

Householder Application for Planning Permission for works or extension to a dwelling

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Alan

Surname

Davis

Company Name

Address

Address line 1

28 Sandstar Close

Address line 2

Address line 3

Gloucestershire

Town/City

Gloucester

Country

United Kingdom

Postcode

GL2 0NR

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of Proposed Works

Please describe the proposed works

Has the work already been started without consent?

Yes

No

Materials

Does the proposed development require any materials to be used externally?

Yes

No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:

Walls

Existing materials and finishes:

Please see supporting plans and documents

Proposed materials and finishes:

Please see supporting plans and documents

Type:

Roof

Existing materials and finishes:

Please see supporting plans and documents

Proposed materials and finishes:

Please see supporting plans and documents

Type:

Windows

Existing materials and finishes:

Please see supporting plans and documents

Proposed materials and finishes:

Please see supporting plans and documents

Type:

Doors

Existing materials and finishes:

Please see supporting plans and documents

Proposed materials and finishes:

Please see supporting plans and documents

Type:

Boundary treatments (e.g. fences, walls)

Existing materials and finishes:

Please see supporting plans and documents

Proposed materials and finishes:

Please see supporting plans and documents

Are you supplying additional information on submitted plans, drawings or a design and access statement?

Yes

No

If Yes, please state references for the plans, drawings and/or design and access statement

Please see supporting plans and documents

Trees and Hedges

Are there any trees or hedges on the property or on adjoining properties which are within falling distance of the proposed development?

- Yes
 No

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

- Yes
 No

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

- Yes
 No

Is a new or altered pedestrian access proposed to or from the public highway?

- Yes
 No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

- Yes
 No

Parking

Will the proposed works affect existing car parking arrangements?

- Yes
 No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
- No

Is any of the land to which the application relates part of an Agricultural Holding?

- Yes
- No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- The Applicant
- The Agent

Title

Mr

First Name

Chris

Surname

Wilkinson

Declaration Date

05/08/2022

Declaration made

Declaration

I / We hereby apply for Householder planning permission as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Simon Firkins

Date

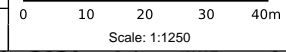
05/08/2022

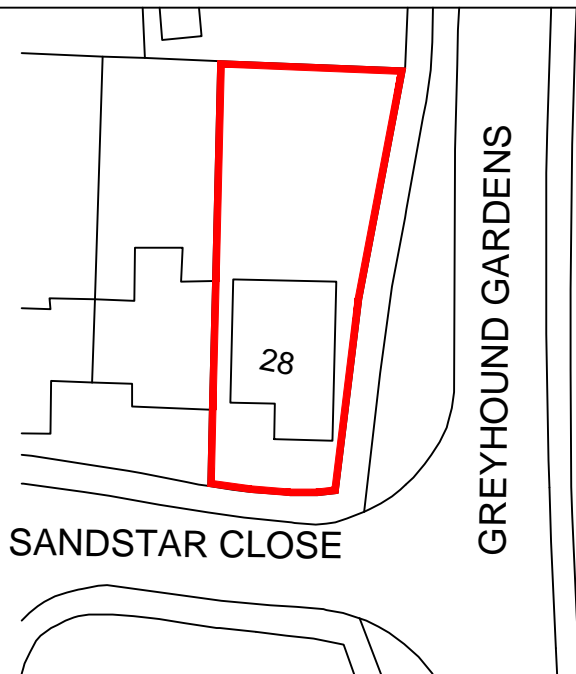
Location Plan

28 Sandstar Close

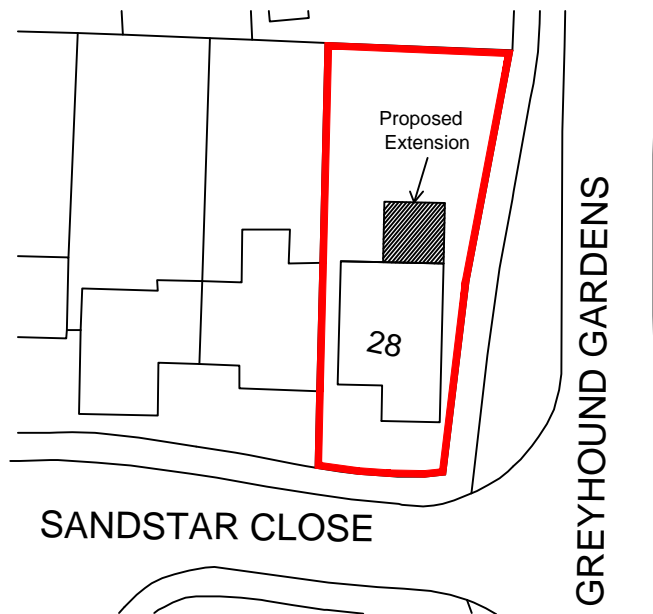
Author:

Date: 05/08/2022





EXISTING BLOCK PLAN

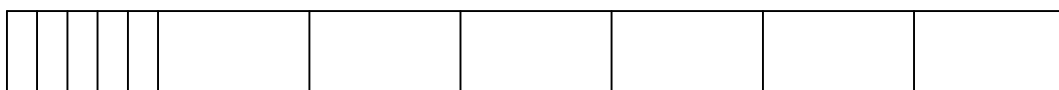


PROPOSED BLOCK PLAN

NOTES

- (1) Drawing Number 1/2
- (2) Existing/Proposed Block Plans
- (3) Scale 1-500
- (4) Date May 2022

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR



M

0 10 20 30 40 50 60 70

05 August 2022

Development Control
Gloucester City Council
92 Westgate Street
Gloucester
GL1 2PE

Dear Sir or Madam

Householder planning application for the erection of a two-storey rear extension at 28 Sandstar Close, Longlevens, Gloucester, Gloucestershire GL2 0NR.

Please find enclosed an application for a householder planning application in relation to the above site on behalf of our client, Mr Davis. The application has been submitted via the Planning Portal.

The application includes the following:

- This covering letter;
- Planning application forms;
- Site Location Plan
- Existing and proposed floor plans and elevations;

Site Context

The property is a detached dwelling located on the corner of Sandstar Close and Greyhound Gardens in the Longlevens area of Gloucester.



Figure 1: Site location

CHELTENHAM 12 ROYAL CRESCENT GL50 3DA
GLOUCESTER 9 COLLEGE GREEN GL1 2LX
LONDON 19 EASTBOURNE TERRACE W2 6LG

The present arrangement of the property is shown by drawing refs. 'Existing ground floor' and 'Existing first floor'. Photographs of the property are included below:



In terms of any site specific 'constraints' the site is not within a major landscape designation, but falls within Flood Zone 2/3 on the Environment Agency's Flood Map for Planning and is therefore at medium to high risk of flooding. This point is covered in more detail below and in the accompanying Flood Risk Assessment (FRA).

