

APPLICATION NO: 17/02402/CONDIT	OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th December 2017	DATE OF EXPIRY:
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Mr Harry Madeley
AGENT:	EdgeDesignWorkshop Ltd
LOCATION:	Ragged Stone, Old Reddings Road, Cheltenham
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission ref. 15/01673/FUL to allow for an increase in parapet heights

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site previously formed part of the rear garden to Ragged Stone on the southern side of Old Reddings Road. The site is bounded by the rear garden to Roebuck, Old Reddings Road to the north, rear gardens serving properties in Old Reddings Close to the south, and park homes in Enstone Park to the west. Land levels in Old Reddings Close are some 500mm higher than the application site.
- 1.2 Planning permission ref. 15/01673/FUL was granted in November 2015 for the erection of a three bedroom, single storey dwelling. Work is now well underway on site.
- 1.3 During the construction of the dwelling it has become apparent that the height of the dwelling exceeds that of the approved scheme by some 300mm when viewed from the neighbouring property. This application is therefore seeking to vary condition 2 (approved plans) on the planning permission to allow for the increase in parapet heights as a minor material amendment. If approved, this would have the result of issuing a new planning permission on the site.
- 1.4 The increase in height has been influenced by a number of factors, including the fabrication of the timber frame on site, and the need to provide a deeper than typical ground bearing slab due to poor ground conditions.
- 1.5 The application has been referred to the planning committee by Cllr Britter due to the level of local interest and the concerns raised by residents. Members will visit the site, and have the opportunity to view the property from the neighbouring garden, on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m

Airport safeguarding over 15m

Relevant Planning History:

15/01673/FUL

PERMIT

10th November 2015

Erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close

16/01841/CONDIT

PERMIT

1st December 2016

Removal of condition 4 (Sustainable Drainage System) on planning permission ref. 15/01673/FUL for the erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close

16/01845/DISCON

DISCHARGED

30th November 2016

Discharge of conditions 3 (Construction Method Statement), 5 (Samples of facing materials), 6 (Playspace), 8 (Surfacing of driveway), and 9 (Gates) on planning permission ref. 15/01673/FUL for the erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close.

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

4. CONSULTATION RESPONSES

None

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 19 neighbouring properties. In response to this publicity 7 letters of objection have been received.

5.2 The objections relate to:

- Visual impact
- Loss of privacy
- Potential devaluation of property
- Loss of view
- Drainage concerns
- Overshadowing
- Concerns in relation to construction activity

6. OFFICER COMMENTS

6.1.1 The main consideration when determining this application is the acceptability of the proposed increase in height as an amendment to the approved scheme. The acceptability should be judged on the basis of any increased impact on neighbouring amenity and whether or not the increase in height is acceptable from a design perspective. As stated in the introduction to this report, the building under construction is some 300mm higher than that approved.

6.1.2 Guidance set out within planning practice guidance (nPPG) acknowledges that “*new issues may arise after planning permission has been granted, which requires modification of the approved proposals*” and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990, which allows for conditions imposed on planning permission to be varied or removed.

6.1.3 Members are advised that the principle of development has been established through the original grant of planning permission. The scheme that is being built on site is that which has planning permission, other than for the increase in height.

6.2 Neighbouring amenity

6.2.1 The following comments are taken from the officer report for the original approval:

6.3.1 The application site currently forms part of the rear garden to Ragged Stone on the southern side of Old Reddings Road. At present, the existing property benefits from a large rear garden which is approximately 70 metres long by 11 metres wide and largely laid to lawn. The site is bounded by the rear garden to Roebuck, Old Reddings Road to the north, rear gardens serving properties in Old Reddings Close to the south, and park homes in Enstone Park to the west. Land levels in Old Reddings Close are some 500mm higher than the application site.

6.3.2 Property types in Old Reddings Road vary but the majority of houses are two storeys and faced in brick with pitched tiled roofs. Similarly, many of the properties in Old Reddings Close, a cul-de-sac, are two storey, semi-detached houses with pitched roofs and brick elevations.

