

APPLICATION NO: 16/01794/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 4th October 2016		DATE OF EXPIRY : 29th November 2016
WARD: College		PARISH:
APPLICANT:	Mr M Gough	
LOCATION:	1 Sandford Court, Humphris Place, Cheltenham	
PROPOSAL:	Erection of two trellis fence panels adjacent to patio (retrospective)	

REPRESENTATIONS

Number of contributors	31
Number of objections	30
Number of representations	0
Number of supporting	1

1 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 7th November 2016

I strongly object to this retrospective application. Not only does it contravene Section 2 of the the Estate Regulations which state 'No structures, temporary or otherwise to be erected on communal areas', it is extremely arrogant and totally disregards the rights of the residents of Thirlestaine Development. Thirlestaine Development is a carefully designed development to allow all residents unfettered access to all communal areas. If this application is approved a precedent will have been set to allow any resident to apply to build any structure on communal areas.

This unauthorised fence gives the impression that the rear of No. 1 Sandford Court is private land which it certainly is not.!

I strongly feel that this application be rejected in fairness to all residents of Thirlestaine Development.

7 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 15th October 2016

This is common community land, and it is completely unreasonable for an owner to fence it off and use it as if private land.

The retrospective application displays a lack of courtesy and consideration for other residents. If there are rules in place, we should all abide by them. To ignore them, and then apply retrospectively to the council for planning consent is incredibly discourteous.

This is not a free for all land grab development. And for the council to condone this kind of behaviour would be to encourage similar disagreeable behaviour.

13 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 27th October 2016

The Lattice Fence for which Planning Permission is sought clearly contravenes Estate Regulations which states "that no structure, temporary or otherwise, is to be erected on Communal Areas". I, in common with most residents, accepted these regulations in the belief that they would protect our enjoyment of Thirlestaine Park. To allow these regulations to be flouted creates a dangerous precedent and I therefore urge you to reject this application.

21 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 7th November 2016

I object to the retrospective planning application for existing trellis panels on the grounds that it would breach the communal rights of all owners and establish a precedent for similar applications in future.

27 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 25th October 2016

I object to the retrospective planning application for the erection of two trellis fence panels to the rear of 1 Sandford Court. This goes against the Estate Regulations, which all owners signed upon purchase, which states that no structures or otherwise to be erected in common areas. All residents of the Thirlestaine development contribute towards the cost of maintaining the carefully designed landscaped grounds for everyone to enjoy. Approval of this structure, would set a precedent for future structures to be erected in other communal areas.

16 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 17th October 2016

The fencing erected is visually unacceptable and contravenes the provision of communal space. The fence has been erected solely to change the original purpose of the space (communal garden) to that of private use for the owners of No1 Sandford Court.

This development has been landscaped and built to very high standards, the visual impact being very impressive.

Should owners be allowed, without planning, to erect their own constructions, then we leave ourselves open to Garden sheds, summerhouses, garages and all manner of private purchases. Control and consideration of others is required.

Comments: 25th October 2016

As the owner also of No 4 Sandford Court, I object on behalf of this property also as the Fencing and planting is both visually (as our apartment looks down directly on the fence) and on the grounds of it contravening the Communal landscaping controls and gardening that attracted us to the development originally.

13 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 31st October 2016

NONE GIVEN

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 23rd October 2016

I object to the erection of two fence panels at the rear of 1, Sandford Court.

The panels stand on communal land over which I have right of way and whose upkeep and maintenance is funded by all the residents including myself. If this permission is allowed I fear that it will set a precedent which could lead to further erosion of my rights.

25 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 18th October 2016

Email attached.

8 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 17th October 2016

Letter attached.

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 18th October 2016

The application contravenes the lease agreement for this listed development which states that no structure permanent or temporary shall be erected on communal areas.

Further this structure give the impression of a private area in what is a communal area to be enjoyed by all residents living in Thirlestaine Park and as such restricts its communal use.

25 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

This retrospective application has been made as the development contravenes the Freeholders covenants in respect of the land. This is in fact a right of way for all residents on the Thirlestaine Park development. If permitted it may open the floodgates for similar applications the results of which could be detrimental to the expected standards of the whole development.

