



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 22 August 2019
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Karl Hobley, Paul McCloskey, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 14)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **19/01141/FUL 2 Bethesda Street** (Pages 15 - 44)
 - b) **19/01230/FUL 151 Old Bath Road** (Pages 45 - 56)
 - c) **19/01237/FUL 1 Hamilton Street** (Pages 57 - 96)
 - d) **19/01296/FUL 3 Wendover Gardens** (Pages 97 - 116)
 - e) **19/01298/FUL 26 Hatherley Court Road** (Pages 117 - 132)
 - f) **19/01375/FUL 21 Canterbury Walk** (Pages 133 - 142)

7. APPEALS UPDATE

(Pages 143 - 144)

An update from the Head of Planning

**8. ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee**Thursday 18th July
18:00-18:55****Present at the meeting**

Councillor Garth Barnes (Chair)
Councillor Paul Baker (Vice-Chair)
Councillor Diggory Seacome
Councillor Victoria Atherstone
Councillor Bernard Fisher
Councillor Dilys Barrell

Councillor Karl Hobley
Councillor Tony Oliver
Councillor Simon Wheeler
Councillor John Payne
Councillor Rowena Hay
Councillor Mike Collins
Councillor Louis Savage (Reserve)
Councillor Roger Whyborn (Reserve)

Officers in attendance

Gary Dickens, Planning Officer
Nick Jonathan, Solicitor
David Oakhill, Head of Planning
Michelle Payne, Senior Planning Officer

1. Apologies

Apologies were received from Councillor McCloskey, Councillor Cooke and Councillor Hegenbarth. Councillor Savage and Councillor Whyborn were in attendance as substitutes.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Councillor Seacome and Councillor Fisher had both visited 35 Libertus Road.

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on the 20th June 2019 were signed and approved as a correct record.

6. Applications**7. 19/00213/FUL Balcarras School, East End Road, Charlton Kings, Cheltenham, Gloucestershire****Officer introduction**

MP introduced the application, she advised that the application was seeking planning permission for the installation of a Multi-Use Games Area (MUGA) comprising 4 courts, complete with 3m high twin wire fencing, and floodlighting to 2 of the courts.

She explained that the application was before the planning committee at the request of Councillor McCloskey, and was also the subject of an objection from the Parish Council.

Member Debate

DB: Noted that in the Parish Council submission they had suggested that the lighting be fitted with a time clock so as to prevent lighting being left on through the night. She queried whether a decision had been made on this. She also questioned whether the cumulative lighting effect had been considered by environmental health.

TO: Given the residents concerns he questioned whether it would be possible to condition the use of the 2 pitches nearest to residents so that they could not be used for team sports i.e. basketball as this would cause more disturbance to residents.

JP: Noted that Sport England had requested a management and maintenance scheme be put in place before the courts were brought in to use. He questioned who had oversight of this plan and how would it be monitored.

VA: Noted that one of the residents who backs on to court suggested that the court should be turned 90 degrees in order to maintain a reasonable separation between the MUGAs and the residents of Willow Road, she questioned whether this had been considered.

MP in response:

- She advised that they hadn't imposed a condition regarding the time clock, however, if residents were experiencing issues with the lighting they could report this to the council and it would be dealt with through enforcement action.
- With regards to the cumulative effect of the lighting, she explained that this had been dealt with by environmental health who had advised that the lux levels on neighbouring properties would still be a zero value because of the nature of flood lighting.
- She highlighted that it would not be in their remit to restrict the particular sports played on the pitches, however, it was likely that the courts furthest from the residents would be used in the first instance. As part of the community use agreement they could stipulate that the 2 courts closest to residents be used as a last resort.
- Sports England had requested that they be consulted on the community use agreement and the maintenance plan and so it would be devised in consultation with them.
- They hadn't specified that the court be turned 90 degrees as this would eat in to the existing playing facilities, if turned round it would also be feasible for flood lighting on all 4 courts which would intensify the lighting issue. DO reiterated that if it were to be flipped 90 degrees the piece of land would not be fit for purpose.
- She confirmed that only the 2 courts to the North East were flood lit.

MC: Sympathised with residents whose properties abutted the area, however, noted that other areas within the school already abutted residential properties. He felt that the suggestions put forward by Sports England were extremely positive and agreed that flipping the courts 90 degrees wouldn't work.

Vote of officer recommendation to permit

13 For
0 Against
1 Abstention

PERMIT**8. 19/01044/COU Darleydale 35 Libertus Road Cheltenham****Officer introduction**

GD introduced the application, he informed the committee that the site had been used as a privately owned care home since the late 1980s offering residential care for up to 13 individuals and the applicant was seeking permission to enable the property to be used as a 13 bed house in multiple occupancy (HMO). He highlighted that the application was for generic use and therefore the end use may vary.

He explained that the application was at planning committee at the request of Cllr Holliday due to level of concern amongst neighbouring residents.

Councillor Holliday speaking in objection,

Was in attendance to support the residents of St Marks who were concerned that the change of use would have a detrimental effect on the neighbourhood with regards to the increased vehicles, parking issues, noise disturbances and highways safety. She highlighted that nearby residents had experienced anti social behaviour from 22 Libertus Road which was also an HMO and so had concerns that the same problems would be experienced at number 35.

With regards to the comments from the joint waste team, she felt it wise to have an area that restricts parking to allow crews to pull up safely and empty the bins, however, felt that this would exacerbate the parking problems. She questioned the highway's officers comments that there were 48 available parking spaces within a 200 metre radius of the proposed development site and noted that on street parking was residents only after 8pm. She highlighted that current residents already had issues with parking and were often forced to park on adjacent roads. In her opinion, there appeared to be mixed messages regarding the future tenants and the exact number of occupants. She also sought further clarification on the highways issues and felt that the highways officers need to revisit the site to determine the number of on-street parking spaces over a longer period of time. She suggested that the committee refuse the application or at least defer until answers were sought to residents questions.

Member debate

RW: Had significant concerns about the application, particularly with regards to how narrow the street was and the fact that parking in this area was already heavily restricted due to the recent scheme introduced in an attempt to control car parking around train station. He felt that the scheme would inevitably result in more parking on the road as the parking provisions were insufficient for the number of residents expected. He agreed with Councillor Holliday

that more work was required to demonstrate that parking wasn't going to be a significant problem.

DS: Queried when a HMO becomes a block of flats and what the difference was between them.

BF: Had concerns that they would have no control over whether 13 people actually lived in the HMO. He questioned whether they could limit the number of people who resided there.

MC: He noted that there were 2 parking spaces close to the refuse store and questioned whether residents and the refuse collectors would easily be able to access the store. He acknowledged that they could not add weight to what the future use of the HMO may be.

VA: Questioned the type of people who may be living in the property, she highlighted that HMO's worked extremely well in other countries, however, she had concerns about anti social behaviour and questioned whether a cap could be put on the number of students living in the property.

DB: Questioned whether officers had anymore clarity on the highways safety issues raised by a number of residents. She further questioned whether the refuse vehicle would have to drive in to get the bins and had concerns that 1 bathroom between 4 bedrooms could be fraught at times.

JP: Had concerns as to whether there were current residents in the home and whether appropriate action had been taken to relocate them. Also had concerns about the lack of clarity over the number of people that could be residing in the property and the potential adverse impact this could have on the local community.

KH: Thought that it was an attractive property that added to the street scene and was pleased that a developer wished to retain it, something he felt that the council should encourage. He appreciated the issues that were sometimes associated with HMO's, however reasoned that if the care home was no longer a viable business option they should support the change of use. He disagreed with the earlier suggestion of deferral and felt that they had the information they needed before them in order to make a decision.

SW: Noted that there was an area to the North of the site that could potentially be used for parking. He disagreed with the comments made by the highways authority and he questioned whether there was adequate enough parking for residents, he was unhappy to support the scheme if it exacerbated the parking problem on the highway.

The Gloucestershire County Council's Highways Officer in attendance made the following comments:

- The existing use for the property was a care home and the conversion to a HMO would actually reduce the parking pressures during the day as previously they had a number of staff and visitors coming and going throughout the day.
- From experience of previous HMO applications, car ownership was typically lower, similarly, the property benefits from ease of access by foot, cycle and public transport to all amenities and services within the town centre and so they would anticipate fewer residents with cars. He reiterated that parking was available on site and that lockable

gates were being installed so that tenants were able to park bicycles and motorcycles securely.

- He explained that a night time survey conducted by the applicant had identified that parking pressures would increase, however, the increase was not considered to be extreme. The Highways Authority had therefore concluded that the additional demand would not adversely impact the local area.
- With regards to refuse collection, they had no reason to raise any highways safety concerns on this matter.

GD in response:

- With regards to the difference between a HMO and a flat, he advised that a HMO is when a property has shared facilities i.e. a communal lounge and living – change to kitchen. When a property is self contained that's when it becomes an independent residential dwelling.
- The application is for a 13 bed HMO, if more people were living there then they would be in breach of their planning and licensing conditions.
- With regards to the relocation of residents he was of the understanding that the business had been winding down for a period of time.
- They were unable to condition the demographic of the people living within the property.
- It had been suggested that once the development was complete there could be someone on site to manage it if the intended end user is as suggested.

PB: Whilst he understood residents concerns, he felt it was imperative that all types of accommodation was provided across the town. He felt it would be a good use for the building.

MC: Thought it was a suitable location for such a property, however, they would need to be mindful of the issues caused by too many HMO's in the future.

BF: Was assured by the officers comments that it was only permitted for 13 residents, however, questioned how this would be monitored. He acknowledged the problem many people faced as they could not afford to rent a flat and so a HMO provided a suitable alternative.

GD in response:

- In terms of policing the number of residents it would be more a case for the licencing enforcement team and would be controlled if they had complaints from nearby residents or others residing in the property. He highlighted that the rooms were a certain size and so this restricted how many beds you could physically get in.

VA: Support HMOs as Cheltenham needs more affordable housing, however, she was aware of the problems caused by numerous HMO's in St Peters including dangerous parking, recycling not being taken out and furniture being dumped outside. She questioned what measures could be put in place to prevent this.

MC: Felt it was impractical to determine the number of people allowed in the HMO's as people often had temporary guests i.e. friends and family members staying with them.

GD in response: They would be unable to enforce things such as ensuring that the recycling was taken out, however, issues such as dangerous parking would be dealt with by the police.

Vote on officer recommendation to permit

11 in favour
3 Against
0 Abstentions

PERMIT

8. 19/01110/LBC Cheltenham Borough Council, Municipal Offices, The Promenade

Officer introduction

DO introduced the application, he informed the committee that the proposed works were for four wireless receivers/transmitter boxes which were to be affixed to the exterior rear elevation of the lift shaft on the roof of the Municipal Offices. He explained that the boxes were 5 x 7 metres long and 2 inches deep.

Vote of officer recommendation to permit

13 For (unanimous)

PERMIT

9. Any other items the Chairman determines urgent and requires a decision

10. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

RESOLVED THAT

In accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

11. Exempt Minutes

The exempt minutes of the meeting held on the 20th June 2019 were signed and approved as a correct record.

Chairman

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APPLICATION NO: 19/01141/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 21st June 2019	DATE OF EXPIRY: 16th August 2019
DATE VALIDATED: 21st June 2019	DATE OF SITE VISIT:
WARD: Park	PARISH:
APPLICANT: Mr Neil Otter	
AGENT:	
LOCATION: 2 Bethesda Street, Cheltenham	
PROPOSAL: Erection of a new dwelling to the rear of 2 Bethesda Street	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to land at the rear of 2 Bethesda Street. The site is located within Cheltenham's Central Conservation Area and within the Suffolk's Character Area.
- 1.2 The applicant is seeking planning permission for the erection of a new dwelling to the rear of the existing building.
- 1.3 The application is at planning committee at the request of Councillor Harman who has called the application to committee on behalf of concerned local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

18/00738/PREAPP 18th April 2018 CLO

New dwelling

19/00494/PREAPP 27th March 2019 CLO

Proposed new dwelling

17/02482/FUL 2nd February 2018 PER

Construction of single storey rear extension to kitchen with lantern roof and bi-fold doors

18/00214/FUL 26th March 2018 PER

Installation of two rear dormer windows

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 2 Residential character in conservation areas

BE 6 Back lanes in conservation areas

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Central conservation area: The Suffolks Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

3rd July 2019

Report available to view.

Cheltenham Civic Society

26th June 2019

This is a full planning application, so why has the applicant submitted conceptual drawings? The Forum has no objection to the infill development on Chapel Lane. (The applicant's inclusion of the existing street scene on their application is much appreciated, this being frequently omitted from other similar applications).

The third storey is unacceptable in a street scene of 2-storey cottages and in relation to 2 Bethesda Street. The street elevation with 3 "front doors" and a window extending to ground level is very odd and not in keeping with the area.

Building Control

13th June 2019

The proposed works require Building Regulations approval.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	25
Total comments received	13
Number of objections	11
Number of supporting	0
General comment	2

5.1 25 letters were sent to neighbours on 2 separate occasions, in addition, a site notice was displayed and an advert was published in the Gloucestershire Echo. 11 representations were received.

5.2 The objections have been summarised but are not limited to the following:

- Principle
- Over development
- Parking
- Loss of garden/amenity space
- Loss of light

- Loss of privacy
- Access issues
- Construction issues
- Impact on adjacent church hall

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity and impact on the Conservation Area.

6.3 **The site and its context**

6.4 The application site currently consists of an existing mid-terraced property that has a frontage on to Bethesda Street, the property has recently been extended with a single storey rear extension and has a private rear garden beyond. In addition, there is an area of hard standing beyond the boundary fence which still forms the curtilage of the existing building but is open to Chapel Lane, this area of land is the subject of this planning application.

6.5 The proposed development site sits between two existing two storey dwellings which are of a traditional design and have frontages onto Chapel Lane, these existing properties sit at the back edge of the carriageway edge. Directly opposite the site on the other side of Chapel Lane is the Bethesda Methodist Church Hall. Further east on Chapel Lane, there are a further 3 dwellings on the south side of Chapel Lane, one traditional in style and form and two modern flat roof dwellings, these were recently constructed in the rear gardens of number 4 and 5 Bethesda Street following the granting of planning permission. (Application numbers 12/01450/FUL and 12/00515/FUL).

6.6 **Pre-application advice**

6.7 This application follows the submission of two formal pre-application submissions where officers provided a response on the acceptability of a new dwelling on this site. Officer's response concluded that whilst the principle of a new dwelling was likely to be acceptable, the proposed scale, design and form that was seen at pre-application stage was unlikely to be acceptable and revisions would be necessary.

6.8 Following on from officer's advice, changes have been made to the proposed scheme and a revised proposal is being considered within this application.

6.9 **Principle**

6.10 The application site is located within a built up area of Cheltenham, surrounded predominantly by residential dwellings, the proposal to erect a new dwelling on this site would therefore accord with JCS policy SD10.

6.11 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. In this instance, as Cheltenham cannot currently demonstrate a 5 year housing land supply, paragraph 11 d) of the NPPF is applicable to this application, this reads 'where there are no relevant development plans, or the policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in this Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

6.12 In this instance the protected area is a designated heritage asset which is the surrounding conservation area; therefore whilst the principle of a new dwelling on this site is considered to be acceptable, the main considerations are whether any identified harm will significantly and demonstrably outweigh the benefits.

6.13 Design, layout and impact on surroundings

6.14 The proposed development is to erect a two storey dwelling with living accommodation within the roof. Officers acknowledge that the site is extremely limited in size and the proposed dwelling will not benefit from any private amenity space. The dwelling has a modest footprint measuring approximately 6 metres wide by 6 metres deep and has a similar design, form and appearance to that of the adjacent dwelling (1 Chapel Lane). The eaves and ridge height of the building match that of the adjacent property, as do the front elevation design details such as the windows and doors. The proposed materials are to match that of 1 Chapel Lane which is considered to be wholly appropriate and acceptable. As proposed, the new dwelling and adjacent property will read as a pair of semi-detached properties rather than standalone dwellings.

6.15 The addition of a dormers to this property will provide further living accommodation within the roof space, whilst this is not a common feature in the local area planning permission was granted for two rear dormers on the existing property of 2 Bethesda Street (18/00214/FUL). The front elevation dormer is considered to be of an appropriate scale, form and design and is considered to be acceptable.

6.16 The design of the rear elevation is very different to the front, due to the close proximity of neighbouring development windows to the rear are high level and do not reflect the traditional design of the front elevation windows. In addition, a further dormer is provided on the rear roof slope. Officers consider that the rear elevation is much less sensitive than the front elevation and the more modern approach is considered to be appropriate.

6.17 The site is within a sensitive location within Cheltenham's Central Conservation Area and is in close proximity of the Grade II listed Church, careful consideration has been given to the impact of the proposed development on the design and character of the surrounding conservation area and the setting of the listed building. The proposal has been discussed with the council's conservation officers, no objection has been raised, it is not considered that the development would result in any unacceptable harm to the setting of the listed church, nor would it result in a negative impact on the character of the area. The conservation team are supportive of infill development on this site and consider that development which will result in the loss of the poor quality hard surfaced area will improve the aesthetics of the area.

6.18 The Civic Society has commented on the application, points regarding the front elevation detailing has been addressed through the submission of revised plans. A third storey is still included within the plans however the position of the front dormer has been amended and the roof light has been reduced in size.

6.19 Officers consider that the proposed dwelling is of an appropriate scale and form, reflecting that of the immediate property and is not considered to result in any unacceptable harm to the design or character of the surroundings. The proposal is therefore considered to be compliant with local plan policy CP7, and adopted JCS policies SD4 and SD8.

6.20 The proposed dwelling will reflect the layout and development patterns of the immediate locality, is considered to be of an appropriate built form that is in keeping with its surroundings and is a design that is of an appropriate style to sit comfortably in its

surroundings. This accords with the advice and guidance set out within Cheltenham's Development on garden land and infill sites SPD.

6.21 **Impact on neighbouring amenity**

6.22 Concerns have been raised by local residents regarding the impact of the proposed development; these concerns include a loss of light and a loss of privacy to the surrounding properties and the church hall.

6.23 The proposed new dwelling is not as deep as the dwellings located either side of it, therefore in terms of light these properties will not be affected. Officers note a small window located in the side elevation of number 3 Chapel Lane, however this is confirmed by the owner as being a bathroom window and is therefore not afforded protection in terms of light. In terms of impact on the properties of 1 and 3 Bethesda Street, officers acknowledge that these properties currently appreciate a gap to the rear of the application site towards Chapel Lane, the infilling of this gap will therefore have an impact in terms of outlook. The development is however considered to be a sufficient distance away from these properties and would not result in any overbearing impact or unacceptable loss of light. In addition the relationship between the proposed new dwelling and the existing properties on Bethesda Street is no different to that of the neighbouring sites.

6.24 In terms of privacy, the rear elevation windows of the new dwelling are all detailed as being high level and obscurely glazed which appropriately protects the privacy of the neighbouring land users; a condition has been suggested to ensure the rear windows are maintained as such.

6.25 The gable end of the church hall which faces the development site includes 3 vertical windows, concerns have been raised by local residents and users of the hall about a potential loss of light to these windows and a potential loss of privacy. When considering loss of light to neighbouring buildings, officers apply the tests set out in the guide 'Site layout: Planning for daylight and sunlight' by Paul Littlefair. The light test is usually applied to residential uses, however at paragraph 2.2.2 (pg7) it states other uses that can be protected, these are listed as schools, hospitals, hotels/hostels, small workshops and some offices. In this instance the adjacent church hall does not fall within those specified and therefore is not afforded the same level of protection as a residential property. Officers acknowledge that the proposal will impact light to the church hall, however, given that these are the only windows serving the large space, it is unlikely that activities currently take place without the use of artificial lighting.

6.26 With regards to a loss of privacy to the church hall, policy CP4 seeks to protect residents of habitable spaces, the church hall is a social space used by groups for short periods of times, is not considered to be a residential or habitable space and therefore is not afforded the same protection as a residential property.

6.27 Whilst officers duly note all the concerns raised, it is not considered in this instance that the proposal will result in any unacceptable loss of light, loss of privacy or overbearing impact on any neighbouring residential land user and is therefore considered to be compliant with local plan policy CP4 and JCS policy SD14.

6.28 **Access and highway issues**

6.29 Chapel Lane is an un-adopted Highway, it is narrow in width measuring approximately 3 metres, the lane currently provides vehicle access to other residential properties located on Chapel Lane. Local residents have raised concerns regarding use of the lane for a new dwelling, parking issues and construction management issues if the development is to go ahead.

- 6.30 The proposal does not include the provision of off street parking, however the site is located within a highly sustainable location, with various local amenities and the nearby shopping area of Bath Road within a short walking distance from the site.
- 6.31 As no parking is being proposed, there will be no intensified use of Chapel Lane or the junctions onto Great Norwood Street and Commercial Street; therefore there will be no highway safety implications.
- 6.32 The proposed new dwelling does not have any private amenity space; however provision has been made for a bike store which is considered to be acceptable.
- 6.33 The proposal of a new dwelling on this site is not considered to result in any highway safety implications and given its sustainable location is considered to be acceptable on access, parking and highway safety grounds.
- 6.34 Officers duly note the concerns raised by local residents regarding access to the site for the construction of the proposed new dwelling. As noted above, the lane to the rear is narrow and therefore access by construction vehicles could be difficult, officers have therefore suggested a condition for a 'construction management plan' to be submitted prior to the commencement of the development.
- 6.35 **Other considerations**
- 6.36 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst officers appreciate the constraints of this small site and the sensitivity of its location, having considered the conclusions for each of the topic areas above which include principle, design, layout, impact on surroundings, impact on neighbouring amenity, highway safety and access, the harm is not considered to significantly and demonstrably outweigh the benefits of providing a further dwelling.
- 7.2 Officer recommendation is therefore to permit the application, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.
- Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
- Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All windows in the front elevation of the approved development shall comprise sliding sash windows and set in minimum reveals of 100mm and maintained as such thereafter.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Prior to first occupation of the development, refuse, recycling and bicycle storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 5 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 6 Notwithstanding the approved plans, the entrance door shall at all times be hung so that it only opens inwards into the building.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the rear elevation windows shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls,

fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to address design concerns; following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Please be advised that Chapel Lane, to the rear of the site should be kept clear of delivery and construction vehicles and that materials should be stored off the highway.

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APPLICATION NO: 19/01141/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 21st June 2019		DATE OF EXPIRY : 16th August 2019	
WARD: Park		PARISH:	
APPLICANT:	Mr Neil Otter		
LOCATION:	2 Bethesda Street, Cheltenham		
PROPOSAL:	Erection of a new dwelling to the rear of 2 Bethesda Street		

REPRESENTATIONS

Number of contributors	13
Number of objections	11
Number of representations	2
Number of supporting	0

Bethesda Hall
 Chapel Lane
 Cheltenham
 Gloucestershire
 GL50 2AR

Comments: 22nd July 2019

On behalf of 45th Cheltenham (Bethesda) Scout Group, I am writing to object to the proposed dwelling at the rear of 2 Bethesda Street, which would front onto Chapel Lane directly opposite the south end of Bethesda Church Hall.

As regular users of Bethesda Church Hall, our main concern with this proposed dwelling is the loss of privacy due to the 1st and 2nd floor windows having direct line of sight into the Hall. This would be a serious safeguarding concern for our members, as all the activities run by our sections in the main hall, who are aged between 6 and 14 years, could be viewed from these windows! This would also apply to the numerous other users of the Hall, which includes children of play group age!

Having read through all the planning documents and the concerns and objection already lodged against this development, I totally agree that it will also have a detrimental affect on the immediate surrounding area. In particular the blocking of the natural sunlight into the Hall, causing it to be in permanent shadow, the loss of a parking space plus additional cars for the proposed new dwelling, thus adding to the already congested parking and the further erosion of Chapel lane, which is already in a bad state of repair.

On behalf of the Scout Group, I seriously hope that due consideration is taken in account of the real concern over this unnecessary development, especially in term of the safeguarding of our members and the detriment to the local community.

Central Buildings, Oldham Street
 Manchester
 M1 1JQ

Comments: 7th August 2019

Page 26

I write on behalf of the Methodist Church with reference to application no. 19/01141/FUL. I write in my capacity as the Connexional Conservation Officer whose primary role is to provide advice and guidance to church trustees on matters relating to the historic environment.

We have been notified of the application to erect a new dwelling to the rear of 2 Bethesda Street. Which is a site opposite to and facing onto the church hall. A building which forms part of the Bethesda Methodist Church suite of buildings, and is covered by the grade II listed. Consequently, there is a statutory duty to preserve its setting. The site is also within the Conservation Area, the appraisal of which makes special reference to the positive contribution made by the Methodist Church. The church and former Sunday school has evidential, historic, and aesthetic value but also has considerable community value as it provides spiritual and community outreach to those who wish to use it.

The development site is largely undeveloped. There are some historic buildings evident from older maps but these appear to be ancillary to the buildings on Union Street (now Bethesda Street). The setting of the hall has therefore been relatively open compared to other buildings along Chapel Lane and this has permitted considerable light levels into the hall from this angle. This will certainly be affected by the infilling and development of this space. The impact of this needs to be carefully considered as reduced light levels may reduce the usability of this hall and may result in the need for alterations to it - both of which will impact on its community and architectural value.

The revised drawings show a design that is wholly unacceptable for this sensitive location, and ignores its local context. The scale of the other houses on Chapel Lane is much smaller, having a more cottage and simple two-bay appearance. Furthermore, the design in terms of appearance is also at odds with the buildings in the vicinity, and includes dormers and Velux windows, as well as windows on the rear which are of an unusual proportion. The amount of accommodation clearly needs to be reduced if the principle of development is acceptable here.

