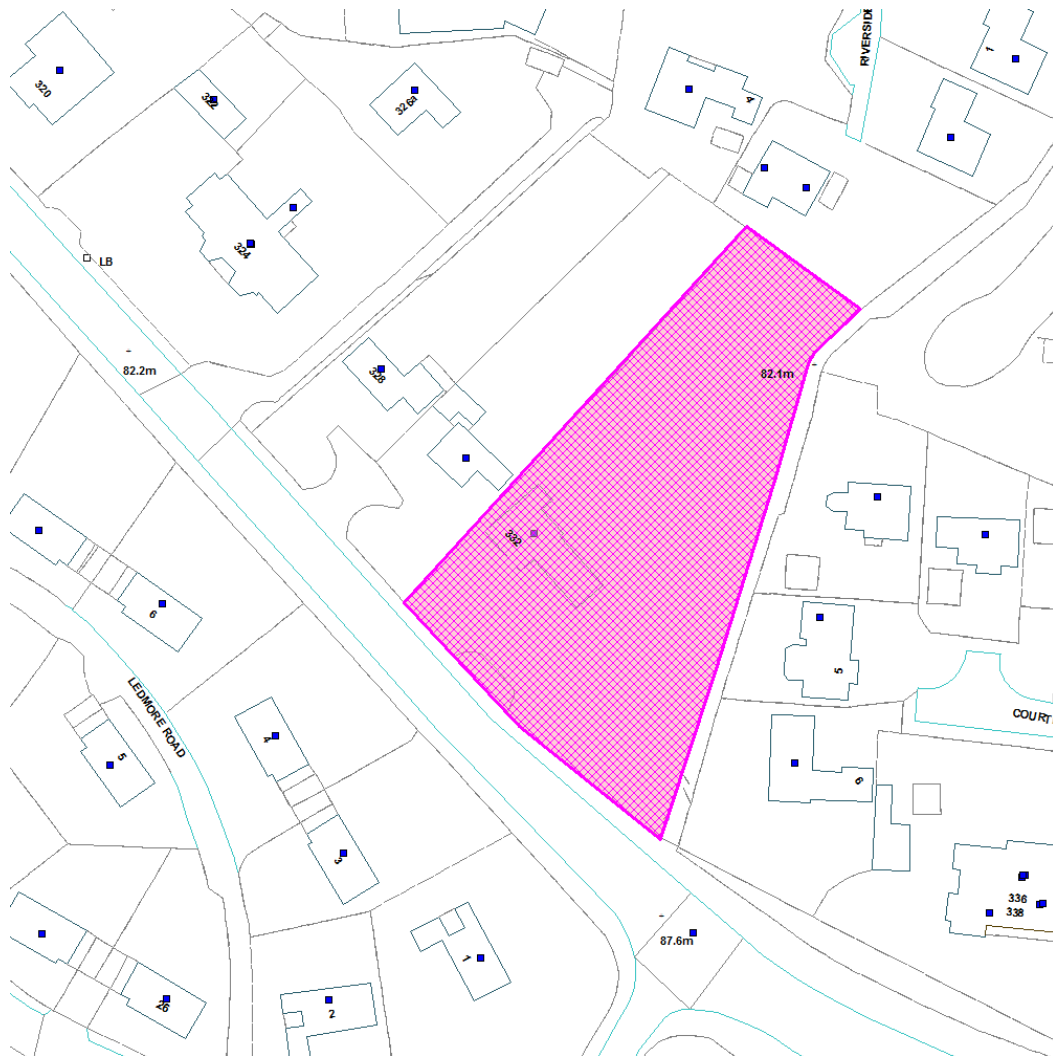


APPLICATION NO: 16/01203/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 12th July 2016		DATE OF EXPIRY: 6th September 2016
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr & Mrs N Jobson	
AGENT:	Void Projects	
LOCATION:	332 London Road, Charlton Kings, Cheltenham	
PROPOSAL:	Single storey rear extension and new detached annexe building to side (resubmission of withdrawn application ref. 16/00776/FUL)	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a detached dwelling located on the northern side of London Road within the Principal Urban Area (PUA). The property sits within a substantial, irregular shaped plot and has been significantly extended in recent years.
- 1.2 A public footpath runs alongside the site to the east with residential properties in Courtfield Drive beyond. To the north and west the site is bounded by residential properties in Riverside Close and London Road, with residential properties in Ledmore Road backing onto the London Road opposite the site. Property types in the area vary but the majority of houses are two storeys and faced in brick or render with hipped and pitched tiled roofs.
- 1.3 Two trees at the front of the site adjacent to London Road, a Copper Beech and Lime, have recently been subject to a Tree Preservation Order (TPO) due to their high amenity value.
- 1.4 The application is seeking planning permission for the erection of a single storey rear extension to the existing property and the erection of a new detached annexe building to the side.
- 1.5 The application has been submitted following the recent withdrawal of two previous applications; one for the erection of a chalet bungalow in this location and, more recently, an application for the same development as that now proposed.
- 1.6 The application is before the planning committee at the request of Cllr Paul McCloskey to enable the application to be determined by the committee. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

CB18058/00	26th March 1987	PERMIT
Erection of two storey side extension		
04/00839/FUL	21st June 2004	PERMIT
Conservatory		
11/01874/FUL	29th February 2012	PERMIT
Two storey side extension and single storey front extension		
12/00824/FUL	1st August 2012	PERMIT
Extension, alterations and erection of a detached garage		
12/01729/AMEND	29th November 2012	PERMIT
Non-material amendment to planning permission 12/00824/FUL to add a canopy to porch		
15/01321/FUL	25th August 2015	WITHDRAWN
Erection of chalet bungalow (on land adjacent to 332 London Rd)		
16/00776/FUL	6th July 2016	WITHDRAWN
Single storey rear extension and new detached annexe building to side		

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
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)
Residential Alterations and Extensions (2008)
Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

GCC Highways Development Management

25th July 2016

I refer to the above planning application received on 20th July 2016. 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.

GCC Highways Development Management

5th September 2016

On the basis that the application is for as annex and stated in the D&A statement as subsidiary to the existing dwelling I would consider there to be no notable intensification in use of the site and access, and recommend a condition that is ancillary.

