

APPLICATION NO: 16/01907/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 29th October 2016	DATE OF EXPIRY : 27th January 2016
WARD: College	PARISH:
APPLICANT:	Berkeley Homes (Oxford And Chiltern) Ltd
LOCATION:	Sandford Court Humphris Place Cheltenham
PROPOSAL:	Erection of two picket fences adjacent to patios (retrospective)

REPRESENTATIONS

Number of contributors	25
Number of objections	24
Number of representations	0
Number of supporting	1

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 31st October 2016

I wish to object to the retrospective application for picket fencing at the rear of Sandford Court. These fences create the impression of a private garden in what is supposed to be an open space for the enjoyment of all owners. It also contravenes the estate regulation. We urge consideration of a more sympathetic design in keeping with the high standard of this development.

25 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 9th November 2016

Letter attached.

25 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 31st October 2016

The area is a common area accessible to all residents on the Thirlestaine Park estate. I am in favour of a more sympathetic design more in keeping with the standards in keeping with the overall development.

15 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 13th November 2016

I wish to object to this retrospective planning application.

1. Amenity grounds: the fence has been erected on communal land over which I have right of way and which I contribute towards the upkeep of. It impedes access and gives the impression that the land has been appropriated/belongs to the flat adjacent to the land which has been enclosed. The amenity is thus compromised.
2. Visual impact. The picket fence was erected as a temporary measure (hence no planning permission by builders initially and not removed). It is not in keeping with the aesthetics of the whole site and has a detrimental impact when looked at from ground level and from my flat which looks down on the ground. It detracts from and is not in keeping with the open plan landscaping of the rest of the site which is available for use by all residents. It looks like a tiny private enclosure which is out of scale with the rest of the landscaping. The fence itself is not attractive or in keeping with the Grade II listed adjacent building

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 31st October 2016

My objection to this second retrospective application for picket fences is based on the same grounds I objected to the first application for a lattice fence.

All these fences intrude into the Common and Open Spaces which are protected by the estate regulations and serve only to encourage others to break these rules to the detriment of all owners and right to move freely in these essential Open Spaces.

We urge that consideration be given instead to encouraging a more open design in keeping with the aesthetics of this special site.

Comments: 29th March 2017

The current scheme is not compatible or sympathetic with the remainder of the historic site which has generally been finished off to a very high standard. Fencing always indicates privacy and obstruction and the effect of this to inhibit free access on what is a common area. Planting could be done to demarcate the height differences and all fencing could be removed. Some landscaping would also allow for the height differences to be removed and generally sloped and aligned to create a more welcoming approach.

21 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 7th November 2016

I object to the retrospective planning application for two picket fences as approval would set a bad precedent and the open area would be compromised.

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 3rd November 2016

All the inhabitants of this Thirlestaine development have right of way around the grounds and there should be no structures such as these picket fences obstructing the area at the back of Sandford Court. We bought our property from Berkeley on this understanding.

The rear of Sandford is to be planted up with new plants and shrubs which we with the other inhabitants would like to enjoy.

These fences are obstructing open plan gardens apart from being out of character. They were only ever meant to be temporary to keep people away from the building which was going on. Please don't allow these fences.

Comments: 6th April 2017

There is no purpose in having the land divided up like this. Berkeley would say that it's to solve the problem of the different levels but they should come and finish the job properly. Landscape the area perhaps with a couple of slopes and handrails. The revised plan is inaccurate and shows the proposed fences/ hedges butting up to the flowerbeds.

We were promised open plan areas similar to the rest of Thirlestaine Park and all pay to maintain the area. New plants are being planted soon and we would all like to enjoy the scenery.

13 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 14th November 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.

24 Medina Villas
Hove
BN3 2RN

Comments: 23rd November 2016

The picket fences have been erected by the developer on communal land without planning consent, presumably as a temporary arrangement during the marketing process. They are not in compliance with the estate regulations, have no durability, and should be removed.

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 15th November 2016

I object to the planning application.

The picket fences were only put up as a 'temporary ' measure during the construction period of the development.

The open plan gardens to the rear of Sandford Court are for all residents to enjoy and these fences restrict that.

Comments: 29th March 2017

I wish to object to the picket fences remaining in the garden. These fences give the impression that this area of the garden is for the private use of the ground floor flats, The residents of the upper floor apartments are made to feel that they are intruding into an area that was meant to be accessible to all.

Obscure glass has been used on the balconies and ground floor patio areas of the other apartments. Surely this would be more in keeping with the open plan design of the rest of the development.

Berkeley Homes seem to have rushed off site without giving this area any thought in fact there is still further landscaping to be done. Let this be an opportunity to get it finished properly so that residents can finally enjoy what will be their 3rd summer here.

