

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		
AGENT:	No agent used		
LOCATION:	Sandford Court, Humphris Place, Cheltenham		
PROPOSAL:	Erection of two picket fences adjacent to patios (retrospective)		

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

- 1.2. The main issues in considering this application are the design of the proposal and the impact it will have on the wider development, specifically the communal gardens, and the impact on the neighbouring amenity.

1.3. The site and its context

- 1.4. The application site is part of a development which was granted approval by Planning Committee in 2012 and is within the curtilage of the grade II listed Thirlestaine Hall. The Officer's report for the development (ref: 12/00870/FUL) notes how the applicant was encouraged to retain the openness of the site.
- 1.5. Sandford Court lies to the west edge of the development, approximately 11m from the boundary. A communal garden area is located between Sandford Court and the boundary wall. Patio areas are located adjacent to the ground floor apartments and can be accessed via the french doors of these apartments. It is understood that the ground floor apartments do not own but have exclusive use of these patios.
- 1.6. Two picket fences are currently in place and stretch from the rear elevation of Sandford Court towards the boundary wall, protruding into the communal garden area. The total length of these measure 10m and 7m.
- 1.7. At the request of officers, revised plans were submitted shorting the length to the depth of the patio area, measuring approximately 5.5m and 4m. A 3m long hedge is then proposed at the end of each of the fences. This hedge does not require planning permission and is therefore not for consideration.

1.8. Design and layout

- 1.9. Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development and the character of the locality. In addition, alterations should avoid the unacceptable erosion of open space around the existing building.
- 1.10. The picket fence panels measure 1.1m in height, and are supported by 1.1m high wooden fence posts. The size, design and material are typical for this form of development. Arguably this structure could have a stronger design which would be more in keeping with the development as a whole. On balance however, the design is considered acceptable.

- 1.11. Careful consideration was given to the impact the two picket fences would have on the open space, particularly in light of points 1.4 and 1.9 above.
- 1.12. The extent to which the fence will extend into the open area of the garden has been reduced to what is now deemed to be acceptable. In Officers opinion, the fence will not have a detrimental impact on the flow of movement in the communal garden.
- 1.13. Planning permission is required on this occasion as the property is within the curtilage of a listed building. Had this not been the case then the proposal would likely have been classed as permitted development.
- 1.14. In light of the points above, officers consider that the two trellis fences are acceptable and appropriate to the locality and therefore comply with the provisions of policy CP7. It is extremely unfortunate however that the same level of consideration has not been made to the landscaping of this section of the development when compared to other areas of the site. It is hoped that the Estate holder is able to enhance the area enabling it to become an attractive communal area for the benefit of all residents.
- 1.15. Impact on neighbouring property**
- 1.16. Local Plan Policy CP4 requires development to not cause harm to the amenity of adjoining land users and the locality. Note 1 in paragraph 4.9 advises that *"the Council will have regard to matters including loss of sunlight and/or diffuse daylight, loss of outlook, loss of privacy..."*.
- 1.17. Twenty-six objections have been received from the neighbouring residents and careful consideration was made to the potential impact of the fence panels. These objections primarily relate to the following:
- The impact on the open feel of the communal gardens
 - The design and visual appearance of the fences
- 1.18. Both of these points have been discussed to some extent in the 'design and layout' section above and the question is whether the fence panels will cause harm to the neighbouring residents and impact on their use of the communal gardens.
- 1.19. The picket fences will extend into the open space; however it is apparent that the fences serve a safety purpose due to the difference in level of approximately 40cm between patio areas. This is an important consideration as to whether a form of structure should be present in this location.
- 1.20. When assessed against policy CP4 of the Local Plan, the application is not considered to compromise neighbouring amenity. There are no concerns with regards to loss of privacy and overlooking, and the proposal will not affect light levels to neighbouring properties. As such, the proposal is considered to be in accordance with policy CP4 of the Local Plan.

2. CONCLUSION AND RECOMMENDATION

- 2.1. To conclude, the application is considered to be in accordance with the requirements of local plan policies CP4 and CP7, and the NPPF, and the recommendation therefore is to grant planning permission subject to the following conditions.

3. CONDITIONS

- 1 The development hereby permitted shall be completed before the expiration of three months from the date of this decision.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 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.