Planning History

The relevant planning history for the site is as set out below:

- 22/00517/LAW – Lawful development certificate for a proposed single storey rear extension and various window and door replacements. Granted.

Fallback 'permitted' changes

This application follows the recent granting of a Certificate of Lawfulness (CLPUD) (22/00517/LAW) for a '*Proposed single storey rear extension and various window and door replacements*'. In the alternative to this application, I can confirm that the applicant will therefore exercise their permitted development rights (under Class A, Part 1 of Schedule 2 to the General Permitted Development Order (GPDO) 2015 (as amended)) to create a single storey rear extension with the same footprint as the two-storey extension being proposed through this application, with no perceptible difference in flood risk.

The caselaw on the matter of fallback considerations has evolved over time. Some of the initial judgments on the matter are from *New Forest District Council v. Secretary of State for the Environment* [1996] and *Brentwood Borough Council v. Secretary of State for the Environment* [1996]. These state that decision makers must ask themselves whether there is a real possibility that the fallback will be implemented, such that the prospect of implementation is real and not merely theoretical. If there is a real prospect of the fallback permission being implemented, then it is a material consideration. If it is a material consideration, the decision maker must have regard to it. The question is one of real possibility, not certainty; definitive resolution is not required.

However, this has been updated much more recently. For example, the decision in *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 case establishes merely an 'outside chance' of a fallback being implemented is sufficient to influence the outcome of a planning application or appeal. This has since been confirmed by the judgement in *Zurich*

Assurance Ltd (t/a Threadneedle Property Investments), R (on the application of) v North Lincolnshire Council & Anor [2012] E WHC 3708 (Admin) (20 December 2012). This states:

"The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration."

The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 also clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. It held that the fact that an agricultural building could be converted (the 'fallback position') under Class Q permitted development is a material consideration when considering a proposal for a new house or houses, provided that there is a realistic prospect that the development goes ahead. Where such consent exists, or could reasonably be granted, then it is possible to design a brand new house and present a case to the Local Authority that there are benefits ("a betterment") in planning terms over and above any generated from the Class Q conversion. The decision concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO position in this case. An analogy can be made in terms of a certificate of lawfulness in this case.

In this case a certificate of lawful proposed development has already been granted for a single storey extension and the applicant is in the process of submitting a Building Regulation Notice for that shortly. Whilst a single storey extension will not provide the same level of internal floor space for the applicant, the applicant needs additional space for their family. It is therefore the case that the single storey extension will be built in the alternative should this application fail for any reason. Moreover, this planning application also provides an opportunity to incorporate flood resilience measures (as set out the Environment Agency's - Standing Advice for Vulnerable Developments), which otherwise wouldn't be included in the single storey extension under permitted development.

The applicant will complete the PD extension in the alternative, and in comparison with that, the proposals bring about further important benefits as stated above and in the accompanying Flood Risk Assessment.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. To therefore assess the acceptability of this proposal, it is necessary to consider it against the adopted development plan, in this case the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). Significant weight can also be given to the emerging Gloucester City Plan 2011-2031 given that it has been the subject of a Main Modification consultation following the Examination. The Main Modifications were in accordance with the Local Plan Inspector's recommendations to make the plan sound.

Criterion i of Policy SD4 (Design Requirements) of the JCS sets out that *"New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and*

grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting."

The development proposals clearly respond positively to, and respect the character of the application site and its immediate setting. The scale, form, design and materials of the proposed development have been carefully considered to ensure that the resultant scheme sits sensitively in its surroundings. Moreover, the proposed extension will be finished in a mix of red brick elevations, tiled roof and white double glazed windows and doors, ensuring that the visual appearance of the addition is both attractive and in line with the design of the existing dwelling and neighbouring properties.

Policy A9 (Extensions to existing dwellings) sets out that "*Well-designed extensions of residential properties, and/or the erection of outbuildings incidental to the enjoyment of the dwelling, will be granted planning permission where they satisfy all of the following criteria:*

- 1. The plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site. Proposals that result in an inappropriate increase in the scale, form or footprint of the original building will not be permitted; and*
- 2. The height, size, design and external facing materials of the extension or outbuilding are in keeping with the scale and character of the existing dwelling and its wider setting; and*
- 3. The living conditions of neighbouring occupiers are not unduly harmed by the proposal as a result of overlooking, overshadowing, or overbearing development."*

The proposed extension is well-designed and in accordance with criterion 1, the application site is large enough to accommodate the extension without resulting in a cramped or overdeveloped site. In addition, the scale, form and footprint of the extension is considered proportionate to the existing dwelling and provides a development which harmonises with both the street scene and the overall area. In line with criterion 2, the height, size, design and proposed external facing materials are in keeping with the scale and character of the existing building and its wider setting. It will also cause no harm to neighbouring occupiers with regard to overlooking, overshadowing, or overbearing development, in accordance with criterion 3.

At a national level, paragraph 130 of the NPPF echoes the requirements of JCS Policy SD4 in terms of general design principles. The design of the scheme is fully in accordance with paragraph 130 in that it will:

- Function well and add to the areas overall quality;
- Be visually attractive as a result of its good architecture and layout;
- Be sympathetic to local character;
- Maintain the area's sense of place;
- Optimise the site's potential, by providing a sympathetic and aesthetically pleasing proposal which makes more effective use of land and is in full accordance with the existing settlement pattern.

It is also noted that the Home Extensions Guide SPD (August 2008) was a material planning consideration for the previous proposal and so it must also be considered as part of the new proposal. The proposed extension is in line with the following principles from the Section 1 of the SPD:

- *The extension is of a style, form and design that is appropriate to the character of the locality and the appearance of the existing house in accordance with criterion 1A;*
- *The extension respects the character of the existing property and has been sensitively designed so that it appears as part of the original house, in accordance with criterion 1B;*
- *The spacing style and form of new windows match those of the existing property in accordance with criterion 1F;*
- *The roof of the proposed extension matches the style and pitch of the existing roof in accordance with criterion 1G;*
- *The materials and detailing of the proposed extension match and properly blend with the existing house in accordance with criterion 1L.*

Section 2 of the SPD sets out that *"your extension must not unreasonably impact upon the amenities enjoyed by your neighbours."* In terms of amenity considerations, it is important to take into account the following:

- In accordance with criterion 2A, the proposal will not result in adverse loss of privacy to neighbours as a result of overlooking;
- In accordance with criterion 2B, the proposal will not result in adverse overshadowing to neighbouring properties;
- In accordance with criterion 2C, the positioning, design and mass of the extension will not be overly dominant and will not have an adverse impact on any windows present in the neighbouring property;
- In accordance with criterion 2D, the proposal would not reside within the 45 degree visibility splay of habitable rooms to no. 27.

