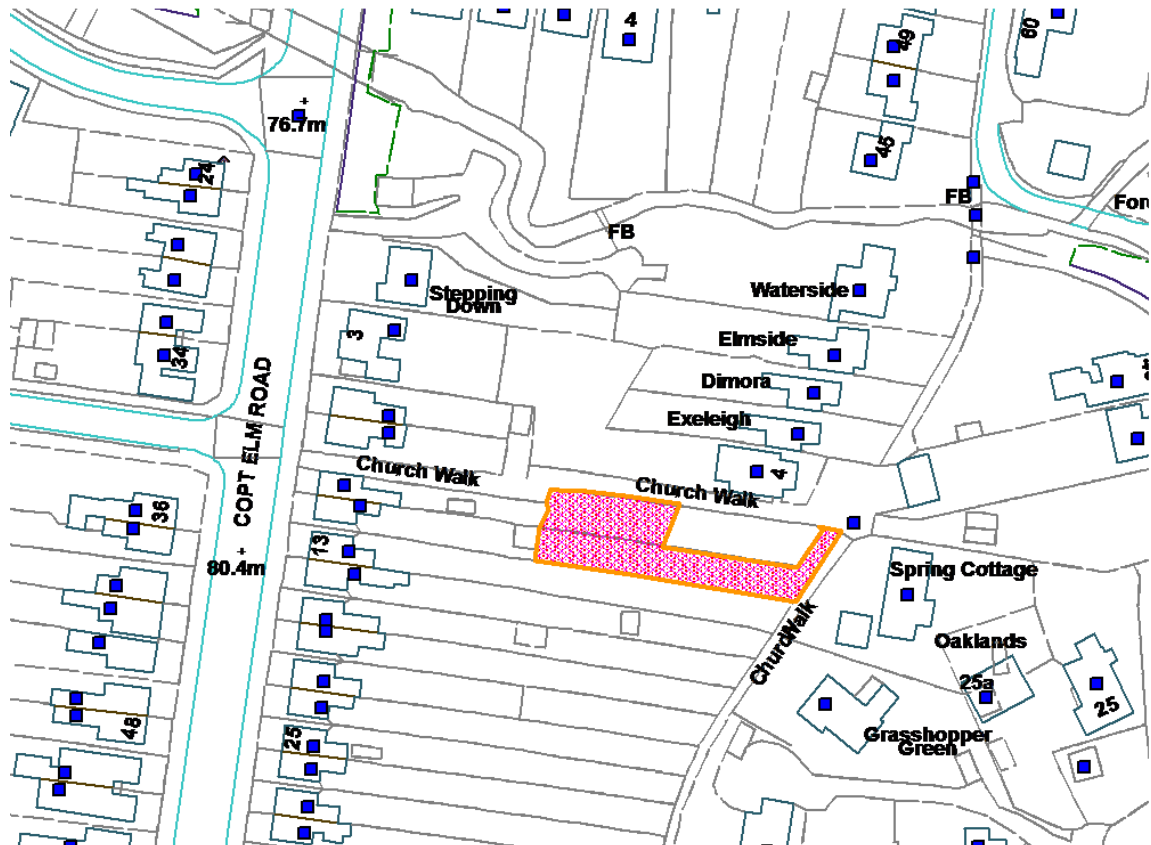


<b>APPLICATION NO:</b> 15/00058/FUL		<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 21st January 2015		<b>DATE OF EXPIRY:</b> 18th March 2015
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr & Mrs Thornton	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	9 Copt Elm Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	Erection of single storey dwelling	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a parcel of land which is directly to the rear of no.9 Copt Elm Road and currently used as an ancillary garden land to this property. The site lies just within the St Mary's Conservation Area.
- 1.2 The applicant seeks planning permission for the erection of a single storey dwelling within this site which would be accessed via Church Walk. An application was submitted in 2014 (planning ref: 14/00878/FUL) for the erection of a dwelling on the site. This was withdrawn prior to any determination on the application as officers raised concerns with certain aspects of the scheme including the scale and design and highway safety.
- 1.3 The application is before Planning Committee due to an objection from the Parish Council, who considers the proposal does not preserve, enhance or make a positive contribution to the St Mary's Conservation Area.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Smoke Control Order

