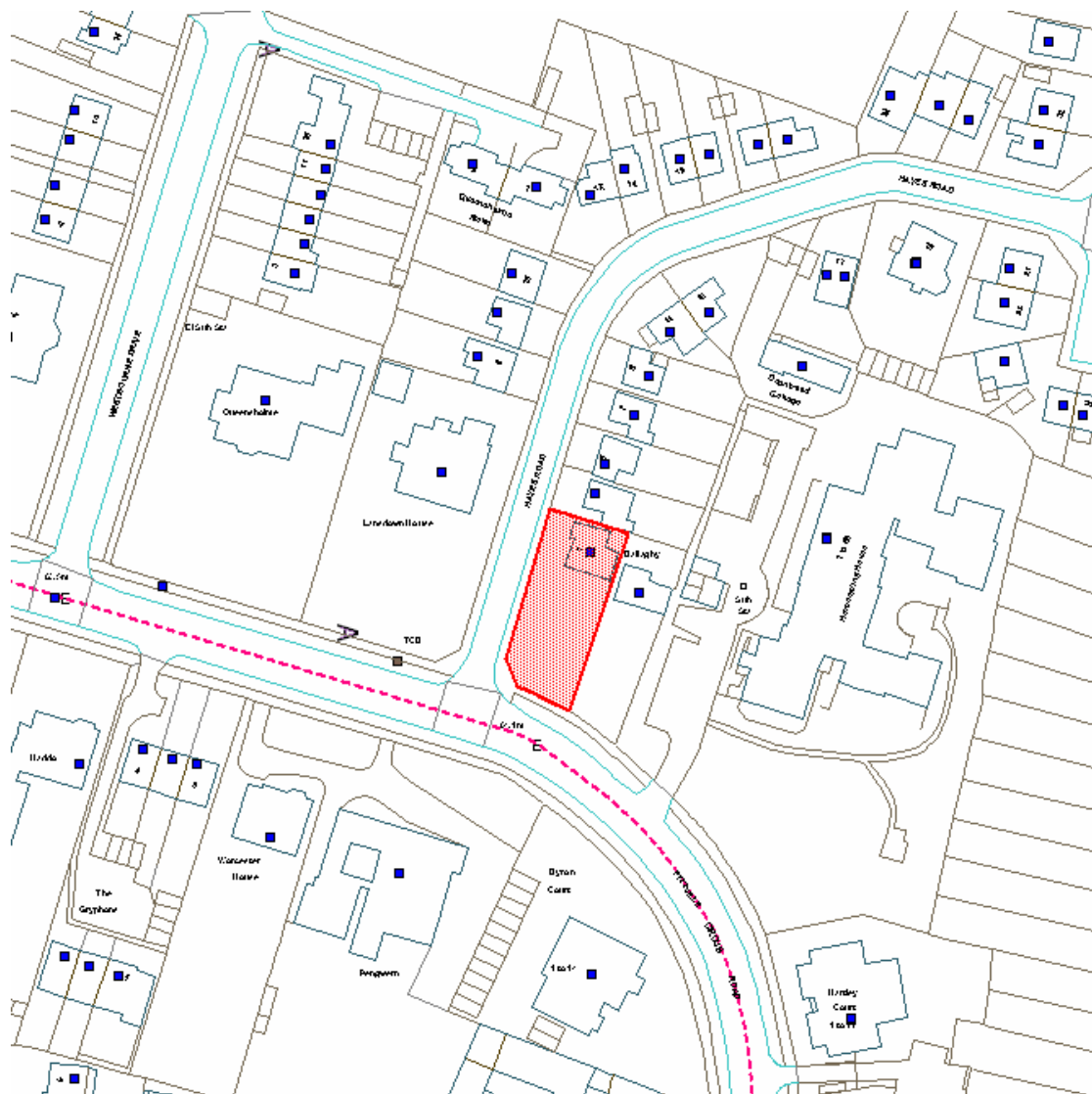


<b>APPLICATION NO:</b> 13/01758/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 12th October 2013	<b>DATE OF EXPIRY:</b> 7th December 2013
<b>WARD:</b> Oakley Ward	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Lawrence Tucker
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	1 Hayes Road, Cheltenham
<b>PROPOSAL:</b>	Erection of a replacement summer house

