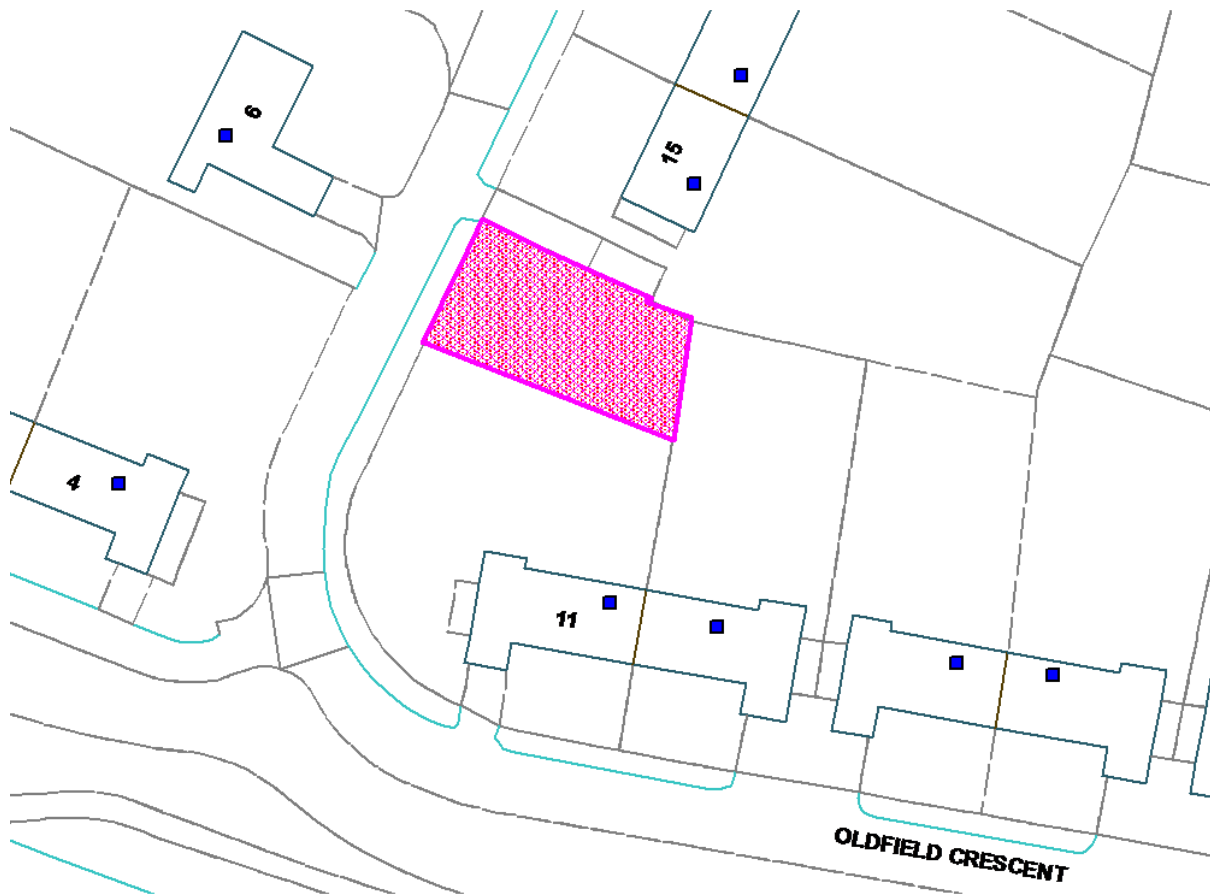


<b>APPLICATION NO:</b> 15/00483/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 20th March 2015	<b>DATE OF EXPIRY:</b> 15th May 2015
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b> Mrs G Martin	
<b>AGENT:</b> Urban Aspects Ltd	
<b>LOCATION:</b> 11 Oldfield Crescent, Cheltenham	
<b>PROPOSAL:</b> Proposed bungalow, associated parking and landscaping	

