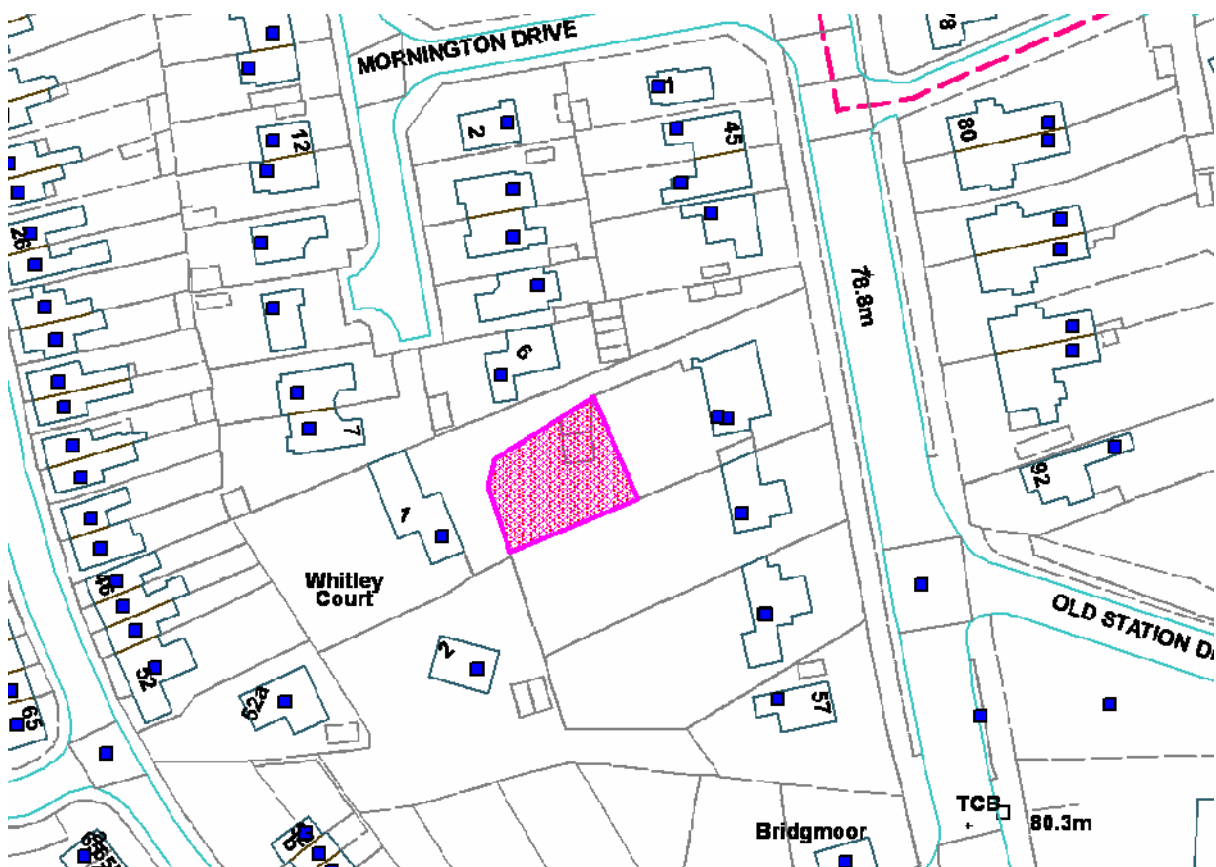


APPLICATION NO: 14/01124/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY: 22nd August 2014	
WARD: Leckhampton		PARISH: None	
APPLICANT:	Mr Nick Weatherall		
AGENT:	Glazzard Architects		
LOCATION:	51 Leckhampton Road, Cheltenham		
PROPOSAL:	Erection of detached dwelling on land to the rear		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is seeking planning permission for the erection of a three bedroom dwelling to the rear of 51 Leckhampton Road.
- 1.2 The proposed dwelling is contemporary in design and the main body of the dwelling would be two storeys with single elements to the front and side. Adequate private amenity space, and parking and turning facilities for the dwelling would be provided within the site.
- 1.3 Revised/additional drawings have been submitted during the course of the application to address a number of officer and consultee concerns.
- 1.4 The application is before planning committee in response to concerns raised by the Architects' Panel. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Landfill site boundary
Smoke Control Order

Relevant Planning History:

05/01691/FUL

Withdrawn

20th December 2005

New dwelling to rear

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
BE 11 Buildings of local importance
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
UI 2 Development and flooding
UI 3 Sustainable drainage systems
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)
Index of Buildings of Local Interest (2007)
Leckhampton Character Area and Management Plan (July 2008)
Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

2nd July 2014

The report is available to view on line.