### Relevant Planning History:

**13/00391/FUL 4th June 2013 PER**

Demolition of existing single storey extension and replace with a new single/two storey extension to the rear

**13/01709/FUL 8th November 2013 PER**

Amendment to previously approved planning permission 13/00391/FUL showing height of single storey extension increased from 2.63 metres (as approved) to 2.85 metres. Also an amendment to the style of rooflights in the proposed single storey flat roof extension and addition of conservation style rooflight in rear roof slope of original house. (Part retrospective)

**14/00878/FUL 16th July 2014 WDN**

Erection of 1no. dwelling

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Development of garden land and infill sites in Cheltenham (2009)  
St. Mary's conservation area character appraisal and management plan (June 2009)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Cheltenham Civic Society**

*6th February 2015*

We commend this proposal, which is discreet and appropriate for its location.

### **Parish Council**

*12th February 2015*

#### Objection

We have reviewed the latest plans and continue to object to this proposed development in the St Mary's Conservation Area. We strongly call for this application to go before the Borough Council's Planning Committee for a decision.

Our policy states that we aim to support the unique character and feel of Charlton Kings and avoid inappropriate design and this is particularly important in one of our conservation areas. The latest design remains out of keeping and does not preserve this part of the conservation area, which is characterised by a preponderance of turn of the 19th/20th century red-brick houses. Its contemporary design does not sit well with neighbouring properties and would jar in its own setting.

Another aspect of our policy states that we resist cases of 'back garden development' where these impact adversely on neighbours' quality of life or the overall environment of Charlton Kings; this is a prime example and would harm neighbours' and the community's amenity. There is a 'green space' feel to this part of Charlton Kings where the Church Walk footpath links Copt Elm Road to Lyefield Road East.

We are told that the houses on Copt Elm Road were deliberately built with long gardens to encourage gardening and self-sufficiency; this development goes against this, which in present-day language makes it unsustainable development in that context. As before and on a highways/traffic issue, we remain concerned with the potential increase in conflict between pedestrians and vehicles in what is essentially a very popular and narrow footpath, heavily used by parents and children going to local primary schools. Additional traffic would be a disbenefit to the wider community.

In the Borough Council's own Supplementary Planning Document of 2009, in the section entitled "The St. Mary's Conservation Area Character Appraisal & Management Plan" it's stated that "careful consideration must be given to the site including historic context and distinctive site features; as well as the size, scale, urban grain, layout, design, massing, height, plot width, frontage activity, landscape and materials relating to such development".

Also, at macro level, the National Planning Policy Framework, paras 126 to 132, sets out guiding principles for the protection of conservation areas.

We note and support the views of the Heritage and Conservation Group.

We are not sure if the site has been visited by the planning department but we recommend that visit takes place, so that officials can see the application in its setting within the conservation area.

This application does not preserve, enhance or make a positive contribution to the St Mary's Conservation Area and therefore permission should be refused.

## Heritage and Conservation

5th February 2015

Analysis of Site: rear garden of No.9 Copt Elm Road with additional land "borrowed" from adjacent garden plots creating an irregular shaped, elongated plot.

