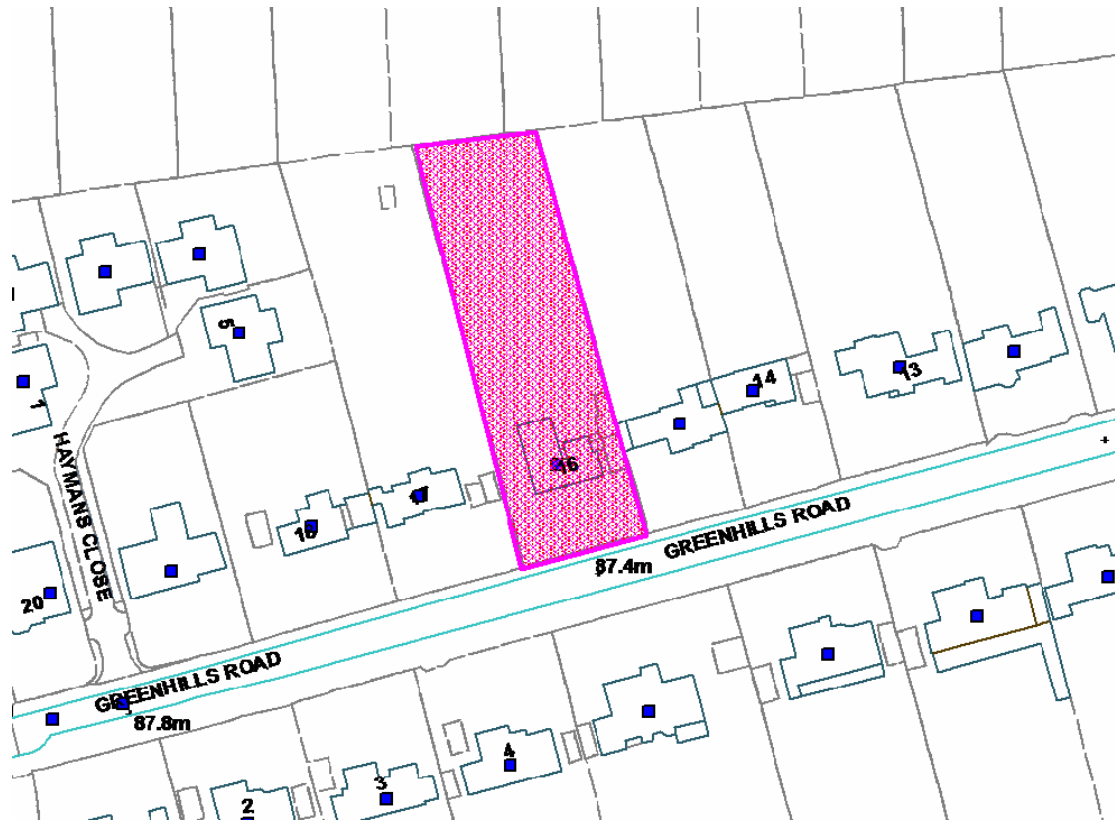


APPLICATION NO: 14/01226/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014	DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy
AGENT:	Evans Jones LLP
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a single 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 (revised scheme following refusal of planning permission ref. 14/00660/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of no.16 Greenhills Road. It is a revised scheme following a recent refusal of planning permission by members at the June committee meeting.
- 1.2 The refused application proposed a contemporary dwelling, the main body of which was two storeys with single elements on either side; the application was refused on design grounds for the following reason:
- The proposed dwelling by virtue of its scale, form and massing would constitute an overdevelopment of this backland location and would fail to complement or respect the prevalent form of neighbouring development and the character of the locality. Furthermore, the proposed dwelling would fail to be subservient to the existing dwelling or achieve a satisfactory hierarchy of development within the site. The proposal is therefore contrary to the requirements of Local Plan Policy CP7(c) and the Council's Supplementary Planning Document relating to Development on Garden Land and Infill Sites in Cheltenham.*
- 1.3 Copies of the refused scheme will be available to view at the committee meeting.
- 1.4 This revised application now proposes a dwelling which would be the same as that recently approved by members on the adjacent site, no.17 Greenhills Road; the scale, height, massing and footprint of which is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 1.5 The application is before planning committee following a further objection from Charlton Kings parish council and at the request of Cllrs Smith and Baker due to the level of concern amongst local residents. Members will have the opportunity to revisit 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

14/00660/FUL

REFUSE

19th June 2014

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

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)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

14th July 2014

No comment.