In accordance with JCS Policy SD14 (Health and Environmental Quality), it is not considered that the proposed development will harm the amenity of future occupants of the building or that of nearby residential properties.

Conclusion

The principle of development as detailed above is encouraged and supported by both the NPPF and the Local Development Framework.

Please contact me if you require any further information at any stage of the application process; and I ask that we are advised if officers have any intention of doing anything other than approving this application under delegated authority.

We would be grateful if you could acknowledge receipt of the application at your earliest convenience.

Yours faithfully

Chris Wilkinson **MRTPI**
SF Planning Limited

Drawing Index For 28 Sandstar Close

Longlevens Gloucester GL2 0NR

- (01/01) Existing/Proposed Site Location Plans Scale 1-1250
- (01/02) Existing/Proposed Block Plans Scale 1-500
- (01/03) Existing Part Site Survey Scale 1-50
- (01/04) Proposed Part Site Survey Scale 1-50
- (01/05) Existing Ground Floor Plan Scale 1-50
- (01/06) Existing First Floor Plan Scale 1-50
- (01/07) Proposed Ground Floor Plan Scale 1-50
- (01/08) Proposed First Floor Plan Scale 1-50
- (01/09) Existing Side Elevation Scale 1-50
- (01/10) Existing Side Elevation Scale 1-50
- (01/11) Existing Rear Elevation Scale 1-50
- (01/12) Proposed Side Elevation Scale 1-50
- (01/13) Proposed Side Elevation Scale 1-50
- (01/14) Proposed Rear Elevation Scale 1-50

Flood Risk Assessment (FRA) 28 Sandstar Close, Longlevens, Gloucester, GL2 0NR

The application site falls within Flood Zone 2/3 (medium to high risk), classified as land having between a 1 in 100 and 1 in 1000 annual probability of flooding (as shown below). The site is at low risk of surface water flooding.

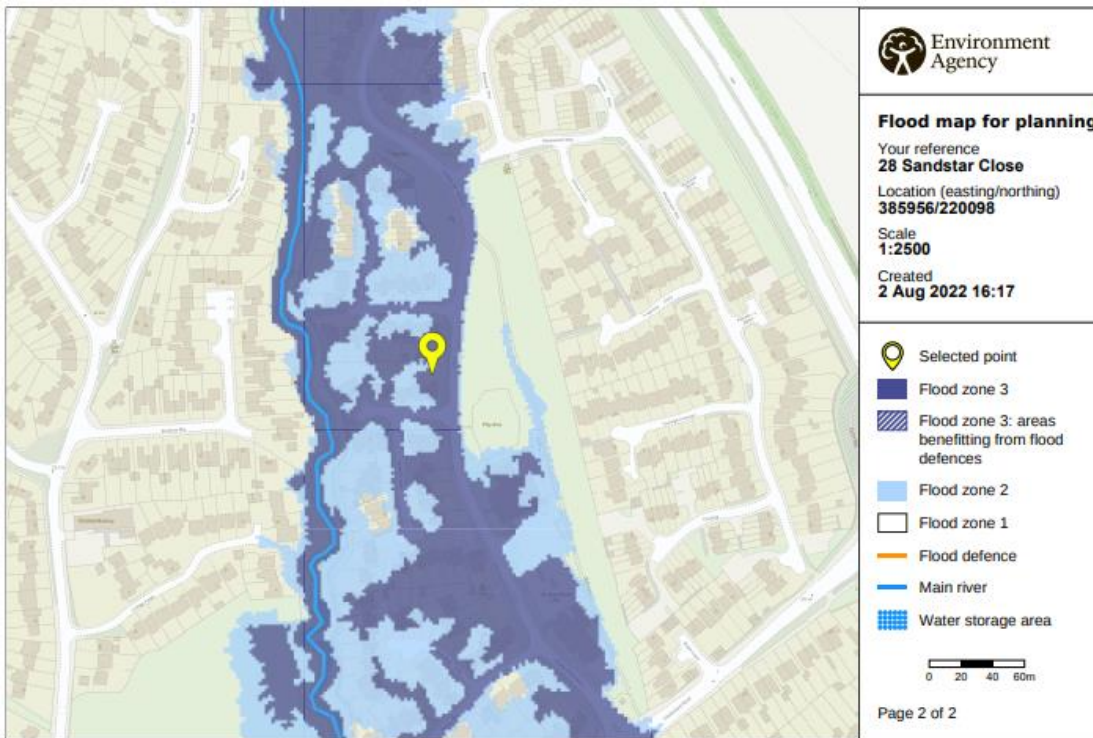


Figure 1: EA Flood Map for Planning

Notwithstanding the above, this application follows the recent granting of a Certificate of Lawfulness (CLPUD) (22/00517/LAW) for a '*Proposed single storey rear extension and various window and door replacements*'. In the alternative to this application, I can confirm that the applicant will therefore exercise their permitted development rights (under Class A, Part 1 of Schedule 2 to the General Permitted Development Order (GPDO) 2015 (as amended)) to create a single storey rear extension with the same footprint as the two-storey extension being proposed through this application, with no perceptible difference in flood risk¹. This is thus a very realistic 'fallback' position (as set out in the covering letter).

