householder Design Guide SPD, adopted March 2021, which sets out the Council's expectations in relation to domestic extensions and alterations.

Assessment

The proposed extension to the existing dwelling is, in its own terms, a sympathetic and proportionate addition to Berry Cottage that is commensurate with the scale of accommodation and complementary in terms of design and materials.

In terms of form, orientation and appearance, the extension is designed to maintain the overall appearance of the building on the approach from the north-east, as the full-height gable to be created will reinforce and improve the balance of the two facing gables, in much the same way as experienced with the two gables on the rear, south-west elevation.



Likewise, from the very limited, enclosed views from the north-west, only available from close proximity within the dwelling's curtilage, the visual effect of the extension will be minimal, being that it will not increase the height or footprint of the building and this elevation will remain dominated by the extended slate roof.

As a matter of judgement against the design principles outlined in policies CS1 and PSP1, the extension responds positively to the distinctive context, character and materials found within the host building, creating a sympathetic addition to the cottage while, through substantially effectively replacing an earlier timber roof structure with modern standards of insulation, enhancing the building's energy performance.

PSP8 sets out the relevant amenity considerations of the development plan and, in this regard, the proposals would not materially alter the existing relationship between the host dwelling and any other property – including the Down House, which remains for the time being in the same ownership – in terms of overlooking, overbearing or overshadowing. The proposals would offer a betterment to the amenity of Berry Cottage by providing improved accommodation.

As such, the proposals therefore also reflect the objectives of Paragraph 130 of the Framework, and the principles established through the Householder Design Guide SPD.

Turning to consideration of the proposals in the context of their Green Belt location, it is firstly necessary to determine whether the proposals represent a 'disproportionate' addition for the purposes of Paragraph 149, given that extensions *per se* are unequivocally 'not inappropriate'. Clearly in their own right they do not, however the Framework's reference to the 'original dwelling' means that previous extensions also have a bearing in this respect.

Having regard to those earlier extensions and their extent, there is a real prospect that the proposals represent a 'disproportionate' cumulative increase in volume, although this is fundamentally a matter of planning judgement for the decision-maker. If this threshold is not breached, the development is 'not inappropriate' and would not give rise to definitional harm to the Green Belt. Otherwise, other factors must be considered.

In respect of the proposals' overall effect on 'openness' it is again clear that their impact will be absolutely minimal; they neither increase the footprint nor the scale of the host building, which is appreciated principally within its own domestic setting rather than as part of any wider landholding that makes a meaningful contribution to the openness of the Green Belt.

On this basis, it is submitted that any harm to the Green Belt would be in essence *definitional* harm only (and this is to be determined by the decision-maker) and that this does not extend to any significant practical impact that must be considered alongside definitional harm in the overall Green Belt assessment. As set out above, any definitional harm, even in isolation, requires very special circumstances to be demonstrated.

To this end the submission is accompanied by a secondary 'alternative' scheme demonstrating how a similar level of additional accommodation could be realised without recourse to a householder planning application, or indeed any consideration of the Green Belt.



That scheme shows a roof extension, rather than being affixed to any existing wall of the dwelling, projecting north-west from the 'cat-slide' roof created by the intersection of the roofs of Bed 3 and the ground-floor study. Necessarily, this means taking internal access past the chimney breast in Bed 3, which remains a workable alternative option for the ensuite.

This would necessitate the extension's taking the form of a box dormer which, due to the restrictions of load bearing and permitted development rights, would need to employ a lighter material such as hanging slate in its external finish, together with a bituminous felt or EDPM roof.

In these terms, the alternative proposal would represent householder development that could be carried out under Part 1, Class B of the Schedule to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 'additions etc to the roof of a dwellinghouse', including the use of matching materials, namely slate, and obscure glazing. Notably, Conditions B.2(b)(i) and (ii) are not engaged by reason of the alternative proposals' being 'an enlargement which joins the original roof to the roof of a rear or side extension'.