Overall, we object to the proposed development as we believe this will cause harm to the character and appearance of the conservation area, and to the setting of the listed building. We believe that this harm will not be outweighed by public benefits, and will indeed affect, negatively the public benefits currently offered by the church.

13 Commercial Street
Cheltenham
Gloucestershire
GL50 2AU

Comments: 2nd July 2019

We wish to object to the above proposal on the following grounds.

This is yet another example of garden grabbing in this area - new-builds squeezed into tiny gardens - to the detriment of existing properties, in this case to the existing house (2 Bethesda Street): to neighbouring properties, including Bethesda Church and Numbers 1 and 3 Chapel Lane; to the lane itself and the surrounding area.

The Suffolks (not Tivoli as stated on the application form) is an area of mainly 2 storey artisan buildings with a character all of its own. Its value has obviously been recognised by the Council as it is part of the Central Conservation Area. In recent years, this has been under threat because of some unfortunate developments, some in Chapel Lane itself.

It is also in Zone 8 as far as Residents' Parking is concerned. The streets here are narrow and the number of car-owning residents far outweighs the space available. The result is that we pay for the facility but often are forced to park several streets away as we did before charges were introduced.

The proposed development would mean the loss of a parking space in the garden of 2 Bethesda Street and the additional demand for street parking by the future residents of the proposed new build, at least 3 spaces in all. This is not a one-off. Over the last 10 years demand for parking spaces has risen exponentially as new houses have been squeezed into small spaces in the area. The local roads have become increasingly difficult to navigate.

Loss of gardens and amenity space also has an effect on wildlife and the environment and should be a factor in all Council decisions.

I note that the Civic society has concerns about the proposal, and the fact that it is a Full Application supported by a conceptual design and we would agree that this is inappropriate and with the other objections which they have made. We do object though to the infill as there would be a negative impact on numbers 1 and 3 Chapel Lane in terms of retaining a detached status, access to side walls for maintenance and other purposes; loss of light and potential for noise.

Loss of light would also be a major detrimental factor for the Church, which is a social centre for many groups and individuals and can in no way be described as a commercial building.

We do find the constant demand for development in the neighbourhood is having a detrimental effect on its friendly and communal nature.

In summary, our main points are

- 1 Overdevelopment in this narrow lane and this space-restricted neighbourhood.
- 2 Loss of amenity and open space.
- 3 Negative effect on the neighbouring properties including the Church as detailed above.
- 4 Pressure on parking in already overcrowded streets.
- 5 Loss of light to neighbouring properties and the Church.

2 Russell Place
Cheltenham
Gloucestershire
GL51 9HR

Comments: 29th July 2019

Letter attached.

2 Chapel Lane
Cheltenham
Gloucestershire
GL50 2AR

Comments: 24th June 2019

Letter attached.

Comments: 15th July 2019

We object again to the above Application, as per contents of objection comment dated 21/06/2019 [available to view in Documents tab]. We note revised floor plan and elevation drawings. However, points 1-8 of Comment 21st June 2019 still very much apply to this Application, also, additionally, the following is noted:

o Scale, massing and elevation are still the same, removing light and privacy from the Hall and overshadowing, causing unacceptable harm. It will still be severely detrimental to the Character Area of the Suffolk's. The Hall and its past and present use, being witness to this. [a drawing is in documents tab].

o Revised "store" now combines both wheelie bin and a bike, it what can only be best described as aspiration, as the space is 0.79 mtrs deep and 1.68 mtrs long at best case, before there is any consideration for door frames, doors or opening thereof. It is too small for a cycle, unless it is dismantled and it is a dubious fit for a bin. For both, it is not possible. So it would seem we are going to have more private property ending up in the public domain, such as PROWs. This Application does not provide any outside amenity space as was the case with the superseded drawings.

o There has been a very high turnover of occupants of Chapel Lane since 2011, so more recent arrivals make assumptions about the road that are not wholly correct. It is "not maintained at the public expense" due to it not being Adopted by the LA, so it is attributed "private" for that purpose only, however it is a Public Highway, not a private one. The Public have used it for likely in far excess of 150 years and it is, additionally, a public street. So any damage caused by construction and resultant harm to persons, private property or utility infrastructure, is very much a public issue and cannot be deferred to some non-existent entity. This expands on the points made in 7a and 7b of our letter 21st June.

Comments: 15th July 2019
Letter attached.

Comments: 8th August 2019

It is noted there is a revision to the fenestration of the rear elevation of the proposed house, submitted 20th July. This does not change the fact it is too close to the main house. These are south facing windows. The size has been halved, so less natural light into the rear of the proposed new house. Assuming this latest revision is in some way seeking to mitigate privacy and overlooking harm to the proposed house, why is the Church Hall not given any consideration?

We object again to the above Application because of the severe harm it will cause to the Church Hall due to overlooking, overshadowing and loss of light. The front elevation, height and massing is unchanged.

The NPPF states that sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations. The loss of light into the Hall and loss of privacy will mean worse conditions for the future users of the Hall. The Application compromises the ability of future generations to meet their own needs [section 2 paragraph 7 of NPPF]. The Hall, being a listed Heritage Asset, is an irreplaceable resource and should be conserved in a manner appropriate to its significance [section 16 paragraph 184 of NPPF] , the Application does not address the significance of this asset and its contribution to the quality of life of existing and future generations .

Section 12 paragraph 130 of NPPF states "permission should be refused for development of poor design that does not improve character and quality of an area and how it functions". The design does not preserve the light and privacy of the Hall, will thus denigrate its function and benefit, so being a poor design, contrary to SD4 of the JCS.

Everyone living and working in the JCS area should have access to facilities that meet their everyday needs. Essential Social and Community Infrastructure includes, among other things, Community and Spiritual Centres and children's play and crèche facilities. The proposed house will result in severe diminution of light and privacy to the Hall, compromising the well-being of present and future users of the Hall.

The proposed house will erode the appearance, character and distinctiveness of the Historic Environment due to the overshadowing; meaning the Southern aspect of the Hall will no longer be illuminated directly by the sun, contrary to SD8 of JCS.

The proposal is also contrary to SD14 of JCS for the following reasons:

1. This proposal will create or exacerbate conditions that will adversely impact on human health. The user groups of the Hall are well established and adapted to the positive environment presently in the Hall and do require light, privacy, consideration and respect.
2. The Development will cause unacceptable harm to the local amenity including the amenity of neighbouring occupants of the Hall.

Bethesda Hall
Chapel Lane
Cheltenham
Gloucestershire
GL50 2AR

Comments: 19th July 2019

The church hall which is directly opposite the proposed building is used by many community groups every day of the week.

As a volunteer who helps run a toddler group and a lunch club and welcome club at Bethesda Methodist Church, I am writing to object to the above proposal.

Having discussed it with about 30 adults who regularly attend with their children and our group of 28 senior citizens, there was a very clear deep concern about the impact the proposed building will have on the amount of daylight lost.

Some people have also raised concerns over the lack of privacy that will prevail, as the proposed windows will look directly into the hall.

15 Commercial Street
Cheltenham
Gloucestershire
GL50 2AU

Comments: 8th July 2019

Chapel Lane is a quiet unmade road and until recently the houses that fronted on to it had parking in front or at the side. Houses that fronted onto Bethesda Street had rear garages/parking/gardens. Despite the difficulties of parking in this area permission has been granted in the past for the replacement of garages with design inappropriate dwellings and obviously without any parking. This is another such application and reflects the gradual degradation of this unique area of Cheltenham by ugly infilling and vehicular pressure, despite its status as a Conservation Area.

This area is not obviously beautiful like Montpellier, Tivoli or Lansdown but has charm and vibrancy and deserves better treatment than it has received to date, namely the unthinking disregard of the importance of retaining outside space for the houses that have been here for so long. If it is truly a conservation area it should not preclude innovation and development however a sense of space is as worthy of conservation as a beautiful building.

Outdoor spaces also provide useful wildlife corridors necessary for healthy gardens and ultimately healthy town-dwelling people.

Having finally been able to look at the conceptual plans the house appears large in relation to the other dwellings in the lane with three storeys and has a lot of 'front doors'. It seems clear that it will block light for those opposite (it is a very narrow lane) and most particularly into the old hall opposite.

5 Old School Court
Great Norwood Street
Cheltenham
Gloucestershire
GL50 2BG

Comments: 13th June 2019

Whilst I have no objection in principle I am concerned about yet another building being erected without parking facility. The area is already overcrowded with vehicles and to build without this in mind is short-sighted. Perhaps a designated space could be agreed in the Bath Road car park and included in the deeds of the new property?

Bethesda Methodist Church
Great Norwood Street
Cheltenham
Gloucestershire
GL50 2AP

Comments: 15th July 2019

I write to express concerns on behalf of the Church Council and members of Bethesda Church concerning the proposed dwelling and why we would wish to speak at the Planning hearing

The dwelling would be directly opposite across a narrow lane 10 feet wide, south of the main windows of Bethesda Church Hall. These windows provide nearly all the light into the Hall. (There is a small East window at the other end of the Hall but it is overshadowed by an old building and provides little light.) We are greatly concerned that the proposed dwelling would take away much of this light because of its position, height, and close proximity on the south side.

This would seriously affect the amenity, by greatly reducing the light in the hall, for hundreds of users in a typical week.

All 1st and 2nd floor windows of the proposed house will look directly into the hall causing loss of privacy - and raising Child Protection issues.

Bethesda is a busy 'Community' church providing facilities for many groups throughout the week. Since a major rebuild and refurbishment two years ago of parts of this Grade 2 listed building (which was highly commended by the Civic Trust) there has been an increase in daily community activities, and more are planned.

Weekly activities in the hall include:

- Lunch and Activity club for the elderly.
- Toddlers and Mums groups (twice)
- Activity and support group for Dementia sufferers/carers
- Scouts, Guides, Cubs, Brownies, Beavers
- Community Country Dancing
- Community Bread making

- U3A choir
- Cheltenham Community choir
- Morning coffee and conversation
- Social and fellowship gatherings

These activities are not a commercial operation. The church wishes to serve the local community and so the Hall is provided free to most groups or at cost-covering rates. We believe there is no similar hall in the local community of Suffolks/Bath road.

The Hall has enjoyed light from these south facing windows for over 150 years. Generations of church members and local community have enjoyed its activities. Following refurbishment of other parts of the building the hall windows are being prepared and painted this summer. A site visit by the Planning Committee to see the hall would probably best demonstrate the real concerns we have.

Yours faithfully, on behalf of the church,

Lamb Flag Cottage
3 Chapel Lane
Cheltenham
Gloucestershire
GL50 2AR

Comments: 11th July 2019

We have been unable to register online for make a comment on the planning application for 19/01141/FUL 2 Bethesda Street New Dwelling. A receptionist at the council offices told us we could email instead to make a comment. See below:

Neutral:

Whilst we are not opposed to the building of the new dwelling at the back of 2 Bethesda Street, we have a few queries/considerations after looking through the proposed plans.

- Would there be enough space between 3 Chapel Lane and the proposed dwelling for a ladder or side access in case work is needed to be carried out on the side or the side roof of number 3?
- As Chapel Lane is a privately owned road, if there was any damage done to the road due to the proposed works, who would be responsible financially?
- Would the proposed building works affect the foundations to our house (3 Chapel Lane) in any way, and if there was any damage to our property, as above, who would be responsible?
- Unfortunately, the proposed dwelling would block out the light coming in from our side bathroom window on 3 Chapel Lane, which would be a shame as we do get quite a lot of sun through that window.
- With regards to it being nearly attached to 1 Chapel Lane, just wanted to mention that our property (3 Chapel Lane) had a new property built right next to it a few years ago. There is a very small gap (5mm?) between 3 and 3a and we have been told that water collects in the gap and is likely the reason why we had damp problems with the wall in our hallway, which we had to get damp - proofed in 2015. We just wanted to point that out as a consideration as i couldn't see what the gap will be between proposed dwelling and number 1 and wouldn't want this problem to occur for 1 Chapel Lane.

1 Chapel Lane
Cheltenham
Gloucestershire
GL50 2AR

Comments: 20th June 2019

Whilst I'm not against the development of the site as it is an eyesore, some revisions to the plans are required or need clarification.

- Sufficient clearance between 1 Chapel Lane and the new build required to allow access to the owned walls, waste pipes, extractor vent and also maintain the detached status of 1 Chapel Lane.
- 2 Bethesda already encroached on the limited outdoor space of 1 Chapel Lane and the proposed new build will exacerbate this further as well as restrict light to the garden and rear of 1 Chapel Lane.
- Access to rear of 1 Chapel lane for building maintenance needs to be maintained.
- Noise reverberation off the new building in the newly formed enclosed space between properties will be a nuisance to all properties in the vicinity.

Other concerns

- Likely further road dilapidation of the unadopted Chapel Lane with building work. The road is already in extremely poor condition.
- Risk to damage the foul sewer underground and new build restricts access of inspection chamber of the sewer.
- Risk of damage to foundations and further damage to walls of 1 Chapel Lane with any excavations and building operations.
- Another period of construction noise, dirt and disruption so soon after the last building work an issue as I often work from home.
- Further strain on parking in the vicinity with additional residents in the area.

1 Great Norwood Street
Cheltenham
Gloucestershire
GL50 2AW

Comments: 17th July 2019

Entirely agree with all comments/objection made 24 June and 15 July - additionally there is no safe vehicle access/egress to the intended site either from Gt Norwood St or from Commercial Street where there have been many accidents already.

Wold's Edge,
Station Road,
Woodmancote,
GL52 9HN

Comments: 17th July 2019

I write in support of the Church Council and members of Bethesda Church concerning their objection to proposed dwelling.

Page 33

The new building would be directly opposite across a narrow lane 10 feet wide, south of the main windows of Bethesda Church Hall. These windows provide nearly all the light into the Hall and has always done so. (There is a small East window at the other end of the Hall but it is overshadowed by an old building and provides little light.) As regular users of the hall, we are greatly concerned that the proposed dwelling would take away much of this light because of its position, height, and close proximity on the south side.

This would seriously affect the amenity for us and for other users by greatly reducing the light in the hall. We meet in the afternoon and try not to use electric light more than absolutely necessary for cost and sustainability reasons.

We have met in the hall for many years and greatly appreciate its availability and suitability especially since the recent splendid refurbishment: there is no similar hall in the local community of Suffolks/Bath road.

As the church representative wrote, a site visit by the Planning Committee to see the hall would probably best demonstrate the real concerns we all share.

Yours faithfully, on behalf of the C&G National Trust Centre,

Chairman, Lectures Committee

F.A.O. [REDACTED]

Ref 164327.

The Members of the
Cheltenham Borough Council
Planning Committee.

Page 34

Rec'd 26 JUL 2019

PLANNING
SERVICES

2. Russell Place
Cheltenham, Glos.
Cotsw., G1R.

18th July 2019

1 of 2.

With reference to the planning application for a three storey building in Chapel Lane, to the rear of 2 Bethesda Street, and opposite the windows of Bethesda Methodist Church Hall, on the South side of the said church.

Dear Sirs/Ms/Mes.

Please be aware that neither the Church nor the Church Hall is a commercial building used for profit. It is a vibrant community centre, catering for the following activities:-

- Polling Station : National Trust : Teenage uniformed organisations constituting some 125-130 youngsters
- : Two morning Toddlers groups plus parents/carer's
- : Country dancing : choirs (some of which meet in the Church)
- : A luncheon club and an afternoon Welcome Club, also for older folk.
- : Coffee Normans on Saturdays and after Church services
- : The Hall is also used for Wedding Receptions and Funeral wakes and for Birthday celebrations, and for creative age projects for those with dementia.
- : We are all aware, we are not, of the beneficial impact of sunshine, natural light, on our health and well being, whatever our age?
- : The erection of a three storey building opposite the Hall windows across a narrow lane will deprive the Hall of that light, whatever the season and will necessitate the use of artificial light (with Eco implications) which would otherwise be unnecessary.
- : May I repeat, PLEASE DO NOT ALLOW THIS TO BE BUILT. Bethesda Church Hall is part of a vibrant thriving community.

Yours sincerely,
[REDACTED]

- 1) The Hall, with its large South facing windows, is NOT a commercial enterprise, but a vibrant community centre catering for the needs of many folk of all ages, involving a wide range of activities, as detailed.
- 2) All these benefit from the DAYLIGHT and SOUNDING FLOODING into the Hall.
- 3) We are all aware, I know, of the benefit to health and well being of the above.
- 4) The erection of a 2 or 3 storey building on Chapel Lane directly opposite these windows will shut out a lot of this sunlight.
- 5) This is especially so because of its close proximity across a narrow lane.
- 6) Bethesda Hall has had the advantage of this light for over 170 years - if this project goes ahead, Artificial light will be required at times - which is not eco friendly and is not necessary in present circumstances.

F.A.O. Judith Baker. PLANNING SUPPORT SERVICES.

I write as one who has worshipped and been involved in activities at Bethesda since 1991. For 22/23 years I was CARPENTER at Bethesda and was, and still am, aware of all the activities in all parts of the building. Thus, I ask that the plan for building opposite Bethesda Hall be REJECTED

Yours sincerely

[Redacted signature area]


2 Chapel Lane
Cheltenham
GL50 2AR

Ben Hawkes
Planning Department
Cheltenham Borough Council
PO BOX 12, Municipal Offices
Promenade
CHELTENHAM GL50 1PP

Friday, 21 June 2019

Dear Mr Hawkes

**Application Ref: 19/01141/FUL
Erection of new dwelling to the rear of 2 Bethesda Street**

We object to the proposed development as it has no merit and is not required. This is judged on the balance of harm to the character of the area and the harm to amenity of existing land users, which is excessive, compared to the short term financial gain of the Applicant and the one extra Council Tax income to the Local Authority. However, before we set out the detail for this, the following inaccuracies in the Application documents are noted:

- The Design and Access Statement is not fit for purpose as it does not demonstrate that the Amenity of adjoining land users has been considered.
- The houses on the north side of Chapel Lane are no's 2, 4 and 6. For obvious reasons those on the south side are odd numbers 1, 3 and 5. There are no houses known as "Chapel Cottages" in Chapel lane.
- This area, including Bethesda St and Chapel Lane, is not Tivoli, as incorrectly stated on the Applicants drawings. Obviously it is the Suffolk's, as per the character appraisal the Applicant refers to in the D & A. This would explain the Applicants deficiency in understanding the Character of the Suffolk's Conservation Area, suggesting a detachment from the locality.
- The Application Form states no loss of parking. This is not true. It is presently used for parking a vehicle for no 2 Bethesda St, as has been the case for a number of years. So the proposal will result in three additional vehicles in Zone 8.
- The D & A presents a photograph of the Application site with building debris in the space, for a claim of it being "an eyesore". This residue is from the recently completed rear extension to 2 Bethesda Street and related works [17/02482/FUL]. Historically the rear of 2 Bethesda had a small shed, sometimes a similar height red brick wall across the frontage and 2.5 mtrs high fencing along the boundary with the road. The remnants are still clearly visible, with the gate hinges still present on the adjacent buildings and the fence post holes on the boundary. If the rear is an eyesore then that is caused by the owner of the land and not a justification for a new dwelling. If you want enclosure, restore the original fencing or walls.

We strongly object to the proposed development for the following reasons:

1. **Over-development.** This is an area of high-density housing, in terraced houses with small back gardens. Garden development of this sort, with no outdoor space, intensifies the crowding. It contravenes the Council's policy to prevent inappropriate development in gardens as stated in SPD "Garden Land and Infill Development in Cheltenham". This is Garden Grabbing.

The land affected currently comprises part of the rear garden for no 2 Bethesda Street and the attached rear parking area. This area also serves as waste bins and recycling storage for more than one dwelling. The Glossary provided with the NPPF states that land in built up areas such as gardens are excluded from the definition of "previously developed land". As such, this is an Application on garden land.

2 a: Severe harm to Amenity of neighbouring land and property.

The Application detracts, cumulatively, from the open character of the area, contrary to BE1 of the local plan, this being the fourth garden grab on the curtilage of Chapel Lane in ten years. The footprint of the Application, including the narrow side path left as access to the rear of the existing property, is 40 m². The rear of 2 Bethesda Street is 75 m². The majority of the garden is taken by this footprint, contrary to BE6 [b], as inadequate amenity space is left with the existing property and no amenity space is provided for the new house.

There is 5 metres distance, at best, left between the existing property and the rear of the proposed dwelling. This is not adequate where glazing obscured or not, is facing one another.

The adjacent houses, 1 and 3, are not "recently constructed", as incorrectly stated in the D & A, they are both circa 1820s. Both will be cramped by the development and one will have at least one window completely blocked as a result.

There are harmful Acoustic implications in the proposal; presently there is wooden fencing on the rear of the site, then an open area. Prior to the recent construction of the rear extension, there was an established garden, along with the wooden fencing and open, low elevation to the north, these combined to absorb noise. A house on this site will box in the remaining tiny rear Amenity space left with the existing house and significantly amplify noise to the immediate neighbours to an unacceptable level.

The Church Hall, directly opposite the Application site, was built and orientated in a Southerly direction to harvest natural light for internal illumination. As such it was placed facing between numbers 1 and 3 and has enjoyed this position for some 150 years. The distance between the proposed front of the new house and the large Church Hall windows on the south facing gable end is just over 3 metres. Regardless of where you take a base measurement plain for purposes of a 25° line to the horizon, say 2 metres off the ground or from the top or bottom of the Church windows, this line is interrupted by the elevation of the proposed dwelling by a significantly large margin. This is unacceptable overshadowing and loss of light. Additionally there is the issue of privacy for those inside the Hall, many of whom are children.

This development causes unacceptable harm to the amenity of adjoining land users and users of Community indoor resource, contrary to CP4 [a] and does not conserve or enhance the best of the built environment; the valuable community amenity the Church Hall provides, contrary CP3 [c].

Further, this proposal will cause unacceptable harm to the enjoyment of neighbouring properties [both internally and externally], and the locality due to its layout, scale and massing and it does not provide for amenity space in the new dwelling. To use that land for a separate dwelling, with minimal outdoor space, would be to cramp the lives of future users of the existing houses and the new one.

2 b: Severe harm to Character of the Suffolk's

Linked to Amenity loss generally, but specifically to Bethesda Church Hall, is Character. The Suffolk's Character Area Appraisal and Management plan states 5.8 [a] "*Bethesda Church acts as a focal point for the Community*".

This Character does not just appear overnight. It evolves from people using space and that space can then become community. People become accustomed to that space and it feels safe for them. It promotes wellbeing. It is naturally light, amongst other things, that is the

attraction that brings the people and they keep returning, friends and future generations. What value do you put on that resource? It is generational, so likely infinite.

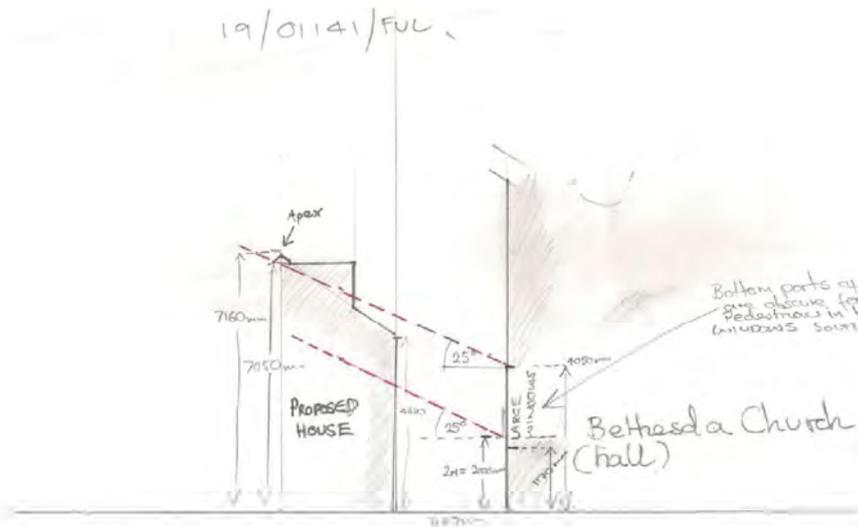
Bethesda Church is a grade II listed building and it contributes positively to the locality. For the planning process to treat it as purely "Commercial" and give a lesser weight to loss of amenity as you would to an office block or factory would be wholly at odds with the Development Plan and the NPPF. Clearly the Hall is not a "habitable room" in the sense of a house living room, but it is *inhabited* by the Community, not a work force, and has been inhabited by the Community past, present and, hopefully the future.

The Hall, being used by the public in daylight hours, adds to the vitality and character of the area. The proposed dwelling will remove amenity to the hall, remove daylight and remove privacy. This will make it a less appealing indoor space and community focal point. It will no longer feel safe. It would be severely detrimental to present and prospective future users of the Hall.

One windfall for an individual and one extra Council tax is the "gain" if permission is given for this new house, whilst on the debit size is the permanent degrading of a community space that will harm the lives and well-being of many thousands of people and harm the character of the area. This far outstrips any perceived "gain" of the proposal.



South facing Church Hall Windows: Note shadow either side due to no 1 and no 3 and imagine the devastating effect of the overshadowing caused by the new house.



The proposed house will dramatically overshadow the Church Hall windows as demonstrated by the 25° lines to the horizon.