If it is considered the proposal to be for a new self-contained dwelling that will operate independently, then I would recommend re-consultation with the applicant to apply for the appropriate permission which we can provide further comments.

If a separate dwelling is applied evidence should be provided demonstrating suitable access visibility splays either based on recorded speeds from DMRB 22/81 compliant surveys or splays based on speed limits of 2.4m x 120m are provided according to Manual for Gloucestershire Streets and Manual for Streets Guidance can be provided/maintained which currently is unclear. Internally sufficient space is considered available for parking / turning for an additional dwelling if confirmed as such.

GCC Highways Development Management

5th September 2016

If it is now being determined as a separate dwelling and not an ancillary annex as per the documents then it would be considered on the grounds of an intensified shared access to require visibility standards to be demonstrated can be suitably met as per my previous email and shared access with width demonstrated for two-way passing of the associated regular vehicle types. According to the D&A statement the access is remaining unaltered apart from a new gate which is not illustrated on the block plan, but according to the design and access statement would be positioned further back than the previous arrangement and realigned fences to improve visibility in both directions. It is considered sufficient width

could be provided for two-way shared access, with gates set back suitably for vehicles to stop clear of the carriageway.

Based on limited information currently submitted it appears 2.4m x 120m visibility splays particularly to the southeast may be unattainable and restricted by third party land/boundaries, however further evidence based on recorded speeds may illustrate suitable visibility can be attained. However currently I have insufficient evidence demonstrating suitable visibility splays can be provided and maintained for a shared access if being determined as a separate dwelling.

Tree Officer

3rd August 2016

The Tree Section objects to this application, and it is disappointing that the comments the Tree Section made in previous applications (15/01321/FUL and 16/00776/FUL) have been ignored. No information has been submitted to show how the trees on site will be protected during and after construction. Following the first application the Tree Section put a Tree Preservation Order on the Copper Beech and Lime adjacent to London Road as the trees have high amenity value and they are important features in the location. If the development was not carried out sensitively it would have a negative impact on these significant trees.

If there is to be another application it is important that an Arboricultural Report to BS5837:2012 is submitted right from the start. The report must have a method statement showing how the trees on site will be protected during and after the development.

Revised Comments

6th September 2016

The Tree Section has no objections with this application, if permission is granted please use the following conditions:

1) 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.