By all accounts, the alternative proposals offer a sub-optimal outcome both to the occupiers in design terms, by reason of their creating a form that is out of keeping with the overall style of the cottage, with its prevalent use of gables, obstruction of the central retained chimney in views from the north-east, and general bulk and somewhat crudeness as an addition. The use of slate, while in keeping with the existing roof covering, is also second to stone as a main facing material.

To create an equivalent extent of useable internal space, the alternative proposals would also result in a greater volumetric increase, albeit well within the 50 cubic metres afforded by Class B, running contrary to the general expectations of Green Belt policy. For the purposes of comparison, the proposed scheme would create an additional volume of 29.3m³, which compares similarly to the 29.1m³ of the alternative, fallback, scheme. Nonetheless, Green Belt designation, of course, has no implication whatsoever in the application of Class B.

It is stressed that, although very much a less preferable approach in aesthetic terms, the alternative proposals would provide the additional bathroom desired by the owners, and would be a practicable fall-back option should they be unable to implement the far better scheme that is subject of this application.

This becomes highly significant should the decision-maker consider the extension amounts to a 'disproportionate' cumulative addition to the cottage, and that by extension it is necessary that very special circumstances are demonstrated. It is very well established in development control practice that 'fallback' schemes that present a less desirable outcome in Green Belt terms (both in terms of previous permissions and permitted development rights) are capable, in their own right, of amounting to very special circumstances outweighing the 'substantial weight' to be ascribed to harm to the Green Belt.

In this instance, it can be demonstrated that a sub-optimal scheme in both Green Belt and design terms could be implemented without recourse to a planning application, and indeed would be so if the proposals subject of this application were not successful. This is a material fallback position that amounts to very special circumstances outweighing any Green Belt harm.



The proposals are thus compliant with national and local Green Belt policy, having regard to the prescribed and most up-to-date mechanism for assessing and balancing harm if necessary, and are otherwise acceptable in terms of their design and amenity credentials, enabling them to be approved and for the planning system to operate in the way in which it is intended; by positively supporting sustainable development.

Other considerations

Householder planning application P23/O2416/HH, relating to extensions (and initially a detached outbuilding) at Little Orchard, Old Down Hill, Tockington, was submitted to the Council on 18 August 2023, with a description of development amended with the removal of the outbuilding as follows:

“Erection of two storey and single storey rear extension to form additional living accommodation.”

Following notification on the Council’s Circulated Schedule, the application was called in to the Development Management Committee, to which officers reported a recommendation that the application be refused at the meeting held on 7 December 2023.

Notwithstanding the applicant’s presentation of a fallback scheme agreed to be possible under permitted development rights and of far greater size than the proposed extensions, officers nonetheless recommended refusal on the basis that this was not sufficient to demonstrate ‘very special circumstances’ in the context of a ‘disproportionate’ domestic extension.

The Committee did not necessarily disagree on this point but instead resolved to approve the application, with only one vote against, on the basis that the extensions (variously estimated cumulatively as amounting to c.65–70% over the ‘original dwelling’) were in fact not ‘disproportionate’. Thus, there was no conflict with Paragraph 149(c) of the Framework in the first instance and therefore no requirement to establish (or even debate) whether very special circumstances applied.

Members reminded the Committee that this decision was not an isolated one, citing the earlier application P20/12627/F, which was also approved by the Council in respect of domestic extensions to the property known as Parkside House, Old Down Hill, Tockington. They rightly emphasised the need for consistency in local decision-making, regardless of whether through Committee or under delegated powers.

Given the quite obvious parallels between the respective applications at Little Orchard and Berry Cottage, this need for consistency is re-emphasised. In this current instance, the fallback position established is significantly more similar in terms of accommodation and cost to the application proposals and therefore, if anything, an even more certain prospect if planning permission is not obtained.



Summary

In the light of the above, the proposals are deemed to comply with the adopted development plan and, in the context of relevant material considerations in line with S38(6) of the 2004 Act and the content of the Framework, should be granted planning permission without delay. Should you wish to discuss the proposals, however, please do not hesitate to contact me using the details contained below.

Yours sincerely,