3. Impact on Chapel Lane. This narrow road is ill-suited to further frontage development. The proposed house would add to pedestrian and vehicular traffic on the lane, would overshadow the lane (being on its south side) and would confine the sense of space. The Local Plan (page 34, section 5.33), referring to Back Lanes in the Central Conservation Area, states: "New development in these areas can lead to parking and access problems, and it may be difficult to accommodate an acceptable form of development in such restricted areas without having an adverse impact on the light, privacy and amenity space of adjoining properties. It is often difficult to overcome these requirements owing to the problems of restricted road widths, high densities and the proximity of the rear of large buildings". We submit that these difficulties apply very strongly in this case.



Aerial view circa 2012 showing garden of No 2 Bethesda St and car parking.



Car parking at rear of Application site 2019



Car parking on Application site 2018



Historical remnants of fence posts, brick wall line and gate hinge [on 1 Chapel Lane]

4. Demand for vehicle parking space. The applicant states that there is no loss or gain of parking spaces. This is not true. The presence of a vehicle parked in the rear of number 2 Bethesda Street, with access off Chapel Lane, shows that that a household needs that parking space. The proposed development would dislocate this vehicle, and would generate demand for at least one further vehicle. This is in addition to the parking lost and parking necessity generated by the development behind no 2 Bethesda St.

There is no spare parking space on the surrounding streets, it is over subscribed.

5. Highway Safety and Access

The residual cumulative impact of more development would be severe because it absolutely and demonstrably results in more private property in public space. This will be the fourth garden development on the side of Chapel Lane in 10 years contributing at least 11 cars to be parked on the road as existing off road parking is lost and demand increases due to new builds with no parking provision. Moreover the other private property, wheelie bins and recycling bins, increasingly ends up in public space, such as PROWS [public rights of way] and alleyways. This increases clutter and obstacles that impede or remove access for the public and increase danger on the roads.

We note that in order to accommodate more “on-street” parking, Zone 8 required several narrow roads, that previously prohibited ALL on-street parking from 8am – 6pm, to have that restriction removed and parking bays installed. The result is that these roads are difficult to navigate as they have, in effect, become single carriageway. The prime example is Bethesda Street itself; the stark reality is that to accommodate new builds to the rear of Bethesda Street the new parking demand has to go on Bethesda Street itself, creating a new Highway safety and access problem.



Two way traffic attempting to navigate what has become a single carriageway in Bethesda St.

6. Layout, Character and Development patterns.

A two-storey development on this site will have a negative impact on the lane by increasing built frontage, creating a line of terraced housing, disrupting what has historically been single, detached period dwellings, resulting in a severe negative impact on the character of Chapel Lane contrary to CP7.

The development pattern was shaped by the aspect of the Church Hall windows. Historically this has been respected and maintained. We see no good reason why this should change.

7a: The increasing tightness of the Lane and the deterioration due to cumulative development.

Chapel Lane is designated by Gloucestershire Highways as a “private road” and a “unclassified highway”. But it is used regularly by frontagers and others for access and passage by foot, cycle and vehicles. The very restricted width of the Lane means that any standing vehicle blocks its full width and prevents passage by others; the police enforce this as an offence under Road Traffic laws.

All parties are reminded that Planning Permission does not give lawful authority to use the roads and highways as construction sites or to block them.

Chapel Lane is a through road linking Commercial Street and Great Norwood Street. Chapel Lane is only between 2910mm and 3175mm in width between property boundaries, and its use is shared between motorised vehicles and pedestrians with no separate path. There are no turning circles or passing places in the road.



The cement mixer arrives wedging itself in the lane and incarcerating the unfortunate occupants of no 3 Chapel Lane, meanwhile the drains are blocked by building waste causing flooding.



Typical street scene during construction in an ultra-tight urban environment.



Typical street scene during construction in an ultra-tight urban environment.

The application site is so tight that it would be impossible for builder's vehicles to stand off the Lane during construction of the proposed house, with the result that the Lane would be blocked for sustained periods, in breach of the Road Traffic laws.

The houses in Chapel Lane have no alternative access or means to undertake normal day to day activities, and we would thus be heavily affected by any disruption.

It will not be possible to accommodate construction, materials, vehicles and plant on the Application site.

7b: DAMAGE

The cumulative damage by repeated construction is well recorded. Damage to private boundary structures, damage to public road surfaces and drainage, all caused by construction vehicles and construction techniques.





Damage to Church frontage, public infrastructure and private boundary structures.



Sink holes from heavy construction vehicles, dismembered step to no 1 Chapel Lane and floods, due to building debris blocking combined foul water/ rainwater drainage system.

If the officer is minded to permit, planning conditions will be required for the purposes of CP4. Past permissions have emboldened builders to break the law, under the misconception permission makes them above such laws. This then led the Police having to be involved on several occasions. As such, some recent permissions had related conditions applied. Chapel Lane must be kept clear of delivery and construction vehicles and materials are to be kept of the road:

17/02482/FUL rear extension to 2 Bethesda St.
12/01450/FUL house to rear of 4 Bethesda St.

However this still resulted in further damage to the road and infrastructure. Excavations, piling and construction vehicle activity have caused this.

8: Summary

This Application compromises the ability of future generations to meet their own needs by virtue of a Historical and valuable Community space losing natural illumination and adversely affecting the Character of the area and the site being too small to accommodate another dwelling. The cogent harm to planning interests heavily outweighs the sustainable location of the site and any argument that it would be an efficient use of land.

We strongly urge you to refuse permission to develop this site.

Yours Sincerely

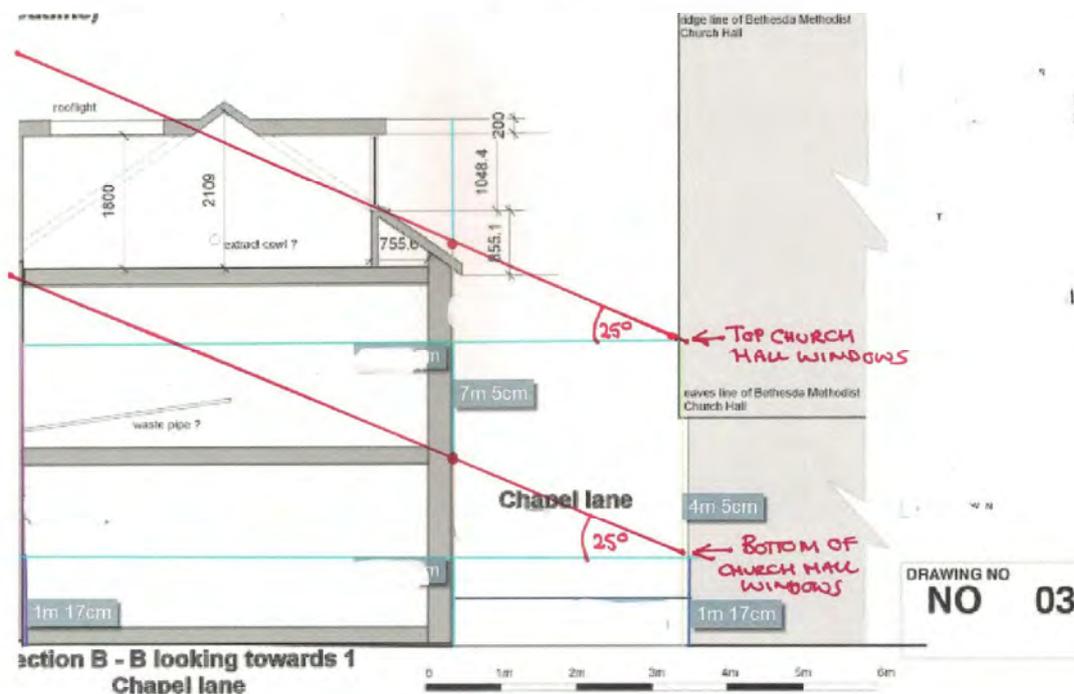
[Redacted signature block]

Re: 19/01141/FUL revised drawings July 10th

We object again to the above Application, as per contents of objection comment dated 21/06/2019 [available to view in documents tab]. We note revised floor plan and elevation drawings. However, points 1-8 of Comment 21st June 2019 still very much apply to this Application also additionally the following is noted:

- Scale, massing and elevation are still the same, removing light and privacy from the Hall and overshadowing it causing unacceptable harm. It will still be severely detrimental to the Character Area of the Suffolk's, the Hall and its past and present use, being witness to this. [Fig A]
- Revised "store" now combines both wheelie bin and a bike, it what can only be best described as aspiration, as the space is 0.79 mtrs deep and 1.68 mtrs long at best case, before there is any consideration for door frames, doors or opening thereof. It is too small for a cycle, unless it is dismantled and it is a dubious fit for a bin. For both, it is not possible. So it would seem we are going to have more private property ending up in the public domain, such as PROWs. This Application does not provide any outside amenity space as was the case with the superseded drawings.
- There has been a very high turnover of occupants of Chapel Lane since 2011, so more recent arrivals make assumptions about the road that are not wholly correct. It is "not maintained at the public expense" due to it not being Adopted by the LA, so it is attributed "private" for that purpose only, however it is a Public Highway, not a private one. The Public have used it for likely in far excess of 150 years and it is, additionally, a public street. So any damage caused by construction and resultant harm to persons, private property or utility infrastructure, is very much a public issue and cannot be deferred to some non-existent entity. This expands on the points made in 7a and 7b of our letter 21st June [in doc tabs]

There is a latent inaccuracy in superseded drawings that appear to have migrated to the revised drawings. With that in mind the following [fig A] is produced from the revised elevations plan:

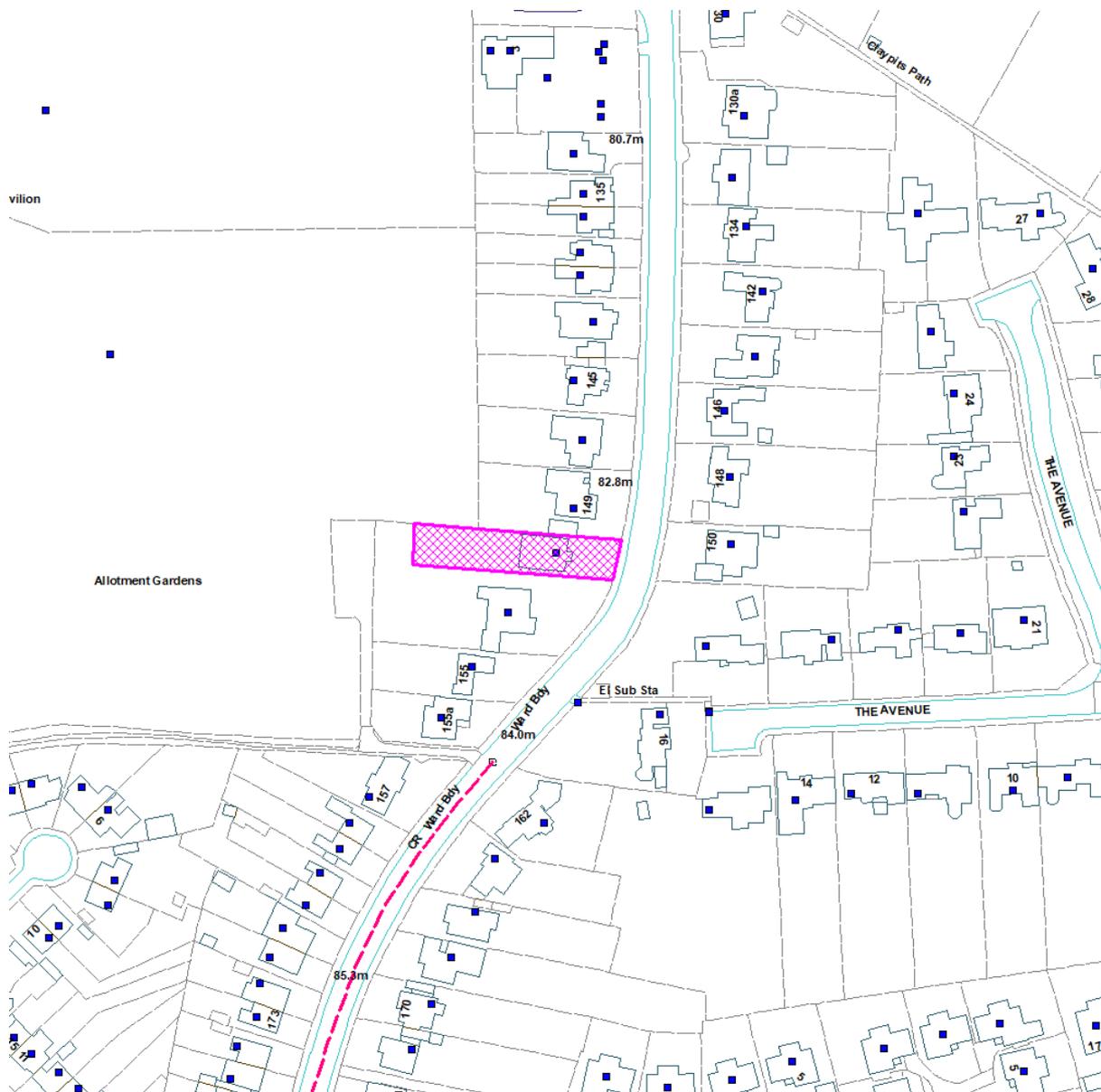


Scaled from revised elevations 10/7/19.

Fig A: Proposed house on left clearly overshadowing Church Hall windows opposite

APPLICATION NO: 19/01230/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 22nd June 2019		DATE OF EXPIRY: 17th August 2019
DATE VALIDATED: 22nd June 2019		DATE OF SITE VISIT: 12th July 2019
WARD: College		PARISH:
APPLICANT:	Mr Sean Durkin	
AGENT:	Cheltenham Drafting	
LOCATION:	151 Old Bath Road, Cheltenham	
PROPOSAL:	Erection of detached garage	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached dwelling located within a residential area on Old Bath Road.
- 1.2 The applicant is seeking planning permission for the erection of a detached garage to the front of the existing dwelling.
- 1.3 The application is at planning committee at the request of Councillor Sudbury on behalf of a local resident. The concerns relate to highway safety and impact on the character of the area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

17/02461/FUL 1st February 2018 PER
To extend the dropped kerb at the driveway entrance

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer
5th July 2019

Reference is made to the above application received on the 3rd July 2019.

Recommendation: No objection.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Building Control

5th July 2019

No comment

Tree Officer - 10th July 2019

The Tree Section does not object to this application pending submission of further information. Please could foundation details which take account of any potential roots be submitted and agreed before determination. Please could the following Condition be added with any permissions given:

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Please could the following informative also be added with any permissions:

Suggested Gutter Cover Informative

It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

5.1 4 letters were sent to neighbouring properties, 2 letters of objection have been received.

5.2 The objections have been summarised but are not limited to the following:

- Visual impact/ Visual amenity

- Traffic and highway safety
- Impact on trees

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity, impact on the street scene and impact on existing trees.

6.3 The site and its context

6.4 The application site consists of a detached two storey dwelling set back from the road with a large front garden/driveway. The site sits amongst a number of detached properties that vary in scale, form and design with frontages onto Old Bath Road.

6.5 Typically the space between the highway and the properties in the immediate locality is used as private front gardens, driveways and parking areas. Front boundary treatments in the area are varied, some with low level brick walls and planting, others with higher level fencing and planting.

6.6 Principle, design and layout

6.7 The proposal is for a single storey pitched roof garage, measuring 5.6 metres in length, 3.5 metres in width, with an overall ridge height of 3.6 metres. Access to the garage to be from within the site and not from Old Bath Road. Unlike the properties either side of the application site, the site is not sufficient in width to enable a new garage to the side of the existing dwelling, therefore the proposal is for a garage in front of the building.

6.8 As existing, there do not appear to be any detached garages built in the immediate locality. Generally garages in front of dwellings can be considered to be imposing on the street scene and often cannot be supported. However, having reviewed planning history in the local area, a number of applications are considered to be relevant.

Permission was granted in 2017 (17/00012/FUL) at 172 Old Bath Road. This decision made reference to a previous appeal decision relating to 06/01733/FUL where the planning inspector stated:

'I saw other garages sited in front of dwellings further along the road and I therefore consider garages positioned forward of the building line are already an established feature of the street scene.'

A further application at 176 Old bath road (08/01225/FUL) also granted permission for a garage forward of the existing building.

In addition, planning permission was recently granted in 2018 (18/01348/FUL) for a detached garage in the front of the existing building at number 157 Old Bath Road, just a few doors down from the application site.

Having reviewed this relevant planning history, officers consider the principle of a garage in the proposed location to be acceptable.

6.9 The external finish of the proposed garage includes low level facing brickwork, rendered walls and brown concrete roof tiles to match the existing building. The overall scale, form and design of the proposed garage is appropriate for its location and will reflect the

general design and finish of the existing building, therefore allowing it to read as a sympathetic addition to the site.

- 6.10 Officers duly note the concerns raised by the immediate land users regarding the impact of the proposed development on the character of the area. Whilst officers accept the scale form and general design to be acceptable, it is also considered necessary for a robust planting scheme to be put in place in order to reduce the visual impact of the new structure and to provide a soft boundary that reflects other frontages in the area.

There is an existing planting scheme in place which consists of Portuguese Laurel sat within raised planting beds; however, officers have noted that this planting is failing in places. Having sought advice from the council's tree officer and having discussed this further with the applicant's agent, a revised plan has been submitted which shows the raised beds being removed and the planting of new privet hedging proposed. The tree officer has advised that the removal of the raised planting beds will encourage better growth of the new planting. Officers consider that the revised planting proposal will be an improvement and once matured will provide a soft boundary to the site that will also serve as a buffer between the highway and the proposed garage.

- 6.11 It is for these reasons that officers consider the principle, scale form and design of the proposed new garage to be acceptable and compliant with the requirements of the local plan policy CP7 and adopted JCS policy SD4.

6.12 **Impact on neighbouring property**

- 6.13 Due to the scale, form and position of the proposed garage and the relationship with neighbouring land users, it is not considered that the proposed development will result in any unacceptable loss of light or overbearing impact to any neighbouring land user.

- 6.14 The proposal is therefore considered to be compliant with Local Plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.15 **Access and highway issues**

- 6.16 Gloucestershire Highways have been consulted on this application and no objection has been raised. Having discussed this further with the highways officer, no objection has been raised due to the fact that vehicular trips already occur on the site and the garage would not generate additional movements.

- 6.17 Concerns have been raised by the neighbouring land user regarding ease of access to the garage if built. A gap of approximately 5.5 metres will remain between the front of the proposed garage and the boundary line, this is considered to be sufficient space to enable a car to enter and exit the garage safely.

- 6.18 The proposal is not considered to result in any highway safety implications and is therefore compliant with adopted JCS policy INF1.

6.19 **Impact on Trees**

- 6.20 The Council's tree officer has reviewed the application to consider the impact of the proposed development on the existing street tree located on the footpath adjacent to the site. The tree officer does not object to the proposed development but has requested further details regarding the proposed foundations. A condition requiring these details to be submitted has been suggested.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, officer recommendation is to permit the application, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to first beneficial use of the development unless otherwise agreed in writing by the Local Planning Authority.

Any planting indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development (including site clearance), the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) full details of the proposed method for any ground works (including foundations) within the tree Root Protection Area(s)

The development shall be implemented strictly in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought a revised planting scheme.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

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APPLICATION NO: 19/01230/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 22nd June 2019		DATE OF EXPIRY : 17th August 2019	
WARD: College		PARISH:	
APPLICANT:	Mr Sean Durkin		
LOCATION:	151 Old Bath Road, Cheltenham		
PROPOSAL:	Erection of detached garage		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

153 Old Bath Road
Cheltenham
Gloucestershire
GL53 7DN

Comments: 12th July 2019

I object to the following proposal for the following reasons:

1. Visual impact/visual amenity:

From the pavement, the proposal would look unsightly and out of keeping with all of the nearby properties. Those houses with garages are sited alongside rather than directly in front of them as this proposes. Furthermore, from our aspect it would cause a detrimental impact to the view over neighbouring gardens as the garage proposed has a very much higher pitched roof and bigger footprint than depicted in the 3D pictures. The planting cannot disguise the building, nor is the wall representative of its true height. The building would look even more obvious during the winter months when the foliage of most of the plants and trees nearby dies back. Granting such permission would set a precedent all down the Old Bath Road, significantly detracting from its rural, green and attractive appearance, in effect promoting a greater urbanisation of a biodiverse Green area where almost all properties have well tended front gardens.

2. Traffic & Safety:

Parking in the garage will be challenging, requiring multiple turns in a drive which already has a minimum of 3 medium to large vehicles parked on it and often more and would create more fumes and pollution. A smaller turning area would make parking tricky and exiting/entering from the road more challenging. The result is likely to be a preference for reversing out into the road, which would endanger not only other vehicular traffic but also pedestrians and cyclists, especially as the access is on a blind bend. This would become almost a requirement for visitors. In addition, with less parking space there is a real concern that visitors' traffic would have to kerb park nearby, possibly affecting egress/ingress from nearby properties, adding to the already and known dangers on the bend. In order to mitigate the dangers of this bend the home owner has already closed one entrance to his driveway, so this corner has already been identified as a risk.

3. Amenity/Environment:

Damage to mature trees and planting: digging the foundations is likely to damage the nearby mature tree and other planting which would be a health and safety risk and spoil the visual impact of the area.

Comments: 15th July 2019

I am the owner and resident of one of the two directly neighbouring properties affected by this proposal at 151 Old Bath Road. I live at 153 Old Bath Road.

I attach the reasons for my objection in the attached note which is a copy of the text I submitted on line.

I am very grateful that the site has been pegged as some of the 3d images attached to the planning application were seriously inaccurate and misrepresentative.

I hope my comments will be given due consideration before any decision is made.

149 Old Bath Road
Cheltenham
Gloucestershire
GL53 7DN

Comments: 15th July 2019

Letter attached.

149 Old Bath Road
Cheltenham

14th July 2019

Ref Erection of Detached Garage at 151 Old Bath Road, Cheltenham 19/01230/FUL

We consider the plans submitted to be inadequate in terms of the details submitted as referenced at the end of this submission. We contend that insufficient information has been submitted to be able to accurately assess the proposal, but based on the current submission, we wish to strongly object.

Detrimental effect upon the Visually Amenity and Character of the Area.

The site is narrow in width, historically comprising a proposed vehicular access serving the allotments to the rear which was widened slightly to accommodate a small dwelling. It is located on a bend on a very busy road where the speed limit is frequently exceeded. The width of the modestly fronted dwelling constructed on this narrow plot, does not allow for a garage to be located at its side in accord with the other substantial properties along this side of the road. To put this into context, the application plot width is approximately 12 meters wide compared with ours being approximately 21 meters wide. Although not in a Conservation Area, this side of the Old Bath Road comprises substantial wide deep fronted plots with the dwellings set back, all of which contributes to the setting and character and visual amenity of the area. Along the whole length from Pilley Bridge to the Tennis Club, this openness is intact and uncompromised by garages in front of the dwellings. Consequently in our view, the erection of a garage in the position proposed would be detrimental to the visual amenity of the area and would act as a precedent for others to follow suit on this side of the road, and which would erode the open character of the area over time. The location of the garage adjoining and parallel to the front boundary with the frontage will introduce a visually dominant, prominent building isolated from the applicants dwelling. This would result in accentuating the narrowness of the site, with a concentration of building to the detriment of the balance of the open space setting and built environment. The pavement and road is at a lower level and the garage will have added prominence as a result and would appear as an alien feature divorced from the dwelling frontages and not a subordinate element to the main dwelling.

Vehicular usage within the site and exit onto the highway

In this location on a bend of a busy, fast road, a **swept vehicle path analysis** is warranted in our view, which will demonstrate the unacceptability of the proposal. In the position proposed the distance from the garage door to our boundary is insufficient to facilitate a vehicle to ingress and egress without making multiple manoeuvres. Use of the existing vehicular access being located on a bend is far from ideal. We resort to winding the window down to listen for traffic when coming out of our own access which is further away from the bend. There have been several accidents over the years along this stretch, the latest being a few Sundays ago just up from the application site. The application site access is in a more dangerous location and the temptation to reverse out or in to the drive to obviate the need for multiple

manoeuvres will be highly dangerous to road and footpath users as well as the applicants themselves and visitors.

Currently, the area in front of the house affords parking and turning for the applicants' 3 cars. If the garage were built, the remaining turning area available within the drive to manoeuvre the applicants 2 / 3 cars, would be substantially reduced and again give rise to temptation to reverse out onto the road. Any visitor parking in the addition to the up to 3 resident cars parked outside the garage, would be very limited with very restricted manoeuvre room again making reversing out into the road very probable and would encourage on road parking on a blind bend or with cars parked half on half off the pavement. The ensuing impact on road users and pedestrian safety will be dangerously unacceptable and as such the planning application should be refused as the site is not large enough to accommodate a garage and the necessary maneuvering area for multiple vehicles in this dangerous location on a busy fast blind bend.

Detrimental to existing Tree

The proposed garage is located under the canopy of the tree outside the site. The applicant has planted some evergreen shrubs with limited success and replaced some a number of times. If the garage were built the tree and shrubs would not in our view survive thus further exposing the garage as a very dominant independent feature.

Inaccurate plans.

The information submitted is unclear containing no scale bar, reference dimensions or property boundary line. It is unclear as to the proposed size of garage or levels of land. The 3d views are of a poor quality and misleading and it appears there are inconsistencies with the 2d drawings and with the actual site conditions. It is unclear whether a survey of the site has been undertaken or whether these have simply been 'traced' from google maps.