Tree Officer

28th July 2014

The Tree Section has no objection to this application provided the following conditions are attached to any planning permission which may be issued:

TRE04B-No Fires

TRE09B-Gutter cover to help negate problems caused by falling leaves especially in north east corner of the garden where the large Lombardy poplar is situated.

TRE08B-Arbicultural monitoring

All ground protection, construction exclusion zones and work methods as defined by the Revised Arbicultural report of Jim Unwin (incorporating the revised layout scheme of July 2014), conforms to methods described within.

It is recommended to reduce the height of poplar tree T16 by 8 metres. This may reduce any new occupiers' perception of dominance of this tree and also possible associated fears or anxieties regarding possible tree or branch failure, as this (recommended) 17 metre high tree is to be within 9 metres of this property.

However it is also noted that the tree is situated within the border (and is therefore the responsibility of) the adjacent property owner. It is recommended that regular and cyclical

safety inspections by a suitably qualified and experienced arboriculturalist and the re-pruning of this tree are undertaken should such a reduction in height occur.

This revised site layout is to be further from this tree than the previous application 14/00660/FUL where previously no objection was made.

Parish Council

29th July 2014

OBJECTION

Although we note the changes compared with the earlier application, it is still a substantial building in comparison to the size of the plot and constitutes over development. If permitted, as a condition we would recommend entry and exit in forward gear only on to a busy road.

Architects Panel

30th July 2014

This proposal represents a re-design of a previous scheme and although it mimics an adjacent approval, the panel felt that the mass created by the roof was too great and should ideally be reduced.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of this application, letters of notification were sent out to 14 neighbouring properties and, in response to that publicity, nine representations have been received – eight in objection to the proposal and one in support.
- 5.2 All of the comments have been circulated in full to Members but briefly the main objections relate to:
 - Overdevelopment
 - Impact on privacy
 - Highway safety

6. OFFICER COMMENTS

6.1 Background

6.1.1 Some Members will recall that planning permission was 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; indeed, the principle of development did not form part of the previous refusal reason.

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 Recently, planning permission was granted by members of the planning committee 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"*.

6.5.3 Members will recall that the previous application on this site was refused only on design grounds in that it proposed a contemporary dwelling, the scale, form and massing of which were considered unacceptable; Members determined that the building would have failed to respect the prevalent form of neighbouring development or achieve a satisfactory hierarchy of development within the site.

6.5.4 The dwelling now proposed would be the same as that previously deemed acceptable by members on the adjacent site in October 2013; the scale, height, massing and footprint is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.

6.5.5 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.

6.5.6 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 (approximately 7.5 metres at its closest point) these neighbouring gardens are in excess of 40 metres in length; the upper floor windows in the rear elevation would therefore more than achieve the required minimum distance of 21 metres between clear glazed first floor windows. The proposed dormer window to the side elevation facing east would achieve the desired distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west facing side elevation, only two high level roof lights with a cill height of 1.75m.
- 6.6.4 As a result, officers consider that given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of privacy, loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties would not be unduly affected.
- 6.6.5 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:

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 Currently, this application indicates a 4.1m wide access however it is anticipated that a revised plan will be submitted prior to the committee meeting to show a 4.8m wide access together with the required pedestrian visibility splay; alternatively, such alterations could be reasonably secured by way of a suitably worded condition. Members are reminded that concerns in respect of highway safety did not form part of the previous reason for refusal.

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.
- 6.8.2 Members will be aware that matters relating to restrictive covenants are a civil matter and not a material consideration in the determination of an application for planning permission.

6.9 Conclusion and recommendation

6.9.1 Officers consider that the dwelling now proposed successfully overcomes the previous reason for refusal and 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 Nos. 12232/2-1, 12232/2-3, 12232/2-4, 12232/2-5 and 12232/2-6 received by the Local Planning Authority on 8th July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 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 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (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 (revised July 2014) and Drawing No. 16GRTRP-JUL14 (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 Notwithstanding the approved drawings, prior to commencement of development, a revised site layout plan shall be submitted and approved in writing by the Local Planning Authority to incorporate a 4.8m wide vehicular access and adequate pedestrian visibility splay. The approved access shall be completed in all respects prior to first occupation of the new dwelling 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 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.

In this instance, having had regard to all material considerations, the application 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.