### Comments:

1. The site is accessed from a narrow single width lane known as Church Walk, an un-adopted road, which extends along the east boundary of the site and leads to another footpath which links to School Road, formerly Mill Lane. Church Walk is in frequent use by pedestrians and cars accessing the houses at the rear of the Copt Elm houses.
2. The position of the proposed entrance is identifiable by a small pedestrian 'refuge' in the close boarded fencing and is visible from the public highway.
3. The site spans two garden widths and occupies approximately half the existing length of the garden.
4. This section of Copt Elm Road is laid out in narrow width plots with pairs of semi-detached late Victorian vernacular cottage type buildings.
5. At the rear of the site there are several 20thC detached dwellings set in generous sized plots. The whole area is characterised by verdant growth, soft boundaries (other than to the lane) and small scale, discrete development both historic and more recent.
6. There are a number of conservation issues and concerns regarding this development that were highlighted in an application that was withdrawn in 2014: 14/00878/FUL.
7. The main issue is the impact on the conservation area of this development.
8. The principle of building a dwelling on this land is unacceptable for the following reasons:
  - a. The area has a distinctive identity and uniformity, as noted in the conservation area appraisal, characterised by a structured and formal plot layout with strong building lines adjacent to the road and rear gardens that are uniformly linear.
  - b. The layout of the gardens is an important and significant element of the conservation area and their contribution is both historic and environmental. Building on a large part of the gardens will distort an understanding of the historic development of the area. The retention of gardens and the discouragement of 'garden grabbing' is a local and national policy objective that recognises the contribution that green spaces make to the special character and enjoyment of an area.
  - c. The scale of the proposed building, in terms of its' large footprint, unlike any other building in the vicinity does not complement or respect existing development in the area and is regarded as over-development that should be resisted.

- d. The proposal would destroy the established urban grain by positioning a building in an incongruous location in relation to the existing development pattern.
- e. Contrary to the assertion in the accompanying Design & Access Statement the development will be very visible from the public realm as due to the precarious nature of the vehicle entrance opening onto Church Walk, the boundary enclosure has been lowered in an attempt to improve the visibility of other users of the lane to drivers accessing the proposed building. A large part of the West elevation will now be visible from Copt Elm Road.
- f. The design and material specification for the building is utilitarian at best and lacks a residential character and therefore conflicts with local policy that requires a high standard of architectural design that reflects principles of urban design that complements and respects neighbouring development and the character of the locality.
- g. The proposal fails to preserve or enhance the St. Mary's Conservation Area and is therefore contrary to primary legislation, local plan policy and the NPPF which requires local planning authorities to sustain and enhance heritage assets such as conservation areas (par.126) and encourages the view that great weight should be given to an asset's conservation (par.132) and that new development should make a positive contribution to local character and distinctiveness (par.126).

SUMMARY: the principle of the proposed building in this location is of serious conservation concern and this application represents over-development and land- grabbing with no demonstrable public benefit and should be resisted.

CONCLUSION:  
Refuse.

**Tree Officer**  
*12th February 2015*

The Tree Section has no objections to this application providing the following conditions can be used. These conditions are to ensure the safe retention of the trees within the adjacent property 11 Copt Elm Rd and as well as retained trees within the site;

TRE03B Protective fencing  
 TRE04B No fires within RPA  
 TRE05B No service runs within RPA  
 TRE06B No-dig construction methods within RPA

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>35</b>
Total comments received	<b>24</b>
Number of objections	<b>24</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1.1** Thirty five letters have been sent to neighbouring properties and twenty four responses have been received raising an objection to the proposal.

### **5.1.2 Summary of comments received;**

- Principle of development unacceptable
- Impact on the St Mary's Conservation Area
- Traffic and highway safety concerns
- Local amenity
- Design/Materials not in keeping
- Previously refused applications on the site.
- Visual impact of the proposal

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** The key issues in determining this application are considered to be (i) principle of development on this land, (ii) design and impact on the conservation area (iii) impact on neighbours, (iv) highways and access issues.

### **6.2 The site and its context**

**6.2.1** The site comprises of an area of land to the rear of no.9 Copt Elm Road and adjacent to Church Walk, which serves as an access point for a number of properties. The site is currently fenced off by a close boarded timber fence and used as ancillary land in association with no. 9 Copt Elm Road.

**6.2.2** The properties surrounding the site are primarily two storeys. Those fronting onto Copt Elm Road are mainly semi-detached Victorian properties. The properties located on Church Walk vary in architectural style and form.

### **6.3 Principle of development**

**6.3.1** The site is located within the Principal Urban Area, where residential development is normally acceptable in principle subject to all other relevant considerations.