For an application of this sort a topographic survey should have been undertaken to clearly illustrate land levels (the proposal appears to be sunken into the ground on 2d drawings but not 3d). The drawings should clearly state the size of footprint and ridge / eaves height of roof as a minimum. The drawing states 'All dimensions to be checked / taken on by site contractors' - does this mean the size will be decided upon building the structure if permitted? This is surely not correct practice and procedure. The 3d views are inaccurate of the setting (no fall on drive / inaccurate height to boundary wall to note a couple) and have deceptive wide angle views. We consider they are generally of a poor quality and should not be considered as representative of site conditions. Consequently we have produced a dimensioned site plan from the application details to be able to try and properly consider the proposal. We will submit this to the case office for verification and thus confirmation that our dimensions are correct or if inaccurate, please could the correct measurements be given to us. We would welcome a visit from the case office and Committee Members before determination.

In summary, the principle of erecting a garage on this site remote from the existing dwelling and in a very prominent location adjacent to a very busy, fast road on dangerous bend, with insufficient turning area in front of it, warrants a refusal for the reasons stated above. We reserve the right to make further representations once accurate plans have been submitted.



APPLICATION NO: 19/01237/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 25th June 2019		DATE OF EXPIRY: 20th August 2019
DATE VALIDATED: 25th June 2019		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr Putman	
AGENT:	Stanley Partnership Architects	
LOCATION:	1 Hamilton Street, Charlton Kings, Cheltenham	
PROPOSAL:	Single storey, one bed dwelling (revised scheme ref: 19/00756/FUL)	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the corner of Hamilton Street and Cudnall Street, and currently forms part of the curtilage to no. 1 Hamilton Street; a 1960's semi-detached, two storey dwelling. The site is rectangular in shape and at present accommodates a detached car port. Land in the vicinity slopes away to the south.
- 1.2 The site is located within Charlton Kings parish, the Principal Urban Area (PUA), and is immediately adjacent to, but outside of, the Cudnall Street Conservation Area. The property immediately opposite the site on Cudnall Street, Elborough Cottage, is grade II listed; additionally, the properties to either side of this listed building are locally indexed.
- 1.3 The application proposes the demolition of the existing car port, subdivision of the plot, and the erection of a single storey, one bed dwelling. The scheme has been revised during the course of the application.
- 1.4 The application is at committee following an objection from the parish council.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

19/00576/FUL

WITHDRAWN

3rd May 2019

Erection of a three storey, two and a half bed dwelling

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

4. CONSULTEE RESPONSES

Wales and West Utilities

2nd July 2019

Letter and plan available to view.

Cheltenham Civic Society

24th July 2019 #

The Civic Society's Planning Forum could possibly support an application for a smaller single storey development, but not a two-storey building. Despite the Hamilton Street address, this location is part of the Cudnall Street scene and the proposed two storey building would unsatisfactorily impinge visually on the Cudnall Street Conservation Area.

Building Control

28th June 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

18th July 2019

Objection:

The Committee objects to the application on the following grounds:

With reference to our objection to Application 19/00576/FUL, this application does substantially address our concern that the original proposal would be overbearing to the street and in particular to No.36.

However, it does not address our concerns about building forward of the building line of Cudnall Street, breaking up the view along the street, as detailed below.

It similarly does not address our concern about the loss of off-road parking spaces and an increased number of cars to be parked, exacerbating the already difficult situation of illegal / inconsiderate parking, again as detailed below.

The drawings indicate a mature tree in the small remaining garden area. However, the mature tree on site is not in this location and would need to be removed for the development to take place. The loss of this existing tree would be detrimental to the street scene.

The high boundary wall the length of the development would be a very stark large area of brickwork and as such be detrimental to the street scene. The planters detailed on the wall would help break up the large expanse of brickwork but the Committee do not believe that maintaining such plant growth could be a made a condition of planning that would be enforced and therefore the planters cannot be relied upon to soften the expanse of brickwork.

Parish Council – revised comments

8th August 2019

The Committee objects to this application on the following grounds.

Page 60

It does not address our concerns about building forward of the Building line of Cudnall Street breaking up the view along the street.

It does not address our concerns about the loss of off road parking spaces and increases the number of cars to be parked in the street exacerbating the already difficult situation of illegal / inconsiderate parking.

The Committee was pleased to note the Objection to the application by the Trees Officer on the importance of the tree in the garden to the street scene.

It does not address our concerns about the high boundary wall running the length of the plot which is detrimental to the street scene.

Finally the Committee was dismayed by the quality of the proposals detailed in the revised plans and elevations.

The dwelling was described by a local resident attending our meeting as resembling a shipping container and we would agree, neither the design or the proposed materials are worthy of a dwelling in a conservation area.

Tree Officer

24th July 2019

The Tree Section Objects to this application. This tree is one of the few trees along Cudnall Street and is important to the street scene. There is limited space for any replacement planting should this tree be removed to enable the development.

Heritage and Conservation

9th August 2019

Significance

The proposal site abuts the Cudnall Street Conservation Area, which was designated by Cheltenham Borough Council on 2 October 1989 and was subsequently re-designated with minor boundary changes on 15 November 2001. For clarity only part of Hamilton Street, a section of the eastern side, is in the conservation area.

Immediately to the south of the site is a Grade II listed building; 36 Cudnall Street (Elborough Cottage), list entry number: 1386609.

Legislation and policy

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission, to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that "Heritage assets...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance".

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that "Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance."

Comment

The NPPF defines the setting of a heritage asset as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

The proposal site is within the setting of the two designated heritage assets as above; the conservation area and a listed building.

The proposed development is to the north of the listed building (No. 36) and it will not hinder views from Cudnall Street of the front elevation of No. 36; views being the principal, though not exclusive way, in which heritage assets are experienced. From Hamilton Street it is not apparent that views of No. 36 will be disrupted given the elevation and as the development is set back behind the building line of the front of No. 1 Hamilton Street. The proposal is of a contemporary design that though in clear contrast to the architecture of No. 36 it does presents an honest and distinct single storey subservient form that allows the listed building to be clearly legible and appreciated as a historic building. How No. 36 is experienced in its surroundings will be maintained and therefore there is no detriment to its significance.

The Cudnall Street Conservation Area Character Appraisal and Management Plan, adopted by Cheltenham Borough Council on 29 June 2009 as a Supplementary Planning Document (SPD) states (un-numbered page immediately before p.1) that the area derives its special interest from a number of key characteristics including,

“The Conservation Area has a diverse mix of building type, style, age and function. The different size blocks, varied roof lines and mix of architectural features adds to the special interest...through the visual variety of buildings, their varied details and materials, and their varied relationships to each other.”

Though the proposal site is not in the conservation area its form does reflect the key characteristic of the SPD, the publication being a material consideration in decision making.

The setting of the conservation area in the vicinity of the site (the western side of Hamilton Street) is comprised of buildings of the latter half of the twentieth century that are typical of their date and type, and lack notable quality and architectural style. This is in contrast with the obvious historic and architectural interest of buildings in the conservation area. Whatever the perceived architectural quality of the proposal it will not detract from the setting of the conservation area given its evident existing character and therefore the significance of the conservation area will be maintained.

The proposal will be forward of the building line of buildings within the conservation area, including but not limited to Nos. 35, 37, 39 and 45 Cudnall Street, however that shared line is not consistent given that of No. 43. This aspect can be seen to be in keeping with the key characteristic as given above.

Conclusion

The proposal will not detract from the settings of the designated heritage assets and therefore the significance of the assets will not be harmed; given this the scheme is acceptable.

Architects Panel

13th August 2019

The panel was not convinced this was a site for a new single storey dwelling due to the limited area of the site and the buildings impact on surrounding properties.

Although technically not in the Conservation Area, the site is nevertheless adjacent to buildings of heritage value. At the very least, the scheme needs to be seen in context with adjacent buildings to assess its impact. The panel felt the “container” like aesthetic of the dwelling was not appropriate in this location.

A two storey building that takes up less footprint and is in keeping with the Conservation Area vernacular might prove a more successful design approach. The panel felt the submitted scheme was a wasted opportunity.

Not supported.

5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the original proposals, letters of notification were sent to 19 neighbouring properties; in addition, a site notice was posted adjacent to the application site. Additional letters were sent on receipt of the revised plans. In response to the publicity, objections have been received from the owner/occupiers of 10 neighbouring properties. All of the comments have been circulated in full to Members but the main concerns relate to:

- Impact on adjacent conservation area
- Impact on adjacent listed building
- Parking and highway safety
- Design out-of-keeping
- Loss of tree
- Impact on amenity

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design and impact on the historic environment; impact on neighbouring amenity; and highway safety.

6.2 Principle of development

6.2.1 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.2.3 Notwithstanding the above, adopted JCS policy SD10 supports new housing development in Cheltenham where it is infilling within the existing built-up area of the PUA.

6.2.4 As such, there is no fundamental reason to suggest that the general principle of developing the site for housing is unacceptable; subject to the material policy considerations set out below.

6.3 Design and impact on the historic environment

6.3.1 Saved local plan policy CP7 and adopted JCS policy SD4 require new development to respond positively to, and respect the character of, the area in which it is located; addressing the surrounding urban grain in terms of layout, mass and form. The scale, type, materials and density should also be appropriate to the site and its setting. The policies are consistent with the general advice set out within Section 12 of the NPPF.

6.3.2 Additional advice is set out in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and that *"Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place"*.

6.3.3 In addition, JCS plan SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.3.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3.5 Members will note from the consultee responses at Section 4 above, that there is clearly a difference of opinion between the Architects Panel and the Civic Society as to how to develop this site if it is accepted as a plot. The Civic Society (commenting on the original scheme) suggest that they *"could possibly support an application for a smaller single storey development, but not a two-storey building"*, whilst the Architects Panel (commenting on the revised proposal) suggest that *"A two storey building that takes up less footprint and is in keeping with the Conservation Area vernacular might prove a more successful design approach"*.

6.3.6 Officers share the opinion of the Civic Society that a single storey building is more suitable in this location and consider that, as originally submitted, the proposed dwelling would have appeared as an obtrusive and incongruous addition within the street scene, breaching the established building line along this part of Cudnall Street. Officers think that the revised scheme which omits the first floor element would be a far more discreet addition within the street scene; albeit views of the dwelling would undoubtedly be available from the public realm.

6.3.7 It should be noted that a single storey outbuilding or annexe (potentially with a larger footprint up to 50% of the total curtilage) with an eaves height of 2.5 metres could be constructed in this location under permitted development rights, and as such, it would be difficult to resist the principle of a detached single storey building in this location.

6.3.8 The concerns raised in relation to the design have been duly noted but, whilst the design might not be to everyone's taste, the Conservation Officer considers that the contemporary design approach in contrast to the architecture of the adjacent Elborough Cottage *"presents an honest and distinct single storey subservient form that allows the listed building to be clearly legible and appreciated as a historic building"* and that how the listed building *"is experienced in its surroundings will be maintained and therefore there is no detriment to its significance"*. Overall, they conclude that *"The proposal will not detract from the settings of the designated heritage assets and therefore the significance of the assets will not be harmed; given this the scheme is acceptable"*.

6.4 Impact on neighbouring amenity

6.4.1 Saved local plan policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality. The policy is consistent with advice set out within adopted JCS policy SD14 and paragraph 127 of the NPPF.

6.4.2 Given the single storey nature of the dwelling now proposed, the development would not result in any amenity concerns with regard to privacy, outlook or daylight.

6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 seeks to ensure that all new development proposals provide a safe and efficient access to the highway network for all transport modes, and to encourage the use of sustainable modes of transport. Planning permission will only be refused on highway grounds granted where the impact of the development is considered to be severe. The policy reflects the advice set out within Section 9 of the NPPF.

6.5.2 The concerns raised by local residents in relation to parking and highway safety have been duly noted; however, the application does not propose any changes to the existing vehicular access points. Both the existing and proposed dwelling would have one on-site car parking space available. This level of parking provision given the highly sustainable nature of the site, in close proximity to a wide range of services and facilities, and public transport links, is considered to be acceptable. There are currently no minimum parking standards to which the development must adhere.

6.6 Other considerations

6.6.1 It is noted that the Tree Section objects to the removal of the tree within the site, and that there is limited space for any replacement planting; however, the tree is not protected and could therefore be removed at any time by the applicant. The Tree Officer has confirmed that whilst the tree has some amenity value it would not be worthy of a Tree Preservation Order.

6.6.2 Whilst records show that important species (various birds and a hedgehog) have been sighted near the application site in recent years, the proposals are unlikely to have any impact on these species given the scale of the development.

6.6.3 Following subdivision of the plot, adequate private amenity space for both the existing and proposed dwelling can be achieved within the site; there are no minimum space standards to adhere to.

6.7 Recommendation

6.7.1 With all of the above in mind the recommendation is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall:

- i) specify the type and number of vehicles expected during the demolition and construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of work;
- vi) specify measures to control the emission of noise, dust and dirt during demolition and construction; and
- vii) provide for wheel washing facilities, where necessary.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 No external facing or roofing materials shall be applied unless in accordance with:
a) a written specification of the materials; and/or
b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, secure covered cycle storage shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained available for such use in accordance with the approved details at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 6 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall thereafter be retained available for such use in accordance with the approved details at all times.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 7 Notwithstanding the approved plans, prior to the implementation of any new boundary treatments, including boundary walls, fences or other means of enclosure, details shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 8 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the scale and massing of the dwelling to secure a more appropriate form of development in this location.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 19/01237/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 25th June 2019		DATE OF EXPIRY : 20th August 2019	
WARD: Charlton Kings		PARISH: CHARLK	
APPLICANT:	Mr Putman		
LOCATION:	1 Hamilton Street Charlton Kings Cheltenham		
PROPOSAL:	Single storey, one bed dwelling (revised scheme ref: 19/00756/FUL)		

REPRESENTATIONS

Number of contributors	11
Number of objections	11
Number of representations	0
Number of supporting	0

45 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HL

Comments: 5th July 2019

I object strongly to this proposal. It would seriously damage the quality of the conservation area onto which it abuts.

1. With its roof line at the proposed height it completely blocks the sight lines along the north side of Cudnall Street. It does this by building well forward of all adjacent properties and on land previously safeguarded by planning. It will produce a large unwanted constriction right at the heart of the conservation area.
2. It compromises rather than enhances the street's Grade 1 listed building, Elborough Cottage, by placing a new property within 10 metres of its front door.

1 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HS

Comments: 8th July 2019

As with the previous application this proposed structure would be out of character in a Conservation Area and would make a bad parking situation in the area even worse. The proposed building represents the worst example of speculative infilling and would be a visual eyesore in an area containing numerous buildings of significant historic interest !

6 Hamilton Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HN

Comments: 9th July 2019

The revised application in my view does not address any of the objections previously made. The proposed dwelling is in a conservation area overlooking a listed building and its design is totally out of keeping with other properties in the immediate vicinity. A total blot on the landscape as far as I am concerned!

Comments: 27th July 2019

These revised plans are even worse! It looks like an upmarket garage, totally out of character in this conservation area. Absolutely unacceptable. It is a very small space, totally inappropriate for a second dwelling apart from the impact on the surrounding area.

45 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HL

Comments: 2nd July 2019

Although this submission is less imposing than the previous one, I remain concerned at the effect on the conservation area in which we live.

While extending the existing semi to the rear could be done without serious deleterious effect, building any separate building on this unsuitable plot can only be to the detriment of Cudnall Street. As previously mentioned, any house built on this footprint, extending right to the boundary as it does, would effectively be in Cudnall Street, not Hamilton Street.

The original building line, so much part of the charm of Cudnall Street, is not respected, and the sight line remains severely affected from a safety point of view.

Comments: 30th July 2019

This revised application does not address the issues that concerned us previously. It remains a building that protrudes beyond the building line and still blocks the view up and down the conservation area at a central point in Cudnall Street. The house directly abuts and intrudes into Cudnall Street (even more so now that a gate gives direct access to that street). The 6'4" wall creates a tall and permanent barrier well inside the building line of Cudnall Street. A valuable mature tree has been removed. The proposal worsens already difficult parking congestion and traffic danger on that corner. The design is totally at odds with the surroundings, not least its close proximity to the historic Elborough Cottage. The building's design and building materials resemble a tin cabin and could hardly be more discordant.

10 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HT

Comments: 12th July 2019

I refer to the revised scheme ref: 19/00756/FUL in connection with the above house. At present, No. 1 has off street parking for one car and possibly a second. All the roads in Cudnall Street are congested with parked cars from the surrounding small roads. If the parking was removed from No. 1 Hamilton Street there would be two more cars to be accommodated and presumably for the occupant of the new building, in the event of planning permission being granted. There are parked cars in the street and two-way traffic to contend with.

Page 71

I am totally against any development on this site, the mature tree (shown on the plan as being at the end of the garden) would be cut down and about three meters of garden would be left. The whole plan is totally unsuitable.

Comments: 29th July 2019

The latest revision of the plan suggests something that would be more suitable as accommodation on a building site than as a "dwelling". It is totally inappropriate for this conservaton area and I strongly hope that planning will be refused.

40 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HG

Comments: 9th July 2019

Letter attached.

Comments: 2nd August 2019

Thank you for sending me notification of the revised scheme for the above property.

I have viewed the revised plans carefully, and my previous objections still stand.

i.e. I still believe the proposed building in inappropriate and will have an adverse effect on the area which is a designated conservation area.

The proposal ignores the regulated building line.

Parking would be a big issue. Dangerous for both oncoming traffic, and for pedestrians unable to see what is coming round the corner either way.

43 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HL

Comments: 12th July 2019

Letter attached.

Comments: 2nd August 2019

Letter attached.

36 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HG

Comments: 9th July 2019

Letter attached.

Comments: 29th July 2019

Letter attached.

32 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HG

Comments: 19th July 2019

I wish to object to this application.

While the new proposals are more in keeping with the buildings around, the erection of a dwelling here would grossly interfere with the line of Cudnall Street houses. This would not enhance the conservation area.

Parking remains an issue: a house built here reduces the parking at no. 1, Hamilton St, and only has one parking space itself. Given that each house might have two cars, this may mean more pressure on parking in the area, already at a premium.

I am intrigued as to how the cherry tree in the garden of no. 1 seems to have moved in the drawing of the proposed building. Actually, a building of that size would mean chopping it down.

39 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HP

Comments: 10th July 2019

We wish to strongly object to the proposed development for the following reasons:

We believe that a new build on this site would be completely out of context, given that it is bordered on three sides by the Cudnall Street Conservation Area and is surrounded by buildings of historic significance, including 'listed buildings', 'key unlisted buildings' and 'positive buildings' in terms of character appraisal in the Index of Buildings of Local Interest (SPD). We think that this proposal is in breach of the Cudnall Street Conservation Area Management Plan Supplementary Planning Document. The proposed development would detract from the conservation area and from the setting of the historical buildings surrounding it and interfere with residents' and public enjoyment of this heritage site.

Furthermore, the proposed development ignores the building line of the north side of Cudnall Street and so spoils the established built pattern that lends this historical street so much character.

The Local Development Framework aims to prevent back garden development, yet this proposal leaves only three metres of garden between the side wall of our house and the single storey section of the building. As such, it could be classified as back garden development.

We are also concerned about noise disturbance, given that the new building would be sited only three metres away from our living room.

The architect drawings show a mature tree between the back of the development and our house, yet there would not be room for such a tree. Furthermore, the mature tree that is currently in-situ would need to be chopped down to allow for the new build.

Page 73

We worry that if planning permission is granted for this footprint, it would be more difficult to refuse further planning consent in the future to convert the single storey section to two storey. This would have severe implications in terms of blocking light into our basement bedroom and would completely overlook our garden, negatively impacting our privacy, as well as spoiling views to the Cotswold scarp from our garden. The 1.5-storey section of the current proposal would also overlook our garden and negatively impact our privacy.

No planning permission has ever been granted for access to this proposed plot from Hamilton Street, despite a car port existing currently and manoeuvring into and out of this spot on the corner puts other road users and pedestrians at risk.

Finally, given that most households have two cars and the plans allow for only one parking space for each house, the proposed building would also be likely to increase on-street parking pressure, which is already at crisis point. Cudnall Street is already facing four new houses and the additional traffic created from yet another new build, using Cudnall Street for access is, in our view unwise.

Comments: 4th August 2019

Please read this objection in conjunction with our previous comments of Wednesday 10th July, 2019. All our previous objections still stand, since nothing has been done to address these significant concerns. Again, this design is totally out of context and at odds with the historical buildings that surround it. We agree with other comments that the latest proposal resembles a shipping container plonked amidst historical buildings. Again, it ignores the building line, increases pressure on parking, blocks the views in the conservation area, spoils the openness of Cudnall street and if it is allowed to go ahead, then the council will be condoning a driveway leading onto a blind corner, in a busy area that is used as a cut through. This will be dangerous for both traffic and pedestrians.

3 Hamilton Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HN

Comments: 14th July 2019

I object to this proposed building, which is effectively on Cudnall Street, as it is completely out of character with the surrounding area which is one of the prettiest and most historic streets in Charlton Kings.

With the benefit of 60 years of hindsight, numbers 1, 3, 5 and 7 Hamilton Street should never have been built, as they jar with the rest of the street, and with Cudnall Street. As a result of this the conservation area boundary carves out 1 Hamilton Street, preventing the entirety of Cudnall Street from being in a conservation area.

At least there was an attempt at the time to set the development well back from Cudnall Street and maintain good lines of sight across the corners from North to East and North to West.

This proposed development breaches the North to West line of sight and builds right up against the pavement of Cudnall Street, taking advantage of the ill-considered boundary of the conservation area. In all but name this is a new and modern house on Cudnall Street, directly opposite a Grade II listed building.

In addition, subsequent to the original construction, a driveway has been built at 1 Hamilton Street which is on a blind corner, and will presumably be in frequent use if this development goes ahead, increasing congestion and the risk of road traffic accidents.

Page 74

The proposed development compounds a poor planning decision that was taken 60 years ago. I would hope that a second mistake is not made.

As regards my own property, the proposed development impacts my view of Cudnall Street, but not to a great extent and this is not the basis of my objection.

CHELTENHAM BOROUGH COUNCIL
P O BOX 12
MUNICIPAL OFFICES
PROMENADE
CHELTENHAM GL50 1PP



**Proposal: A proposed 1.5 storey one bed dwelling (revised scheme: 19/00756/FUL)
at 1 Hamilton Street, Charlton Kings, Cheltenham**

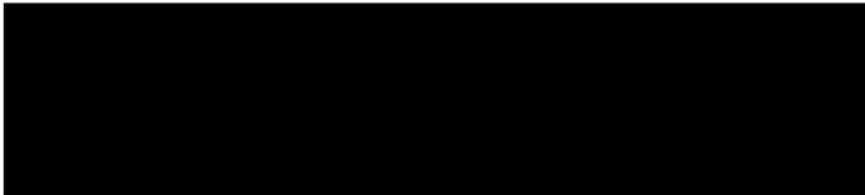
from Hetton Cottage, 40 Cudnall Street, Charlton Kings, Gloucestershire GL53 8HG

I would like to raise an objection. I have lived in Cudnall Street for 28 years along with friendly and cooperative neighbours; most of us will be affected by this proposal.

I believe that the proposed building is inappropriate for the area and will have an adverse effect on Cudnall Street which is a designated conservation area.

The proposal totally ignores the regulated building line.

Parking would certainly be an issue, proving to be dangerous for both oncoming traffic, and for pedestrians unable to see what is coming around the corner.





43, Cudnall Street,
Charlton Kings,
Cheltenham,
Glos.
GL53 8HL

9th July 2019

Miss Michelle Payne
Planning Officer,
Cheltenham Borough Council,
Municipal Offices,
Promenade,
Cheltenham
GL50 9SA

Re: Revised scheme ref: 19/00576/FUL

Dear Miss Payne,

A proposed 1.5 storey, one bed dwelling (revised scheme ref: 19/00756/FUL) at 1 Hamilton Street, Charlton Kings, Cheltenham

We write to you as the owners and occupiers of 43, Cudnall Street, in order to object to the revised scheme ref: 19/00576/FUL to erect a 1.5 storey, one bed dwelling at 1 Hamilton Street, Charlton Kings.

The revised proposal still does not address the fundamental objections to the erection of a new investment property on this site. These are that:

- It fails to recognise the sensitivity of building on a highly visible corner site on a road junction at the centre of the Cudnall Street Conservation Area, to the potential damage of the built environment and consequent loss of amenity value to local residents and the wider public;
- The entire footprint extends beyond the building line on Cudnall Street, and will create an intrusive, enclosed space, abutting the pavement, consistent neither with the scale or form of the historical buildings and front gardens running along this section of Cudnall Street, nor of the adjoining semi-detached houses on Hamilton Street;
- It will breach the architectural layout and associated planning conditions under which the row of paired semi-detached houses on Hamilton Street (Nos 1,3,5 and 7) were built;
- It fails to satisfy the planning criteria for development on garden land and infill sites agreed by Cheltenham Borough Council (Local Development Framework, Development on Garden Land and Infill Sites in Cheltenham, Supplementary Planning Document June 2009), and by Charlton Kings Parish Council in its Planning Policy (approved by Full Council on 25th September 2017).
- It will exacerbate traffic related problems in relation to on-street parking and increase the health and safety risk to pedestrians and road users.

While the revised proposal reduces the vertical profile of the proposed dwelling compared with the original design, it does so by increasing the horizontal footprint along Cudnall Street without offsetting the fundamental issues associated with building on this site.