3 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 23rd October 2016

We object to the Planning Application for retrospective permission for a trellis fence. The fence has been erected on common space owned by all residents of this development and is a clear breach of the lease conditions to which all occupiers agreed to comply when purchasing the property.

This is a prestigious site about which the Council Planning Officers took great care when agreeing the development brief - it would seem contrary for the Council to now allow haphazard development.

6 Sandford Court
Humphris Road
Cheltenham

Comments: 28th October 2016

Letter attached.

14 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

This fence is on communal land to which all residents of the Thirlestaine Park development (Sandford Court, Regency House and Cedar Court) have right of way and to enjoy under the estate rules, and for which we all pay for upkeep. The erection of this fence prevents me from accessing and enjoying the communal garden and infringes on my rights. Granting retrospective planning permission would also set a precedent which could lead to further erosion of my rights.

28 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 26th October 2016

This retrospective application has been made because the fences contravene the Freeholders covenants in respect of restricting any such work on the land. This area is in fact a right of way for all residents on the Thirlestaine Park development and thereby the fences restrict such access. If permitted it may well constitute a precedent for similar applications, the results of which could be detrimental to the expected standards of the whole development. I therefore strongly appose this application

2 Hayman Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 9FD

Comments: 25th October 2016

I am the owner of flat 26, Sandford Court. The rear windows of the flat look down on the communal area on which the trellis has been built.

I wish to object to the erection of the trellis in question, as it is on a communal area at the rear of Sandford Court intended for the common enjoyment of all residents of the estate. The area is becoming increasingly 'privatised' by this and other fences, which restrict the circulation of residents around the rear of Sandford Court, encourage ground floor residents to carry out private planting and impede the work of the maintenance services which look after the communal areas.

This trellis was not in the plans for the estate when the properties were first offered for sale, which promised free access to all communal areas by all residents.

10 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

These fences are in contravention of covenants, and would deny residents' Rights of Way within Thirlestaine Park, thus should be rejected.

16 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 25th October 2016

The erection of the fence has negatively impacted on the provision of the communal gardens, which was for our use and pleasure as owners of an apartment in Sandford Court. It has been erected making an area solely for the use of number 1 Sandford Court. It was erected with no consultation or consideration to other residents. Allowing this fence to stay leaves it open to other residents to change the whole dynamics of this exclusive development.

Comments: 25th October 2016

AS OWNER OF NO. 4

The erection of this fencing, without any consultation of neighbours has impacted dramatically on apartment number 4. Both the living room and bedroom at number 4 overlook the patio of number 1 and the 6 foot fence. It has destroyed the outlook into the communal gardens originally provided.

24 Medina Villas
Hove
Brighton
BN3 2RN

Comments: 31st October 2016

The application is inherently flawed as the applicant has no legal title or ownership rights to the land on which the trellis panels have been erected.

The application is an attempt to bypass the Estate Regulations which ban structure on communal areas and should therefore be declined.

1 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 27th October 2016

I object to the planning application for the erection of two trellis fence panels to the rear of 1 Sandford Court. This goes against the Estate Regulations, which all owners signed upon purchase, which states that no structures or otherwise to be erected in common areas. All residents of the Thirlestaine development contribute towards the cost of maintaining the landscaped grounds for everyone to enjoy. Approval of this structure, would set a precedent for future structures to be erected in other communal areas.

15 Sandford Court
Humphris Place
Cheltenham
GL53 7FA

Comments: 28th October 2016

I own flat 15 which overlooks the unauthorised development and object to the retrospective application for planning permission.

The fence has a considerable detrimental visual impact to the flats close by and is at odds with the aesthetics of the communal land which the owners have appropriated and made 'private'. The 'open' aspect of the gardens, as viewed from my flat, is considerably closed down by the erection of the fence.

The partitioning of the area with the trellis fencing would indicate (to those who do not know) that the area is private and for the sole use of Flat 1. This is not the case - the area is common land owned by all residents - and access to this land by all is now restricted - when in fact all have the right to use it freely within the terms of their leases.