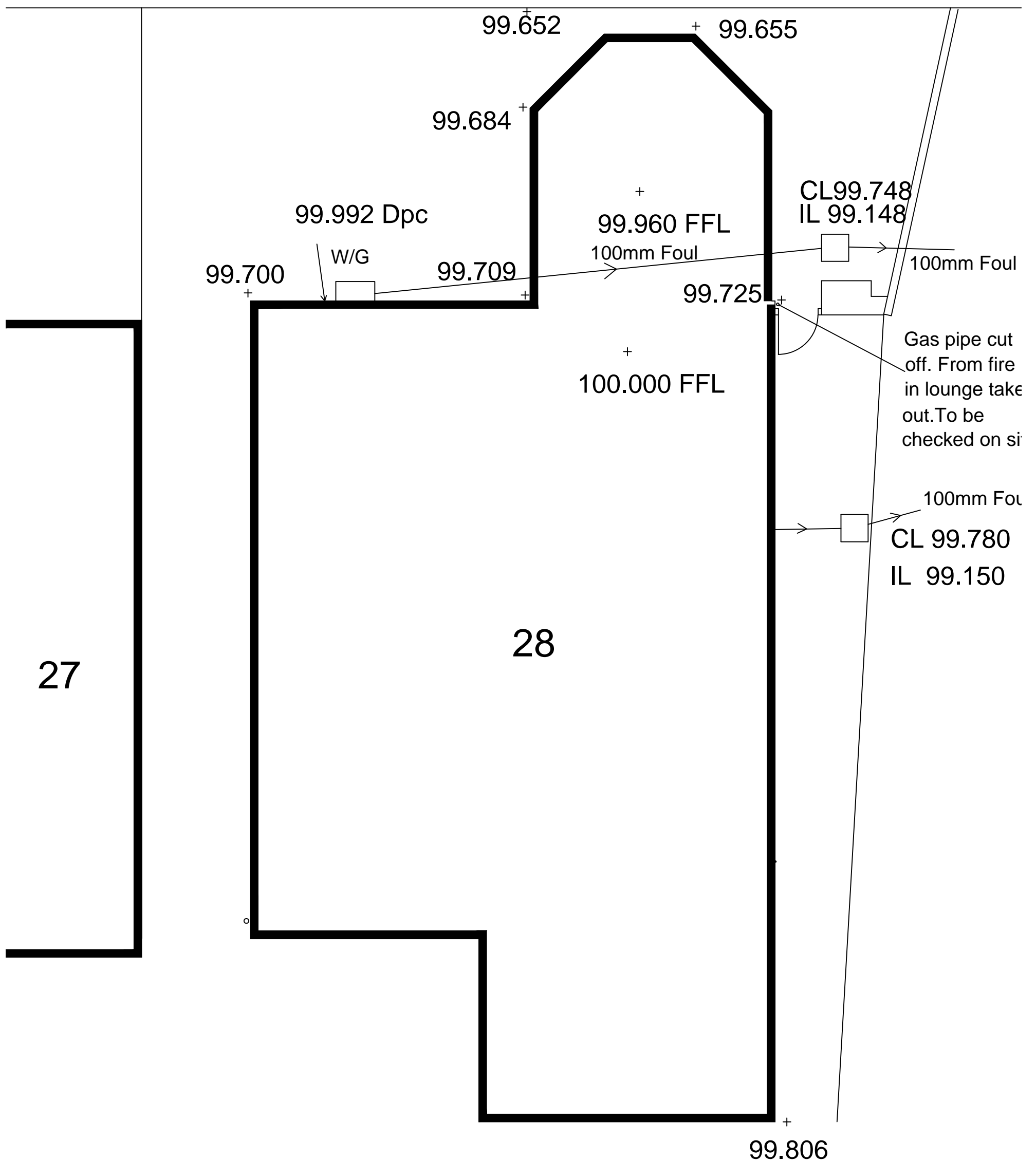
Notwithstanding the above, the applicant is proposing to incorporate the following flood mitigation measures in line with the Environment Agency's - Standing advice for vulnerable development², which otherwise would not be included in the PD extension:

CHELTENHAM 12 ROYAL CRESCENT GL50 3DA
GLOUCESTER 9 COLLEGE GREEN GL1 2LX
LONDON 19 EASTBOURNE TERRACE W2 6LG

- Raise internal floor levels of the extension as much as possible;
- Move any vulnerable uses to upper floors;
- Use flood resistant materials that have low permeability (where possible);
- Make sure any doors, windows or other opening are flood resistant (where possible);
- Consider the use of flood resilient materials (e.g. lime plaster);
- Raising all sensitive electrical equipment, wiring and sockets;
- Making it easy for water to drain away after flooding, such as installing a sump and a pump;
- Making sure there is access to all spaces to enable drying and cleaning;
- Ensuring that soil pipes are protected from back-flow, such as by using non-return valves.

¹ There is no requirement for a Flood Risk Assessment to be provided for an extension falling under Class A, Part 1 of Schedule 2 of the GPDO.

² <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#standing-advice-for-vulnerable-developments>

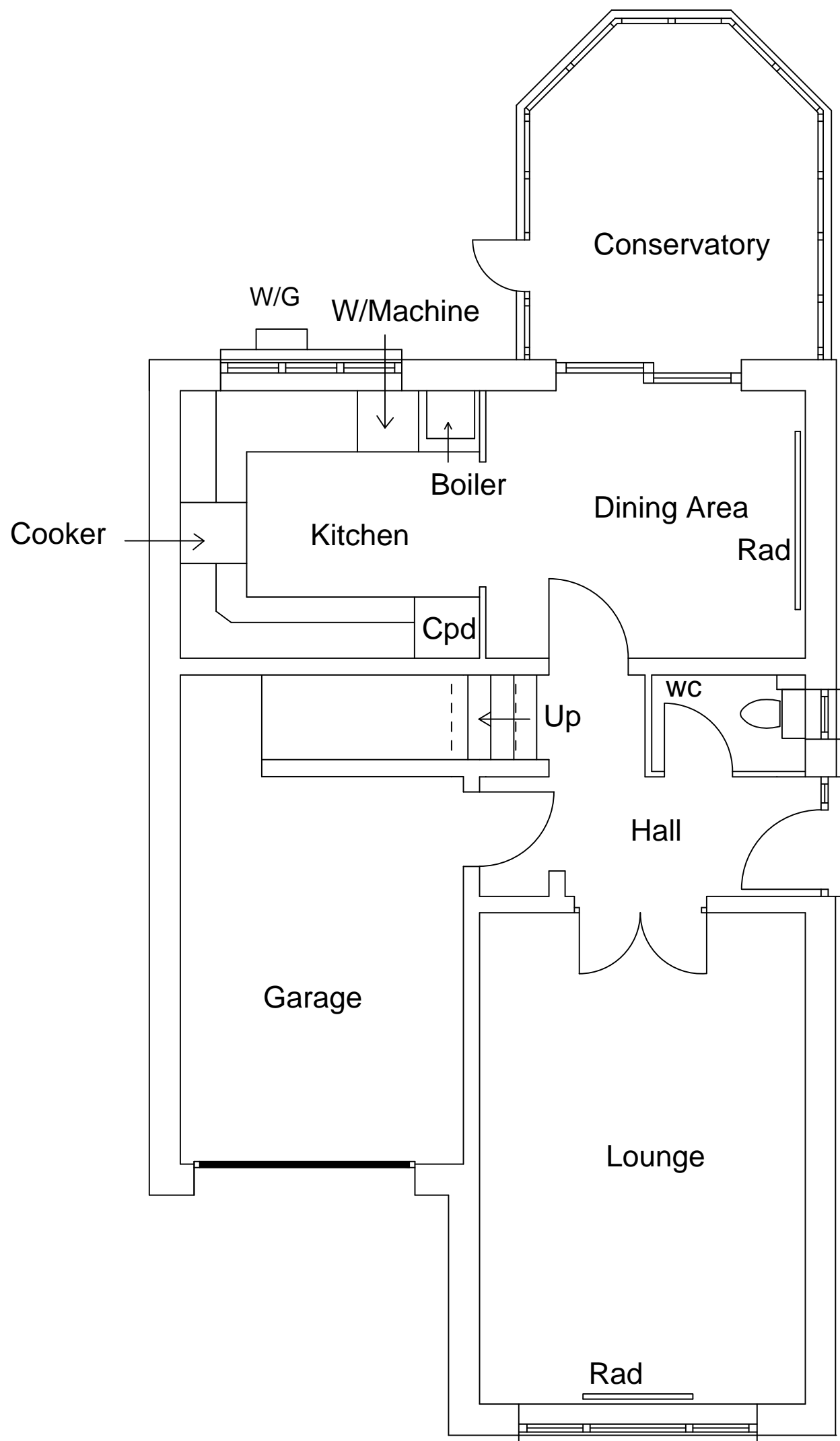


NOTES

- (1) Drawing Number 1/3
- (2) Existing Part Site Survey
- (3) Scale 1-50
- (4) Date November 2021