Our detailed objections to the development, amended where appropriate to reflect the revisions made to the initial proposal are as follows:

1. Townscape and natural environment significance

The junction between Cudnall Street and Hamilton occurs at a central point in the Cudnall Street Conservation Area, visually impacting not only the neighbouring historic houses, but also affecting the character of the Conservation Area as a whole. 1, Hamilton Street lies at this intersection and, although not currently within the Conservation Area, is surrounded by it on three sides: to the south, west and east. Its location is, therefore, particularly sensitive (see attached Townscape Analysis Map).

The proposed development assumes that the site is “a natural infill site in an urban location”, failing to recognise the sensitivity of the site and the negative impact it will have on the Conservation Area. In so doing, it fails to satisfy the planning criteria agreed by Cheltenham Borough Council (Local Development Framework, Development on Garden Land and Infill Sites in Cheltenham, Supplementary Planning Document June 2009), and by Charlton Kings Parish Council in its Planning Policy (approved by Full Council on 25th September 2017).

The Planning Policy of the Parish Council “seeks to maintain the unique character and feel of Charlton Kings, particularly in the three Conservation Areas - St Mary’s, Cudnall Street and Bafford - by opposing inappropriate design or development. Housing development should be sympathetic to the existing street scene.” The revised proposal fails to meet these criteria:

- a. The proposed ‘one-off’ design is not in character with or sympathetic to the houses in Cudnall Street, which include No. 36, Elborough Cottage, a Grade II listed property, dating back to the 15th century and immediately opposite 1 Hamilton Street, and other neighbouring houses on Cudnall Street of designated local historic character and interest; nor is the design consistent with the four 1960’s semi-detached houses of which 1 Hamilton Street is part.
- b. It would change the unique character and feel of the Cudnall Street Conservation Area. An important contributor to that unique character and feel is the gradual bend in Cudnall Street, referred to in the Cudnall Street Conservation Plan, which “has a gentle, winding form”, which “creates a series of staggered views as new views and spaces are constantly experienced as one travels along the road” (Cudnall Street Conservation Area Character Appraisal and Management Plan, June 2009, 4.5). By breaching the building line, the proposed development will intrude upon and obstruct this view, disrupting it at a significant mid-point.
- c. It will also disrupt the view from Hamilton Street onto Cudnall Street. Hamilton Street gradually opens out onto a view of both Grade II listed Elborough Cottage and No 34, Cudnall Street, a house of designated local interest. Notwithstanding the proposed reduction in height to 1.5 storeys, the new building will still disrupt this view, adversely affecting the residents of Hamilton Street and Cudnall Street, whose properties lie within the Conservation Area on the east side of the road, and members of the public walking or driving down Hamilton Street.
- d. The Conservation Plan recognises the fact that Cudnall Street contains some modern residential dating from the mid 20th century, which fit with varying degrees of success into the historic context of the area. However, it notes that “these buildings tend to be set back from public space and do not dominate the historic buildings within the street scene” (5.10). The proposed development would no longer be set back from the road and the adjoining public space would have a disproportionate negative impact on the street scene.
- e. The importance of gardens and frontages is highlighted in the Plan, “which contribute to a sense of space and greenery evident within the Conservation Area” (4.6). The revised proposed will reduce the footprint of the existing garden even more than the original proposal by extending the footprint further into the back garden. This will adversely impact on the open, green space

- at the junction of Hamilton Street and Cudnall Street, which is enhanced by the triangular green on the east corner and by the south facing tree and hedge lined garden of 43, Cudnall Street.
- f. It also entails cutting down the semi-mature copper leaved tree in the garden, which improves the views along Cudnall Street and obscures the visual impact of the telegraph pole and telegraph lines on the adjoining pavement.
 - g. Council Policy “resists cases of inappropriate ‘back garden development’, where it impacts adversely on neighbour’s quality of life or the overall environment of Charlton Kings.”
The proposed development is a side-garden extension on a corner plot which is highly visible on three sides. It is precisely the category of ‘back garden’ development which the criteria set out in the Local Development Framework and the Parish Council Planning Policy is designed to prevent.
 - h. The unsightly gable end of 1 Hamilton Street, the temporary rain-proof structure, and the panel fencing on Cudnall Street, do not contribute positively to the built environment. However, it is possible to remedy this in relatively simple ways, including rendering and painting the gable end; removing the temporary structure; additional planting of trees and shrubs; and replacing the panel fence with more sensitive screening. It does not justify the erection of a new building, the long-term detrimental effect of which will greatly outweigh any gain.

2. Layout and development pattern

Planning permission for four semi-detached dwellings, of which 1 Hamilton Street forms part, was granted on 16th July 1964. A plan of the proposed layout and the conditions under which planning was granted are attached for reference. We draw attention to the following points:

- a. The building line of 1 Hamilton Street has been set back from the terraced houses to the immediate west of the development, where it joins Cudnall Street, consistent also with the line of 43, Cudnall Street to the east, which ensures an uninterrupted view along the curve of Cudnall Street.
- b. The layout allowed for a wider garden at 1, Hamilton Street to the south, compared with 7, Hamilton Street to the north. The dotted lines on the attached plan indicates that this was done to retain a matching, open, green space at the junction between Hamilton and Cudnall Street.
- c. Parking space is shown to the north side of the property avoiding intrusion onto the adjoining garden space and the health and safety risk of utilising a blind corner for vehicle access.
- d. Planning permission was granted subject to: “the screen wall adjoining Cudnall Street shall be of not less than 6 ft. in height”. Planners at the time were clearly sensitive to the need to harmonise the boundary wall with other properties on Cudnall Street, and to protect the view from Cudnall Street.
- e. In addition to the specific condition above, permission was granted subject to compliance with two general conditions: “(a) In order that the proposed buildings shall harmonise in appearance with the existing buildings of the locality. (b) In order to safeguard the residential amenities of nearby dwellings”. These are consistent with the current policy guidelines to protect Cudnall Street and the east side of Hamilton Street lying within the Cudnall Street Conservation Area.

It is our contention that, in addition to contravening current planning policy, the proposed development would breach the layout and conditions under which planning permission was granted in July 1964.

3. Built Form

Reference has already been made to the 'one-off' design of the proposed development. The revised proposal, like the original, fails to match the design of either the neighbouring properties on Cudnall Street, nor the adjoining or facing houses on Hamilton Street.

The revised proposal reduces the vertical bulk of the proposed dwelling and re-aligns the front face onto Hamilton Street. However, this is achieved by extending the footprint horizontally, offsetting the vertical reduction, and in-filling the majority of the back in addition to the side garden. The 1.5 storey detached design remains out-of-keeping with the form and scale of the neighbouring houses in Cudnall and Hamilton Street.

Contrary to the claim that No 1 Hamilton Street occupies "a large corner plot", the design seeks to accommodate a narrow, corner site and gable end, which is highly visible on all sides. The proposed design will still give the visual impression of being inappropriately 'squeezed in' and out-of-place. This will have a detrimental impact to neighbouring residents and the wider public due to the exposed nature of the site.

In these respects, it fails to respect or complement the existing street layout, as required by the Local Development Framework Supplementary Planning Document (June 2009).

4. Enclosure

The proposed building will intrude on the building line and interrupt the garden frontage on Cudnall Street and will damage the character of the street and the Conservation Area viewed as a whole.

5. Amenity

The proposed development fails to protect the amenities of existing and new residents in the neighbouring properties and will reduce the wider enjoyment of the Conservation Area by residents and members of the public.

In addition to the objections previously stated, there will be specific loss of amenity in relation to 43, Cudnall Street, as a result of:

- a. Loss of sunlight and increased overshadowing of house and garden from a westerly direction;
- b. Loss of privacy due to overlooking from the proposed 1.5 storey building;
- c. Increased noise disturbance from the increase in the number of cars (see Traffic below);

6. Age and Architectural Style

The varied age and architectural style of properties in the Cudnall Street Conservation Area is one of its appeals. Mid 20th century developments, such as the row of semi-detached houses of which 1 Hamilton Street forms part, have not generally enhanced the overall architectural appeal. However, the negative impact has been mitigated retention of building lines and front gardens. The proposal seeks to overturn previous planning policy in this regard, failing to take account of the age and architectural styles of the neighbouring properties on Cudnall Street; nor is it consistent with the adjoining and facing properties on Hamilton Street.

7. Access, Parking and Traffic

There are currently two car parking spaces at 1 Hamilton Street (The temporary cover in the garden is not currently used as a parking space). Consistent with the social demography of the area, any new development with one or more bedroom should allow for at least two new parking spaces. Due to the configuration of the site, there is no room for additional spaces. The additional on-street parking will:

- a. Exacerbate the existing traffic congestion in Cudnall Street and Hamilton Street. This is due to steadily increasing car ownership by the owners of terraced houses in Cudnall Street and Hamilton Street, which have no capacity for off-street parking.
- b. There is already regular parking on double yellow lines at the corners of Hamilton Street, London Road and Cudnall Street, which obscures the sight line for cars, increasing the risk of accidents and access difficulties for service and emergency vehicles.
- c. As noted in the Cudnall Street Conservation Area Plan, Hamilton Street is used as a 'rat-run', particularly during the school run in the morning and afternoon. The proposed development will restrict the sight line in both directions, increasing the risk of accidents occurring with children and young people involved.
- d. The danger is exacerbated by the siting of the driveway on the corner of Cudnall and Hamilton Street, which requires cars to reverse in or out on a blind corner. The revised plans will do nothing to mitigate this risk to the health and safety of pedestrians and road users.

8. Attachments

- a. Townscape Analysis Map of Cudnall Street Conservation Area
- b. Office Copy, Proposed development of No 4 3 bedroomed houses, Greyroof, Hamilton Street
- c. Planning Approval, Erection of two pairs of semi-detached houses with integral garages, 16th July 1964

In summary, contrary to the Design and Access Statement provided with the original proposal, the application seeks to build on a sensitive residential site which is unsuitable for further development, and which will damage the context of the surrounding area.

For the above reasons, we object to the proposed development and request that planning permission is refused.

Yours sincerely,

A large black rectangular redaction box covers the signature and name of the objector. The redaction is complete, obscuring all text in this area.

Part 1 – Character Appraisal

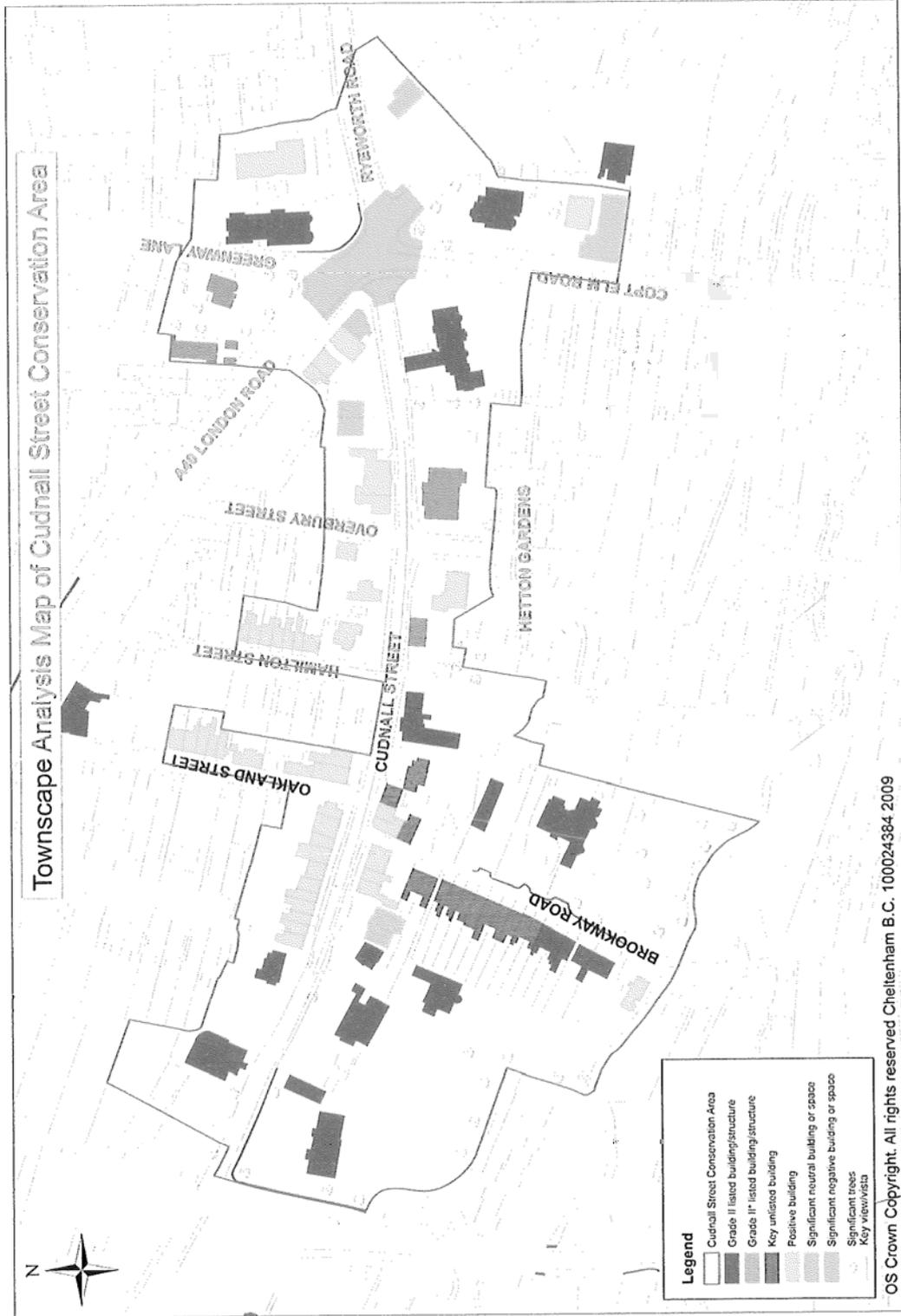
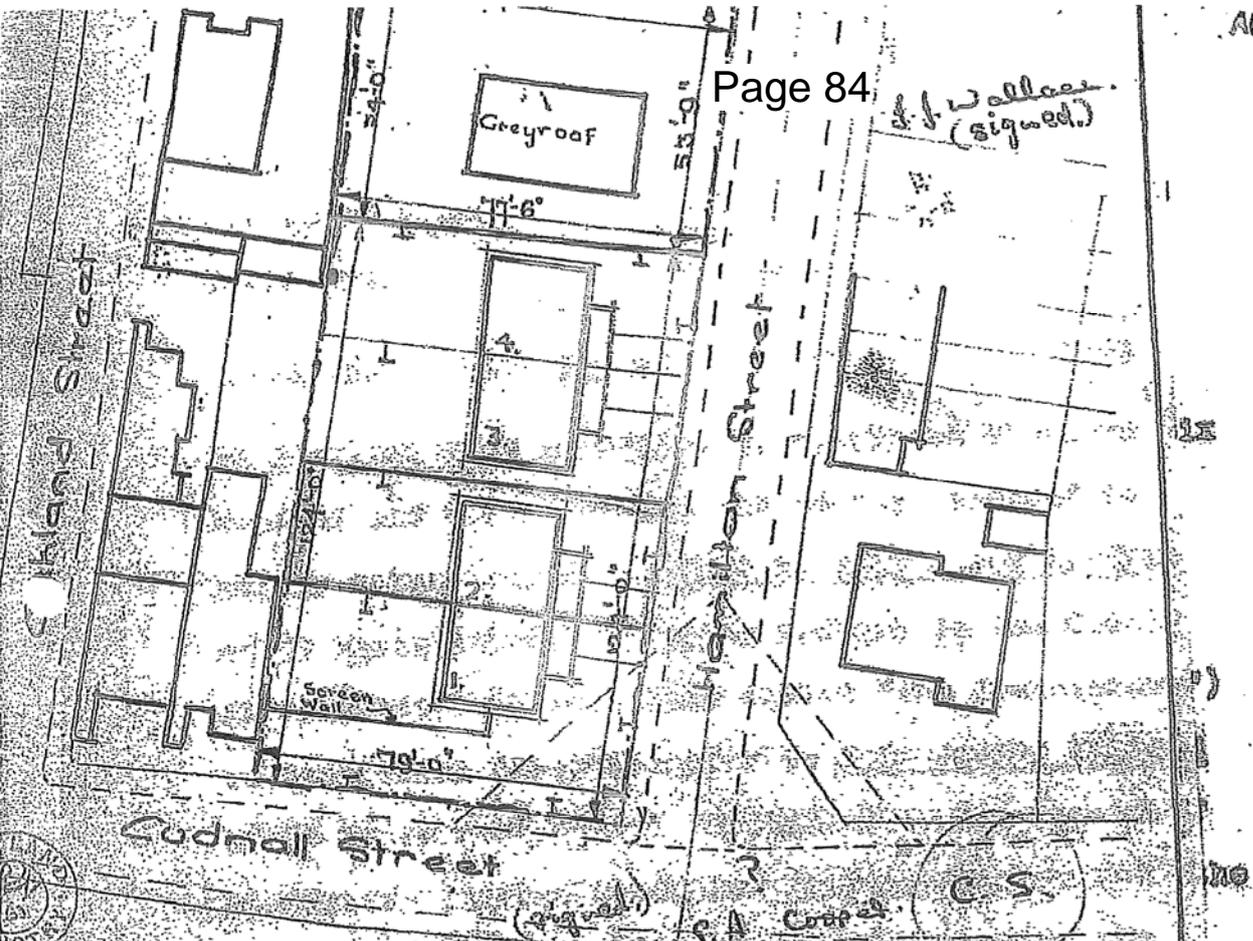


Figure 1 Townscape Analysis Map of Cudnall Street Conservation Area

A. J. Wallace
(signed)



OFFICE COPY

Proposed development of No 4 3 bedroomed houses
Greyroof, Hamilton St, Charlton Kings, Chelt.

County of Gloucester ~~1005221~~ with the dwellinghouse
 erected thereon or on some part thereof the land being
 part of that comprised in the Title above mentioned
 AND TOGETHER with the rights set out in the first
 Schedule hereto and EXCEPT AND RESERVING the rights
 set out in the Second Schedule hereto and the Trans-
 feree so as to bind the land hereby transferred into
 whosoever hands the same may come and to benefit and
 protect the transferors' adjoining or neighbouring
 land for the time being unsold including the remainder
 of the land comprised in the Title above mentioned and
 any and every part thereof hereby for the transferee
 and the successors in title of the transferee covenants

To Trustees of [REDACTED]
 c/o Messrs. Rollo Steven & Bond, 97 Ssagate, Dundee.
 Agents: Messrs. W. Parker & Son, 111 Promenade, Cheltenham.

In pursuance of their powers under the above mentioned Act the Council as Local Planning Authority HEREBY APPROVE the details of the development described hereunder subject to the conditions hereunder stated.

Description of Land	Description of Development
Adjoining 'Greyroof', Hamilton Street, and Cudnall Street, Charlton Kings. O.S. 4105, 26.12 (Edn. 1923). (Charlton Kings U.D.). Main services.	Erection of two pairs of semi-detached houses with integral garages. (Amended siting). Walls: h.b.c. facing. Roof: concrete tiles. Construction of vehicular accesses.

CONDITIONS ATTACHED TO APPROVAL

- (a) Building operations shall not be commenced until a sample of the facing brick and roofing tile proposed to be used has been submitted to and approved by the Local Planning Authority, and all facing bricks and roofing tiles used in the construction of the buildings hereby authorised shall conform to the sample so approved.
- (b) The screen wall adjoining Cudnall Street shall be not less than 6 ft. in height.

The reasons for the Council's decision to grant approval for the details of the development, subject to compliance with the conditions hereinbefore specified are :-

- (a) In order that the proposed buildings shall harmonise in appearance with the existing buildings of the locality.
- (b) In order to safeguard the residential amenities of nearby dwellings.

Dated 16th day of July 1964.

This certificate should be passed to the applicants. GUY. H. DAVIS,
 Clerk of the Council.

IMPORTANT - SEE NOTES OVERLEAF



43, Cudnall Street,
Charlton Kings,
Cheltenham,
Glos.
GL53 8HL

1st August 2019

Miss Michelle Payne
Planning Officer,
Cheltenham Borough Council,
Municipal Offices,
Promenade,
Cheltenham
GL50 9SA

Re: Revised scheme ref: 19/00576/FUL

Dear Miss Payne,

A proposed 1.5 storey, one bed dwelling (revised scheme ref: 19/00756/FUL) at 1 Hamilton Street, Charlton Kings, Cheltenham (amended plans notification dated 26.7.19)

Thank you for notifying us of the further revisions to the plans for a new building at 1, Hamilton Street. We comment as follows:

The amended plans for a single storey building fail to address the fundamental objections to the 1.5 storey scheme detailed in our letter dated 9th July 2019.

In relation to the additional drawings submitted we add the following further objections:

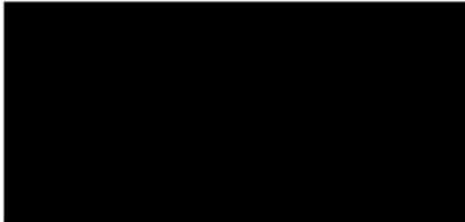
- The amended plans give the appearance that the reduced single storey profile will be largely hidden from view, but this is deceptive. This has been achieved by narrowing the perspective to the building itself without showing how it relates to its wider surroundings. Viewed in this wider context, the building will still be highly visible from every side and obtrusive to the built environment.
- The design is detrimental to the architectural integrity and historic character of the neighbourhood:
 - It consists of a horizontal block which has the form and appearance of a shipping container, incorporating one double bedroom, a bathroom and a living/kitchen room, in marked contrast to the built form, size and elevation of the neighbouring houses;
 - The design replaces brick and slate construction with aluminium panels, entirely out-of-keeping with the design and construction of the neighbouring houses;
 - The flat roof will stand out contrast to its surroundings, in particular when viewed downhill from the Hamilton Street side of the Conservation Area;
 - The design incorporates a side gate in addition to two windows overlooking Cudnall Street, breaching current constraints, which include a windowless gable end, and which allow access to Hamilton Street, but not to Cudnall Street;

Page 89

- It is not clear how the 'Planter', which is squeezed between the house and the wall adjoining Cudnall Street can be adequately drained and maintained given the required height of the house and garden wall;
- The semi-mature, copper leaved tree, which is an amenity feature within the Conservation Area, will still have to be removed, in order to make room for the building.
- A walk down Cudnall Street, or review of the street plan, illustrates the fact that none of the newer buildings in or adjoining Cudnall Street (not simply the semi-detached houses on Hamilton Street) have been designed or permitted to breach the building line. All have been built with front or side gardens, with a view to preserving the architectural integrity and historic character of the street. There are no grounds for revising this precedent under the current planning framework.
- We would also like to draw attention to the important role played by the front/side gardens in Cudnall Street in maintaining and enhancing bio-diversity, and the consequent social and environmental benefits of retaining the side garden at 1, Hamilton Street as open, green space.

In summary, this 'cut price' version of the original plans will neither maintain the special architectural qualities of Cheltenham and its environment, in general; nor the Cudnall Street Conservation Area, in particular; nor does it meet the minimum threshold of good design in new developments.

Yours sincerely,





Elborough Cottage
36 Cudnall Street
Charlton Kings
Cheltenham
GL53 8HG

9th July 2019

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Ref:19/01237/FUL

Dear Miss Payne

A proposed 1.5 storey, one bed dwelling at 1 Hamilton Street Charlton Kings Cheltenham

I write to you in respect of the above as owner and occupier for the last 32 years of Elborough Cottage, 36 Cudnall Street, situated directly opposite the application site in order to raise my concerns and objections to the proposed development. In my opinion the proposed development is inappropriate for a number of reasons which are detailed below.

Planning History

On 16th July 1964 planning consent was granted for the erection of two pairs of semi-detached houses with integral garages which are now known as 1, 3, 5 and 7 Hamilton Street. I enclose a copy of the original consent together with the plan attached to it. From this you will see that the development is well set back from Cudnall Street and respects the Building Line on the north side of Cudnall Street. A condition of the consent was that a screen wall not less than 6 foot in height should run from 1 Hamilton Street to 39 Cudnall Street.

I have visited Cheltenham Planning Department who informed me that there have been no planning applications in respect of 1 Hamilton Street from 1964 to 22nd March 2019. It would therefore appear that the previous owners of the property have ignored the planning condition to build a screen wall and instead have built a dwarf blockwork wall with a close boarded timber fence along the Cudnall Street frontage. They have also erected a carport with a translucent corrugated plastic roof. It is open sided on three fronts with the fourth side constructed of brick and blockwork. In order to access the carport the vehicle has to reverse in across the Hamilton Street / Cudnall Street junction which is a hazard. All this has been done without any planning consents being obtained.

Turning to the current planning application that was submitted on the 22nd June 2019 I would comment as follows:

Heritage

Paragraph 189 of the National Planning Policy Framework requires applicants to describe the significance of affected heritage assets, including any contribution made by their setting, in a manner proportionate to their significance. In this instance the application site is located directly opposite and within 6 metres of the Grade II listed Elborough Cottage and is bordered on three sides by the Cudnall Street (Charlton Kings) Conservation Area. The application statement pays little more than passing regard to the former and does not even reference the latter.