Contaminated Land Officer

3rd July 2014

No comment.

Tree Officer

21st July 2014

The Tree Section objects to this application for the following reasons:

- lack of information with regard to trees on and adjacent to the site
- the proposed building is too close to the yew within the grounds of No. 51 and the trees within the neighbours property at No. 53.

Architects' Panel

30th July 2014

When viewed in isolation the panel felt the design was of good quality; however, given the location of this proposal, contextual information is essential. In this respect the panel felt that a long section from Leckhampton Road including the existing property, proposed property and the existing property to the rear was necessary before the application could be properly appraised. Based on current knowledge of the site, it was felt that the overall mass was too great with approximately 60% of the property being two storey – particularly in relation to the neighbouring bungalows. Given both points above, the proposal could not be supported in its current form.

GCC Highways Planning Liaison Officer

31st July 2014

The application site is situated on the class 3 county highway, Leckhampton Road that is subject to a speed limit of 30 MPH. The existing point of access is by way of a private drive in excess of 60 m in length and of single vehicle width with the only one apparent passing place. It currently provides pedestrian and vehicular access to numbers 1 & 2 Whitley Court and an off-street parking space for the existing dwelling. The proposal appears to remove that off-street parking space which could also double as an unofficial passing place. Without this provision, there is a risk of conflict occurring between opposing traffic and / or pedestrians.

The point of access onto Leckhampton Road provides visibility splays in both directions commensurate with the speed of the highway. A tree that is located at the carriageway edge to the left on exit is not felt to present a restriction to visibility. Parking restrictions are in force to both sides of the point of access, ending approximately 3 m to the south of the access along Leckhampton Road.

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance. However, to assist in your response I have reviewed the submitted

documentation and would recommend that this application be refused on highway grounds for the following reason:-

That insufficient evidence has been provided to indicate where any displaced parking will be accommodated either on the local highway network or by the provision of any off-street parking for the existing dwelling.

Cheltenham Civic Society

21st August 2014

This is a welcome design for this site, being discreet and not dominant from the road but with an interesting and appropriate design.

Architects' Panel – revised comments

10th September 2014

The section is ever so slightly misleading as the tree to the left of the proposed building is shown in front of the property whereas it would be behind - ditto the tree to the right of no.51. This alludes to screening which is, in fact, not going to be present in reality. Also, if you were to shade the single storey elements of the footprint dark grey the same as the two storey element it makes the footprint look large in its context particularly for an infill development. Our feeling is that the two storey element is quite large and could have a somewhat overbearing impact on the neighbouring garden. Given this and the bungalows on the other side of the access (is there an overlooking issue here?) we feel that the first floor should be reduced in size.

5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the application, letters of notification were sent out to 16 neighbouring properties; in addition, a site notice was posted and an advert published in the Gloucestershire Echo. Further letters were sent on receipt of the revised/additional drawings. In response to the publicity, objections have been received from seven local residents. The comments have been circulated in full to Members but, in brief, the main concerns relate to:

- Overlooking and loss of privacy
- Access and parking
- Visual impact
- Retention of existing trees
- Overdevelopment

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 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.

6.2 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.

6.3 The site and its surroundings

6.3.1 The application site is located on the western side of Leckhampton Road, to the rear of a large detached villa, c1860. The existing villa is one of a row of houses which are locally indexed. No.51 is listed for being is a good example of a well designed 19th century detached house which includes details and building materials typical of Cheltenham's urban architecture; it makes a positive contribution to the varied townscape of the Borough.

6.3.2 The existing property currently benefits from a large rear garden which is approximately 38 metres long by 19 metres wide; and the land within the site slopes from east to west. At the rear of site, two detached properties, nos. 1 and 2 Whitley Court sit at a lower level and are accessed via a shared access driveway which runs alongside no.51 to the north. Elsewhere the site is bounded by residential properties in Leckhampton Road and Mornington Drive.

6.4 Design and layout

6.4.1 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.

6.4.2 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”*.

6.4.3 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”*.

6.4.4 The proposed dwelling is modern in design with a flat roof and a painted render finish at ground floor, and zinc or similar cladding proposed to the first floor element. Such a contemporary approach on this site is considered acceptable provided its general scale, height, massing and footprint respects its context. The Civic Society also support the design approach stating *“This is a welcome design for this site, being discreet and not dominant from the road but with an interesting and appropriate design”*.

