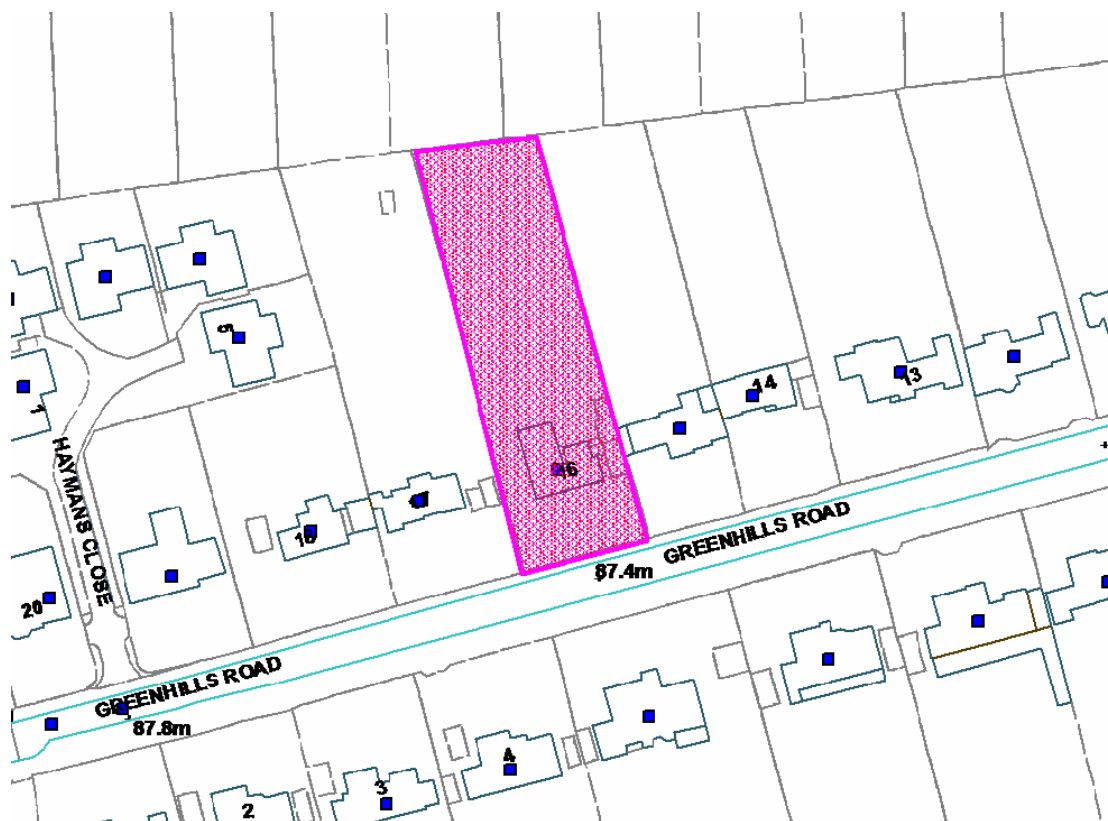


<b>APPLICATION NO:</b> 14/00660/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 22nd April 2014	<b>DATE OF EXPIRY:</b> 17th June 2014
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Pete Leahy
<b>AGENT:</b>	Mr David Jones – Evans Jones LLP
<b>LOCATION:</b>	16 Greenhills Road, Charlton Kings ,Cheltenham
<b>PROPOSAL:</b>	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a dwelling to the rear of 16 Greenhills Road.
- 1.2 Access for both the existing and proposed dwellings would be provided via the existing albeit altered access from Greenhills Road. The existing garage to the eastern side of the existing dwelling would be demolished to provide access to the rear of the site however the application is proposing to form a garage in an existing extension to the western side.
- 1.3 The proposed dwelling is contemporary in design and the main body of the dwelling would be two storeys with single elements on either side. Adequate private amenity space, and parking and turning facilities for the dwelling would be provided within the site.
- 1.4 The proposed dwelling has been revised during the course of the application to address a number of officer and consultee concerns.
- 1.5 The application is before planning committee following an objection from Charlton Kings parish council. Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

Smoke Control Order

### **Planning History:**

**CB13650/00 - PERMIT - 11th October 1977**

Demolition of existing sun lounge and erection of two storey extension to rear

**CB13650/01 - PERMIT - 10th May 1979**

Erection of extension to existing garage to form utility (laundry) room and larger garage

**CB13650/02 - PERMIT - 19th October 1995**

Erection of two storey rear extension

**04/02019/FUL - PERMIT - 1st February 2005**

Two storey side extension, alterations to porch and addition of pitched roof to garage

## 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

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

RC 6 Play space in residential development

TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

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

Residential alterations and extensions (2008)

Play space in residential development (2003)

## 4. CONSULTATIONS

**Contaminated Land Officer**

*24th April 2014*

No comment.