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a parcel of land to the rear of no. 11 Oldfield Crescent, which is within a residential area in the ward of St Marks.
- 1.2 No. 11 is on a corner plot, with the dwelling proposed to be sited to the rear of this property. The applicant seeks planning permission for the erection of a single bungalow, with associated access and landscaping.
- 1.3 A similar application for the erection of a bungalow to the rear of this property was refused in 2014. The proposed layout, position and footprint of the dwelling remains unaltered from the previously refused scheme, with the only amendments relating to a slight reduction in plot size, a reduction in the ridge height of the roof from 5.9 metres to 3.9 metres and a hipped roof now proposed as opposed to a gable.
- 1.4 The application is before planning committee following requests from Councillor Coleman and Councillor Holliday, relating to design and access issues and also to allow members the opportunity to consider this application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

### Relevant Planning History:

**86/00755/PO 28th August 1986 REF**

Outline Application For Erection Of 3 Houses

**86/01179/PF 18th December 1986 REF**

Erection Of One House

**87/00043/PF 19th February 1987 REF**

Erection Of House And Garage

**88/01215/PF 20th October 1988 WDN**

Erection Of 1no. Dwelling

**89/00633/PF 29th June 1989 REF**

Demolition Of Existing Garage And Outbuildings And Erection Of One (Number) Detached Dwelling House

**94/00750/PF 15th September 1994 PER**

Proposed Single Storey Side Extension

**14/01277/FUL 8th September 2014 REF**

Proposed bungalow, associated parking and landscaping

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

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

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents  
Development on garden land and infill sites in Cheltenham (2009)

National Guidance  
National Planning Policy Framework

## 4. CONSULTATIONS

### **Gloucestershire Centre For Environmental Records**

*9th April 2015*

Report available to view on line.

### **Wales And West Utilities**

*2nd April 2015*

Wales and west have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. should diversion works be required these will be fully chargeable.

### **Tree Officer**

*13th April 2015*

The Tree Section does not object to this application. Should this application be granted please use the following condition:

#### Detailed Landscaping

The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

### **GCC Highways Planning Liaison Officer**

*26th March 2015*

I refer to the above planning application received on Received

This development is accessed from Oldfield Crescent, a category 4 highway 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.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	1
Number of supporting	0
General comment	1

5.1 Four letters have been sent to neighbouring properties and two letters of representation have been received.

### 5.2 Comments Received

One letter of objection has been received based on the concerns below;

- Highway safety and refuse and recycling
- Proximity of proposal to neighbouring property and impact on privacy.

**Comments:** 14th April 2015

Full letter attached.

A letter from Martin Horwood has been submitted as an accompanying document to the application. To summarise, the letter is in support of the proposal and questions the reasoning behind the previous refusal.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations in relation to this application are the principle of residential development, design and layout, impact on neighbouring amenity, highway safety and the impact of works on trees within the site.

### 6.2 Principle of development

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

6.2.2 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 policies 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.

6.2.3 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 Design and layout

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 When considering the character within Oldfield Crescent, there is a clear pattern of development within the area. The properties are large, two storey, semi-detached properties

with a sense of space about them, with large rear gardens and generous space in between dwellings.

- 6.3.3** The introduction of a proposed dwelling to the rear of no. 11 Oldfield Crescent would diminish the existing sense of spaciousness and disrupt the established pattern of residential development within the area. As a result, the proposal would fail to respect the existing layout of surrounding properties.
- 6.3.4** In addition to being at odds with the pattern of development, the proposed bungalow would conflict with the established scale, height and massing of properties. All adjacent properties on this side of Oldfield Crescent are two storey and of a consistent design. For those reasons, the proposal would represent an incongruous addition to the street scene.
- 6.3.5** In addition, there would be a lack of amenity space to the rear of the proposed dwelling, which given the particularly spacious character of the area would result in a cramped and contrived form of development.
- 6.3.6** As stated within the introduction, the applicant has reduced the ridge height of the proposed dwelling and now proposes a hipped roof as opposed to a gable. Officers have considered these amendments, however the reduction in overall height has not addressed concerns in relation to the harmful impact the introduction of a dwelling would have on the overall character of the locality.
- 6.3.7** For the reasons identified above, the principle of a dwelling in this location is considered harmful to the residential character of the area and therefore contrary to Local Plan Policy CP7 and the Supplementary Planning Document: Development on garden land and infill sites in Cheltenham (June 2009).