The shortcomings of the proposals in terms of their impact on the settings of heritage assets are evident in the scale and siting of the proposed building. Its siting some 6 metres from the distinctive forward elevation of Elborough Cottage encroaches on the sense of openness surrounding the building and on views to it from Hamilton Street in particular. Moreover the positioning completely ignores the Building Line of the north side of Cudnall Street and detracts from the established built pattern that characterises the heritage asset.

Policy SD8(3) of the adopted Joint Core Strategy states that "Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place". The proposals will in practice detract from both the Conservation Area and the setting of Elborough Cottage and therefore conflict with this policy.

Paragraph 192(c) of the Framework also advocates "the desirability of new development making a positive contribution to local character and distinctiveness". This is echoed at SD8(2) of the Joint Core Strategy. The proposed development does not contribute to local character or distinctiveness in any way thus presenting a conflict with both local and national policy.

The application also has to be considered in the context of Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which directs that decision makers have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" As the proposals fail to preserve the setting of Elborough Cottage, allowing this proposal in the absence of proper justification would conflict with this statutory duty.

Back Garden Development

At ground floor level the single storey section measures approximately 9 metres in length and extends right into the back garden leaving only 3 metres of garden between the rear wall of the single storey extension and 39 Cudnall Street. This is a classic case of back garden development which the Local Development Framework seeks to prevent.

Trees

The only tree of significance on the site is the purple leaved cherry tree which has grown to a height of about 5 metres. It is located close to the Cudnall Street boundary with some boughs over hanging into the Conservation Area. It is clear from the plans that this tree will have to be cut down to make way for the proposed single storey extension. However there is no mention of this in the application. The plans submitted show a mature tree in the south west corner of the garden but this does not exist.

Parking

The planning application is ambiguous and in my view misleading on the question of car parking. The application states that there are two spaces at present. However it goes on to say that the total proposed (including spaces retained) is one , leading to a reduction of one space. This is wrong as it ignores the fact that 1 Hamilton Street retains a car parking space and so there is no reduction in the total number of parking spaces provided. This also highlights the fact that 1 Hamilton Street currently has the benefit of two car parking spaces but this would be reduced to one. In an area where on street parking is scarce and typically there are two cars per household the proposals would only increase the pressure on parking .

Highways

It is quite apparent that due to the proximity of the proposed vehicular access that it would not be possible to turn left from Cudnall Street onto Hamilton Street and directly into the parking area shown, nor perform the manoeuvre in reverse. This means that in order to park a car the driver has to reverse across the Cudnall Street/ Hamilton Street Junction .This represents a significant danger to both road users and pedestrians in the vicinity and would conflict with Policy INF1(1)(i) of the adopted Joint Core Strategy. This is what happens at the moment but as I mentioned earlier no planning consent has ever been granted for this access from Hamilton Street or the carport.

Conclusions

For the reasons explained above, namely the impact of the development on the heritage assets, local character, appearance and highway safety I must object to this application.

Yours sincerely



9th July 2019

To [redacted] deed.

e/o Messrs. Rollo Steven & Bond, 97 Seagate, Dundee.
 Agents: Messrs. W. Parker & Son, 111 Promenade, Cheltenham.

In pursuance of their powers under the above mentioned Act the Council as Local Planning Authority HEREBY APPROVE the details of the development described hereunder subject to the conditions hereunder stated.

Description of Land	Description of Development
Adjoining 'Greyrook', Hamilton Street, and Gudnall Street, Charlton Kings. C.S. Class. 26.12 (Edn. 1923). (Charlton Kings U.D.). Main services.	Erection of two pairs of semi-detached houses with integral garages. (Amended siting). Walls: L.D.C. facings. Roof: concrete tiles. Construction of vehicular accesses.

CONDITIONS ATTACHED TO APPROVAL

- (a) Building operations shall not be commenced until a sample of the facing brick and roofing tile proposed to be used has been submitted to and approved by the local Planning Authority, and all facing bricks and roofing tiles used in the construction of the buildings hereby authorised shall conform to the sample so approved.
- (b) The screen wall adjoining Gudnall Street shall be not less than 6 ft. in height.

The reasons for the Council's decision to grant approval for the details of the development, subject to compliance with the conditions hereinbefore specified are :-

- (a) In order that the proposed buildings shall harmonise in appearance with the existing buildings of the locality.
- (b) In order to safeguard the residential amenities of nearby dwellings.

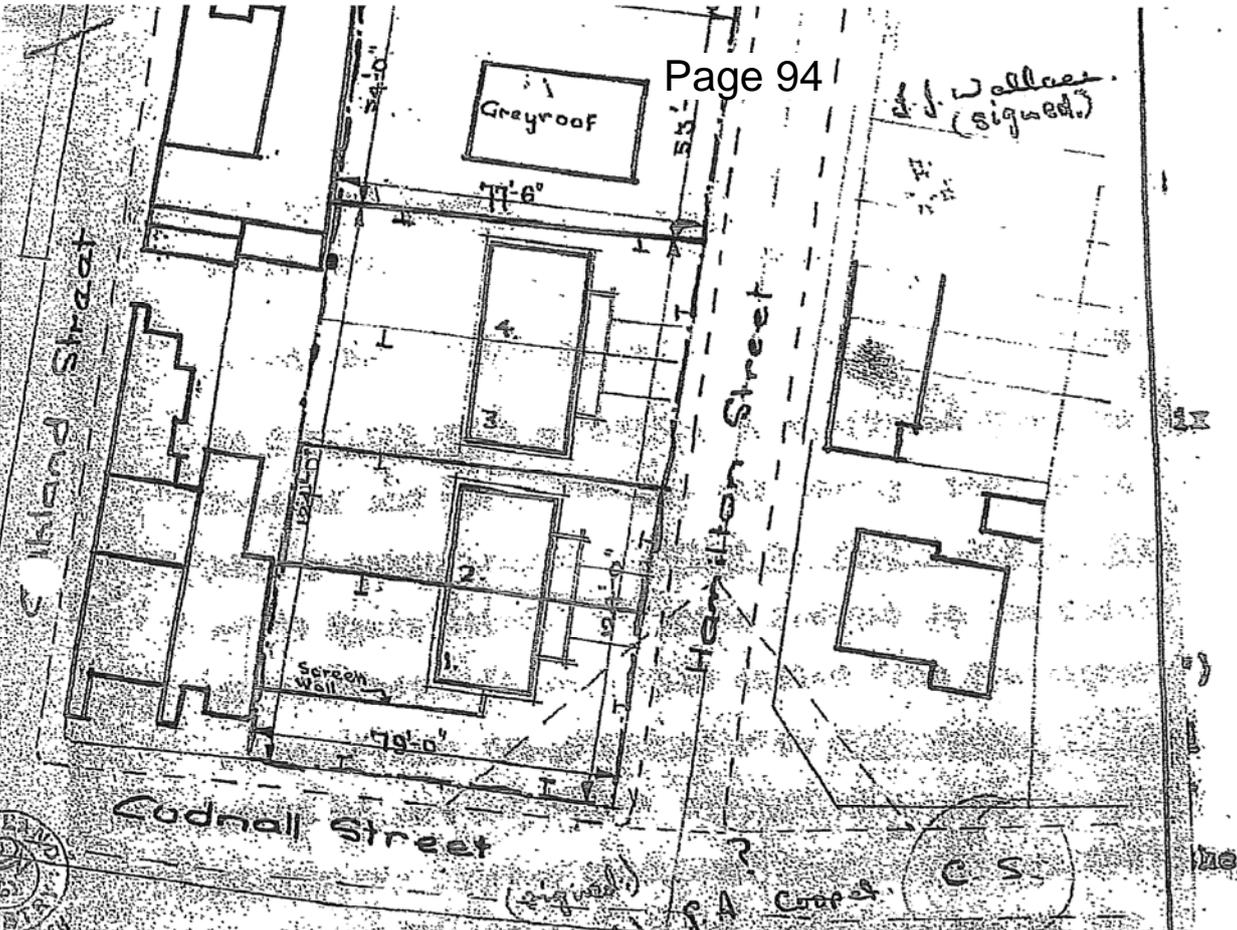
Dated 16th day of July 1964.

This certificate should be passed to the applicants, GUY. H. DAVIS,
 Clerk of the Council.

IMPORTANT - SEE NOTES OVERLEAF

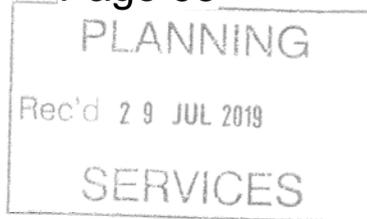
d. J. Wallace
(signed)

Grayroof



OFFICE COPY
 proposed development of No 4 3 bedroomed houses
 Grayroof Hamilton St Charlton Kings Chelt.

County of Gloucester ~~TOGETHER~~ with the dwellinghouse
 created thereon or on some part thereof the land being
 part of that comprised in the Title above mentioned
 AND TOGETHER with the rights set out in the First
 Schedule hereto and ~~SICUT AND RESERVED~~ the rights
 set out in the Second Schedule hereto and the Trans-
 feree so as to bind the land hereby transferred into
 whosoever hands the same may come and to benefit and
 protect the Transferees' adjoining or neighbouring
 land for the time being unsold including the remainder
 of the land comprised in the Title above mentioned and
 any and every part thereof hereby for the Transferee
 and the successors in title of the Transferee covenants



Elborough Cottage
36 Cudnall Street
Charlton Kings
Cheltenham
GL53 8HG

29th July 2019

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA
Ref: 19/00756/FUL

Dear Miss Payne

A revised application for a single storey, one bed dwelling at 1 Hamilton Street
Charlton Kings Cheltenham

This letter of Objection should be read in conjunction with my letter of 9th July 2019 in which I set out my reasons for objecting to the application for a 1.5 storey dwelling on the same site. All those points are relevant to the revised scheme submitted on the 26th July 2019. In addition I would make the following comments:

Materials: It is proposed that the elevations be clad in "Standing Seam" aluminium together with aluminium capping to the roof and aluminium framed glazing. These are totally inappropriate materials for a site surrounded on three sides by the Conservation Area and make the dwelling look like a shipping container.

The proposed brickwork boundary wall along Cudnall Street would have a height of approximately 1.95 metres (6 foot 4 inches) and a length of 17.3 metres (57 feet) from 39 Cudnall Street up to the front elevation of 1 Hamilton Street. This would be a very harsh boundary wall being only 6 metres (19 foot 8 inches) from the front elevation of Elborough Cottage and encroach on the sense of openness surrounding the building. It would also be in breach of the National Planning Policy Framework and the Joint Core Strategy.

I think that the proposed gate opening on to Cudnall Street would intrude into the Conservation Area and detract from it.

For all these reasons I object to the original application and the revised application and would ask that planning consent be refused.

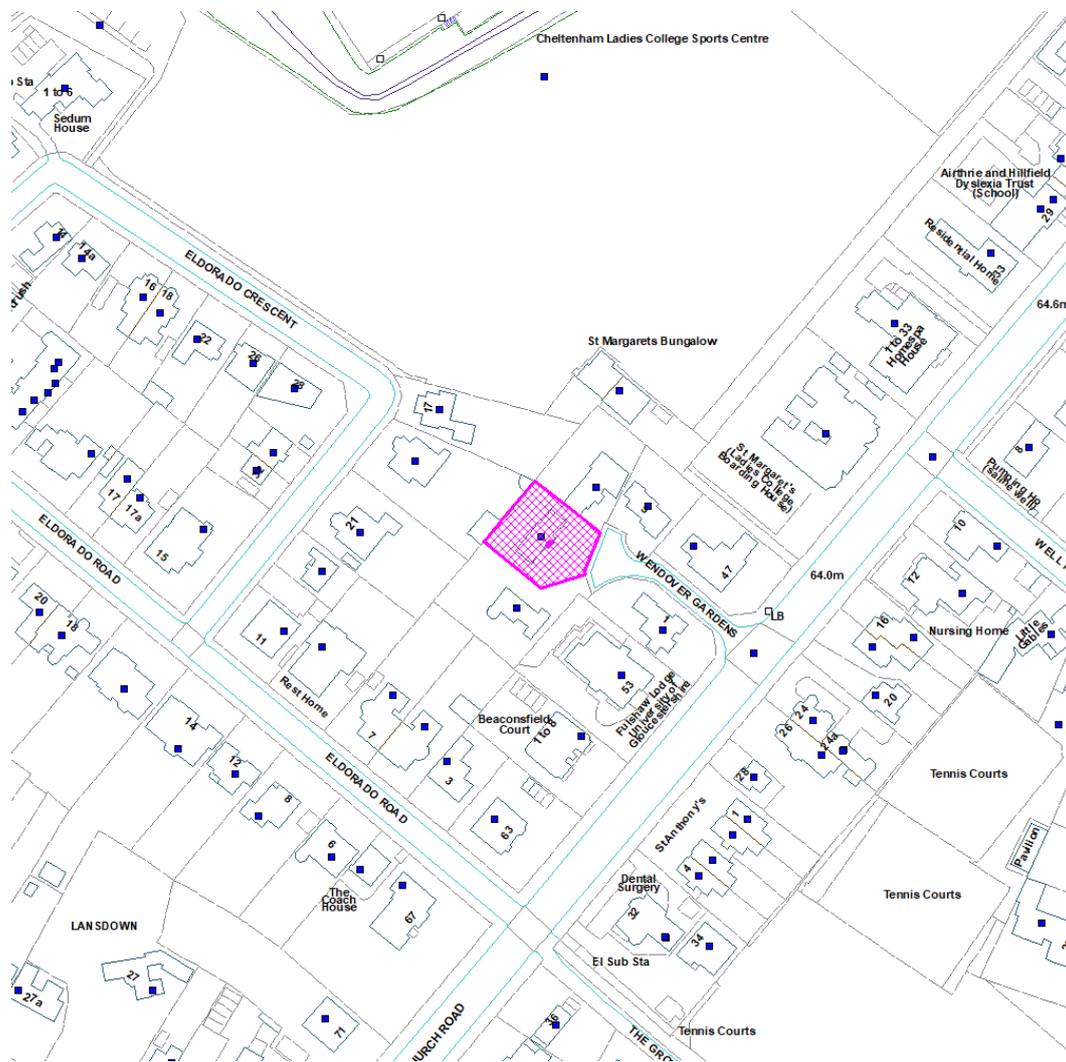
Yours sincerely,



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APPLICATION NO: 19/01296/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 3rd July 2019		DATE OF EXPIRY: 28th August 2019
DATE VALIDATED: 3rd July 2019		DATE OF SITE VISIT: 2nd August 2019
WARD: Lansdown		PARISH: n/a
APPLICANT:	Mr Mike Mellor	
AGENT:	Mrs Clare Wood	
LOCATION:	Engadine, 3 Wendover Gardens, Cheltenham	
PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located at the end of Wendover Gardens, a small cul-de-sac on the northwest side of Christchurch Road. The site is located just within the Eldorado character area of the Central conservation area, and adjacent to the Lansdown character area.
- 1.2 The existing dwelling on site is a detached two storey property, largely faced in brick beneath a pitched concrete tiled roof. There is a large flat roofed addition to the northeast of the property.
- 1.3 Previously, in September 2016, planning permission (ref. 16/01436/FUL) was granted for the complete remodelling and extension of the existing dwelling; this permission remains extant.
- 1.4 This application is now proposing the erection of a replacement dwelling following demolition of the existing building.
- 1.5 Revised plans have been submitted during the course of the application to reduce the extent of the first floor balcony to reflect that of the previously approved scheme, and to introduce an additional roof light to the kitchen area, and an external door to the utility. Additionally, drawings have been provided to demonstrate the similarities between the scale and massing of the approved scheme and that now proposed.
- 1.6 Notwithstanding the revised/additional plans, the application is at planning committee at the request of Councillor Mason for the following reasons:
 - the size of the new building;
 - the short distance between the building and the boundary of two neighbouring properties; and
 - the size and design of the balcony, and the loss of privacy to four neighbouring properties.
- 1.7 The Civic Society's Planning Forum also considers the proposed dwelling to be too large for the plot.
- 1.8 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Association
Smoke Control Order

Relevant Planning History:

16/01436/FUL

PERMIT

22nd September 2016

Remodelling and extension of existing dwelling

3. POLICIES AND GUIDANCE

National Planning Policy Framework
Section 4 Decision-making

Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Eldorado Character Area Appraisal and Management Plan (2008)

4. CONSULTATION RESPONSES

Cheltenham Civic Society

24th July 2019

The Civic Society's Planning Forum believes that the proposed dwelling is too large for the plot. The application lacks any contextual drawings and the elevation is poorly presented.

Building Control

5th July 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Gloucestershire Centre for Environmental Records

30th July 2019

Biodiversity report available to view.

Architects Panel

13th August 2019

The panel had no objection to the principle of a replacement dwelling on this site.

The panel thought the amended scheme to be acceptable.

Support.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 22 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Seven representations have been received in response to the publicity raising the following concerns:

- Overdevelopment / visual impact
- Loss of privacy / increase in noise
- Out-of-keeping
- Height

- Covenant

6. OFFICER COMMENTS

- 6.1 The principle of development has largely been established by the previous grant of planning permission for alterations and extensions to the existing dwelling; this permission remains extant and is a material consideration in the determination of this application. Details of the previously approved scheme will be available at the committee meeting.
- 6.2 Neighbouring amenity in terms of privacy, outlook and daylight was carefully considered in the determination of the previous application and, as the images below demonstrate, the scale, massing and footprint of the dwelling now proposed is very similar to the extant scheme and would not result in any additional harm (the red line denotes the outline of the extant scheme). A similar condition to that previously imposed in relation to the new upper floor windows in the rear elevation is recommended together with an additional condition restricting access to the flat roof area, other than the balcony shown on the revised plan, for maintenance purposes only.



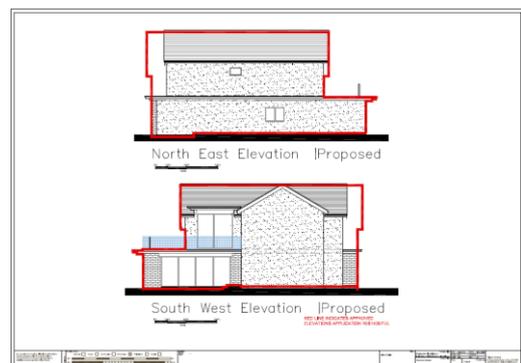
Ground floor



First floor



Elevations 1



Elevations 2

- 6.3 As such, whilst the concerns raised by local residents have been duly noted, officers consider the scheme to be acceptable on amenity grounds; it should be noted that no objection was raised by local residents in response to the extant scheme.
- 6.4 Additionally, a contemporary design approach on this site has been previously supported. Whilst it was noted in the previous officer report that the extensions would not read as subservient additions, and that the external alterations would undoubtedly alter the character and appearance of the existing dwelling, officers do not consider that harm would be caused to either the existing dwelling or locality. The scheme now proposed is

considered to be an enhancement to the conservation area, and the Architects Panel also support the proposal.

- 6.5 Members will note on planning view, that the property at the entrance to Wendover Gardens, 51 Christchurch Road, has been altered and extended, with the introduction of render to the elevations, grey powder coated aluminium windows, and grey roof tiles resulting in a wholly contemporary appearance which is not harmful to the character of the area.
- 6.6 The recommendation therefore is to grant planning permission subject to the conditions below:

7. SUGGESTED CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows in the rear (northwest) elevation serving the master bedroom shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate a restricted opening mechanism, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 The flat roof area of the development hereby permitted, other than the balcony shown on Drawing No. 114-06 REV D, shall not be used as a roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise

when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 19/01296/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 3rd July 2019		DATE OF EXPIRY : 28th August 2019	
WARD: Lansdown		PARISH:	
APPLICANT:	Mr Mike Mellor		
LOCATION:	Engadine, 3 Wendover Gardens, Cheltenham		
PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling		

REPRESENTATIONS

Number of contributors	7
Number of objections	7
Number of representations	0
Number of supporting	0

Saint Florence Villa
 21 Eldorado Crescent
 Cheltenham
 Gloucestershire
 GL50 2PY

Comments: 23rd July 2019

Our main objections to the proposed development are listed below;

1. The proposed balcony would result in loss of privacy for us and surrounding properties. The close proximity of the proposed development to the boundaries makes this issue more concerning not only for privacy, but noise levels as well.

2. It is noted that the internal space is increasing from 165sqm to 325sqm, therefore the site is in danger of being over developed and the structure quite imposing next to the surroundings properties.

The original design (16/01436/FUL) approved in 2016 was less imposing on surroundings, achieving this with use of elevations built on different planes and the interesting use of stonework to break surfaces up.

It was also architecturally more interesting and pleasing to look at.

If the development were to be approved, we would request that the following conditions be applied:

1. Height not to exceed ridgeline of adjacent properties.

2. Balcony to be restricted to the area overlooking terrace area only. We mention this because the drawing in the "design and access statement " indicates that the rear flat roof may be used as a balcony.

5 Wendover Gardens
Cheltenham
Gloucestershire
GL50 2PA

Comments: 25th July 2019

My wife and I think that the proposed replacement dwelling for number 3 Wendover Gardens is too big for the actual plot and would not be in keeping with the other three houses in the close; therefore, creating a negative visual impact.

4 Wendover Gardens
Cheltenham
Gloucestershire
GL50 2PA

Comments: 23rd July 2019

Letter attached.

17 Eldorado Crescent
Cheltenham
Gloucestershire
GL50 2PY

Comments: 29th July 2019

Letter attached.

19 Eldorado Crescent
Cheltenham
Gloucestershire
GL50 2PY

Comments: 22nd July 2019

Background:

The rear of the proposed new dwelling directly backs the rear of our property, therefore the rear windows of each house will look directly at each other.

The proposed dwelling will replace an existing one. The current property is set well back from the boundary, as is ours, and we are separated by our rear gardens and an original boundary garden red brick wall about 3.2 metres tall. We both therefore enjoy a high degree of privacy.

Summary of concerns:

We have three grave concerns about the new dwelling:

1. A balcony that extends to our boundary wall and which would have a significant, detrimental effect on our privacy and may increase noise levels when in use as a leisure area.
2. There are 2 large clear rear windows in a new protruding gable end which again would significantly affect our privacy.
3. There will be a significant visual impact as the development is higher and will be closer to our boundary than the existing dwelling.

Character of the Existing Situation:

The rear of the proposed dwelling and its neighbours in Wendover Gardens, and those of 17, 19 and 21 Eldorado Crescent is currently characterised by good sized gardens separated by high dividing walls and fences. The boundaries provide a great amount of privacy for all residents. Indeed, none of the gardens are directly overlooked by any of the other dwellings. All the dwellings are well set back from the boundaries.

The Balcony:

The proposed plans indicate a new, very large, single storey extension that extends up to our boundary wall. A certain amount of this extension is indicated to be used as a balcony. This balcony is capable of being extended for use in future as a large balcony or sun terrace. The drawing shows a long and narrow balcony (8m x 1m) that would not be appropriate for seating and so only would be capable of being walked along. In addition, the image of the balcony shown on the last page of the Design and Access Statement appears to extend along the North West elevation of the house. This leads us to believe an intent to use more of it for leisure use than is shown in the sketch of the first floor plan (drawing number 114-06).

Any balcony, particularly one that extends right up to our boundary wall, will give a view directly over our boundary wall and into our garden and house, with no obstruction. The balcony and its possible extension also over looks directly into 2 other properties gardens and dwellings. This would be great invasion of our privacy, as well as the privacy of 17 Eldorado Crescent and 4 Wendover Gardens. Extension of the balcony enabling leisure use will also create noise issues, as sounds will not be muffled by solid walls as currently is the case at ground level.

It is also important to note that none of the other dwellings neighbouring the proposed dwelling have an open balcony.

2 large window in the gable end first floor:

The first floor windows of the gable end would be nearer our boundary than those in the existing dwelling. The windows are large and of clear glass and so would have an adverse impact on our privacy.

As the first floor of the gable end extends significantly beyond the first floor of the existing property the 2 windows will look directly over our boundary wall and into our garden and house. This is a great violation of our privacy.

We would also be concerned that demolishing the existing dwelling may also enable creep of the rear of the building further towards the boundary wall than is indicated on the plans.

Visual Impact:

The proposed dwellings upper floor is 50% wider when viewed from the rear. Whereas this by itself would not give us too much cause for concern, the height of the new dwelling is higher than the existing one. The roof profile is also reduced in height. This means that the upper windows extend higher than the existing ones. There is also an opportunity of 'building creep' towards our boundary beyond that indicated by the plan.

Any increase in height would not reflect the current similar dwellings that sit in the same development which are all practically the same height. It would certainly dominate our outlook and the scene as a whole. Any increase in the height of the existing upstairs windows would allow further views into our garden and dwelling.

The exterior of proposed dwelling is reasonably attractive, but it is a very large increase in size and scale, more than doubling the internal area of the existing dwelling. It is way beyond the scale of the other dwellings in the cul de sac. By demolishing the existing dwelling the applicant is proposing to take the edges of the new dwelling right up to the curtilage's boundary walls, which would affect three properties.

To the extent that the dwelling extends at ground floor level there would be little detrimental effect on us save for the use of the roof as a balcony, now or in the future. There would however be an adverse effect on number 4 Wendover Gardens as their boundary is a wooden fence, far lower than our garden wall.

Objections:

The proposed new dwelling is reasonably attractive and we have no objection to the enlargement of the dwelling, but it should be done in a way to maintain the existing levels of privacy and noise.

We strongly disagree with the installation of a balcony and new rear windows that would enable a clear view of our and other residents' rear gardens and into the downstairs and bedroom floors of our houses.