**GCER**

*25th April 2014*

Report available to view online.

**Parish Council**

*29th April 2014*

OBJECTION - Garden Grab design out of keeping with neighbours.

**Tree Officer**

*7th May 2014*

The Tree Section has no objections to this application providing the following conditions can be attached to any approval;

Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the Tree Survey dated February 2014 and drawing number 16GRTRP-Feb14 Tree Retention and Protection Plan. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

All works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 and drawing number 16GRTRP-Feb14 Tree Retention and Protection Plan.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

TRE04B No fires within RPA

TRE05B No service runs within RPA

INFTR7 Foundations to take account of trees

**Architects Panel**

*8th May 2014*

This proposal follows a precedent set by previous and recent neighbouring planning approvals. Whilst we would support the principle, we felt that the scale and massing was inappropriate for a backland development and the height needs to be reduced and the design to be lower-key. With this in mind we would also question the choice of materials and elevational treatment. In addition, a building with such a strong geometric form needs space around it which is not the case in this instance as the building comes very close to

the boundaries on both sides. Re-design is therefore necessary before we could support this application.

### **Cheltenham Civic Society**

*9th May 2014*

It is difficult to question the appropriateness of this as a development site, though the piecemeal way this area has been developed over the years is regrettable. On the design, we think the roofs are too busy, and we consider that the ceramic tiles are over-fussy - a simple render would be more appropriate.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On receipt of the application, letters of notification were sent out to 13 neighbouring properties and, in response to that publicity, eight representations were received in objection to the proposal.
- 5.2 Following receipt of the revised proposals, further letters were sent out giving local residents an additional 10 days to comments on the revisions.
- 5.3 All of the comments have been circulated in full to Members but briefly the main objections relate to:
  - Principle of development
  - Design out-of-keeping
  - Too large/too high
  - Impact on privacy
  - Highway safety

## **6. OFFICER COMMENTS**

### **6.1 Background**

- 6.1.1 Some Members will recall that planning permission was very recently granted in October 2013 for the erection of a dwelling on land to the rear of the adjoining property, no.17 Greenhills Road. At that time, Members were reminded of a report to Cabinet in November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments, and securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. Members have therefore previously been advised that it was quite likely that similar applications such as this would follow.

### **6.2 Determining Issues**

- 6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

### **6.3 Principle of development**

- 6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines

previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.

- 6.3.2** Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; as it stands, the Council is currently unable to demonstrate such a five year supply.
- 6.3.3** Where housing policies are not considered to be up-to-date, the NPPF is quite 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 policies within the framework, taken as a whole.
- 6.3.4** Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.
- 6.3.5** It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.
- 6.3.6** Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for a single dwelling would be unacceptable.

#### 6.4 The site and its surroundings

- 6.4.1** The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 50 metres long by 23 metres wide and largely laid to lawn. The garden is reasonably well screened on all three sides and is bounded on either side by residential properties in Greenhills Road, and The Avenue to the rear.
- 6.4.2** Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.
- 6.4.3** The character and urban grain of the locality has changed quite significantly in recent years as a result of a number of developments having taken place on the rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.
- 6.4.4** A development of five dwellings, nos.1 – 5 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110, 112 and 114 Charlton Lane further to the west.
- 6.4.5** Most recently, planning permission has been granted for the erection of a single dwelling to the rear of the adjacent property, no. 17 Greenhills Road; however this permission has not yet been implemented.

#### 6.5 Design and layout

- 6.5.1** Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.

