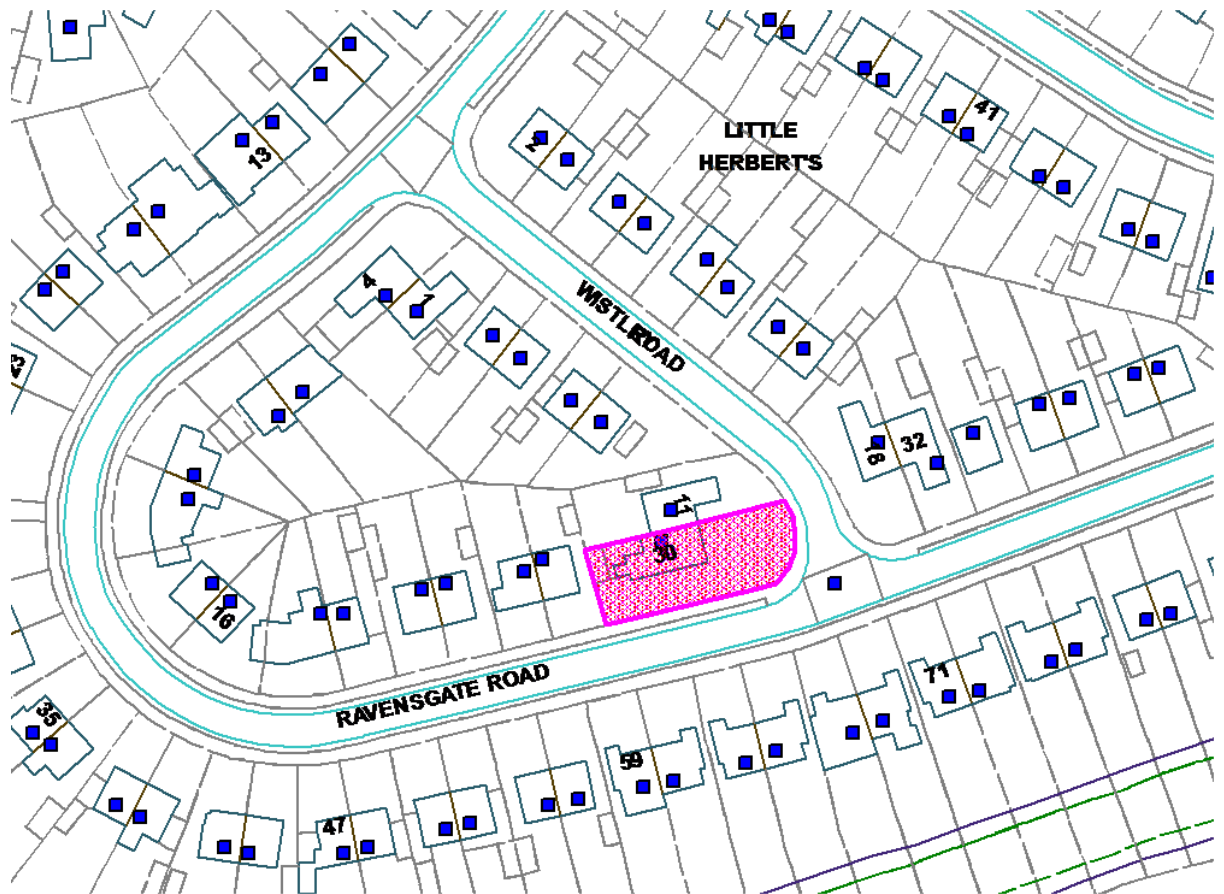


APPLICATION NO: 15/00104/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 28th January 2015		DATE OF EXPIRY: 25th March 2015
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr A White	
AGENT:	n/a	
LOCATION:	30 Ravensgate Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of 2 x 1.83 metre wide x 1.87 metre high wooden gates	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached bungalow located within a residential area on the corner of Ravensgate Road and Wistley Road.
- 1.2 The applicant is seeking planning permission for the erection of two gates, each 1.83 metre wide and 1.87 metre high.
- 1.3 The application is for consideration by planning committee at the requested of Councillor McCloskey who feels a debate on the visual aspect on the wider street scene would be useful. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

