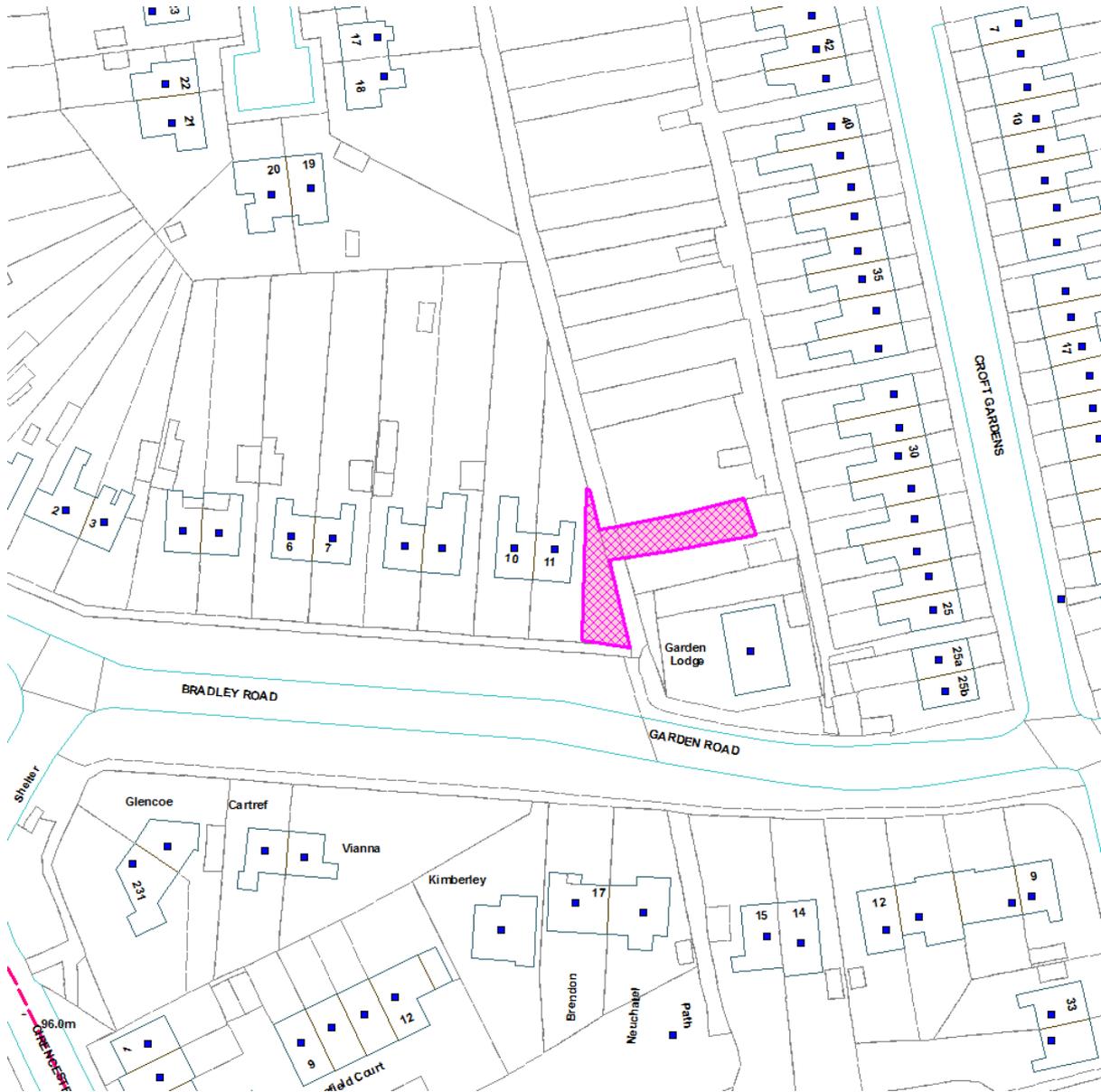


APPLICATION NO: 17/01210/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 24th June 2017		DATE OF EXPIRY: 19th August 2017
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr Berry	
AGENT:	SF Planning Limited	
LOCATION:	Golden View, 11 Bradley Road, Charlton Kings	
PROPOSAL:	Erection of a new single dwelling	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL.

- 1.1 The application site comprises part of the side and rear garden/curtilage of No 11 Bradley Road, part of a public footpath running alongside 11 Bradley Road and part of the rear garden of No 29 Croft Gardens. The formed plot is triangular in shape adjacent to the existing dwelling and rectangular in shape extending across the footpath and into the rear garden of No 29 Croft Gardens.
- 1.2 No 11 Bradley Road is a two storey, hipped roof, semi-detached dwelling with a cast stone and rendered finish to external walls. This property is one of several pairs of semi-detached properties on the north and south sides of Bradley Road which has a strong building line and a consistent pattern, form and character of development. The application site lies within the Principal Urban Area and is not subject to any other land designation, other than a public footpath.
- 1.3 The applicant proposes the erection of a two storey dwelling of contemporary design on land adjacent 11 Bradley Road. Access to the proposed dwelling would be from Bradley Road with two off road parking spaces provided on a private driveway to the front of the property.
- 1.4 The proposed development will require the adjoining footpath (CK13) to be stopped up and diverted by way of an order under section 247 of the Town and Country Planning Act 1990. The proposed route of the diverted footpath is shown on the submitted drawings; running in the gap between 11 Bradley Road and the proposed dwelling. The applicant has confirmed that an order has been submitted to the County Council concurrently with this application and that initial discussions have taken place with GCC as Highway Authority.
- 1.5 Planning permission was granted in 2012 for the erection of a two storey side extension and single storey rear and side extensions (ref 12/01537/FUL). It is evident that the single storey rear element only of this consent has been built.
- 1.6 This application is before planning committee at the request of Cllrs Bickerton (in objection) and Walklett (in support) to allow Members to consider the impact on the amenities of neighbouring properties and character of the area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