- 6.5.2** Greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.3 that *"The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place"* but does also acknowledge that *"areas which are less visible, such as back gardens also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm"*. It goes on to state at paragraph 3.5 that *"Responding to character is not simply about copying or replicating what already exists in an area...Change itself is not to be considered a bad thing automatically"*.
- 6.5.3** The NPPF supports this view at paragraphs 59 and 60 where it states *"design policies should avoid unnecessary prescription or detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings"* and *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"*.
- 6.5.4** To date, the dwellings constructed and approved in the rear gardens of nearby properties have been of a similar design with all first floor accommodation provided within a steeply pitched hipped roof, and a similar palette of facing materials. However with the above advice in mind, officers consider that a more contemporary approach on this site must be viewed as acceptable, provided its general scale, height, massing and footprint reflects that of its neighbours.
- 6.5.5** As originally submitted, the proposed dwelling with its butterfly roof form was considered wholly inappropriate by virtue of its scale and massing; and this view was shared by the Architects' Panel who also questioned the choice of materials and elevational treatment. Indeed, the Civic Society also made reference to the "busy" roof form and the use of ceramic tiles.
- 6.5.6** In its revised form, the dwelling now achieves a more domestic appearance and in fact has a lower ridge height than that of the dwelling approved on the adjacent site, and those in Hayman Close; the ridge height being 800mm lower than that recently approved at no. 17 Greenhills Road. In addition, altered elevational treatments are proposed which are considered acceptable subject to a high quality finish; a condition has therefore been attached requiring samples of the proposed facing materials and roofing materials to be submitted for due consideration prior to the commencement of development. **6.5.6** The palette of materials
- 6.5.7** Access to the dwelling would be provided via the altered access driveway located to the eastern side of the site. Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.
- 6.5.8** Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.
- 6.5.9** The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

## 6.6 Impact on neighbouring property

- 6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.
- 6.6.2 Officers consider that the proposed dwelling could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.
- 6.6.3 Whilst the dwelling would be located in quite close proximity to the rear gardens of properties in the Avenue, these neighbouring gardens are in excess of 40 metres in length.
- 6.6.4 Outlook from the proposed dwelling would be principally from the front elevation, looking back towards the existing dwelling, some 30 metres away. Elsewhere, at first floor, the feature glazing to the side (west) elevation is detailed to be obscurely glazed, and the bedroom windows to the rear and side (east) elevations are shown to have a higher than normal cill height of 1.5 metres. Obscure glazing to all other upper floor windows could be reasonably secured by condition.
- 6.6.5 Following the revisions to the roof form, and other associated revisions, officers do not consider that the positioning and mass of the building would result in any significant loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.
- 6.6.6 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

## 6.7 Access and highway issues

- 6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.
- 6.7.2 Given the small scale nature of the development, the Local Highway Authority has not commented on this proposal as it covered by their standing advice. They did however provide informal comments on the recent application at no. 17 Greenhills Road, given the concerns raised by local residents and the parish council, which read, in part:
- 6.7.3 *I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east”.*
- 6.7.4 As submitted, this application proposed alterations to the existing entrance to achieve the necessary 4.8 metre wide access and a pedestrian visibility splay, and the proposal is considered to be wholly acceptable on highway safety grounds.

## 6.8 Other considerations

- 6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

## 6.9 Conclusion and recommendation

- 6.9.1** The proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location, and would not result in any significant harm to neighbouring amenity or highway safety.
- 6.9.2** The recommendation therefore is to grant planning permission subject to the following conditions:

## 7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with Drawing No. 13.10.030 PL003 B revised by the Local Planning Authority on 17th April 2014 and Drawing Nos. 13.10.030 PL002 C and 13.10.030 PL004 D received 29th May 2014.  
Reason: To ensure the development is carried out in strict accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 and accompanying Drawing No. 16GRTRP-FEB14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 and Drawing No. 16GRTRP-FEB14 (Tree Retention and Protection Plan).  
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.



- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.  
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities; and
  - e) measures to control the emission of dust and dirt during construction.
- Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.
- 10 Prior to first occupation of the new dwelling, the alterations to the existing access to the site to include the provision of an adequate pedestrian visibility splay, shall be completed in all respects in accordance with Drawing No. 13.10.030 PL003 B and maintained as such thereafter.  
Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.  
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the first floor windows to the east (side) elevation with the exception of that serving Bed 1, and the en-suite window to the north (rear) elevation shall be glazed with obscure glass and shall be maintained as such thereafter.  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

## **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.

Following revisions to the original submission, and having had regard to all material considerations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.