6.4.5 However the Architects' Panel, whilst considering the design to be of good quality when viewed in isolation, questioned the scale and mass of the building in this location and suggested that additional contextual information was required to fully assess the proposal.

6.4.6 In response, the applicant's agent has provided a longitudinal site section which illustrates that the height of the proposed building will be lower than that of both no.51 Leckhampton road to the front, and no.1 Whitley Court to the rear, thereby achieving an appropriate degree of subservience and hierarchy within the site. It was anticipated that this would successfully overcome the concerns raised by the Architects' Panel but they still felt *“that the two storey element is quite large and could have a somewhat overbearing impact on the neighbouring garden. Given this and the bungalows on the other side of the access (is there an overlooking issue here?) we feel that the first floor should be reduced in size”*.

6.4.7 In a further attempt to overcome their concerns, the accommodation at first floor level has been reduced by approximately 7 square metres; and the first floor element has been moved a further 1 metre from the boundary with no. 53. Whilst it has not been possible to re-consult with the Architects' Panel on these revisions, officers consider the dwelling now proposed is of a suitable scale, height, massing and footprint for the site, and would sit comfortably within its context. (Matters of amenity will be considered below).

6.4.8 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.4.9 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.5 Impact on neighbouring property

6.5.1 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.

6.5.2 Whilst officers acknowledge that the proposed dwelling would undoubtedly have an impact on neighbouring properties, it is not considered that any such impact would result in significant harm to their amenity in respect of privacy, daylight or outlook.

6.5.3 The dwelling has been well considered to ensure that outlook from the first floor is proposed only from the front elevation looking towards the access driveway, and no.6 Mornington Drive, a bungalow, beyond. The distance from these first floor windows to the boundary with no.6 Mornington Drive is some 14 metres, well in excess of the normally accepted distance of 10.5 metres; furthermore, the revisions have sought to reduce the perception of overlooking by reducing the extent of glazing and removing the balconies originally proposed to this elevation.

6.5.4 In addition, where the proposed dwelling sits in close proximity to the boundary of the garden to no. 53 Leckhampton Road, in its revised form, the first floor element has been set further away, and is now 2.1 metres from this boundary. Having viewed the site from this neighbouring garden it is apparent that views of the proposed dwelling would be available however it should be noted that the boundary is reasonably well screened. Officers therefore do not consider that the dwelling would have an unacceptable overbearing or obtrusive impact on this neighbouring property, or result in any significant loss of outlook.

6.5.5 The existing trees along the western boundary are also to be retained and as such the dwelling would not significantly impact on the properties in Whitley Court.

6.5.6 Moreover, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.5.7 On balance therefore, whilst all of the concerns of the local residents have been duly noted, in its revised form the proposal is considered to be in accordance with policy CP4.

6.6 Access and highway issues

6.6.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.6.2 Given the small scale nature of the development, the Local Highway Authority would not normally comment on this proposal as it covered by their standing advice however given the concerns raised by local residents they have provided comments on this occasion which read, in part:

“The point of access onto Leckhampton Road provides visibility splays in both directions commensurate with the speed of the highway. A tree that is located at the carriageway edge to the left on exit is not felt to present a restriction to visibility. Parking restrictions are in force to both sides of the point of access, ending approximately 3 m to the south of the access along Leckhampton Road”.

6.6.3 The only concern raised relates to car parking provision for the existing villa however adequate parking for the existing dwelling has been provided to the front of the property under permitted development.

6.6.4 The proposal is therefore considered to be wholly acceptable on highway safety grounds.

6.7 Other considerations

6.7.1 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. The sum required in this case would be £368.

6.8 Conclusion and recommendation

6.8.1 A contemporary design approach in this location is considered to be acceptable; and, in its revised form, the proposed dwelling is considered to be of a suitable scale, height, massing and footprint for the site, and would sit comfortably within its context.

6.8.2 Whilst officers acknowledge that the proposed dwelling would undoubtedly have an impact on neighbouring properties, it is not considered that any such impact would result in significant harm to their amenity in respect of privacy, daylight or outlook.

6.8.3 The existing access point onto Leckhampton Road provides adequate visibility in both directions and sufficient parking provision would be available within the application site.

6.8.4 The recommendation therefore is to grant planning permission subject to conditions.

7. CONDITIONS/INFORMATIVES

To follow