EXISTING PART SITE SURVEY

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR

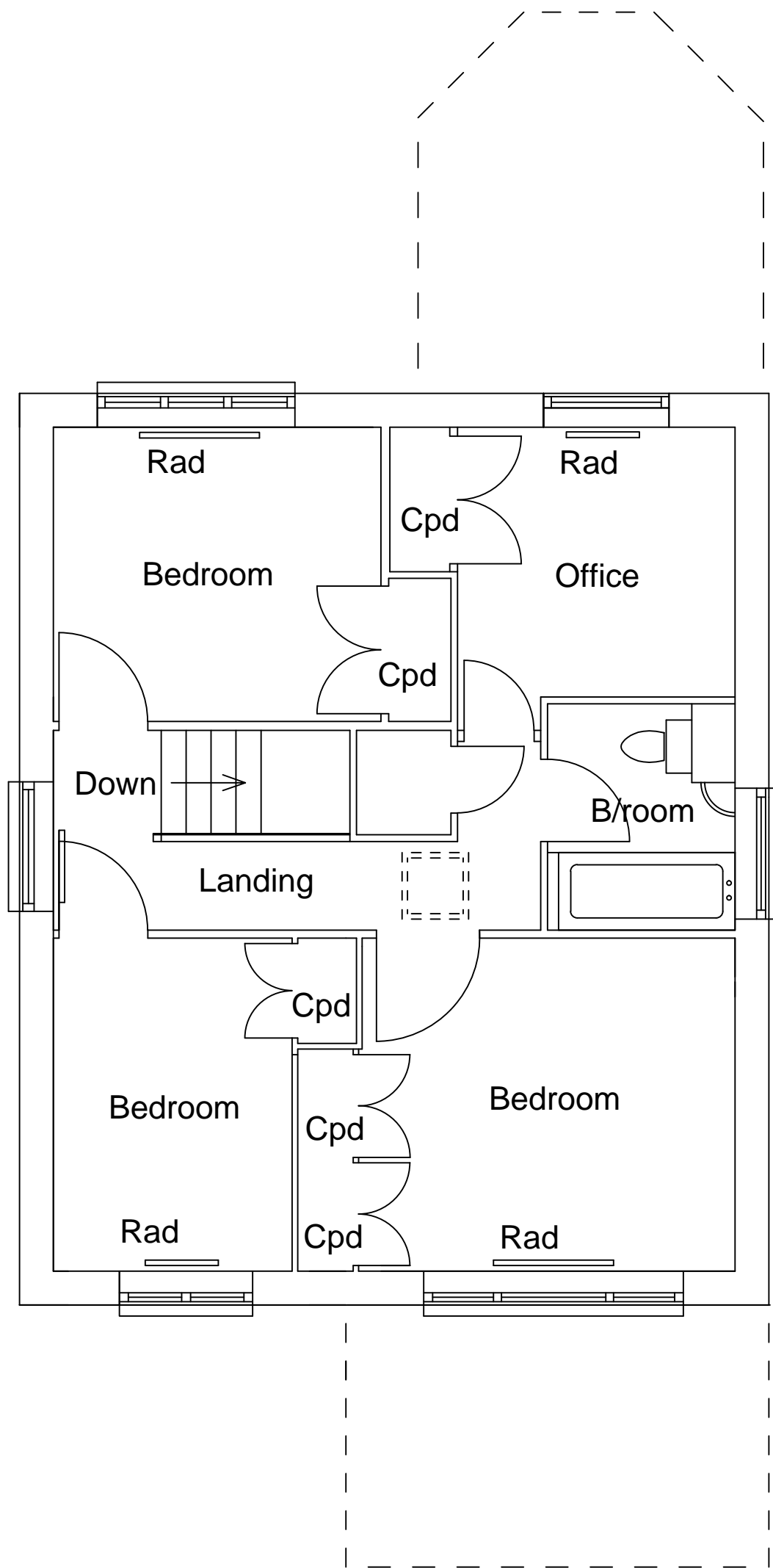


EXISTING GROUND FLOOR PLAN

NOTES

- (1) Drawing Number 1/5
- (2) Existing Ground Floor Plan
- (3) Scale 1-50
- (4) Date November 2021