2) All service runs shall fall outside the Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

3) 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.

4) Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference TKC Ref: 36.24 and the Tree Protection Plan Drawing Number 36.24.02 dated September 2016. The tree protection shall be erected/installed,

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) Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Parish Council

9th August 2016

No Objection, but comment: We note the Tree Officer's continuing frustration with the absence of a tree assessment and we agree with his comments.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 12 neighbouring properties. In response to the publicity, seven representations have been received; 4 in objection and 3 in support. The representations have been circulated in full to Members but, in brief, the objections relate to:

- Overdevelopment
- Visual impact/out of character
- Loss of trees
- Highway safety
- Loss of privacy

5.2 The letters received in support of the application generally suggest that the site is large enough to accommodate the annexe; there is a varied mix of house styles in the area; and the building would appear as an attractive and interesting addition.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are the principle of the proposed development, design and layout, impact on the amenity of neighbouring properties, and highway safety.

6.2 Principle of development

6.2.1 Annexe accommodation is normally expected to have some dependency on the host dwelling; however, this application proposes the erection of a detached building which would have no reliance on the existing property and is tantamount to a separate dwelling. The new building would accommodate a large living/dining room, kitchen, separate utility, two bedrooms, large family bathroom, WC, and raised patio to the rear.

6.2.2 Whilst the Design and Access Statement states that the proposed building would be used by family members or guests, it would be very difficult to prevent its independent occupation even by way of a condition; no information has been submitted in relation to

the family circumstances. Furthermore, if permitted, any future application to subdivide the plot would be difficult to resist. Additionally, there would be no realistic opportunity to integrate the building into the host dwelling at a later date. The proposal should therefore be determined on the basis of a new dwelling.

6.2.3 In this respect, 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. 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.

6.2.4 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 NPPF policies as a whole, or specific NPPF policies indicate that development should be restricted.

6.2.5 In addition to the above, paragraph 53 of the NPPF suggests that local planning authorities should set 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.

6.2.6 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.

6.2.7 In this instance, the application site is located within the built up area of Cheltenham in a sustainable location and therefore there is no fundamental reason to suggest that the principle of developing this site for a single dwelling is unacceptable, subject to other material considerations set out below.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to be a high standard of architectural design and to complement and respect neighbouring development. Additionally, part 7 of the NPPF highlights the need to secure high quality and inclusive design for all development.

6.3.2 The application proposes a substantial detached building with a floor area of some 91.550m². The building would be located alongside the host building on higher ground albeit nominally set back from its principal elevation. As previously mentioned, the existing dwelling has been significantly extended to the side in recent years, and as a result, a gap of just 3m would be maintained between the new building and the existing dwelling, whilst to the rear, the building would be within approximately 2m of the side boundary, requiring part of the existing hedge screen to be removed. Officers therefore consider that the building would appear shoehorned into the site despite the generous overall site area.

6.3.3 The Design and Access Statement makes reference to a detached double garage granted planning permission in this location in 2012, which remains extant; however, the approved garage was considerably smaller with a footprint of approximately 36m², and was traditional in form with rendered elevations and a hipped tiled roof. As such, the approved garage would have read as an appropriately scaled ancillary building to the host dwelling.

6.3.4 The detached building now proposed would be clad in timber and stained to match the grey/green render of the existing dwelling, with a grey brick plinth and dark grey windows and doors, resulting a 'barn' like appearance. Half of the building would have a pitched tiled roof whilst, in order to reduce the overall scale and massing of the building, the other half would have a dark grey, almost flat roof. Officers consider such a design approach to be wholly inappropriate in this location, and this view was shared by the Architects Panel who previously commented "*The panel questioned the need for such a large annexe on this site and considered the proposal more like a separate dwelling. The design was not considered appropriate for its location*". The resultant building would be completely at odds with surrounding development, appearing as an incongruous addition within the locality, thereby failing to accord with the requirements of local plan policy CP7, the garden land SPD, and the general design advice set out within the NPPF.

6.3.5 The single storey 'orangery' style extension to the rear of the existing dwelling, whilst a sizeable further addition to the original dwelling is considered, on balance, to be acceptable.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 The neighbouring properties that would be most affected by the erection of the new detached building would be nos. 5 & 6 Courtfield Drive; at its closest point, the building would be approximately 12m from the rear of no.5. However, whilst the building would undoubtedly be seen from these neighbouring properties, given its single storey form, it is not considered that any impact on the amenity of these adjoining land users would be so significant as to warrant a refusal of planning on these grounds. Indeed a letter of support has been received from the current owner/occupiers of no.5 Courtfield Drive. The proposal would not result in any loss of privacy or overlooking.