6.3.3 The site is located at the edge of the Principal Urban Area and the Borough boundary.

6.2.2 The report goes onto state:

6.5.1 Local plan policy CP4 advises that development will only be permitted where it would not cause unacceptable harm to neighbouring amenity.

6.5.2 In addition, one of the core planning principles set out at paragraph 17 of the NPPF states that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*

6.5.3 Given the nature of the site and the single storey nature of the proposed dwelling, no significant impact on neighbouring amenity in terms of loss of daylight, privacy or outlook is likely to occur. Furthermore, no objection has been raised by local residents on such amenity grounds.

6.5.4 The proposal therefore accords with the requirements of local plan policy CP4 and the national guidance set out within the NPPF.

6.2.3 Members will note on site that the dwelling is located at the end of a long garden, some distance from neighbouring buildings. Officers acknowledge that the dwelling is located in close proximity to the boundary with the neighbouring property, Roebuck, but this is as approved. Importantly, the dwelling itself is located a considerable distance from the neighbouring building and its associated principal amenity space. Whilst the house is noticeable the further down the garden you travel and at the bottom of the garden does have an impact, officers were of opinion at the time of the original decision, and remain of the opinion now, that the impact on the enjoyment of that garden is not so sufficient to have withheld planning permission.

6.2.4 It therefore follows that, given that this application relates to a relatively minor increased height of some 300mm, the level of impact is not noticeably greater. Officers accept the impact on the immediate neighbour; there is no getting away from the fact that the building has a presence when viewed from the garden, but given the context of the generous garden, officers remain firmly of the view that the impact on amenity in terms of visual impact and overbearance remains acceptable. Members are also advised that more permanent boundary enclosures to separate the application site from the neighbour's garden are yet to be erected and this will soften the relationship somewhat.

6.2.5 Reference has also been made to loss of sunlight. In this regard it should be noted that both the application site and the neighbouring garden have south facing gardens with the new building to the south east of the neighbour. The combination of the length and orientation of the garden and the single storey nature of the building ensures that loss of sunlight is limited and is again not to the degree that permission could be reasonably withheld. The

vast majority of the neighbour's garden will enjoy good levels of sunlight through all times of the day despite this development.

6.3 Design considerations

- 6.3.1** With regard to design, as this is a standalone, contemporary dwelling, the increased parapet heights do not result in harm to the building, or move away from the general design approach taken. Officers remain of the view that the building is well-considered and sits comfortably on the site.
- 6.3.2** The concerns regarding materials are understood, particularly in relation to the blue brick, but officers consider that given the form of the building is very different to anything in the immediate locality, the external appearance does not necessarily have to be governed by the prevailing palette of materials. Furthermore, it should be reiterated at this stage that the building has consent and that this application solely relates to the increased height.

6.4 Other considerations

- 6.4.1** Loss of privacy and a devaluation of property have also been raised as concerns in the representations from neighbours. In response to this, members are advised that the fenestration proposed within the dwelling has not altered and members will be well aware that the possible devaluation of property is not a material planning consideration.

7. CONCLUSION AND RECOMMENDATION

- 7.1** With all of the above in mind, the recommendation is to grant planning permission; the dwelling as built is not substantially different from that originally approved and does not result in any significant additional impact on neighbouring amenity.

8. CONDITIONS

- 1 Prior to the first occupation of the new dwelling, the alterations to the existing access to the site shall be completed in all respects in accordance with Drawing No. 1299_309_B and maintained as such thereafter.

Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 2 Prior to the first occupation of the approved development, the access driveway shall be surfaced in bound material for at least the first 4.5 metres from the carriageway edge of the public road and shall be retained as such thereafter.

Reason: To prevent loose material being carried onto the highway in accordance with Local Plan Policy TP1 relating to development and highway safety and national guidance set out in Section 4 of the NPPF.

- 3 Any entrance gates erected shall be set back at least 2.4 metres from carriageway edge of the public highway, and shall be hung so that they open inwards into the site.

Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety and national guidance set out in Section 4 of 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 application constitutes sustainable development and has therefore been approved in a timely manner.