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR



EXISTING FIRST FLOOR PLAN

NOTES

(1) Drawing Number 1/6

(2) Existing First Floor Plan

(3) Scale 1-50

(4) Date November 2021

Proposed Rear Extension For

Mr & Mrs A Davis

28 Sandstar Close

Longlevens Gloucester GL2 0NR

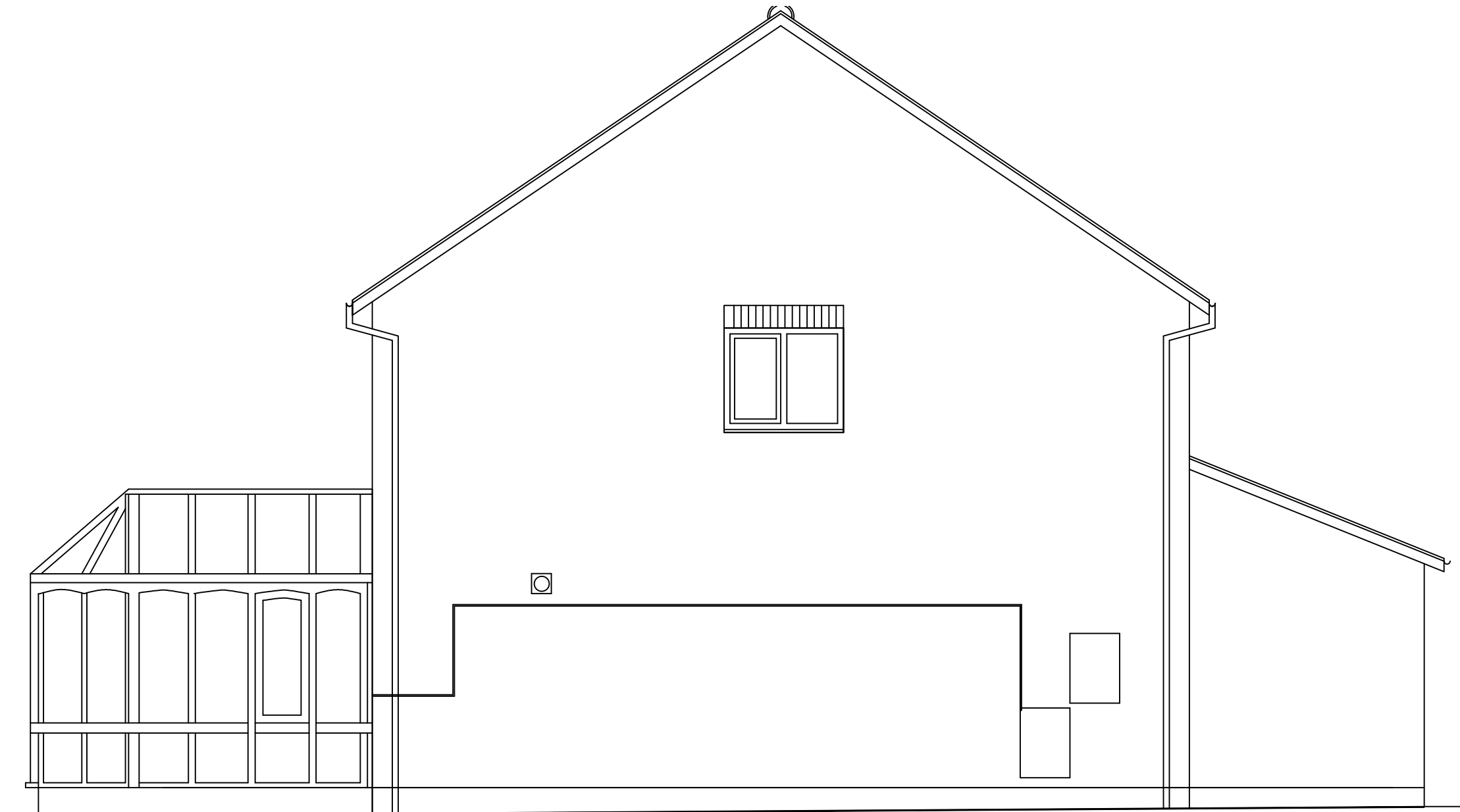


EXISTING SIDE ELEVATION

NOTES

- (1) Drawing Number 1/9
- (2) Existing Side Elevation
- (3) Scale 1-50
- (4) Date November 2021

Proposed Rear Extension For
Mr & Mrs A Davis
28 Sandstar Close
Longlevens Gloucester GL2 0NR



EXISTING SIDE ELEVATION

NOTES

- (1) Drawing Number 1/10
- (2) Existing Side Elevation
- (3) Scale 1-50
- (4) Date November 2021

Proposed Rear Extension For
Mr & Mrs A Davis
28 Sandstar Close
Longlevens Gloucester GL2 0NR



EXISTING REAR ELEVATION

NOTES

(1) Drawing Number 1/11

(2) Existing Rear Elevation

(3) Scale 1-50

(4) Date November 2021

Proposed Rear Extension For

Mr & Mrs A Davis

28 Sandstar Close

Longlevens Gloucester GL2 0NR

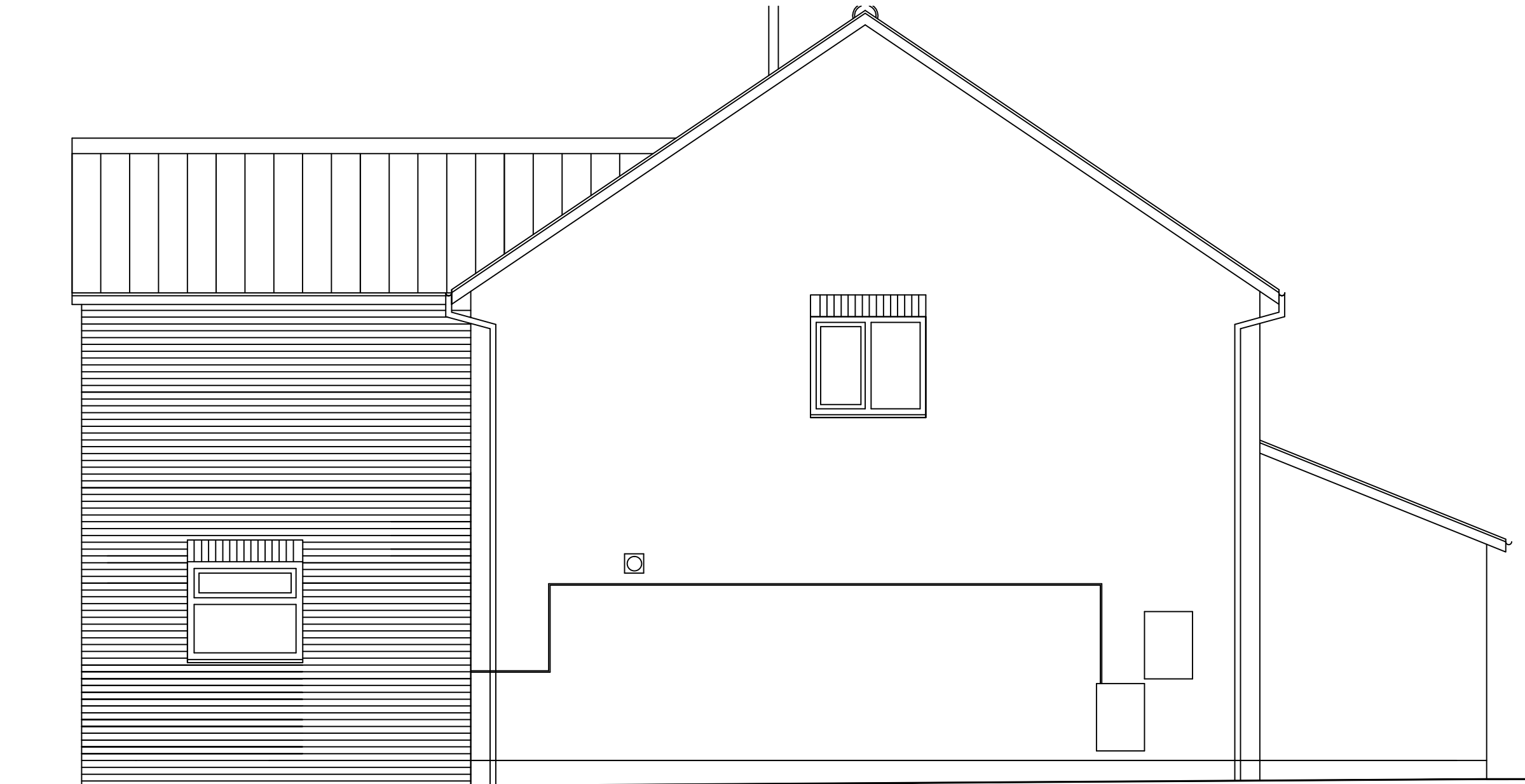


PROPOSED SIDE ELEVATION

NOTES

- (1) Drawing Number 1/12
- (2) Proposed Side Elevation
- (3) Scale 1-50
- (4) Date March 2021

