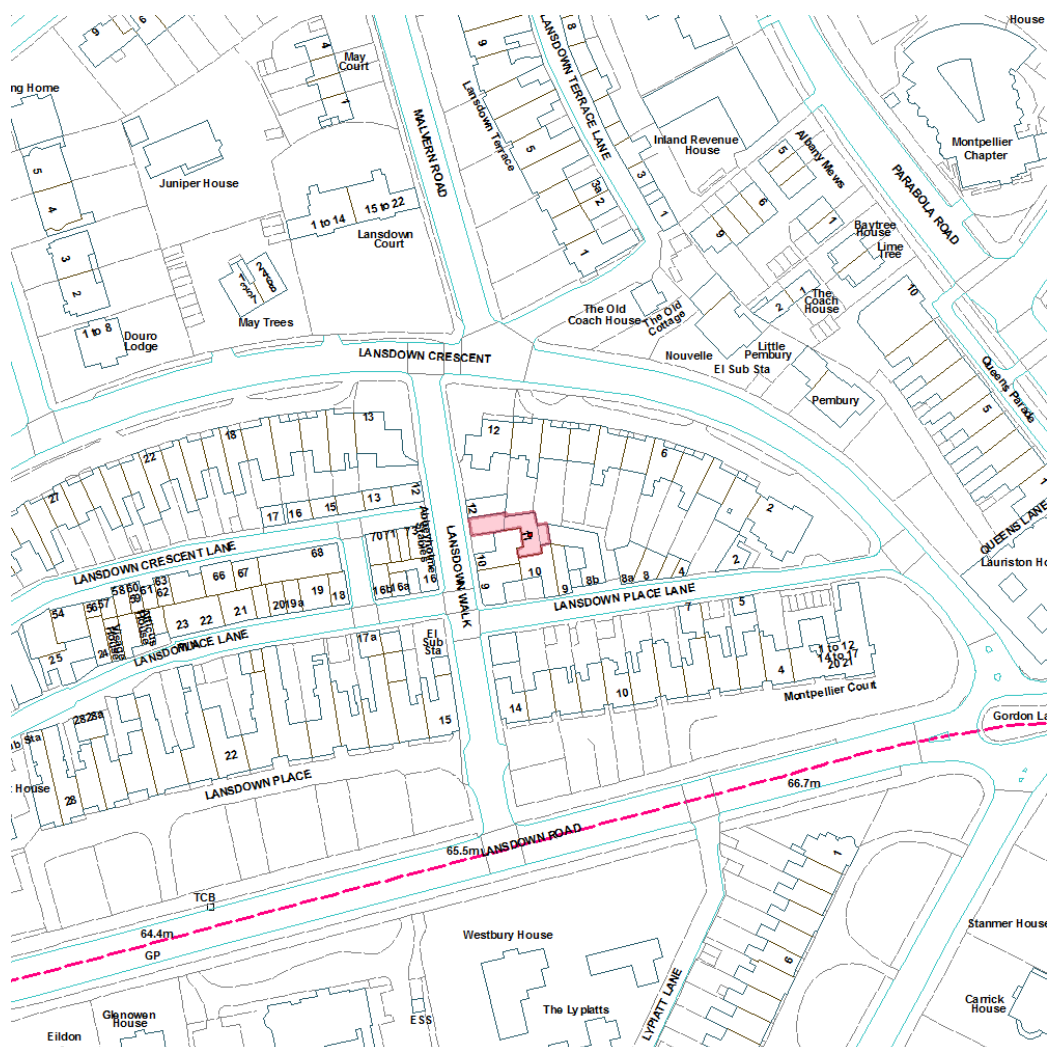


<b>APPLICATION NO:</b> 17/02436/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 14th December 2017	<b>DATE OF EXPIRY:</b> 8th February 2018
<b>WARD:</b> Lansdown	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr & Mrs Clark
<b>AGENT:</b>	H A Planning Ltd
<b>LOCATION:</b>	11 Lansdown Walk, Cheltenham
<b>PROPOSAL:</b>	Creation of a fire escape from second floor bedroom and roof terrace

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a newly constructed residential property situated within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area, and to the rear of Lansdown Crescent, a grade II\* listed terrace.
- 1.2 The property is one of five new dwellings granted planning permission in October 2013 following the demolition of a number of buildings, which were largely dilapidated or fire damaged. The development is contemporary in design, with flats roofs, and steps up to three storeys within the site.
- 1.3 The applicants are seeking planning permission for the creation of a fire escape from the second floor bedroom, and a roof terrace.
- 1.4 The application is before planning committee at the request of Cllr Mason due to the concerns of local residents, particularly in relation to privacy and noise.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m