The height of any new development should not be higher than the existing building and the first floor building line maintained.

Comments: 23rd July 2019

Letter attached.

Cranborne
2 Wendover Gardens
Cheltenham
Gloucestershire
GL50 2PA

Comments: 22nd July 2019

The portal to place my comments on the planning section of the council website was down on Sunday 21st July and I have therefore sent my comments by letter but will add this letter into the planning comments portal when it is functioning again.

I live at number 2 Wendover Gardens, which is located in a position south west to number 3.

I welcome in principle the idea of making improvements to the property at number 3 Wendover Gardens, particularly if they benefit the overall appearance of the house and thus the cul-de-sac. However, I do have some concerns and objections about the current proposed plans which are as follows:

1. I am concerned about the height of the proposed new property. The plans suggest that it will be higher than all the properties in Wendover Gardens and I think there should be a height restriction for the plans in order to keep the roof line at level with the surrounding existing adjacent houses.

2. I do object strongly to the proposed plans for a balcony which runs along the boundary between the south west side of the property and mine. This balcony will overlook three quarters of my garden and the back of my home. My privacy will be lost. I am very worried about this. I personally do not think that any balcony should be allowed on my boundary side ie south west, or indeed on any boundary for the same privacy reasons as this will affect neighbours in Elderado Crescent and number 4 Wendover Gardens. The Design and Access statement in the plans suggest that there is capacity for further development of the balcony section which concerns me.

3. For the same reasons, I am concerned about the proposed plans to build two French windows from the bedroom leading onto the balcony. Once again my privacy will be lost.

4. In connection with point 3, I am concerned about the noise produced if the balcony was given permission to be built.

5. The proposed plans suggest that the overall size of the new house will be double the size of the existing property. This will mean that the property will dominate the locality and will have a direct adverse visual impact as it currently stands. I wonder whether it will be out of proportion to the surrounding houses in the cul-de-sac?

6. A balcony was refused permission to be built for house number 4 and there is a precedent for balconies to not be granted planning permission within Wendover Gardens.

7. There is a covenant in the land registry deeds dated 14th June 1960, which states clearly that any building and alterations of properties in the cul-de-sac has to be agreed by all house owners in Wendover Gardens. This covenant is still legally binding and current.

8. I am aware that the plans are creeping beyond the original plans and that there is potential for further extension or creeping of these new proposed plans which is concerning. For example, the plans leave open the possibility of making the second floor balcony and flat roof section further developed.

In summary, I approve of the overall viewpoint that there is a need to modernise and develop the property of number 3.

I think the plans should reflect the adjacent properties in proportion and height within this small cul-de-sac.

I do object strongly to the building of the second floor balcony and the south west French windows. Both the balcony and the French windows would directly affect and take away my right of privacy. My garden and the back of my house would be overlooked and by the same token it would also cause noise disturbance.

I would also like to add my request that the council make good any damage to the road surface and curb if building work takes place, as the demolition and building works appear to be quite extensive.

Please could you take into consideration my objection,

Comments: 23rd July 2019

Letter attached.

4 Wendover Gardens
Cheltenham
Gloucestershire
GL50 2PA

Comments: 23rd July 2019

Whilst we welcome the renovation of No 3 Wendover gardens in principle, and feel it can benefit the Cul-de-sac, we wish to raise the following concerns regarding the above planning application:

Harmful effect on amenity:

1. The proposed building is very close to our boundary on the North-East and to the rear boundary at the North-West. This will have a significant impact on the sunlight coming into our garden.

The development, whilst creating a patio facing South-West to maximise sunlight for the new property, is at the same time denying us sunlight on our existing patio.

The building should therefore be moved further away from our boundary coming no closer than the end wall of the existing building (garage).

Harmful effect on privacy

2. On the proposed plan there is a balcony, which is shown along the full length of the ground floor on the South-West elevation, projecting beyond the end wall of the upper floor. It will hence overlook directly into our and our neighbours gardens. This directly affects our privacy and causes concerns of possible noise. We are very surprised that the balcony has been considered as we were refused one on our planning application a few years ago. We had to have a Juliet balcony and we feel this has set a precedent. Furthermore, the Design and Access statement shows the balcony continuing further around the flat roof, raising concerns regarding future expansion of use. We feel this should be clearly addressed as unsuitable in any final planning agreement.

Visual impact and harmful effect on local character:

3. We are also concerned that the overall ridge height of any development will not exceed the existing buildings ridge height as this would be out of character compared to the other buildings in the cul-de-sac. This would also further affect the sunlight into our garden. The planned building is out of proportions to the size of the plot and the neighbouring buildings in the cul-de-sac, meaning the property will dominate the other houses, especially due to its central location.

4. It should be noted that there is a Covenant dated 14th June 1960 made between William Henry George Wheeler and John Stuart Bruce Reynolds which restricts alterations to the property. This states that any alterations must be agreed to by all owners in the Cul-de-sac.

We would also would like to make sure that any damage to the road, kerbs and pavement caused by the construction are repaired.

4 Wendover Gardens
Cheltenham
GL50 2PA

21st July 2019



For the attention of Tracey Crews, Director of Planning

Dear Miss Crews,

Whilst we welcome the renovation of No 3 Wendover gardens in principle, and feel it will benefit the Cul-de-sac, we wish to raise the following concerns regarding the above planning application:

1. The proposed building is very close to our boundary on the North-East and to the rear boundary at the North-West. This will have a significant impact on the sunlight coming into our garden.

The development, whilst creating a patio facing South-West to maximise sunlight for the new property, is at the same time denying us sunlight on our existing patio.

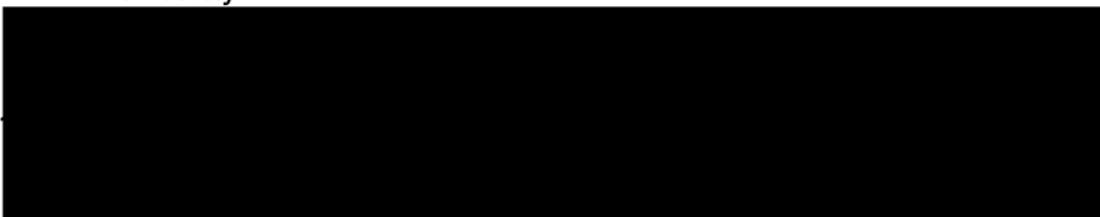
The building should therefore be moved further away from our boundary coming no closer than the end wall of the existing building (garage).

2. On the proposed plan there is a balcony, which is shown along the full length of the ground floor on the South-West elevation, projecting beyond the end wall of the upper floor. It will hence overlook directly into our and our neighbours gardens. This directly affects our privacy and causes concerns of possible noise. We are very surprised that the balcony has been considered as we were refused one on our planning application a few years ago. We had to have a Juliet balcony and we feel this has set a precedent. Furthermore, the Design and Access statement shows the balcony continuing further around the flat roof, raising concerns regarding future expansion on use. We feel this should be clearly addressed as unsuitable in any final planning agreement.
3. We are also concerned that the overall ridge height of any development will not exceed the existing buildings ridge height as this would be out of character compared to the other buildings in the cul-de-sac. This would also affect the sunlight into our garden.
4. The planned building is out of proportions to the size of the plot and the neighbouring buildings in the cul-de-sac, meaning the property will dominate the other houses, especially due to its central location.
5. It should be noted that there is a Covenant dated 14th June 1960 made between William Henry George Wheeler and John Stuart Bruce Reynolds which restricts alterations to the property. This states that any alterations must be agreed to by all owners in the Cul-de-sac.

We would also would like to make sure that any damage to the road, kerbs and pavement caused by the construction are repaired.

Finally, we are not against the updating of the property, indeed we welcome it. However we feel that the proposed plans are a little over ambitious for the plot and neighbouring houses.

Yours Sincerely



Page 110
'Kynance',
17, Eldorado Crescent, Cheltenham,
Gloucestershire, GL50 2PY.
Tel: [REDACTED]



Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
Cheltenham
GL50 1PP

23 July 2019

Dear Miss Payne,

Thank for your letter announcing the proposed development of Engadine, 3, Wendover Gardens, Cheltenham. I have examined the application and submit the following comments:

1. Design.

The much larger and overpowering building lacks sympathy and does not compliment the existing features of Wendover Gardens

2. Privacy:

The much increased area of the development has resulted in the north west elevation being extremely close to the boundary wall running through houses in Eldorado Crescent.

The existing 3 bedrooms windows have little impact on overlooking our property but with the relocation of 5 much larger windows and the opportunity to view from a balcony will greatly diminish the current privacy.

The proposed landing windows are now shown as large clear double glazed versions, as opposed to the original narrower opaque style, with immediate impact on our privacy.

The location and size of the building will affect the privacy of houses in Eldorado Crescent.

3. Noise:

The terrace area clearly implies entertaining and with a much larger car park the potential is therefore to have a serious impact on the neighbours and adjacent properties.

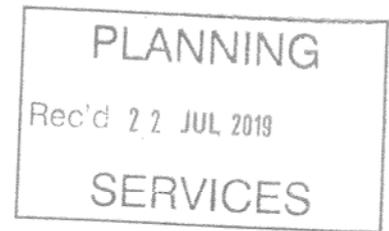
4. Impact:

The overall effect of this development is not an enhancement of the Gardens within this Heritage Area and has an affect on property and gardens outside of the site.

Yours sincerely

[REDACTED]

19 Eldorado Crescent
Cheltenham
GL50 2PY



21 July 2019

Tracey Crews, Director of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Director of Planning,

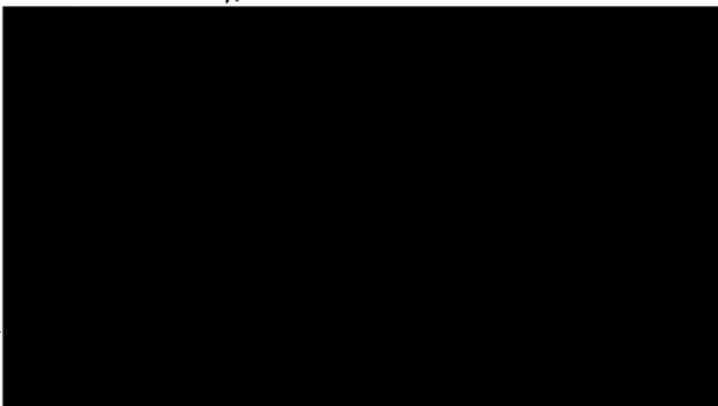
**Proposal: Demolition of Existing Dwelling and Erection of Replacement Dwelling
at Engadine, 3 Wendover Gardens, Cheltenham - 19/01296/FUL**

We have tried to leave our comments on the planning portal website. However, the login appears not to be working and so to ensure that you receive them I am submitting them in hard copy. I will continue to try to enter them in the portal too.

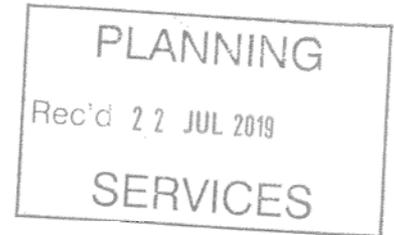
We attach our comments on the above planning application to this letter.

We would be grateful if you would confirm receipt.

Yours sincerely,



Comments on Proposal



Background

We are the residents of 19 Eldorado Crescent, GL50 2PY.

The rear of the proposed new dwelling directly backs the rear of our property, therefore the rear windows of each house will look directly at each other.

The proposed dwelling will replace an existing one. The current property is set well back from the boundary, as is ours, and we are separated by our rear gardens and an original boundary garden red brick wall about 3.2 metres tall. We both therefore enjoy a high degree of privacy.

Summary of concerns

We have three grave concerns about the new dwelling:

1. A balcony that extends to our boundary wall and which would have a significant, detrimental effect on our privacy and may increase noise levels when in use as a leisure area.
2. There are 2 large clear rear windows in a new protruding gable end which again would significantly affect our privacy.
3. There will be a significant visual impact as the development is higher and will be closer to our boundary than the existing dwelling.

Character of the Existing Situation

The rear of the proposed dwelling and its neighbours in Wendover Gardens, and those of 17, 19 and 21 Eldorado Crescent is currently characterised by good sized gardens separated by high dividing walls and fences. The boundaries provide a great amount of privacy for all residents. Indeed, none of the gardens are directly overlooked by any of the other dwellings. All the dwellings are well set back from the boundaries.

The Balcony

The proposed plans indicate a new, very large, single storey extension that extends up to our boundary wall. A certain amount of this extension is indicated to be used as a balcony. This balcony is capable of being extended for use in future as a large balcony or sun terrace. The drawing shows a long and narrow balcony (8m x 1m) that would not be appropriate for seating and so only would be capable of being walked along. In addition, the image of the balcony shown on the last page of the Design and Access Statement appears to extend along the North West elevation of the house. This leads us to believe an intent to use more of it for leisure use than is shown in the sketch of the first floor plan (drawing number 114-06).

Any balcony, particularly one that extends right up to our boundary wall, will give a view directly over our boundary wall and into our garden and house, with no obstruction. The balcony and its possible extension also over looks directly into 2 other properties gardens and dwellings. This would be great invasion of our privacy, as well as the privacy of 17 Eldorado Crescent and 4 Wendover Gardens. Extension of the balcony enabling leisure use will also create noise issues, as sounds will not be muffled by solid walls as currently is the case at ground level.

It is also important to note that none of the other dwellings neighbouring the proposed dwelling have an open balcony.

2 large window in the gable end first floor

The first floor windows of the gable end would be nearer our boundary than those in the existing dwelling. The windows are large and of clear glass and so would have an adverse impact on our privacy.

As the first floor of the gable end extends significantly beyond the first floor of the existing property the 2 windows will look directly over our boundary wall and into our garden and house. This is a great violation of our privacy.

We would also be concerned that demolishing the existing dwelling may also enable creep of the rear of the building further towards the boundary wall than is indicated on the plans.

Visual Impact

The proposed dwellings upper floor is 50% wider when viewed from the rear. Whereas this by itself would not give us too much cause for concern, the height of the new dwelling is higher than the existing one. The roof profile is also reduced in height. This means that the upper windows extend higher than the existing ones. There is also an opportunity of 'building creep' towards our boundary beyond that indicated by the plan.

Any increase in height would not reflect the current similar dwellings that sit in the same development which are all practically the same height. It would certainly dominate our outlook and the scene as a whole. Any increase in the height of the existing upstairs windows would allow further views into our garden and dwelling.

The exterior of proposed dwelling is reasonably attractive, but it is a very large increase in size and scale, more than doubling the internal area of the existing dwelling. It is way beyond the scale of the other dwellings in the cul de sac. By demolishing the existing dwelling the applicant is proposing to take the edges of the new dwelling right up to the curtilage's boundary walls, which would affect three properties.

To the extent that the dwelling extends at ground floor level there would be little detrimental effect on us save for the use of the roof as a balcony, now or in the future. There would however be an adverse effect on number 4 Wendover Gardens as their boundary is a wooden fence, far lower than our garden wall.

Objections

The proposed new dwelling is reasonably attractive and we have no objection to the enlargement of the dwelling, but it should be done in a way to maintain the existing levels of privacy and noise. We strongly disagree with the installation of a balcony and new rear windows that would enable a clear view of our and other residents' rear gardens and into the downstairs and bedroom floors of our houses. The height of any new development should not be higher than the existing building and the first floor building line maintained.

21 July 2019

Re proposed planning permission for demolition of existing dwelling and erection of replacement dwelling at 3 Wendover Gardens, Cheltenham. Reference 19/01296/ful



[REDACTED]
2 Wendover Gardens

Cheltenham

22nd July 2019

Dear Ms Crews,

The portal to place my comments on the planning section of the council website was down on Sunday 21st July and I have therefore sent my comments by letter but will add this letter into the planning comments portal when it is functioning again.

I live at number 2 Wendover Gardens, which is located in a position south west to number 3.

I welcome in principle the idea of making improvements to the property at number 3 Wendover Gardens, particularly if they benefit the overall appearance of the house and thus the cul-de-sac. However, I do have some concerns and objections about the current proposed plans which are as follows:

1. I am concerned about the height of the proposed new property. The plans suggest that it will be higher than all the properties in Wendover Gardens and I think there should be a height restriction for the plans in order to keep the roof line at level with the surrounding existing adjacent houses.
2. I do object strongly to the proposed plans for a balcony which runs along the boundary between the south west side of the property and mine. This balcony will overlook three quarters of my garden and the back of my home. My privacy will be lost. I am very worried about this. I personally do not think that any balcony should be allowed on my boundary side ie south west, or indeed on any boundary for the same privacy reasons as this will affect neighbours in Elderado Crescent and number 4 Wendover Gardens. The Design and Access statement in the plans suggest that there is capacity for further development of the balcony section which concerns me.
3. For the same reasons, I am concerned about the proposed plans to build two French windows from the bedroom leading onto the balcony. Once again my privacy will be lost.
4. In connection with point 3, I am concerned about the noise produced if the balcony was given permission to be built.

5. The proposed plans suggest that the overall size of the new house will be double the size of the existing property. This will mean that the property will dominate the locality and will have a direct adverse visual impact as it currently stands. I wonder whether it will be out of proportion to the surrounding houses in the cul-de-sac?
6. A balcony was refused permission to be built for house number 4 and there is a precedent for balconies to not be granted planning permission within Wendover Gardens.
7. There is a covenant in the land registry deeds dated 14th June 1960, made between William Henry George Wheeler and John Stuart Bruce Reynolds, which states clearly that any building and alterations of properties in the cul-de-sac has to be agreed by all house owners in Wendover Gardens. This covenant is still legally binding and current.
8. I am aware that the plans are creeping beyond the original plans and that there is potential for further extension or creeping of these new proposed plans which is concerning. For example, the plans leave open the possibility of making the second floor balcony and flat roof section further developed.

In summary, I approve of the overall viewpoint that there is a need to modernise and develop the property of number 3.

I think the plans should reflect the adjacent properties in proportion and height within this small cul-de-sac.

I do object strongly to the building of the second floor balcony and the south west French windows. Both the balcony and the French windows would directly affect and take away my right of privacy. My garden and the back of my house would be overlooked and by the same token it would also cause noise disturbance.

I would also like to add my request that the council make good any damage to the road surface and curb if building work takes place, as the demolition and building works appear to be quite extensive.

Please could you take into consideration my objection,

Yours sincerely,



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APPLICATION NO: 19/01298/FUL	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 3rd July 2019	DATE OF EXPIRY: 28th August 2019
DATE VALIDATED: 3rd July 2019	DATE OF SITE VISIT: 22nd July 2019
WARD: Park	PARISH: n/a
APPLICANT: Mr And Mrs Padmore	
AGENT: RRA Architects	
LOCATION: 26 Hatherley Court Road, Cheltenham	
PROPOSAL: Demolition of rear conservatory and construction of front and rear extensions along with internal alterations and loft conversion.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located on Hatherley Court Road. The dwelling is sited back from the road and has a detached double garage to the front of the property. The application site is sited within the Dean Close & Hatherley Park Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the removal of an existing conservatory and construction of front and rear extensions along with internal alterations and loft conversion.
- 1.3 The application is at planning committee at the request of both Councillor Barrell and Councillor Harman for the following reasons;
 - overbearing and visual impact on neighbouring resident,
 - loss of privacy and amenity for neighbouring residents,
 - loss of garden and green space in the conservation area,
 - contrary to policy CP7; development would not complement and respect neighbouring development and character of the area,
 - not subservient,
 - impact on Hatherley Court Gardens.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Associations

Relevant Planning History:

84/00264/PF 28th June 1984 REF

Erection Of 4 No Detached Dwellings And Lay-Out Of Informal Open Space
Appeal Dismissed

96/00020/PF 22nd February 1996 PER

Creation Of Public Parklands And 8 No. 2 Storey Residential Properties

96/00929/PF 12th December 1996 PER

(No. 26) Erection Of Conservatory

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Saved Local Plan Policies

BE 1 Open space in conservation areas
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: Dean Close & Hatherley Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Building Control

4th July 2019

The extensions, internal alterations and loft conversion will require Building Regulations approval.

Environmental Health

26th July 2019

I have no adverse comments to make regarding this application for the demolition of rear conservatory and construction of front and rear extensions along with internal alterations and loft conversion at 26 Hatherley Court Road, Cheltenham. I would recommend the following condition be attached to any approved permission:

'During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs - 18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Gloucestershire Centre For Environmental Records

30th July 2019

Biodiversity report available to view.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to five neighbouring properties, a site notice was displayed near the application site and an advert has been placed in the Gloucestershire Echo; four responses have been received, all of which object to the proposal.
- 5.2 The main concerns raised include but are not limited to the following;
- large in scale and not subservient to host dwelling,
 - not in-keeping with other properties on the road in terms of design,
 - fails to enhance or respect the local environment,
 - the extensions would result in a dominant property that would stand out,
 - loss of privacy,
 - loss of light,
 - loss/reduction of garden/private amenity space within the conservation area,

- impact on Hatherley Court and Hatherley Court Gardens,
- overbearing,
- loss of a gap between properties.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations as part of this application are the design, the impact on the conservation area and the impact on neighbouring amenity.

6.3 Design

6.4 Paragraph 124 of the NPPF requires development to be well designed; a key aspect to achieving sustainable development and creates better places in which to live. Paragraph 127 of the NPPF sets out that planning decisions should ensure development is visually attractive is sympathetic to local character and history and add to the overall quality of the area. Drawing from this, policy SD4 of the JCS and saved Local Plan policy CP7 require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.5 The council's adopted Supplementary Planning Document: Residential Alterations and Extensions (2008) sets out five main design principles including maintaining character and achieving subservience. The document states that an extension should not dominate or detract from the parent dwelling, but play a supporting role.

6.6 The proposed two storey rear extension would project 3.2 metres beyond the rear elevation of the original building and extend the full width of the property. The extension would have two projecting gables and a new rear dormer between to facilitate the proposed loft conversion. The extension is considered to be relatively large in scale however it is considered to sit comfortably within the reasonably sized plot.

6.7 The aforementioned SPD refers to subservience and sets out that to achieve subservience an extension should be no higher than the original and normally be set back, however given the extension is to the rear it could not be set back. The extension would result in the original rear elevation of the dwelling covered in an extension, however part of the original rear roof slope would still be visible. In this instance as the property is detached, and the extension is to the rear and the property is proposed to be remodelled is considered to be appropriate.

6.8 A concern has been raised in regards to the extension resulting in a loss of a gap between properties. The extension is to the rear and whilst views of the extension will be seen from Hatherley Court Road when viewed at an angle, the gap between the properties would not be reduced. There are therefore no concerns that there would be an unacceptable loss of a gap and resultant 'terracing effect' as a result of the proposed rear extension.

6.9 The application proposes alterations to the front elevation including; an increase in the width of the two storey front element by 1.3 metres, relocation of the front door and new porch. Concern has been raised that as a result of the proposed front extensions and alterations there would be an impact on the existing street scene. There is a wide variation of house types, use of materials and architectural styles on Hatherley Court Road; as such whilst the property would change visually, the change is not considered to harm the existing street scene given the variety of properties in the area.

- 6.10 To the rear (north east) of the site is the grade II listed Hatherley Court, concerns from local residents has been raised in regards to the impact of the extension on this building. The two storey element of the scheme is 39 metres from the listed building and the eastern boundary is heavily screened therefore views to the extension would be limited. As such, it is not considered that there would be any harm to the setting of the listed building.
- 6.11 The dwelling sits in a generously sized plot and has a good sized rear garden. The two storey element of the extension would project 300mm beyond the existing conservatory on site, however the single storey element should project a further 2.6 metres. Local Plan policy BE1 states that 'development in a conservation area will only be permitted where it does not detract from the green or open character of the area'. It is considered that the proposed extensions would not result in a harmful loss of greenspace within the conservation area given the small increase in ground coverage in comparison to the existing as a result of the extensions.
- 6.12 As such, it is considered that the proposed two storey and single storey rear extensions and front extension/alterations is considered to be of an appropriate design that would not result in harm to the conservation and therefore complies with the relevant design policies and guidance.
- 6.13 Impact on neighbouring property**
- 6.14 Paragraph 127 of the NPPF requires development to achieve a high standard of amenity for existing and future users. Policy SD14 and saved Local Plan policy CP4 require development not to cause an unacceptable harm to the amenity of adjoining land users and the locality.
- 6.15 Letters have been sent to neighbouring properties, four objections have been received. The main concerns raised have been set out in section 5.
- 6.16 A visit to the application site has been carried out and the impact in neighbouring amenity has been assessed. An initial concern was raised in regards to the initially submitted plans which showed a first floor roof terrace above the single storey rear extension which would result in unacceptable overlooking. This element of the scheme has since been removed and the proposal no longer includes a roof terrace.
- 6.17 The relevant light test has been carried out on the adjoining neighbouring property, no. 27 Hatherley Court Road. The 45 degree light test carried out on the two storey rear extension to assess the impact on no. 27 passes and therefore it is considered that as a result of the proposed two storey rear extension there would not be an unacceptable loss of light to the neighbouring property.
- 6.18 Another concern has been raised by a neighbouring resident in terms of an overbearing impact. Whilst it is appreciated that the extension will be noticed by no. 27, it is considered that the impact would not be unacceptable to a level that would warrant a refusal of planning permission. In addition, it is worth noting the scale of an extension which can be built without the need for planning permission. The General Permitted Development Order sets out that a two storey rear extension can be considered as permitted development given that it achieves 7 metres to the rear boundary, is not set within 2 metres of the boundary of the site and does not project more than 3 metres from the original rear elevation. In this instance, the property would not fit within the limits of permitted development given that it is within a conservation area; however it is worth being mindful of the scale of development that could be built.
- 6.19 Based on the above, the proposed extension would not result in an unacceptable impact on neighbouring amenity and therefore is considered to be acceptable in terms of the relevant planning policies and guidance.