Proposed Rear Extension For
Mr & Mrs A Davis
28 Sandstar Close
Longlevens Gloucester GL2 0NR



PROPOSED SIDE ELEVATION

NOTES

- (1) Drawing Number 1/13
- (2) Proposed Side Elevation
- (3) Scale 1-50
- (4) Date March 2021

Proposed Rear Extension For
Mr & Mrs A Davis
28 Sandstar Close
Longlevens Gloucester GL2 0NR

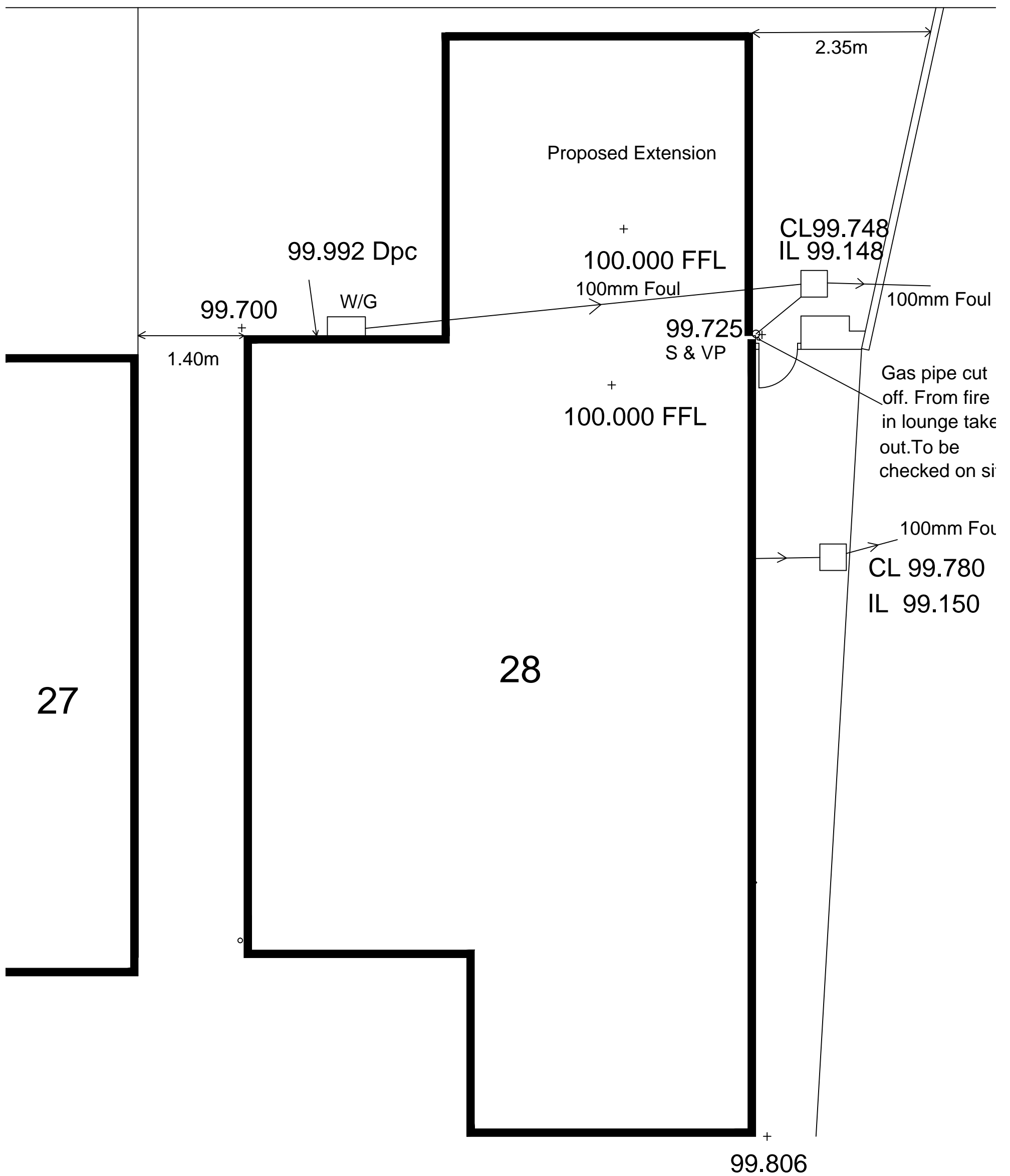


PROPOSED REAR ELEVATION

NOTES

- (1) Drawing Number 1/14
- (2) Proposed Rear Elevation
- (3) Scale 1-50
- (4) Date March 2021

Proposed Rear Extension For
Mr & Mrs A Davis
28 Sandstar Close
Longlevens Gloucester GL2 0NR