01/01432/FUL 14th December 2001 PER

Roof extension (hip to gable end) coupled with dormer roof facilitating conversion of roof space to provide bedroom and en- suite bathroom. Single storey rear extension

14/01718/CLPUD 6th October 2014 CERTPU

Proposed dropped kerb and permeable hardstanding

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

12th February 2015

No Objection.

We note that CBC Planning Officers have already stated that:

'The height of the proposed gates are not considered to be acceptable, the proposal would create an 'alien' and dominant feature of the street scene especially given the relatively prominent corner plot location, gates of this size and in this location are not a characteristic of the area.

Highways have also raised concerns as to the potential visibility issues relating to vehicles exiting the site which would cause conflict with pedestrians or other road users.'

We understand from the applicant that he has both a Lawful Development Certificate from Cheltenham Borough and consent from Gloucestershire Highways for the proposed dropped crossing that these gates are to serve.

The time to address any visibility concerns was at the application for the dropped crossing. In granting consent for the dropped crossing visibility must have been deemed sufficient, if not ideal, and clearly not of sufficient concern to refuse the application.

The applicant's planning fall-back position is to erect 1m high gates. Given that the restriction to visibility will be caused by the existing hedge, a change from the fallback position of 1m high gates to 1.83m high gates will make no difference to visibility and therefore consent cannot be refused on such grounds.

With respect to the comment regarding the 'alien and dominant nature' of the gates we cannot reconcile this with the fact that there are other similar height hedges, fences/gates in 'The Beeches' area.

The applicant wishes to create this entrance to remove his motorhome from the public road, improving the appearance of the area and aiding traffic flow and other residents' on-street parking.

1m high gates would compromise the security of the applicant's garden which the applicant is, for obvious reasons, reluctant to do.

Given the above, and that we have received no objections from neighbours, we can see no reason for refusal.

Tree Officer

13th February 2015

The Tree Section does not object to this application.

GCC Highways Planning Liaison Officer

3rd February 2015

This application seeks consent for the above proposal that will allow the use of a second vehicular access into the property from Wistley Road. At the above location Wistley Road and Ravensgate Road are category 4 highways subject to a speed limit of 30 MPH; 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 it is noted that the new point of access is situated on the western radii of the junction of Ravensgate Road with Wistley Road. The position of the point of access on the inside radii and the height of adjacent boundaries prevents the provision of adequate visibility splays in both directions. The lack of adequate visibility is felt likely to create conflict between vehicles exiting the proposed development and pedestrians or other highway users.

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.

Revised Comments

5 March 2015

It is understood that a certificate of lawfulness has already been granted for a dropped kerb at this location by CBC. On this basis an access could already be in place with restricted visibility due to the existing vegetation. The addition of the gates would on their own, in the absence of the vegetation, impinge visibility, however it is also noted that a 2m high gate could be erected under permitted development rights if they were set back 1m from the footway. Therefore, the restriction to visibility would still occur. Overall and when considered against the already lawful dropped kerb, the addition of these gates will have a neutral impact on visibility, as an access could already be in place although this application does not afford the opportunity to remove the vegetation which could provide a betterment. No highway objection is raised to this application. **[Officer note: The reference to permitted development is incorrect. Gates would need to be set at least two metres back from the footway to not require planning permission.]**

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

5.1 11 Letters were sent to neighbouring properties with no letters of objection received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main consideration in relation to this application is the suitability of the proposed gates with reference to their design and location.

6.2 The site and its context

6.2.1 The application site is a corner plot location that is prominently located within the street scene. Properties in 'The Beeches' area characteristically have open frontages with simple boundary treatments to give definition to the front gardens. Typically, these enclosures are low fences, walls and railings. Taller enclosures exist in the form of established hedges as is the case for the application site. The estate was designed in this way to create an openness to the area.