The Sandford Court development has a Grade 2 curtilage listing and as such is subject to stringent restrictions and obligations as those of a listed building. To retrospectively grant permission for the fence would set a precedent that would indicate that all manner of fences, sheds and other buildings can be put on site. This would have a detrimental visual impact on a historic site. The lease restrictions that exist state quite clearly that "No structures temporary or otherwise to be erected on communal areas". The leaseholders of the flat would have known this when they purchased the flat and when they erected the fence.

For the above reasons I object to the granting of retrospective planning permission.

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 18th October 2016

The erection of the trellis fence divides what should be an open communal area of garden designed for the enjoyment of all residents.

6 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 28th October 2016

As a Neighbour in an apartment above, our visual amenity has been seriously degraded by these 6 foot high fence panels. They are simply not in harmony with the open plan vision of the rest of this prestigious development. The Fencing blocks our view to part of the communal area so that we are now looking at a high fence rather than the planting that we previously could see.

Sadly, contrary to the application form, existing planting which in time would have grown into hedging was removed by the applicants to make way for the fencing. (before and after photos to follow by email).

We are very concerned that if permission was given for this fencing it would set a precedent that other like-minded owners would follow and effectively degrade what should be a properly planned communal area and turn it into a hotchpotch of 'private' plots.

7 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 21st October 2016

The erection of the fences in question is a clear breach of the terms of the leasehold for this development and the application should be rejected.

11 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 22nd October 2016

I object to the erection of the two trellis fence panels adjacent to patio, because although the owner has sole use of the patio the external areas of the development are for the enjoyment of all the residents. The Estate Covenants, which all the owners signed on purchase, preclude the erection of any structure.

Allowing this fencing would set a precedent, which would encourage others to follow suit. The fences would also obstruct access for the emergency services.

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 23rd October 2016

I am strongly against the erection of fences/panels to divide off areas of communal land. All the residents of the entire Thirlestaine development contribute towards the cost of landscaping this historic and beautiful area and have access over it. All the apartments were bought in the knowledge that the land and the views can be enjoyed by those who live here and that we all have right of way including to the rear of Sandford Court. If approved this will set a precedent for other structures to be erected contravening the rules governing the development.

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 13th October 2016

I wish to register my objection to the planning application for the lattice fence at the rear of Sandford Court. Not only is this a breach of the Estate Rules but it would set a precedent by encouraging the erection of structures on our common area and the fences should never have been erected in the first place.

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 13th October 2016

I strongly object to this planning proposal as the fences in question intrude to a common area on this unique development and is also against the Estate Regulations which states 'that no structures or otherwise to be are erected in common areas'.

To approve this retrospective application is to invite any other owners to erect structures anywhere else in the common area and thereby depriving the other owners of their enjoyment of the legally owned open spaces as well as creating a dangerous precedent.

The Haven
Cheltenham Road
Sedgeberrow
Evesham
WR11 7UJ

Comments: 11th October 2016

I represent The John Hicks Will Trust which owns 24 Sandford Court.

This application contravenes Section 2 of the Estate Regulations for the leasehold. Approval of this application would affect the use of community areas of the estate and could lead to further applications that would erode occupants rights in the future.

Judith Baker

From: Gary Dickens
Sent: 18 October 2016 11:48
To: Internet - Planning Comments
Subject: FW: Lattice fencing application 16/01794/FUL



-----Original Message-----



Sent: 18 October 2016 11:39
To: Gary Dickens
Cc: Klara.Sudbury@gloucestershire.gov.uk
Subject: Lattice fencing application 16/01794/FUL

Dear Gary Dickens,

As the officer dealing with planning application....16/01794/FUL

I am unfortunately not able to access the council web site owing to being out of the U.K. at the moment so am writing to you directly to register my opinion in this email to your office.

I strongly request C.C.Planning to turn down the retrospective application for this lattice fence.

The lattice fencing visually gives the impression that the area to the side is private to number 1 Sandford Court, this it is not.

The leasehold documentation states that the patio area owner has sole use of the patio, but does not own the patio or the planted area.

The fencing is within the curtilage of a grade 2 listed building 'Thirlestaine Hall ' and is not in keeping with a development of this status.