14 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 3rd November 2016

This area of garden behind Sandford Court is common property for all Thirlestaine Park residents. The existing fences essentially restrict usage to just those ground floor owners adjacent to the garden and give the impression they are private gardens for only those few units and deny access to all other residents, who pay for their upkeep as part of their service charges and are fully entitled to enjoy them. Erection of fences such as these is also specifically forbidden under the estate rules in our Leases. I would strongly recommend you do not allow retrospective planning permission and instead require their removal, in order that these quiet rear gardens can be enjoyed by all residents as was originally intended (and which was our understanding when we purchased).

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 15th November 2016

The structures are of a temporary nature and they close off an area that is intended to be communal and as such does not offer an environment that is inviting for others to enjoy as intended.

Comments: 29th March 2017

The proposed picket fencing and hedging is not in keeping with the rest of the development and a more appropriate design reflecting the other patio areas should be adopted.

Correct landscaping of the area could remove the steps allowing for a gradual fall negating the need for the hedging requiring screening at the sides of the patios areas only.

This would provide a more open design enhancing the area for its intended communal use.

4 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 15th November 2016

I object to the application on two grounds:

1. The area on which the erection of fences is proposed is common ground to all residents and as such should be kept free of any encumbrance
2. The style of the proposed work is not appropriate to the quality of the buildings in the curtilage of a Grade II site

10 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 31st October 2016

I object on the grounds that these picket fences contravene covenants that enable right of access to residents of Thirlestaine Par.

Comments: 29th March 2017

All residents of Thirlestaine Park pay an Estate Charge which includes the maintenance of all communal areas which can then be enjoyed without restrictions caused by fencing. Whilst the impact of these structures is felt most by the residents of the upper floors of Sandford House, we all see them as restricting freedom of access as enshrined in our leases. Planning permission should be refused and the structures removed.

11 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 5th November 2016

As owners of apartments on the Thirlestaine Hall development we do not own the patio areas adjoining our properties, although we do have the sole use of them. There are specific Covenants which detail what we are and are not allowed to do with them in order to protect the rights of the other apartment owners. To allow individuals to erect picket fencing contravenes the Covenants and is not in the spirit of the development.

7 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 8th November 2016

The offending fences were erected by the Developer(Berkeley) to restrict access whilst developing the site; they should have been removed when they left the site. Giving retrospective approval will probably lead to other applications for similar fences in an area which has a rights of way.

2 Hayman Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 9FD

Comments: 17th November 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 two picket fences have been built.

I wish to object to the erection of the picket fences, as they are on a communal area at the rear of Sandford Court intended for the common enjoyment of all residents of the Thirlestaine estate. Although the fences are described as 'adjacent' to the patios on the ground floor of Sandford Court they stretch across the communal area to within a few feet of the boundary fence of the estate, so that the only way to circulate behind Sanford Court is along the side of the boundary fence. The effect is to 'privatise' the area between the picket fences, which also encourages ground floor residents to carry out private planting and impedes the work of the maintenance services which look after the communal areas.

These fences were 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.

20 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 6th November 2016

The proposed design is inappropriate as it is not in keeping with the unique open plan aspect of the Thirlestaine development

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 10th November 2016

These fences serve no useful purpose and have been erected on communal land over which I have a right of way and for which I and other residents on the development are obliged to pay an annual fee for its upkeep and maintenance.

6 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 20th November 2016

Contrary to the lease, these fences have been erected on communal land over which all residents should have free access and right of way and to which we all contribute to the upkeep of.

The fences are not in keeping with the aesthetics of the open-plan landscaping of the rest of the site and have a detrimental visual impact when looked at from ground level and from my flat which looks down upon the area. They could also cause an obstruction in the event of emergency escape or rescue in the event of fire etc.

There is a huge pile of earth that rises 4 or 5 feet against the ancient brick wall behind Sandford Court which an imaginative landscaper could use to improve ground levels and render the abrupt log piling and fencing unnecessary. It would also take the stress off of this precious wall.

As a point of accuracy, the planning application states that the fencing went up in June 2016, when in fact one set of (temporary) fencing went up during the build in 2014 and the second set went up in May/June 2015 at completion.

13 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 31st October 2016

These picket fences act as a safety barrier. The desire to remove these by the committee shows a total disregard for the health and wellbeing especially for young children.

21 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 2nd April 2017

I wish to object to this retrospective planning application.

As an owner of one of the ground floor apartments directly affected by this proposal I agree that the current fencing is not in keeping with the rest of the development.

However if removed there must be something suitable put in their place as a health and safety issue would arise due to the level differences between the adjacent patios.

We look forward to the already promised planting of the new plants and shrubs which all neighbours could enjoy.

25 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 6th April 2017

Letter attached.