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located within the Central Conservation Area. It is a two storey detached dwelling on the corner of Hayes Road and Pittville Circus Road. The dwelling is set in from the entrance of Hayes Road, with a private garden to the side enclosed by a high boundary hedge. The side garden is approximately 26 metres long.
- 1.2 The proposal is for a wooden summer house with a felt roof. The summer house will be placed 2 metres away from the side boundary between the site and Pittville Circus Road. The summer house will be 8500mm wide, 3500mm deep with a ridge height of 2430mm.
- 1.3 The application is before committee at the request of Cllr Hay. The reason given is because there is already an existing structure on the site and that this is a replacement summer house. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**02/01056/FUL 6th September 2002 PER**  
Construction of a conservatory

**78/00589/PF 6th February 1979 REF**  
Demolition of Garage and Building Of Extension to form Garage,  
W.C. Kitchen and Bedroom

**79/00554/PF 31st December 1979 PER**  
Erection of Kitchen, Garage, Lounge, Dining Room, Bedroom and  
Bathroom

**87/00548/PF 30th July 1987 REF**  
Erection of Two-Storey Extension

**87/01015/PF 22nd October 1987 PER**  
Erection of Two Storey Extension

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

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

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
Central conservation area: Pittville Character Area and Management Plan (July 2008)

## 4. CONSULTATIONS

None

## 5. PUBLICITY AND REPRESENTATIONS

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

2 letters were sent to nearby properties, 2 notices were displayed close to the site and a notice published in the Echo. In response to this publicity, no letters have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

**6.1.1** The key issues in determining this application are considered to be the design and location of the proposed structure, its impact on the Central Conservation Area and neighbouring amenity.

### 6.2 The site and its context

**6.2.1** The site is within the Central Conservation Area identified in the Pittville Character area appraisal and management plan.

**6.2.2** The Character area identifies that *“The formal town planning of the road layouts and building relationships include parks, green squares and buildings arranged around a circular road. Many historic individual buildings are set within generous grounds. Together these factors, which formed the original Pittville Estate, have been retained and are still very much in evidence today. This is despite the presence of later 20th and 21st century building developments throughout the Pittville area. The presence of wide and frequently tree lined streets, extensive green open spaces which form public gardens and areas of parkland, sizeable private gardens and building plots combine to create a sense of spaciousness and grandeur.”*

**6.2.3** This special character is the case along Pittville Circus Road where the buildings are set back from the street with large front gardens, including 1 Hayes Road which has been built to respect this well established building line. These front gardens provide a sense of openness and spaciousness which makes an important contribution to the character of the Conservation Area.

### 6.3 Design and layout

**6.3.1** Local Plan Policy CP7 requires a high standard of architectural design which reflects the principles of urban design and which complements and respects both neighbouring developments and the character of the locality.

- 6.3.2** The summer house is proposed forward of the historic building line along Pittville Circus Road in the side garden of 1 Hayes Road. The location of the building will erode the open space and will be out of keeping with the area which will have a harmful impact on the character and appearance of the Conservation Area contrary to Local Plan Policy BE1 which states; "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."
- 6.3.3** The Heritage and Conservation Manager has reviewed the application and agrees that the proposal will have a harmful impact on the character and appearance of the Conservation Area for the reason identified above.
- 6.3.4** Members will note on site that there is a high hedge which officers accept will partly screen the proposed structure. Notwithstanding this, the existence of a hedge does not justify granting consent for a harmful form of development. The proposed summer house would be a large and alien addition set forward of this strong and important building line and even if partly screened from the road, views would still be achieved across the open space which adjoins the neighbouring property, Ballaghy.
- 6.3.5** The existing outbuilding is a small, unassuming and incidental building set within this large garden. Its minimal size ensures that the hedge comfortably screens its presence. Officers accept that this is not a particularly harmful addition to the locality but the proposed replacement, given its size and location, will harm what is a defining feature of this part of the conservation area (openness) and therefore fails to comply with the aspirations of Local Plan policy CP7.

#### **6.4 Impact on neighbouring property**

- 6.4.1** There is little impact on neighbouring properties. The proposal is therefore in accordance with saved Local Plan Policy CP4.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Taking the above into consideration and the verbal comments made by the Heritage and Conservation Manager it is recommended that the above application be refused. The proposal will have a harmful impact on the conservation area and in accordance with advice within the NPPF, does not bring with it any public benefit to outweigh this harm. The proposal also fails to comply with local plan policy CP7.

### **8. CONDITIONS / INFORMATIVES / REFUSAL REASONS**

- 1 The application site is located within the Central Conservation Area, the appearance of which it is desirable to preserve or enhance. The proposed summer house in the side garden, forward of the established and important building line along Pittville Circus Road, will erode the open space of the garden and would have a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore contrary to policies CP3, CP7, and BE1 of the Cheltenham Borough Local Plan and National Planning Policy Framework.

#### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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 authority cannot provide a solution that will overcome the impact on the Conservation Area.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.