6.2.2 The reason for the application is to provide secure off road parking for the applicants motorhome.

6.3 The principle of the development

6.3.1 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

- 6.3.2** Although an existing boundary treatment exists in the form of a hedge, the existing hedge is a soft feature that blends with its local surroundings and is of course entirely appropriate in its context. The concern of officers is that the addition of gates of the scale proposed would create a dominant feature within the street that would be at odds with other neighbouring frontages.
- 6.3.3** The supplementary planning document for residential alterations and extensions states '*In a street of consistent style houses, it is advisable to maintain the original or similar design of boundary. This will preserve the character of the area and the value of the house*'. Furthermore, it states that '*Front boundaries are often quite characteristic of the area in which they are located*'; as advised above, the prevailing character of boundary enclosures within the locality are suburban in nature – of limited height or consisting of hedging.
- 6.3.4** The proposed gates measure a total width of 3.66 metres and have a height of 1.87 metres. Officers consider the proposed size of the gates is unacceptable. Gates of this design and scale would appear as an incongruous and obtrusive feature that would dominate the street scene and have a significant negative impact on the character of the area.
- 6.3.5** The proposal fails to comply with the objectives of policy CP7 and the advice contained within the adopted SPD titled 'Residential alterations and extensions'.

6.4 Other considerations

- 6.4.1** During discussions with the applicant, reference has been made to gates that have recently been erected at 11 Cherry Avenue. These gates replaced a close boarded timber fence of the same height and therefore did not require the benefit of planning permission. The fence itself did not have consent but had been in situ for over four years, thereby authorising it as a lawful addition to the property.
- 6.4.2** Whilst officers understand why attention is being drawn to these gates (and members will have the opportunity to consider them on planning view), they are not considered directly comparable. Members will be aware that every site is different and that every proposal brings with it different considerations; in this instance whilst the gates are prominent they do not form part of the front boundary and instead form the part of the side boundary. This is considered to be a material difference between the two sites. As advised above, boundary enclosures to the front of properties are typically low key but side and rear boundaries often have a greater height to them so give privacy. Notwithstanding these differences, officers are of the view that the gates are not particularly complimentary to the wider street scene.
- 6.4.3** Further to the above, Highways were consulted as part of this application and initially had concerns regarding the proposed gates in respect of potential issues around visibility and the safety aspect of cars entering and exiting the site, particularly due to the close proximity of the junction. A certificate of lawful development was previously issued for the dropping of the kerb under application number 14/01718/CLPUD and in light of this highways have revised their comments and now raise no objection to the proposal.
- 6.4.4** It is noted however that the introduction of 1.83 metre high gates that open into the site will undoubtedly impact on visibility of vehicle users entering and exiting the site.
- 6.4.5** Concerns are also raised as to the potential highway safety of cars being stationary in the road whilst the proposed gates are opened and unopened for access to and from the site. There is insufficient space for vehicles to be safely parked off the highway whilst the gates are opened.
- 6.4.6** Revisions to the scheme were requested to address the height and scale of the proposed gates however revisions were not received.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst officers are sympathetic to the aspirations of the applicant and are also aware that 1 metre high gates can be erected under permitted development, for reasons identified above, the proposed gates are contrary to policy CP7 in terms of achieving an acceptable standard of design and having an unacceptable impact on the local area.
- 7.2 The recommendation is to refuse this application.

8. INFORMATIVES / REFUSAL REASON

- 1 The proposed gates by reason of their size, location and design, are considered to be a poor form of development which would result in a harmful impact upon the visual amenities of the locality, would detract from the character of the area and dominate the street scene. As such the proposal is contrary to Policy CP7 of the Adopted Local Plan advice contained in the Residential Alterations and Extensions (2008) Supplementary Planning Document and advice contained in National Planning Policy Framework.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the negative impact on the character of the local area.

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