68/00303/PF 26th December 1968 REF

Golden View Cheltenham Gloucestershire - Change Of Use Of Premises Previously Residential To Use As A Sub Post Office

12/01537/FUL 4th December 2012 PER

Two storey side and single storey rear extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Flooding and sustainable drainage systems (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

20th July 2017

No Objection

But the following concern was raised by No 28 Croft Gardens about the effect of the East facing window on his privacy and enjoyment of his garden

We note that in the Comments section on this application were responses on objections raised by the Agent of 12 Royal Crescent on 17th July including the following offer

"No 28 have concerns about loss of privacy the East facing windows have been designed not to overlook however we can also agree screening or obscure glazing where this is considered to be necessary to make the development acceptable"

We therefore formally request if the planning officers recommendation is for approval of the application that this be a Condition of Approval being granted.

Wales and West Utilities

11th July 2017

Letter and plan available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	9
Number of objections	2
Number of supporting	5
General comment	1

5.1 As part of the statutory consultation process, 12 letters of notification were sent to neighbouring properties. In response to the publicity, nine representations were received in relation to the proposal, two objecting and 5 in support. In summary, the concerns and comments relate to:-

- overlooking, loss of privacy and outlook from rear garden areas of neighbouring properties

- proposals do not respect local context and street pattern
- scale and design out of character
- forward of building line and an awkward narrow site
- proposals would impact on the only view out of the rear of 28 Croft Gardens
- proposals do not replicate spacings between properties in street
- discrepancies in the dimensions shown and quoted in drawings and correspondence
- damage to neighbouring gardens
- support for an affordable family home with minimal impact on local area
- proposal would encourage better use of a new diverted footpath
- better to use land outside AONB for new housing
- a good use of space and fills an untidy bit of wasteland

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are:-

- the principle of residential development within this location and the suitability of the application site to accommodate an additional dwelling
- the design and scale of the proposed development and their impact upon the character and appearance of the locality
- impact on amenities of occupiers of neighbouring properties, in particular Nos 27, 28 and 30 Croft Gardens
- suitability of the proposed access to serve the new dwelling and highway safety implications
- implications of proposed footpath diversion

6.3 Principle of Residential Development

6.4 The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), the NPPF, NPPG and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). The JCS is currently undergoing public examination and although a material consideration, the weight that can be afforded to the plan and its individual policies will be guided by levels of support and objection attributed to it as the JCS progresses through to its adoption.

6.5 At paragraph 14, the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...” Further, when determining applications for housing, paragraph 49 of the NPPF similarly advises that they should be considered in the context of a presumption in favour of sustainable development.

6.6 The application site is located within the Principal Urban Area of the Local Plan and benefits from ease of access (by cycle and public transport) to all amenities and services provided in Cheltenham town centre. The application site must therefore be considered as a sustainable location for new residential development.

6.7 The NPPF requires local planning authorities to demonstrate a five year supply of housing; as at 1st April 2015 and using the JCS housing requirement for Cheltenham, the

Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan 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.

- 6.8** Where policies are not considered to be up-to-date, the NPPF advises that, with the presumption in favour of sustainable development (unless material considerations indicate otherwise) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework.
- 6.9** The Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites in Cheltenham (2009)' assists in the determination of planning applications, as it provides a consistent and robust means of assessing the context and character of residential areas. The document also ensures only development which is in keeping with the character of the surrounding area, does not harm the amenities of nearby residents and that is of a high standard of design is approved. At paragraph 3.1 it advises that *'proposals for development on garden land and other infill sites 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... and to complement and respect neighbouring development'*.
- 6.10** It is against the SPD, relevant development plan policy the guidance set out within the NPPF that this application needs to be assessed.
- 6.11 Design and layout**
- 6.12** The application site is made up of three separate parcels of land and is consequently an odd shape and configuration. The footprint of the proposed dwelling would straddle the existing public footpath, with half located within the side and rear garden/curtilage of 11 Bradley Road, the remainder in part of the rear garden of No 29 Croft Gardens. The proposed dwelling would extend virtually the full width of the available plot sections. Off road parking to the front and a private amenity space are also provided; utilising a large proportion of the existing rear garden of No 29 Croft Gardens. Timber boarded fencing at 2 metres in height is proposed to all rear boundaries and a small area to the rear of the proposed dwelling would provide secure cycle storage.
- 6.13** In terms of architectural appearance, the proposed dwelling is two storey, contemporary and simple in style, incorporating a flat roof with grey aluminium fascias, brick and rendered facing walls, coloured aluminium windows and doors. Fenestration is minimal on the west and north elevations and parts of the east elevation; those which primarily face directly into the rear of properties in Croft Gardens.
- 6.14** There is an established urban grain and character within the locality whereby plot layouts on the north and south sides of Bradley Road consist predominantly of strong frontage building lines, semi-detached and detached housing of similar age and architectural style and uniformly linear rear gardens. The extended rear gardens of Croft Gardens appear to be the main garden/amenity areas serving these properties and are not ancillary in their use as private gardens. Collectively, these rear gardens have a very open and exposed feel in terms of their general appearance with minimal boundary treatment between some gardens.
- 6.15** It is quite evident that the space to the side and rear of No 11 Bradley Road is of insufficient depth and width to accommodate an additional dwelling. This has necessitated the rather awkward piecing together of additional parcels of adjoining land, the diversion of a footpath and extending the proposed dwelling forward of the established building line in order to accommodate the footprint of a new dwelling. This results in an

