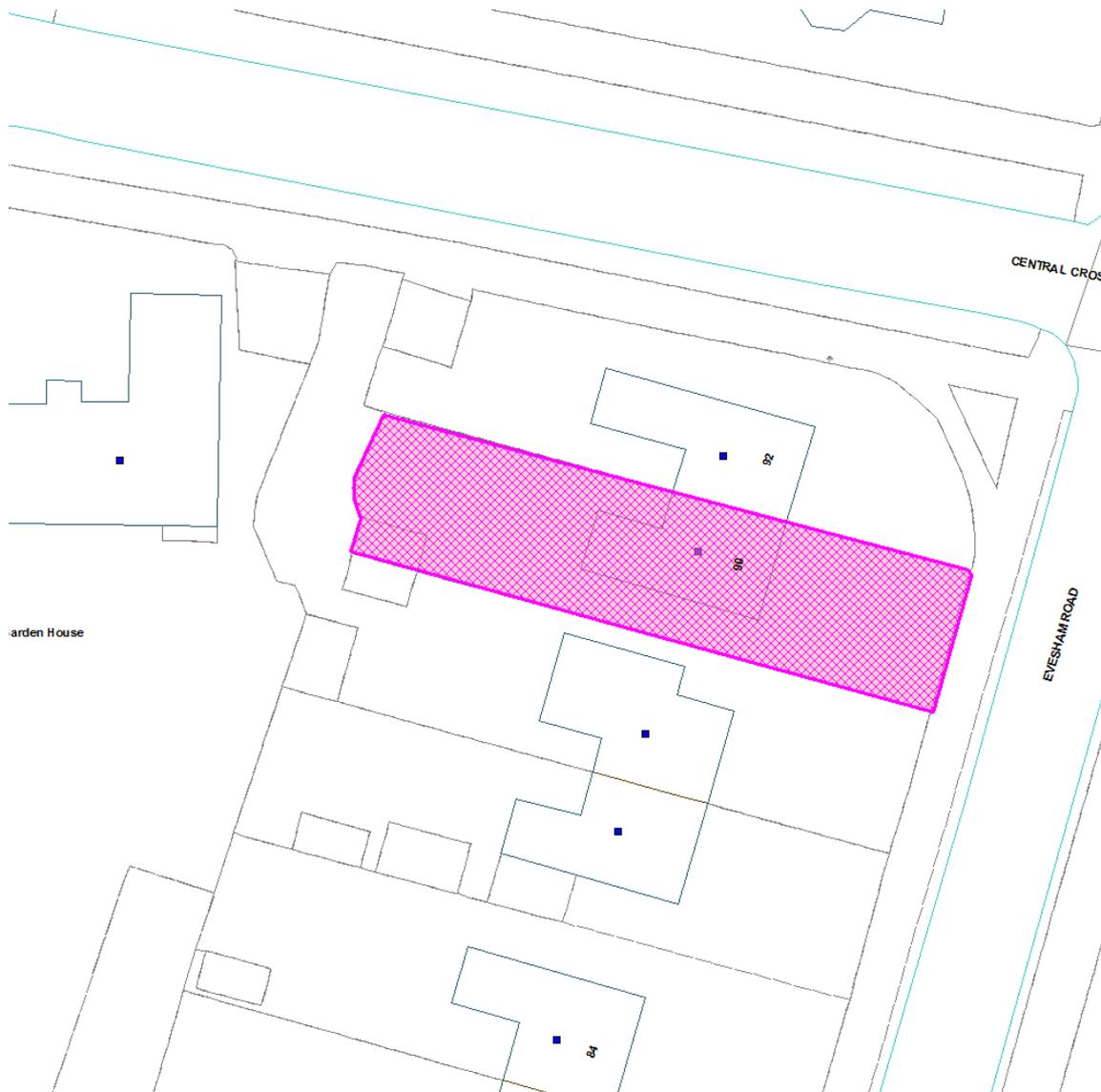


<b>APPLICATION NO:</b> 16/01105/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 23rd June 2016	<b>DATE OF EXPIRY:</b> 18th August 2016
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	Mrs Christine Grady
<b>AGENT:</b>	Agent
<b>LOCATION:</b>	90 Evesham Road, Cheltenham
<b>PROPOSAL:</b>	To erect a block and render wall to a height of 2300mm above ground level. Retention of raised patio and retaining wall (retrospective)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property on Evesham Road, which is located within the central conservation area.
- 1.2 The applicant is seeking planning permission for the erection of a boundary wall at a height of 2.3 metres above ground level and for the retention of a raised patio area and associated retaining wall which at its highest measures 450mm from ground level.
- 1.3 The application is to be considered at planning committee at the request of Councillor Lillywhite who wishes councillors to consider the impact of the development on neighbouring amenity.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Residents Associations