6.4.3 In addition, the single rear extension to the existing property would not result in any harm to neighbouring amenity.

6.5 Trees

6.5.1 Local plan policy GE6 (trees and development) advises that development which would cause permanent damage to trees of high value will not be permitted.

6.5.2 As previously stated, two trees at the front of the site adjacent to London Road, a Copper Beech and Lime, have recently been subject to a Tree Preservation Order (TPO) due to their high amenity value.

6.5.3 As originally submitted, the application failed to provide sufficient detail relating to the protection of these trees during and after the construction, despite this information having been previously requested by the Tree Officer.

6.5.4 During the course of the application, a full Arboricultural Survey, Impact Assessment and Method Statement has now been forwarded. In response, the Tree Officer has lifted their objection to the proposal subject to a number of conditions being imposed should permission be granted.

6.6 Access and highway issues

6.6.1 Local plan policy TP1 (development and highway safety) sets out that development will not be permitted where it would endanger highway safety by altering or increasing the use of an existing access on to the main highway network.

6.6.2 The application proposes alterations to the existing access to include the realignment of the existing close boarded fence and the provision of new gates set back from the carriageway. The proposal also includes an extended driveway to provide additional car parking within the site.

6.6.3 The GCC Highways Development Management Team have reviewed the proposal and suggest that if the proposed building is considered to be an annexe, then subject to a condition that is it ancillary to the existing dwelling, no Highway objection is raised.

6.6.4 However, if it is considered to be a separate dwelling, and members are advised that it should be, then it would need to be considered on the grounds of an intensified shared access and adequate visibility standards would need to be demonstrated. Currently, insufficient evidence to show that suitable visibility splays can be provided is available, and as it stands, the Highways Officer suggests that adequate visibility southeast may be unattainable.

6.7 Conclusion and recommendation

6.7.1 Whilst the application seeks permission for an annexe, the proposed building would be wholly self-contained with no reliance on the existing property, and is tantamount to a separate dwelling; the proposal should therefore be determined on this basis.

6.7.2 In this instance, the application site is located within the built up area of Cheltenham in a sustainable location and therefore there is no fundamental reason to suggest that the principle of developing this site for a single dwelling is unacceptable. However, the massing, scale, footprint and design of the proposal in this location, in combination with the substantial previous extensions to the existing dwelling, would result in a building which would appear shoehorned into the site and completely at odds with surrounding development, thereby appearing as an incongruous addition within the locality, contrary to the requirements of local plan policy CP7, the garden land SPD, and the general design advice set out within the NPPF.

6.7.3 Officers consider that there may be scope to achieve annexed accommodation within a modestly scaled single storey extension to the existing building as such a proposal could more reasonably be re-incorporated into the host dwelling in the future. Alternatively, if the applicant wishes to pursue the provision of a detached dwelling in this location, officers feel that it would be necessary to remove some, if not all, of the recent extension, and that a more traditional design approach should be undertaken.

6.7.4 With all of the above in mind, the recommendation is to refuse planning permission for the following reasons:

7. REFUSAL REASONS

- 1 The proposal represents an unacceptable overdevelopment of the site that fails to adequately respond to its context.

The proposed detached building, by virtue of its scale, mass, bulk, footprint and overall design would appear shoehorned into the site and read as an incongruous addition to the locality, at odds with the surrounding development.

Accordingly, the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006), advice contained within the Council's adopted SPD on 'Development on garden land and infill sites in Cheltenham' (2009) and guidance set out within the NPPF, particularly in Section 7 - Requiring good design.

- 2 Insufficient information has been submitted to enable the Local Planning Authority to demonstrate that suitable visibility splays can be provided so as to satisfactorily determine the highway safety implications associated with the proposed development.

Accordingly, in the absence of such information, the proposal fails to meet the requirements of Local Plan Policy TP1 (parking and highway safety) and national guidance set out within the NPPF at Section 4.

INFORMATIVE

- 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 reasons for refusal set out above.

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