extremely cramped and contrived form of development, made worse by the proximity and poor relationship with adjoining properties in Croft Gardens, most notably No 28 Croft Gardens. There would also be some very awkward internal spaces created with odd angles.

- 6.16** A number of the rear gardens of Croft Gardens would be overlooked. The proposed east, south and north elevations would abut the boundaries with Nos 28 and 30 Croft Gardens with the east elevation extending across the full width of the rear boundary of No 28 Croft Gardens. As such, the height and proximity of the east elevations would result in an overbearing appearance, overlooking, overshadowing and loss of visual outlook affecting a large part of the rear gardens of Nos 28 and 30 Croft Gardens; the far end of the garden of No 28 currently used as a raised patio area. The proposed east elevation is 5.6 metres in height with virtually full height and width glazing on the ground and first floors. The proposed development would therefore significantly harm the enjoyment of these garden areas and thereby the amenities of the occupiers of several neighbouring properties.
- 6.17** Turning to architectural design, there is a uniform pattern of almost identical pairs of semi-detached properties on the north side of Bradley Road. The proposed dwelling would be located forward of the building line at ground and first floor levels and prominent in the street scene; the side wing/elevation also clearly visible from Bradley Road. As such, the siting, layout and contemporary approach to its design are considered to be at odds with the consistent pattern, character and form of existing surrounding development.
- 6.18** For all the above reasons this is not considered a suitable 'formed plot' to accommodate a dwelling. The proposed development would result in an undesirable form of infill development that would conflict with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009). The proposed development is therefore contrary to Policies CP4 and CP7 of the Local Plan and paragraphs 53, 58 and 64 of the National Planning Policy Framework.

6.19 Access and highway issues

- 6.20** Notwithstanding the concerns outlined above, the proposed new access arrangements, visibility and off-road parking provision are considered acceptable. There are examples within the street of parking at the front of properties.

6.21 Other Considerations

- 6.22** There would not appear to be any significant implications with regards the proposed footpath diversion; the new route would be similar in location/length and should not inconvenience pedestrians. However, GCC are the determining local authority for this element of the proposals.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the above, officers consider the proposed development fails to meet the requirements of Local Plan Policies CP7 and CP4 and the Supplementary Planning Document – Development on Garden Land and Infill Sites and the advice set out in the NPPF. Essentially, the proposed development is considered to be an undesirable form of infill development on an unsuitable plot. The proposed dwelling would appear incongruous in the street scene and would fail to respect the established pattern and character of surrounding development. There is also the potential for significant harm to the amenities of the occupiers of neighbouring properties given the context and poor relationship with adjacent properties.

7.2 The recommendation is therefore to refuse planning permission for the following reasons.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed dwelling, by virtue of its layout, design and siting would represent a harmful infill/backland development at odds with its surroundings. The space to the side and rear of No 11 Bradley Road is of insufficient depth and width to accommodate an additional dwelling. This has necessitated the piecing together of additional parcels of adjoining land, the diversion of a public footpath and extending the proposed dwelling forward of the established building line in Bradley Road in order to accommodate the footprint of a new dwelling. This results in a cramped and contrived form of development, made worse by the proximity and poor relationship with adjoining properties in Croft Gardens, most notably No 28 Croft Gardens. The proposed east, south and north elevations abut the boundaries with Nos 28 and 30 Croft Gardens. As such, the height and proximity of the proposed dwelling would result in an overbearing appearance, overshadowing, overlooking and loss of visual outlook, affecting a large part of the rear gardens of Nos 28 and 30 Croft Gardens. The proposed development would therefore significantly harm the enjoyment of these garden areas and thereby the amenities of the occupiers of neighbouring properties.

The proposed development would represent an undesirable form of infill/backland development that would conflict with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) and cause significant harm to the amenities of occupiers of neighbouring properties. As such, the proposed development is considered contrary to Policies CP4 and CP7 of the Local Plan and paragraphs 53, 58 and 64 of the National Planning Policy Framework.