#### **6.4 Impact on neighbouring property**

- 6.4.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.4.2** One letter of objection has been received from the occupiers of no. 15 Oldfield Crescent, directly to the north of the site. The primary concerns relate to the proximity of the proposed dwelling and a potential impact on privacy.
- 6.4.3** Officers do not consider that this proposal would result in any unacceptable impact on neighbouring amenity. The proposal would not result in a loss of light or have an overbearing impact on neighbouring properties.
- 6.4.4** Whilst the proposed dwelling would be likely to cause an increase in activity in an area that is currently a rear garden for no. 11, this is not considered to be an unacceptable increase over and above the current situation.
- 6.4.5** As such, the proposal meets the requirements set out in Local Plan Policy CP4 and would protect the existing amenity of neighbouring land users.

#### **6.5 Access and highway issues**

- 6.5.1** The application involves the construction of a new access and area of hardstanding for two cars. The Highways Authority has been consulted on the application, but has referred the Local Planning Authority to the Gloucestershire County Council Highway Standing Advice.
- 6.5.2** The occupier of no. 15 Oldfield Crescent has raised a concern regarding the impact of the proposal on the highway network which currently experiences traffic issues. Whilst these comments have been taken into consideration, the dwelling is considered to have a minimal

impact on the highway network. The proposal would provide adequate off road parking and the access would achieve a sufficient visibility splay in line with the standing advice.

**6.5.3** Overall, the dwelling would have limited impact on the highway and is therefore in line with Local Plan Policy TP1, the GCC Highway Standing Advice and the National Planning Policy Framework.

#### **6.5.4 Ecology**

**6.16** Notification has been received from Gloucestershire Centre for Environmental Records regarding species of conservation importance recorded within a 250m search area of the application site. Due to the small scale nature of the proposal, it is not considered that there would be any negative impact on the ecology of the area.

#### **6.6 Trees**

**6.6.1** The Council's Tree Officer commented on the application and has raised no objection, subject to the submission of a suitable landscaping scheme.

#### **6.7 Other considerations**

**6.7.1** Within the submitted documents the applicant's agent refers to the structure as being within the allowances of permitted development as an outbuilding.

**6.7.2** Whilst this is the case in terms of the built form of the structure, this would be as an ancillary building to no. 11 Oldfield Crescent not an independent unit of accommodation. Officers consider the permanent sub-division of the site to be harmful and out of character with the surrounding area.

**6.7.3** As such, this matter does not weigh in favour of the proposal and does not overcome the harm caused to the character of the area. This is also a stance that was supported at a appeal decisions in Kingsley Garden and Hillview Road.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** In considering all of the above, officers consider the subdivision of the site and erection of a single dwelling would be harmful to the character of the area. The proposed dwelling would result in a cramped and contrived form of development, which would be harmful to the established spacious character of the area.

**7.2** Whilst the proposal would not have an unacceptable impact on highway safety or neighbouring amenity, it is considered contrary to Local Plan Policy CP7 and the relevant Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.

**7.3** The recommendation is therefore to refuse planning permission for the reason below.

## **8. REFUSAL REASONS / INFORMATIVES**

- 1 The proposed development would diminish the existing sense of spaciousness between properties and in doing so fails to respect the established character of the area. The proposed bungalow would also be at odds with the scale of the immediately surrounding buildings and would therefore read as an incongruous addition to the street scene. For those reasons, the proposal conflicts with the Council's Supplementary

Planning Document: Development on Garden Land and Infill Sites in Cheltenham, in terms of the layout and access arrangements. As such, the proposal is contrary to both the Supplementary Planning Document and Local Plan Policy CP7.

## **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 harm caused as a result of the subdivision of the site and the introduction of a new dwelling.

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