6.20 Environmental impact

6.21 Whilst records show important species have been sighted near to the application site between 2009 and 2015, it is considered that the scale of the proposed development will not result in a harmful impact on these species.

7. CONCLUSION AND RECOMMENDATION

7.1 Based on the above, whilst neighbour comments have been fully considered it is considered that the proposal is in accordance with the relevant policies and guidance in terms of achieving an appropriate standard of design and would not result in an unacceptable impact on the existing amenity of adjoining land users.

7.2 The recommendation is to therefore permit this application, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the design to overcome concerns relating to impact on neighbouring amenity; following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

2 The applicant is advised that during the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:

Monday-Friday 07:30hrs - 18:00hrs,
Saturday 08.00hrs - 13:00hrs,
nor at any time on Sundays, Bank or Public Holidays.

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APPLICATION NO: 19/01298/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 3rd July 2019		DATE OF EXPIRY : 28th August 2019	
WARD: Park		PARISH:	
APPLICANT:	Mr And Mrs Padmore		
LOCATION:	26 Hatherley Court Road, Cheltenham		
PROPOSAL:	Demolition of rear conservatory and construction of front and rear extensions along with internal alterations and loft conversion.		

REPRESENTATIONS

Number of contributors	4
Number of objections	4
Number of representations	0
Number of supporting	0

23 Hatherley Court Road
Cheltenham
Gloucestershire
GL51 3AG

Comments: 23rd July 2019

The proposed development seems to be excessive in that the plans suggest the property will be virtually doubled in size. To that extent, it will not fit in with the other properties in the road.

28 Hatherley Court Road
Cheltenham
Gloucestershire
GL51 3AG

Comments: 28th July 2019

I am writing as a neighbour to object this application on several grounds.

This development forms one of eight modern (1990s) detached properties surrounding Court Gardens and is next to Hatherley Court, a listed building.

In the 'Dean Close and Hatherley Park character appraisal and management plan' supplementary planning document (2008) both Court Gardens and Hatherley Court are singled out as positively contributing to the character and appearance of the character area. Paragraph 5.36 recognises that modern changes and intrusions have to a degree negatively impacted on the area's overall character and appearance and that it is essential that any development should preserve the setting of any adjacent listed buildings, landscape features and preserve or enhance the character of the conservation area. Consequently careful consideration must be given to the historic context, size, scale, height and massing of new development.

Another material consideration is the Residential Alterations and Extensions SPD. Extensions will be required to avoid causing harm to the architectural integrity of the building or group of buildings, be subservient to the existing building, and maintain the privacy of neighbours. Its design should echo that of the original building.

The proposals which have been submitted represent a significant departure from the design consistency which is evident in all the other houses which surround Court Gardens and Hatherley Court. A common design theme of these houses is the single central gable. Proposing two gables results in an inappropriate scale and massing that is incoherent in this important local setting and it fails to enhance or respect the local environs. The provision of a large first floor rear balcony would intrude upon the privacy of neighbours at 27 & 28 Hatherley Court Road as no effort has been made to design this to prevent any loss of privacy, as required by the SPD.

I have no issue with a sympathetically designed extension which is more respectful of the vista and setting of Hatherley Court and Court Gardens, and the privacy of neighbours. To make the development acceptable I would hope the applicant would consider removing the second gable and the first floor balcony. This would address my concerns about design, scale, setting and privacy.

Should these modifications not be acceptable to the applicant I trust that the application will be refused as it is non-compliant with both Supplementary Planning Documents referred to earlier and Local Plan Policy CP7 (development will only be permitted where it complements and respects neighbouring development and the character of the locality and /or landscape. It is also arguably in contravention of Local Plan Policy BE1 which requires that development in a conservation area will only be permitted where it does not detract from the green or open character of the area.

25 Hatherley Court Road
Cheltenham
Gloucestershire
GL51 3AG

Comments: 24th July 2019

As the occupiers of 25 Hatherley Court Road we are unable to support the current planning application being made in connection with the above property. The reasons for our objections are as follows:

1 The proposed increase to the size of the house would make it out of proportion to the size of the neighbouring houses. The footprint would be almost half as much again from what it is at the moment.

2 In this conservation area the proposal would significantly and detrimentally reduce the size of the garden.

3 The houses on that side of the road were planned carefully in respect of their relationship to Hatherley Court at the rear of the gardens. The proposal would lead to an unfortunate dominance by 26 Hatherley Court Road, making it stand out awkwardly.

At present the houses are carefully designed following a gentle curve of a "building line" at the rear, but the proposal would build out significantly from this line.

4 The view from the street up the west side of the house would now include a new wall and make it look as if the houses were much closer together. The verandah at the front of the property would be out of keeping with the appearance of the other houses, particularly those to the west, built at the same time.

5 The impact upon the garden of 25 Hatherley Court Road would be highly significant; at present the garden is private and not overlooked by neighbours to the right or left. Under these proposals the new first floor terrace at the back of the property would have an uninterrupted view over the strip of land belonging to Hatherley Court in between no 25 and 26 and into the garden of no. 25, thus removing its privacy.

6 The dining extension corner is very close to the hedge and boundary with Hatherley Court.

For these reasons we feel we have to object to this proposal as it stands.

27 Hatherley Court Road
Cheltenham
Gloucestershire
GL51 3AG

Comments: 24th July 2019
Letter attached.

23rd July 2019

Miss Claire Donnelly
Planning & Development
Municipal Offices,
Promenade,
Cheltenham
GL50 9SA



Dear Miss Donnelly

Re: 19/01298/FUL - 26 Hatherley Court Road Cheltenham Gloucestershire GL51 3AG

We have been instructed by [REDACTED] neighbouring residents at 27 Hatherley Court Road, Cheltenham, with respect to the current application mentioned above to raise objections to the application on their behalf.

The proposal seeks to significantly extend 26 Hatherley Court Road, an existing large dwelling on a modest plot set within the Central Conservation Area and within the setting of Hatherley Court, a listed building.

The relevant policy documents to which such an application must adhere are:

- **Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS)**
- **Cheltenham Local Plan 2006 (CLP)**
- **Residential Extension & Alterations SPD**

There are four areas in which it is considered that the proposal is inappropriate and contrary to policies laid out in the above documents. These are:

- Size & massing
- Impact upon host dwelling & street scene
- Impact upon built heritage
- Impact upon neighbour amenity

These issues will be dealt with in turn.

Size & massing

The proposal represents a very significant increase of the size of the existing host dwelling. The **Residential Extension & Alterations SPD** sets out 5 basic design principles for residential

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office@ftplanning.co.uk www.foxleytaggplanning.co.uk
01242 222107



extensions. **Principle 1** states that proposals should maintain the character of the host dwelling. **Principle 2** states that an extension should not dominate or detract from the original building but play a 'supporting role'.

At present No. 26 is a large 4-bedroom home, set in a modest plot. The property is set back from the road and fills the width of the plot, with a large double garage sited in front of the dwelling, close to the road.

The proposal seeks to extend the dwelling significantly, by approximately 3.5 metres over two-storeys across the entire rear eastern elevation of the dwelling to create an extremely large 5-bedroom home. In addition, on the far eastern side of the rear elevation the proposal seeks to extend by an approximate further 2.5m on the ground floor to create a single storey projection and roof terrace.

Impact upon host dwelling & street scene

The proposal is not considered to be subservient to the host dwelling as outlined above. Indeed, the side elevations that will be created will be dominant due to their sheer mass and thus impactful and unattractive. The plans show two large slabs of side elevation, with few features to break up the massing of the sides of the dwelling.

Policy CP7 of the **Cheltenham Local Plan** states that development will only be permitted where it 'complements and respects neighbouring development and the character of the locality'. *Policy SD4* of the Joint Core Strategy states that 'new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness'.

As stated above, the proposal sits on a fairly modest plot and the existing dwelling fills the width of the plot. However, when viewed from the street, vistas are present that allow one to see between the application dwelling and the neighbouring No. 27. The creation of the large rear extension will create bulky size extensions which will add a great deal of mass to the dwelling with the effect of closing the gap between No.27 and the application dwelling. Whilst the proposal does not involve a side extension, by proposing such a significant addition to the side elevations of the property, the effect will be to close the gaps between the properties and reduce the vistas towards Hatherley Court.

The very large rear extension, set within such a tight plot would appear as a discordant and unconvincing feature and would add substantial bulk and mass to the existing dwelling, dominating and eroding its original character. The proposal will contribute to the closing of the gap between the two dwellings and as a consequence will be contrary to *Principle 3* of the **Residential Extension & Alterations SPD**, which seek to maintain spaces between buildings. In addition, the proposal would be contrary to *SD4* given that it is at odds with the green, open vernacular of the immediate area.

As such, the proposal by reason of its incongruous size and bulk would fail to respect the character, scale and proportions of the existing dwelling and this would result in unacceptable harm to the character and appearance of the existing dwelling and the street scene.

The dwelling already benefits from just a modest garden and the size and scale of the proposed extension would leave the property with an unacceptable quantum of rear amenity space. This loss of green space is contrary to and SD4 of the JCS, which states that new development should 'enhance opportunities for private and external space', and *Policy CP7* of the CLP which states that extensions are required to avoid 'the unacceptable erosion of open space around the existing building. This proposal will lead to a loss of external space to the rear of 26 and the loss of privacy to the rear of 27.

Impact upon built heritage

The proposal site is located within the Central Conservation Area and within the setting of the Grade II listed Hatherley Court. Indeed, the land to the east of the proposal dwelling constitutes a garden as well as a pedestrian entrance associated with Hatherley Court. As such, the dwelling is clearly set well within the locale of the listed building, and any visual impact created by the proposal must be considered in the context of the impact upon built heritage.

Indeed, both the proposal dwelling and neighbouring number 27 formerly formed part of the Hatherley Court estate and this proposal should be viewed in that context – the character of the area is rooted in its historic association with Hatherley Court.

Policy BE1 of the **Cheltenham Local Plan** states that 'development in a conservation area will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area'. *Policy SD4* of the **JCS** sets out that design should have 'appropriate regard to the historic environment'.

The proposal involves the development of a large proportion of the rear garden of No.26. Neighbouring gardens and associated vegetation are part of a natural framing of Hatherley Court, and the rear of No.26 plays a crucial part of the setting of the listed building. Loss of the modest amount of open space will impact negatively upon the setting of Hatherley Court.

The large side elevations that will be created will be unsightly and will detract from the setting of the Conservation Area and the listed building. The side elevations will be so sizeable that they will be impactful from Hatherley Court Road and will impact negatively on the street scene, with associated adverse effects upon the Conservation Area and setting of the listed building.

Furthermore, the modest size of the rear garden of No.26 means that this voluminous proposal will erode much of the green space to the rear of the property between the dwelling and the listed Hatherley Court.

Impact upon neighbour amenity

The scale of the proposal, involving a large 3.5m two-storey extension will quite plainly have an adverse impact upon the amenity of No.27. The proposal will create a large two-storey elevation along the boundary, extending some 6.5m beyond the nearest rear window of No.27. This will be extremely impactful on the eastern side of the garden of No.27 and will result in a severe sense of overbearing for the residents of the neighbouring property.

Principle 4 of the **Residential Extension & Alterations SPD** states that residential extensions should maintain the privacy of neighbouring dwellings. In this respect, the rear terrace is a completely unacceptable addition to the proposal which will result in significant overlooking from the terrace at first floor level into the rear garden of No.27, resulting in a stark loss of privacy for the occupants of 27.

The large two-storey side elevation will be overbearing, result in a loss of light to the rear of the dwelling and result in significant overshadowing of the patio and garden of No.27, particularly in the afternoon and evening. Whilst it is accepted that some loss of light and loss of sun would be acceptable, the sheer scale of the proposal means that the impacts upon the rear garden and rear windows of No.27 would be unacceptable.

Conclusion

In summary, this proposal is much too large for the plot on which it sits and will create unacceptable adverse impacts upon the amenity of No.27. The scheme, by virtue of its size, bulk and design, would fail to respect the character, scale and proportions of the existing dwelling and this would result in unacceptable harm to the character and appearance of the existing dwelling and the setting of the Conservation Area and the listed Hatherley Court.

As such we respectfully request that due consideration be given to the issues raised within this objection letter.

Yours sincerely,

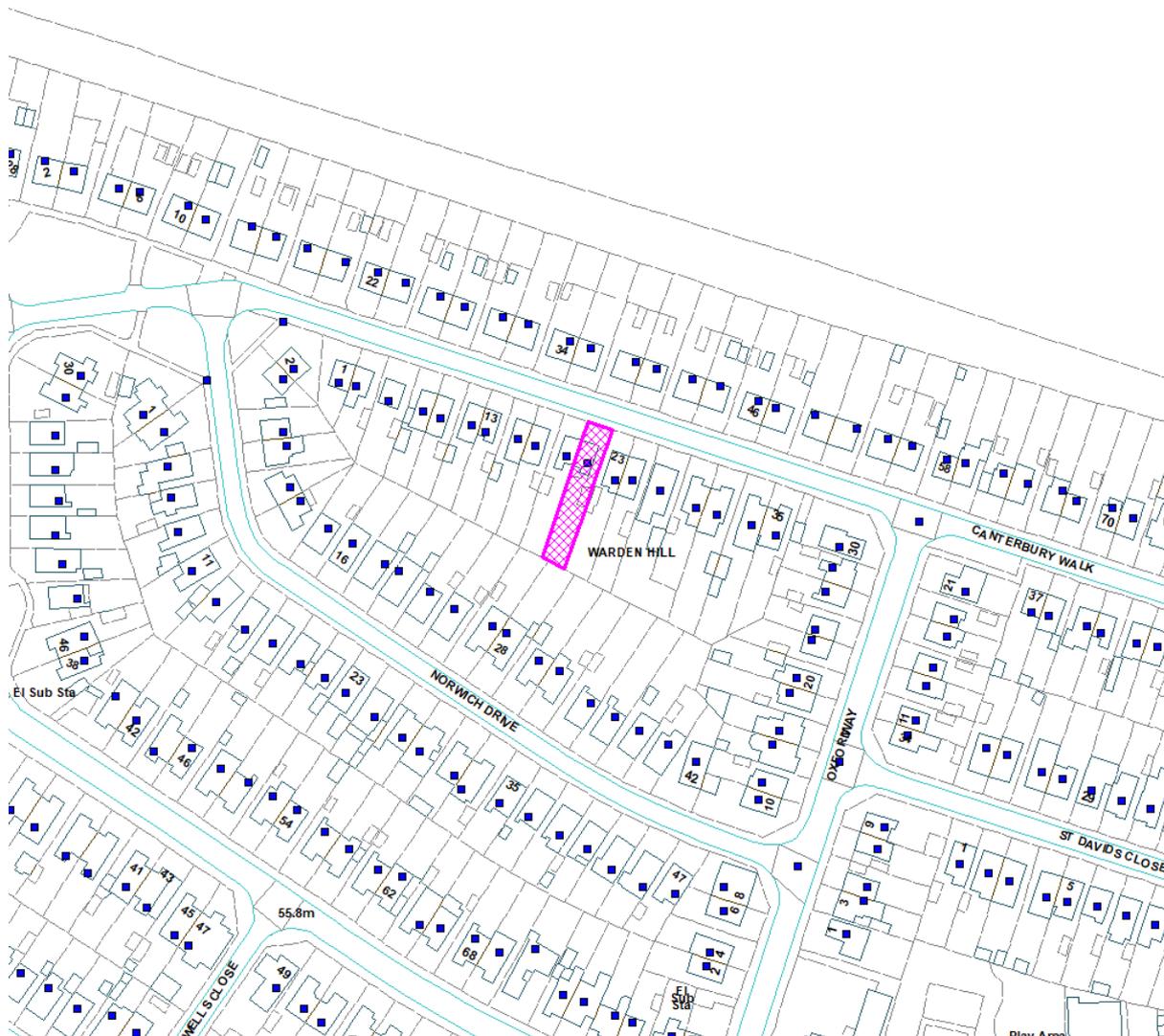


Sally Tagg MRTPI
Managing Director

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APPLICATION NO: 19/01375/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 11th July 2019	DATE OF EXPIRY: 5th September 2019
DATE VALIDATED: 11th July 2019	DATE OF SITE VISIT: 17th July 2019
WARD: Warden Hill	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr & Mrs B & S Hollingworth
AGENT:	VJM Design House Ltd
LOCATION:	21 Canterbury Walk, Cheltenham
PROPOSAL:	Two storey side & single storey rear extensions

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached two-storey property located along Canterbury Walk.
- 1.2 The application proposes the erection of a two-storey side and rear extension and single storey rear extension.
- 1.3 The application is brought to Planning Committee due to an objection from the Parish Council. Full comments are in the consultations section.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area

Relevant Planning History:

18/00744/PREAPP 17th April 2018 CLO

Single storey and 2 storey extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 12 Achieving well-designed places

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

2nd August 2019

Biodiversity report available to view.

Building Control

15th July 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Parish Council

2nd August 2019

The Council requests that the following observations be noted and considered by the Planning Committee in respect of the plans for the above application:

The Council objects to the application, for the reasons noted below.

Reasons/Observations

The proposed extension, running the full length of the property and spanning the full width of the existing driveway will significantly reduce natural light to the side and rear aspects of the neighbouring property, No 23. It will have a significant impact on the general amenity of the neighbouring property (No 23) and result in a very dark side entrance

This extension will put a sheer 2-storey brick wall stretching the full length of the property, just 2 metres from the front door of the neighbouring property. The green bin represents where the wall will be, all along the boundary line between the 2 properties.

There are no other similar 2-storey side extensions in Canterbury Walk and allowing this to go ahead could set a precedent that we believe would be severely detrimental to the whole neighbourhood.

Natural light into the entrance hall, study (currently served by 1 small rear window and 1 side window, and the sitting room (currently served by front bay window and side window) of No 23 will be detrimentally impacted.

In view of these observation and concerns we would request that this application is put to the full Planning Committee.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 10 letters were sent out to notify neighbouring properties of this application and in response to this publicity 1 objection has been received.

5.2 The planning objections related to design and impact on amenity.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key considerations in relation to this application are the design of the proposal and impact that it will have on the existing building and character of the locality, and the potential impact on neighbouring amenity.

6.3 The site and its context

6.4 The application site is a semi-detached pitched roof, brick property located within Warden Hill. The dwellings entrance hall and front door is located in the side elevation and accessed along a drive, the neighbouring property has a similar layout.

6.5 The road has a mixture of dwelling types that include semi-detached two storey dwellings, maisonettes, bungalows and detached dwellings. The road has a strong building line with

gaps between properties. A number of neighbouring properties have been extended to the rear but have not been extended to the side.

6.6 Design

- 6.7** Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting.
- 6.8** Policy SD4 of the Joint Core Strategy (JCS) sets out that high quality, well thought out design is key to achieving sustainable development. The policy goes on to emphasise that development should positively respond to and respect the site and its surroundings.
- 6.9** Saved local plan policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. Paragraph 4.18 of the Cheltenham Borough Local Plan advises that 'extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building. The most important consideration is that an extension should not detract from the original'.
- 6.10** In accordance with the Council's supplementary planning guidance – 'Residential Alterations and Extensions (2008)', a two storey side extension should normally be set back from the front, principal elevation with the roof of the extension set below the main roof height.
- 6.11** The proposed side extension is set back 665mm from the front elevation, the width is 2m and the ridge height and eaves height are lower than the existing building. The two storey extension will extend 1.4m beyond the rear elevation and the first floor does not extend the full width of the property and is set back 2.1m from the boundary with the adjoining neighbouring property No.19. The single storey extension will extend the full width of the existing property, extend 5.9m beyond the rear elevation and will have a flat roof with 3 roof lanterns. The facing materials will also match the parent dwelling.
- 6.12** The extension is a large addition but the ridge height is set lower than the ridge of the existing dwelling, it is set back from the front elevation and will not mask the original form of the building. On balance the design allows the extension to appear as sufficiently subservient overall to the existing dwelling. The proposed design, mass and scale does not detract from the appearance of the existing house.
- 6.13** The side extension will partially close the gap between the application site and the neighbouring property No. 23, however a gap of 2.4m will be retained. As the gap will only be partially close, space between the buildings will be maintained to prevent a terracing effect between the existing houses.
- 6.14** Overall, the proposed extension is of an appropriate design which would not be harmful to the character and appearance of the dwelling or its setting within the residential area. The proposal is therefore in accordance with policy SD4 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (Adopted 2017), and policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006). These policies seek to, amongst other things, require development to respond positively and respect the character of the area.
- 6.15** Furthermore, the proposal generally accords with the overall aims and guidance of the Supplementary Planning Guidance on 'Residential Alterations and Extensions' and also the National Planning Policy Framework in relation to matters of design and character.

6.16 Impact on neighbouring property

- 6.17** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Local Plan policy CP4 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.18** The proposed two storey extension is to be built up to the side boundary of the adjoining property; No. 23 Canterbury Walk. To the side elevation of No 23 is an entrance door, a sitting room window and study/bedroom window. The proposal would result in a two storey wall within 2.4m of the side elevation of No.23, and adjacent to their drive.
- 6.19** No.23 entrance door, sitting room window and study/bedroom window will be affected and will lose some outlook and a partial loss of daylight as a result of the extension. Whilst the side extension will cause some loss of outlook and daylight to the neighbour's sitting room and study/bedroom, the rooms which these windows serve have additional windows to the front and rear that will be unaffected by the proposal. Therefore, it is considered that the neighbouring habitable rooms would not experience a significant loss of light or outlook as a result of the proposed side extension, owing to the other source of natural light and outlook. This is not an uncommon scenario and in rooms where there are additional light sources and outlook, the cumulative impact of these light sources has to be considered, rather than the value of each specific window. The extension will have an impact on the entrance door however a hall is not a habitable room and cannot be protected.
- 6.20** The extension will be clearly visible from the side of No.23, from both the drive, windows and door but given that the windows are secondary light sources and the rear amenity space will be unaffected the development would be such that it would not result in significant overbearing effect to occupiers of this neighbouring house.
- 6.21** The single storey rear extension is large however there are no concerns with regards to overlooking or loss of privacy, and the proposal will not affect light levels to the adjoining properties. It is also noted that no letters of objection have been received from 19 Canterbury Walk.
- 6.22** When considering a proposal an important material consideration is what can be built under permitted development in the General Permitted Development Order (GPDO). The applicant could construct a single storey extension with a pitched roof along the side boundary under PD that would have a similar effect on the drive, windows and door of No.23. Also a 6m deep single storey extension to the rear could be built under the larger homes extensions PD process. This is an important material consideration and a fall-back position we need to take into account when considering the design and impact on the neighbours.
- 6.23** Overall, the proposed extension would not result in significant adverse effects to the living conditions of occupiers of No.23 or any other neighbour in the area. The proposal therefore accords with Cheltenham Borough Local Plan Policy CP4, and Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (Adopted 2017) policies SD4 and SD14. These policies include requirements for development to not cause unacceptable harm to neighbour amenities, amongst other things. Furthermore, the proposal is in accordance with the National Planning Policy Framework with regards to ensuring a high standard of amenity to existing occupants and other related issues.
- ### **6.24 Other considerations**
- 6.25** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Based on the above, the proposed extension is considered to be in accordance with the relevant policies and guidance in terms of achieving an acceptable design and will not result in unacceptable harm to the amenity of adjoining land users.
- 7.2 The recommendation is therefore to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the extension without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 19/01375/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 11th July 2019		DATE OF EXPIRY : 5th September 2019	
WARD: Warden Hill		PARISH: LECKH	
APPLICANT:	Mr & Mrs B & S Hollingworth		
LOCATION:	21 Canterbury Walk, Cheltenham		
PROPOSAL:	Two storey side & single storey rear extensions		

REPRESENTATIONS

Number of contributors	1
Number of objections	1
Number of representations	0
Number of supporting	0

23 Canterbury Walk
 Cheltenham
 Gloucestershire
 GL51 3HQ

Comments: 30th July 2019

I am extremely concerned about the size of this extension as:

- It seems to be a much larger and imposing addition to the existing property than should be considered
- I feel that this is a serious over-development and once completed will furnish a very oppressive and imposing 2 storey wall facing the entire western outlook of my property
- Exiting my house, I will be confronted with a vast brick wall just 2 metres from my front door
- My driveway will be turned into an alley
- This will have a major impact regarding the general amenity of my property
- The visual impact will be terrible

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Planning Appeals Lodged July/August 2019

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land at Grovefield Way, The Reddings	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m Aldi food retail unit (Use Class A1), a 204 sq.m Costa Coffee retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).	Committee	Hearing (following a public inquiry)	Mid February 2020	Appeal Ref: 3200395 16/02208/FUL

Planning Appeals Determined July/August 2019

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
1 Grosvenor Terrace	Part retrospective application for the installation of an internally illuminated fascia sign and installation of an external roller shutter (revised Scheme)	Delegated	Written Reps	Allowed	18/01995/ADV Appeal Ref: 3221866
1 Grosvenor Terrace	“ “	Delegated	Written Reps	Allowed	18/01995/FUL Appeal Ref: 3221864

Authorised By: David Oakhill, Head of Planning, Cheltenham Borough Council