Comments: 2nd November 2016

OBJECTION

My intention of objecting to this application is to request a redesign incorporating materials used in other areas of the development i.e. Glass and steel and hedging these would enhance the developments design ethic.

These would be used where the existing fencing separates the levels at the side of the patio flagged areas.

In objecting to this application owners can open this space out to allow footfall flow access to all parts of this common area now restricted by the extended wood picket fencing.

All health and safety issues would be incorporated in a new design along with disability access.

This garden area is common area and open without restrictions to all residents.

A new design incorporating these suggestions and in keeping with this historic site should be presented to the council by Berkeley Developments.

27 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 17th November 2016

I object to the retrospective planning application for the erection of two picket fences to the rear of Sandford Court. These fences have been erected on communal land which the residents of the Thirlestaine development have right of way to and contribute towards the cost of maintaining. These fences were erected as a temporary measure while building was still going on. The materials used are not in keeping with the environment or quality of the development. The area needs to be carefully landscaped in keeping with other areas of the development for everyone to enjoy. Approval of these structures would set a precedent for future structures to be erected across other communal areas.

Comments: 6th April 2017

I object to this application and request a redesign using materials used in other areas of the development such as glass/steel/hedging. The type of fencing currently in place is not used anywhere else on the development and is not in keeping with the quality of materials and planting used.

The patios require separation due to the difference in levels but the fence/hedge should not extend beyond the patios over the grass.

I look forward to the promised planting and shrubs which should enhance this communal area.

3 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 13th December 2016

These fences are contrary to the lease and prohibit access to the grounds for all residents. All Owners/Leaseholders were aware of the planning obligations as laid down by Cheltenham Borough Council and the Council should now enforce its own standards.

From: [REDACTED]
Sent: 06 November 2016 09:05
To: Gary Dickens
Cc: Klara.Sudbury@gloucestershire.gov.uk; Councillor Garth Barnes
Subject: Objection 16/01907/FUL

OBJECTION.

Dear Mr Dickens

Please will you register my objection to the retrospective planning application number [16/01907/FUL](#)

The first third of Sandford Court housing numbers 21-28 at the Thirlestaine Hall end, and the stairwell providing access, was finished for occupation in November 2014. The other two thirds of Sandford was still a building site so Berkeley did a quick planting around this side and understandably erected the picket fence to prevent access onto the building site.

Following completion of the building, the rest of the land at the rear of Sandford was cleared in Spring/Summer of 2015 and instead of the first fence being dismantled and the whole area landscaped in a gentle slope as the expected open plan aspect, the second fence was erected by the contractors employed by Berkeley to complete the site.

The fact that Berkeley did not apply for planning permission for these fences suggests that the original picket fence was indeed intended to be temporary and the second presumably wasn't intended to be erected.

The standard of wood and materials used and the workmanship also suggests an intended temporary arrangement.



As you can clearly see, the fences are not in keeping with the environment or quality of the development.

They hinder access to the area that is common ground owned by all the Thirlestaine owners and who pay to maintain it.

The area needs to be sympathetically landscaped into a pleasant garden to provide an attractive outlook from the apartments, and with easy safe access to all residents.

I therefore ask the Council to reject this retrospective planning application for the two picket fences and give the opportunity to create an environment of a quality appropriate to the Thirlestaine development.


25 Sandford Court

Dear Gary Dickens,

Thank you for progressing the revised planning application number 16/01907/FUL. Berkeley developments failure to show a duty of care to owners and residents in not applying for planning consent for the picket fences is now fortunately being addressed by yourselves CBC.

In my opinion this latest application falls short in that the wooden picket fences are not in keeping with a development of this historical status within Cheltenham. There is no reference to this type of fencing within the area and a more enhanced design that incorporates the steel and opaque glass balcony areas throughout the development could be used at the two edges of the flagged patio areas.



Front balcony design.

The area at the front of Sandford Court has a gently sloped incline. This same degree of slope could be incorporated into the area at the rear of Sandford without the need for inappropriate hedging that will unnecessarily divide the grassed area and obstruct walkway flow access. By the use of a low imaginative planting scheme this could distinguish the slight drop in level by the posted areas, and negate the need for hedges and their maintenance costs.

Indeed the plan viewed appears to still show a stepped gap at the lower area, this is not disabled friendly and would presumably contravene building control regulations.
(See photo)



It's my suggestion that the Planning committee request that a more imaginative quality design be submitted from Berkeley developments. This area is of equal importance to Thirlestaine Hall and Old Bath Rd historical landscaped grounds and should be treated accordingly. The garden area to the rear of Sandford Court is part of the overall Thirlestaine estate grounds and as such belongs to the 60 properties within these grounds, and has to be freely and easily accessible and available for their use.



A prestigious multi million pound development of this status requires a redesign in keeping with the Thirlestaine historical site and is requested.

Kind regards

David G. G.