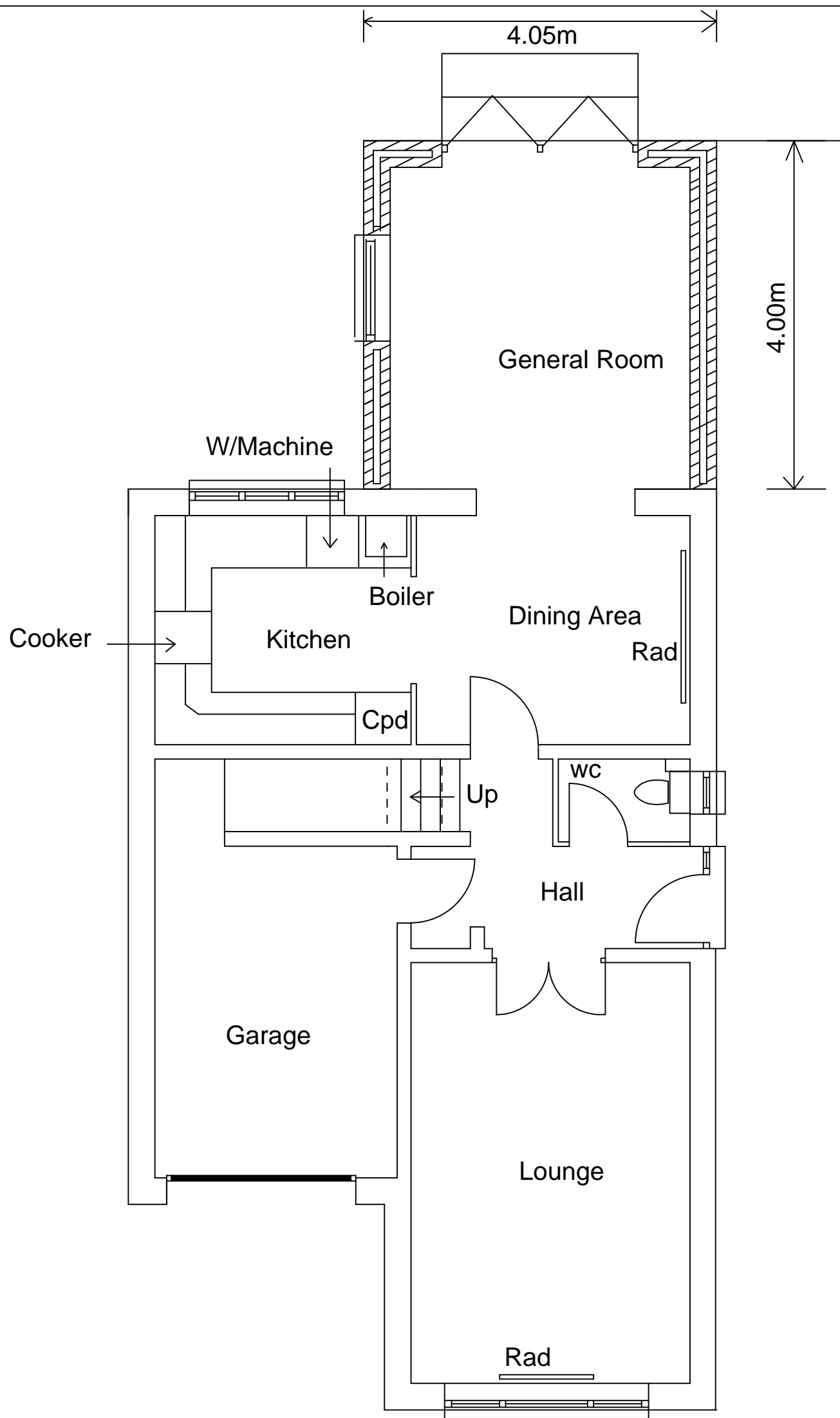


NOTES

- (1) Drawing Number 1/4
- (2) Proposed Part Site Survey
- (3) Scale 1-50
- (4) Date March 2021

PROPOSED PART SITE SURVEY

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR

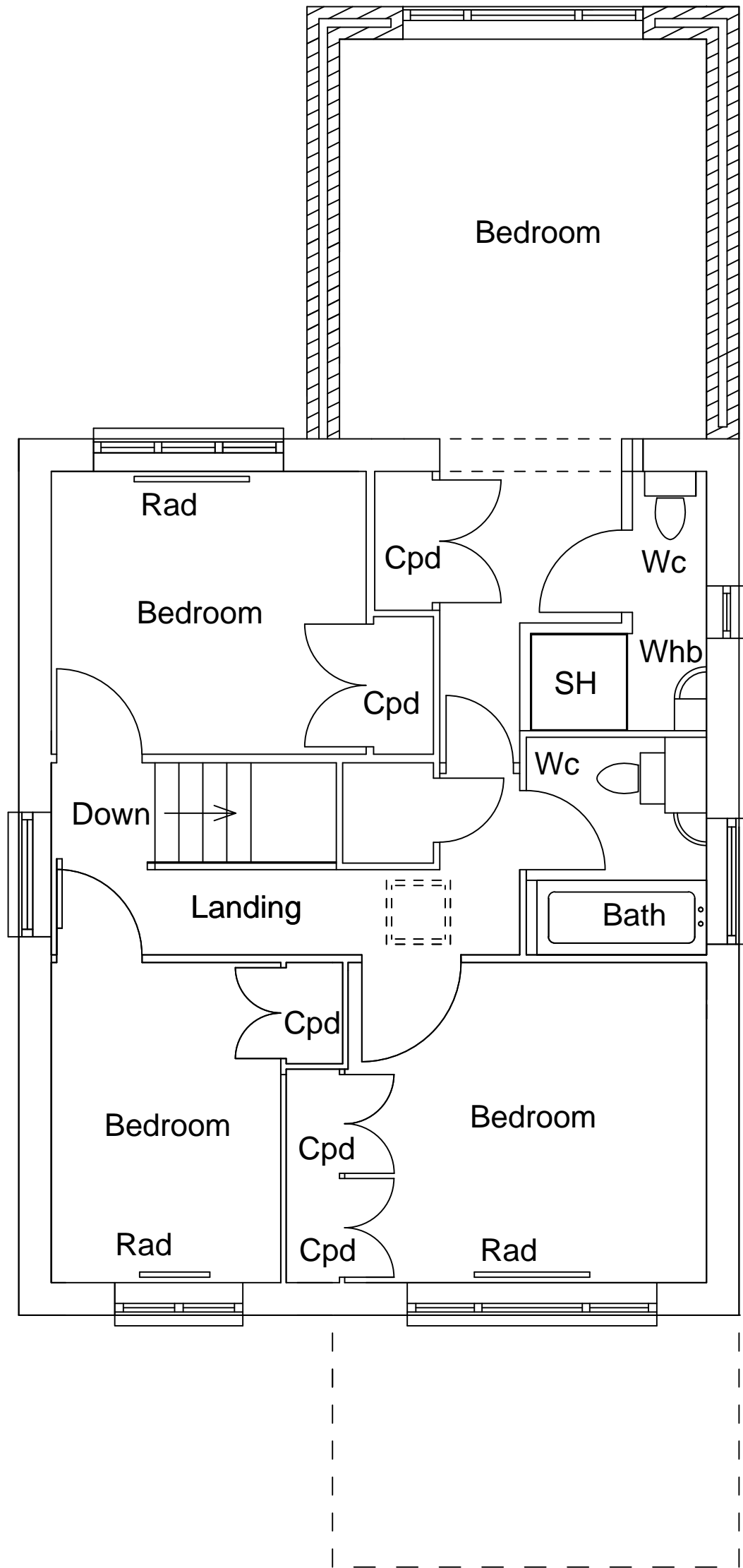


NOTES

- (1) Drawing Number 1/7
- (2) Proposed Ground Floor Plan
- (3) Scale 1-50
- (4) Date November 2021

PROPOSED GROUND FLOOR PLAN

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR



PROPOSED FIRST FLOOR PLAN

NOTES

- (1) Drawing Number 1/8
- (2) Proposed First Floor Plan
- (3) Scale 1-50
- (4) Date March 2021

Proposed Rear Extension For
 Mr & Mrs A Davis
 28 Sandstar Close
 Longlevens Gloucester GL2 0NR