**6.3.2** In order to consider the principle of development, it is necessary to assess the existing character and context of the area surrounding the application site. Paragraph 53 of the National Planning Policy Framework advises local planning authorities to consider the case for setting out polices to resist inappropriate development of residential gardens and in adopting our SPD in relation to infill development, this is exactly what the Council has done.

**6.3.3** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice in understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. This document was adopted pre-NPPF but provides a means of assessing the specific characteristics of an area.

**6.3.4** The property is located within a conservation area and the Council's Conservation Officer has provided a comment on this application.

**6.3.5** The Conservation Officer considers the principle of the development to be unacceptable for a number of reasons. Concerns include the distinctive structure and formal plot layout, the understanding of the historical development of the area brought about by the layout of the

gardens and the urban grain of the area. These concerns have also been echoed by local residents in submitted letters of representations.

- 6.3.6** Officers have considered the concerns raised in detail and in the context of the aforementioned SPD. In assessing the character of the area, there is a clear established linear and uniform pattern of development along Copt Elm Road, whereby semi-detached villas are positioned with narrow spaces between. Notwithstanding this pattern, officers do not share the view that it is the rear gardens that contribute significantly to the character of the area. The reasons for this will be discussed in detail below.
- 6.3.7** Firstly, there is a significant variation in plot size and layout when considering the area to the east of the linear development along Copt Elm Road. For that reason, officers consider that when paying special attention to the desirability of preserving or enhancing the character of the area, it is the frontage development along Copt Elm Road that is particularly important. Due to the variation in urban grain, officers consider it cannot be argued that the proposal would unacceptably disrupt the overall character and appearance of the area.
- 6.3.8** Secondly, whilst the Conservation Officer specifically highlights the layout of the rear gardens as contributing significantly to the character of the area, officers do not share this view. Whilst it is accepted a number of properties on the south side of Church Walk benefit from exceptionally long narrow rear gardens, those to the north of the site do not, albeit these lie just outside of the conservation area. Notwithstanding this, the pattern of development to the north of the site is still relevant as it is within the immediate vicinity of the site and is read in the context of the site. To add to this, the long and narrow nature of the gardens is only visible when looking at the site purely in plan form. Due to the subdivision of the site by way of a close boarded fence in existence and the variation in the area, this characteristic is not legible and therefore officers consider it cannot be argued that this would disrupt the character and appearance of the area.
- 6.3.9** In light of the above, whilst officers are in agreement that there is an established linear pattern fronting onto Copt Elm Road, it is not considered that the introduction of a dwelling of an appropriate height and scale in this site would be harmful to the character and appearance of the conservation area. The pattern of development in the area is already disrupted as a result of a varied development pattern immediately surrounding the application site and whilst the properties to the north of the site lie just outside of the conservation area, the area is read as a whole when within the site and therefore is relevant when assessing the overall context.
- 6.3.10** It is for the above reasons that officers consider the principle of development is acceptable. The proposal would respect the established linear pattern of development fronting onto Copt Elm Road and would sit as an appropriately positioned secondary addition to the rear of this building line, where there is a more mixed urban grain. As such, the proposal fully accords with the adopted Supplementary Planning Document and the NPPF. As a result, officers consider the principle of development also accords with section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development to preserve or enhance the character and appearance of the area.

## **6.4 Design and layout**

- 6.4.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.4.2** The overall design approach is contemporary with a flat roof, cladding panels, through colour render and powder coated aluminium for windows and doors. Whilst the conservation officer has commented that the design lacks residential character and conflicts with the

above policy, officers consider it is an honest, contemporary design which would not be at odds with the character of the locality.

