

APPLICATION NO: 17/00882/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 10th May 2017		DATE OF EXPIRY: 5th July 2017	
WARD: Prestbury		PARISH: Prestbury	
APPLICANT:	Mr Justin Lawrence		
AGENT:	DK Planning & Development Ltd		
LOCATION:	8 Bouncers Lane, Cheltenham		
PROPOSAL:	Construction of single storey dwelling between 8-10 Bouncers Lane		

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the side gardens of two semi-detached properties located on the west side of Bouncers Lane, south of the junction with Blacksmiths Lane. The site is surrounded by other semi-detached properties. There is presently a garage associated with 10 Bouncers Lane located on the site,
- 1.2 Planning permission is sought for the erection of a single storey flat roofed dwelling, located between 8 and 10 Bouncers Lane. This would provide a 2 bedroom dwelling with integral garage. The design comprises a timber clad elevation to Bouncers Lane within a rendered frame. The render continues on the north elevation and the cladding continues on the south elevation. The rear (west) elevation is largely glazed.
- 1.3 Access to the site would be via the existing gate at the frontage which would provide a shared access with 10 Bouncers Lane.
- 1.4 The application is at committee at the request of Cllr Payne.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 90m

Relevant Planning History:

02/00809/FUL 10th July 2002 PER

Single storey single extension

16/01168/FUL 17th August 2016 WDN

Construction of single storey dwelling between 8 and 10 Bouncers Lane

17/00297/FUL 5th April 2017 WDN

Construction of single storey dwelling

15/02160/PREAPP 13th January 2016 CLO

Two semi-detached properties in garden area

15/02099/PDE 30th December 2015 AEGPD

Single storey rear extension 5.4 metres long by 6.8 metres wide with flat roof, the flat roof will have a roof light 3 x 2 metres, to the rear of the extension there will be a 1.8 metre patio door floor to ceiling and a window

16/01168/FUL 17th August 2016 WDN

Construction of single storey dwelling between 8 and 10 Bouncers Lane

17/00297/FUL 5th April 2017 WDN

Construction of single storey dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer

1st June 2017

The Tree Section does not object to this application, but could a Tree Protection Plan be submitted and agreed before determination. Also could a method statement for the creation of the driveway in which no roots with a diameter of greater than 25mm be severed, be submitted and agreed before determination.

Please use the 'gutter cover informative' in any permissions granted.

GCC Highways Planning Liaison Officer

22nd May 2017

I refer to the above planning application received on 11th May 2017.

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.

If you have any queries please do not hesitate to contact me.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	31
Number of objections	0
Number of supporting	31
General comment	0

- 5.1 The application was publicised by way of letters to 13 neighbouring properties. 31 letters of support were received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are principle, design and layout, impact on neighbouring properties, access and highways issues and trees.

6.2 Principle

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.

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.

In this instance the site is within the Principal Urban Area of Cheltenham and is surrounded by residential development. As such the key issue here is whether there are significant adverse impacts of approving this development which would outweigh the benefits.

At Paragraph 53 the NPPF states *“Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”* Cheltenham Borough Council has adopted a Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham. This document provides detailed advice on how to assess such schemes and this will be discussed further below.

6.3 Design and layout

Para 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Para 60 states that decisions should not attempt to impose architectural styles or particular tastes, it is however proper to seek to promote or reinforce local distinctiveness.

Policy CP7 of the Local Plan states that development will only be permitted where it is of a high standard of design, reflects the principles of urban design and complements and respects neighbouring development and the character of the locality.

The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document states that proposals for development on garden land should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located. Bouncers Lane is a long street which exhibits a number of building styles and layouts along its length. However the section of Bouncers Lane within which the application site is located has a strong semi-detached character. On the west side this comprises semi-detached pairs that are relatively widely spaced and on the eastern side, a slightly more compact form of semi-detached development. The spaces between the buildings contribute as much to this character as the buildings.

The SPD states that *“in a street where there is a dominant pattern in the amount of a frontage that is built up, the width of dwellings and the spacing of dwellings along that frontage, proposals which vary from this will not normally be acceptable.”* (page 33).

To locate a dwelling within the space between these two properties would erode this character to an unacceptable degree. It would result in the loss of the gap between the dwellings which would result in the loss of the distinctive rhythm of development within the street. Not only would it result in the loss of the gap, it would also introduce a form of development which is alien to the character of the area. Whilst the design proposed is not

without merit, it is not appropriate for this location; its depth, style and the position of the dwelling on the plot are out of keeping with the character of the area and would result in the appearance of being 'shoehorned' into the site. The unsuitability of the site for a new dwelling and the compromised nature of the scheme is evidenced through the need to provide the sole window to both of the bedrooms on the side elevation and at high level.

For these reasons the proposal is considered to be unacceptable in terms of its design and layout and contrary to the advice contained within the Council's SPD on garden land development.

6.4 Impact on neighbouring property

Policy CP4 of the Local Plan states that development should only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality.

This application is a revised version of a scheme which was withdrawn earlier this year which in addition to the concerns mentioned above was also considered to have an overbearing impact upon neighbouring properties, due to the depth to which it projected into the rear of the plot. The depth of the building has now been reduced and whilst it does still project beyond the rear of the adjacent properties (both of which have been extended at the rear), it is no longer considered that the scheme should be refused on neighbour amenity grounds.

The proposal complies with the light tests and as such would not have a significant impact upon light entering the adjacent dwellings. There are side facing windows proposed, however these would be high level and were the application approved, could be conditioned to be obscure glazed. A garden of 11.5m would remain which is sufficient to avoid an unacceptable relationship with the properties at the rear.

6.5 Access and highway issues

The application proposes the use of an existing access which is set back from the pavement edge. Its use would be intensified due to its use by two dwellings, however there is sufficient room within the plot for manoeuvring whilst avoiding conflict. The proposed dwelling provides for one garaging space with further driveway space in addition.

As such the proposal is considered to be acceptable in terms of access and parking.

6.6 Trees

A comment has been raised by the tree officer with regards to tree protection. Were the application to be approved it is considered that this could be adequately dealt with by way of a condition.

6.7 Other considerations

The applicant makes that point that the proposed properties could both be extended and that outbuildings could be provided under permitted development. Whilst this is true, such a fall back position would not result in a form of development akin to what is proposed here and as such it is not considered that this argument provides sufficient justification for the proposals.

7. CONCLUSION AND RECOMMENDATION

- 7.1 As mentioned above it is acknowledged that the proposal makes a small contribution towards housing supply. However the proposed form of development is considered to be unsustainable inasmuch as it fails to fully understand and respond to the character and form of the area. It is contrary to the approach for building upon garden land and infill sites, outlined within the SPD and would be harmful to the character and appearance of the area. As such the harm outweighs the benefits and the application is therefore recommended for refusal.

8. INFORMATIVES / REFUSAL REASON

1. The proposed dwelling, by reason of its siting and design would fail to take account of the established character of the area and would be detrimental to it both through the erosion of the gap between the properties and through the formation of a dwelling which appears cramped in its plot and is out of keeping with the area. As such the proposal is contrary to the policies CP7 of the Local Plan, the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document and the NPPF.

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 harm which would be identified.

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