### **Relevant Planning History:**

**13/01251/FUL**

**PERMIT**

**18th October 2013**

Partial demolition of dilapidated and fire damaged buildings at junction of Lansdown Place Lane and Lansdown Walk, and refurbishment and reconfiguration of retained building together with redevelopment of remainder of site to form 5no. self-contained dwellings (1no. 3 bed unit and 4no. 4 bed units)

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design

### Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements  
SD8 Historic Environment  
SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
Lansdown Character Area Appraisal and Management Plan (2008)

### National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

None

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 37 neighbouring properties. In addition, a site notice was posted and an advert published in the *Gloucestershire Echo*. In response to the publicity, four representations have been received; one in support and three in objection.
- 5.2 The comments have been circulated to Members in full but, in brief, the objections relate to :
- Noise and/or disturbance
  - Overlooking/loss of privacy
  - Visual impact/impact on historic environment
  - Loss of light/overshadowing
  - Not in keeping
  - Devaluation of property

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application for planning permission relate to design and impact on the historic environment, and impact on neighbouring amenity.

### 6.2 Design and impact on the historic environment

6.2.1 Adopted JCS policy SD4 sets out the design requirements for development proposals and highlights the need for new development to “*respond positively to, and respect the character of, the site and its surroundings*”; the policy reflects the aims and objectives of saved local plan policy CP7.

6.2.2 The proposed fire escape and roof terrace would be provided on an existing area of flat roof, which is currently inaccessible. The application proposes the insertion of French doors in the external wall, and the building up of the existing parapet to provide privacy to both neighbouring properties and the users of the proposed terrace.

6.2.3 The principle of the works is supported by officers, subject to some revisions to the method of enclosure. Currently, the application proposes to increase the parapet by up to 2.2 metres in part, together with a section of 1.6 metre high obscure glazed balustrading. However, officers do not consider that the provision of 1.6 metre high obscure glazing is appropriate to the building, nor of an acceptable height to prevent overlooking. Additionally, a 2.2 metre high wall is considered to be excessively tall; a 1.7 metre high screen is generally found to be sufficient in mitigating any overlooking or loss of privacy.

6.2.4 It is therefore anticipated that revisions can be secured to achieve a 1.8 metre high wall to the entire length of the southern and eastern boundary, stepping down in height at the northern end fronting Lansdown Walk.

6.2.5 Such an approach is considered to be appropriate to the building and its context. It is acknowledged that the site sits in close proximity to the rear of the grade II\* listed terrace but, overall, the proposal would not result in a scheme that is materially different to that originally approved. The contemporary approach to the design has been firmly established by the recent grant of planning permission for the development as a whole. The relatively minor works now proposed would not result in any additional harm to the

setting of this listed terrace or wider conservation area when viewed in their context; and the works would not be prominent when viewed from the public realm.

### 6.3 Impact on neighbouring amenity

6.3.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality. In assessing impact on amenity, the Council will take account of matters including loss of privacy, daylight, and outlook.

6.3.2 The concerns raised by the occupants of flats within no. 12 Lansdown Crescent have been duly noted; however it is not considered that the provision of a roof terrace in this location would result in any significant harm to the existing amenity of the nearby residents, subject to the revisions outlined in paragraph 6.2.4 above.

6.3.3 It is noteworthy that there are existing roof terraces at second floor, on the adjacent property, which formed part of the original consent. With the anticipated revisions, it is not considered that the amenity of neighbouring residents, in terms of privacy or overlooking, would be adversely affected.

6.3.4 Additionally, levels of noise arising from the use of the proposed terrace would be unlikely to cause any significant harm to neighbours.

6.3.5 Furthermore, it is acknowledged that the enclosure to form the roof terrace would be visible from surrounding properties but it would be read in the context of the existing three storey building, and would not result in any significant oppressive or overbearing impact.

### 6.4 Other considerations

6.4.1 It has been noted that comment has been made with regard to the lack of detail provided in relation to the method of escape from the terrace in case of fire. Additional detail in this respect has now been provided by the applicant. The proposal would be to use a mobile, roll-out fire escape ladder which could be hooked over the wall and unrolled down into the courtyard at ground floor in an emergency.

6.4.2 It is recognised that the property already meets current Building Regulations in terms of fire safety, and that the second floor bedroom is protected by a fire door, but there is no other means of escape from this bedroom.

6.4.3 Finally, Members will be aware that the possible devaluation of neighbouring property is not a material planning consideration.

## **7. CONCLUSION AND RECOMMENDATION**

7.1 An update will be provided on receipt of revised plans.