This if allowed would then allow other owners / residents to erect other inappropriate structures.

The tenants use this area as a entrance to the property causing noise and disturbance to residents and unexceptable damage to the common area.

It also contravenes the Estate Regulations sec 2, which states:
No Structures, Temporarily or Otherwise to be erected upon communal areas.

The fencing sits on common area land and planting has been removed to erect the fencing. This planting is common area planting and owned by all owners.

For these reasons, I strongly object to this fencing.

Kind regards.



25 Sandford Court, Thirlestaine.

Judith Baker

From: Gary Dickens
Sent: 18 October 2016 11:59
To: Internet - Planning Comments
Subject: FW: Thirlestaine



-----Original Message-----



Sent: 18 October 2016 11:54
To: Gary Dickens
Cc: Klara.Sudbury@gloucestershire.gov.uk; Councillor Garth Barnes
Subject: Thirlestaine

Ref: Planning Application number 16/01794/FUL Retrospective permission for the erection of 2 trellis fence panels at 1 Sandford Court, Humphris Place, Cheltenham GL53 7FA Case officer Mr Gary Dickens

Dear Mr Dickens

I write to object to the above planning application for retrospective permission.

The trellis fence has been erected on common area land owned by all the residents of the development known as Thirlestaine and the existing planting has been removed.

The owners of the apartments in Sandford Court do not own the patio or balcony of their apartment, which are for the sole use of the residents of that apartment. The lease has restrictions as to use and what can be put on the patios and balconies, and states that No structures are to be erected upon communal areas. The development has been sold as an open plan area and the people that buy or rent have to accept that this is the status of Thirlestaine.

Owners at Thirlestaine have serious worries that if the planning permission for the lattice fence is allowed for No.1 Sandford Court on privacy, that it will set a precedence for all those with patios to apply to the Council for fences and all those with balconies to apply for privacy screening. The result will be absolutely disastrous for Thirlestaine and the curtilage of the Grade 2 listed Hall.


This trellis fence suggests that the area within it is privately owned and the fact that they have added their own planting enforces this misconception to those who do not know the actual situation of ownership. They do not and never can own this land.

Common area land belongs to all the Thirlestaine owners who also pay to maintain it, giving the right to use it freely within the constraints of the lease.

The lattice fence is seen by many and noticeably closes down the outlook at that end of the Sandford building especially for those apartments above.

I respectfully ask the Council Planning department to refuse this retrospective planning application.

Yours sincerely





8 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

15.10.16

The Cheltenham Borough Council Planning Department
Municipal Offices
The Promenade
Cheltenham
GL50 9SA

Dear Sir/Madam

Reference: Planning application
#1 - 16_01794_FUL_APPLICATIONFORM_763567

I am writing to register my objection to the retrospective planning application with the above reference number for a Lattice Fence at the rear of Sandford Court, Humphris Place, Cheltenham. There has never been any official approval for this fence as it was erected without planning permission in the first place and it also intrudes into our common area on the Thirlestaine site.

To allow it to proceed would detrimentally effect our common space by encouraging other owners to erect their own structures in these areas which is also against the estate regulations for this development.

Yours sincerely



----- Original message -----

From: [REDACTED]
Date: 28/10/2016 11:47 (GMT+00:00)
To: [REDACTED]
Subject: Fw: lattice fencing

Dear Mr Dickens

I would like to register my objection to planning proposal 16/01794/FUL Erection of Trellis Fence Panels.

When we moved in to our apartment we were able to enjoy looking at planting/shrubs planted as part of the approved landscape plan. The applicants have removed these plants, which would have grown into attractive hedging. Please see attached 'before and after' photos showing this area before the ugly fence panels were erected.

This is not in keeping with the development, and the owners have continued with personal planting, climbing plants etc. in land that does not belong to them.

Our visual amenity has been seriously degraded by these fence panels which are not in sympathy with the rest of the development. The Fencing blocks our view to another part of the communal area so that we are now looking at a high fence rather than the planting that we previously could see.

The date of the erection of the fence on the application form is incorrect, the fencing was actually erected at the end of August 2015.

Yours Sincerely

[REDACTED]

6 Sandford Court