### **Relevant Planning History:**

**15/01292/FUL 26th October 2015 PER**  
In-fill extension to rear of property

**15/02104/AMEND 11th December 2015 PAMEND**

Non material amendment to planning permission ref: 15/01292/FUL - block up rear entrance door, replace kitchen window (rear elevation) with bi fold or sliding doors, install like bi fold or sliding doors to new build

## 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

Supplementary Planning Guidance/Documents  
Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Building Control**

*26<sup>th</sup> June 2016*

No comments received.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	3
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

- 5.1 Three letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo; two letters of representation (attached) have been received, one of which raises an objection to the application and relates to impact on amenity in terms of a loss of light, over bearing impact and loss of privacy.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the design, any impact on the conservation area and the impact of the proposal on neighbouring amenity.

### 6.3 Design

- 6.4 The proposed boundary wall is to be a white rendered design that matches the appearance of the recently constructed single storey rear extension (application number 15/01292/FUL) which is considered to be acceptable and in keeping with character of the existing building and its surroundings.

- 6.5 The proposed boundary wall and raised platform is considered to be appropriate for its context and its relationship with the existing residential properties and therefore is considered to preserve the character and appearance of the conservation area.

- 6.6 The proposal is compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)

### 6.7 Impact on neighbouring property

- 6.8 Following receipt of the neighbouring property's letter of objection, a site visit was carried out to 92 Evesham Road. When visiting the site it was evident that the applicant has erected a temporary timber structure at the same height as the proposed boundary wall which helped officers to consider its full impact.

- 6.9 The temporary structure has been viewed from both within the neighbouring property and from the garden area. The two rooms that could be affected by a loss of light are a dining room and a kitchen; the dining room benefits from a large patio door which faces down the garden and the kitchen has windows on two opposite elevations; there are windows that face the proposed boundary wall and windows that are on the opposite side of the room which provide additional light and would be unaffected by the proposed development. The proposal does not fail the relevant light tests and therefore officers do not consider that a boundary wall at the proposed height of 2.3 metres would have an unacceptable impact on the neighbouring property in terms of a loss of light.

- 6.10 With regard to an overbearing impact, officers are mindful of a fallback position whereby a boundary in this location can be erected by the applicant up to 2 metres in height without the need for planning permission; the key consideration of this application is therefore the

additional height of 300mm. The majority of the neighbouring property's amenity space is to the rear of the building and will not be affected by the proposal; the small patio area that is located adjacent to the proposed development area will be impacted but given the otherwise relatively open space of the garden, officers do not consider that an additional 300mm would result in any overbearing impact.

- 6.11** In terms of any potential loss of privacy as a result of the proposed raised platform and boundary wall, officers are again mindful of the fallback position and what can be erected without the need for planning permission. Under permitted development a raised platform can be erected at a height of 300mm and a boundary wall at a height of 2 metres therefore creating a privacy screen from the top of the platform to the top of the boundary treatment of 1.7 metres. This application, which seeks the retention of a raised patio at 450mm and proposes a boundary height of 2.3 metres, would create a privacy screen of 1.85 metres in height; this therefore indicates that in terms of privacy the proposal will result in less potential for overlooking than what could be carried out without any formal application or consultation.
- 6.12** The proposal is considered by officers to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** For the reasons discussed above and having considered the allowances within permitted development it is considered that the proposal is in accordance with policy CP7 and CP4 in terms of achieving an acceptable standard of design and would not have an unacceptable impact on neighbouring amenity.
- 7.2** As such, the recommendation is to permit this application subject to the conditions set out below.

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.

## **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.