- 6.4.3** The dwelling is single storey, which is successful in ensuring the property plays a secondary role and does not dominate the frontage development. Being single storey, the property does have a larger footprint than the frontage development and this has been raised as a concern within comments received. Whilst the footprint is larger, officers consider this would not in itself be a reason to refuse planning permission. The variation in the height of the proposed dwelling and the use of materials successfully provides relief to the building. This ensures the footprint is not read as one single mass and provides variation to the form of the dwelling.
- 6.4.4** In response to a concern that the dwelling would be visible from Copt Elm Road, particularly due to the lower boundary wall, officers have noted this and do not consider the fact that the dwelling will be visible to be unacceptable. The proposal is clearly subservient to any frontage development and will therefore not dominate or detract from it. Furthermore, the proposal is an appropriately designed building, which would successfully respond to the site and the surrounding area. As a result, the dwelling is entirely appropriate and officers echo the comments of Cheltenham Civic Society, in that the proposal is discreet and appropriate for its location.
- 6.4.5** Overall, despite the concerns raised by the Conservation Officer, Parish Council and local residents, the proposal represents a dwelling of quality design, which responds successfully to the characteristics of the area and the requirements of Local Plan Policy CP7 and the guidance within the NPPF.

## **6.5 Impact on neighbouring property**

- 6.5.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.5.2** The proposal is not considered to have any unacceptable impact on neighbouring land users. The nearest property to the proposed dwelling is no. 11 Copt Elm Road. The single storey dwelling would not have any adverse impact on this property in terms of a loss of light or privacy.
- 6.5.3** The rear garden of no. 13 Copt Elm Road directly adjoins the application site with a flank elevation proposed alongside the boundary. Whilst this is a long wall immediately on the boundary, it is so far removed from the house itself, it is not considered this would be overbearing or harmful. There are no side elevation windows facing towards the garden of no. 13. The applicant proposes a high level window on the south elevation, however the purpose of this is to provide natural light and there would be no view out of this window.
- 6.5.4** Officers have also considered the impact of the proposal on the parcel of land to the north of the site, which is in separate ownership to the application site and used for horticultural purposes. The footprint and mass of the development has been contained towards the west of the application site to ensure there is no unacceptable loss of light or overbearing impact on this area of land.
- 6.5.5** Overall, the dwelling is not considered to have any unacceptable adverse impact on neighbouring land users and is in accordance with the requirements of Local Plan Policy CP4.



## **6.6 Access and highway issues**

- 6.6.1** At the time of writing this report, formal comments have not been received from Gloucestershire County Highways in relation to the impact of the proposal on highway safety. Officers have been in dialogue with GCC Highways and anticipate that no highway objection will be raised to the application. Full comments in relation to highway safety issues will be provided by way of an update.

## **6.7 Trees**

- 6.7.1** The Council's Tree Section has been consulted to assess the impact of the proposal on any surrounding trees. No objection has been raised to the development but conditions have been suggested to ensure the safe retention of trees within the adjacent property and the site. These conditions have been included as part of this recommendation.

## **6.8 Other considerations**

- 6.8.1** Representations have made reference to previously refused applications for the erection of a dwelling to the rear of this property in 1980 and 1984. Whilst these comments have been noted, the planning policy context has changed significantly since these applications were determined. A full assessment has been carried out on the basis of the current policy context and the application is considered acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1.1** Overall, officers consider the proposal represents a sustainable form of development. The principle of the proposed dwelling is acceptable, as it would respect the linear frontage development and has been positioned within an area with a mixed urban grain. The proposal fully accords with the adopted Supplementary Planning Document, the NPPF and the primary legislation relating to conservation areas.
- 7.1.2** The design approach is considered of a high quality and successfully responds to the characteristics of the area, the requirements of Local Plan Policy CP7 and the guidance within the NPPF.
- 7.1.3** Finally, there would be no unacceptable impact on neighbouring amenity and trees within and adjacent to the application site.
- 7.1.4** In light of all of the above, the recommendation is to grant planning permission subject to the conditions below.

## **8. CONDITIONS / INFORMATIVES**

- 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 numbers PL001 A, PL002 C, PL003 C, PL005 B and PL006 A received 14th and 20th January 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 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.
- 4 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, 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 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.
- 6 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.
- 7 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.  
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.

## **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.