

APPLICATION NO: 18/00127/FUL & LBC		OFFICER: Miss Michelle Payne
DATE REGISTERED: 22nd January 2018		DATE OF EXPIRY: 19th March 2018
WARD: Park		PARISH: n/a
APPLICANT:	Mr And Mrs Nash	
AGENT:	Ford Architecture	
LOCATION:	21 Tivoli Road, Cheltenham	
PROPOSAL:	<p>FUL - Extension and alteration of existing single storey garage block, and alterations to rear ground floor fenestration</p> <p>LBC - Extension and alteration of existing single storey garage block, alterations to rear ground floor fenestration, and internal alterations to ground floor rear</p>	

RECOMMENDATION: Permit / Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a detached, grade II listed Villa, c1834-40, on the northwest side of Tivoli Road within the Tivoli Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area.
- 1.2 Tivoli Lane, a historic service lane, runs parallel to Tivoli Road, to the rear, and the property is set back towards to the rear of the plot.
- 1.3 The applicant is seeking planning permission and listed building consent for the extension and alteration of an existing single storey garage block, and alterations to rear ground floor fenestration; listed building consent is also sought for internal alterations at ground floor.
- 1.4 Revised plans have been submitted during the course of the application in response to concerns raised by the Conservation Officer. Namely, the window to the dining room is shown to be retained, and the existing sitting room is shown to be re-used. Additionally, the proposed alteration to increase the height of the existing gate and gate piers has been omitted in its entirety.
- 1.5 The application is before committee at the request of Cllr Harman on behalf of the neighbour. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Listed Building

Relevant Planning History:

CB16533/00 Alterations and extension	PERMIT	28th July 1983
CBL0513/00 Alterations and extension	GRANT	28th July 1983
02/00274/LBC Minor works to partition to create bathroom, consolidating ex sanitary facilities; removing redundant equipment, improving elevations	GRANT	26th April 2002
10/00847/LBC Internal and external alterations to existing lean-to addition at rear	GRANT	21st July 2010
10/01487/LBC Internal alterations to provide improved access between dining room and kitchen	REFUSE	9th November 2010

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 5 Boundary enclosures in conservation areas

BE 10 Boundary enclosures to listed buildings

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Tivoli Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

Heritage and Conservation

8th February 2018

The key consideration in relation to these comments is the impact of the works the listed building and the conservation area. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 (1) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The application seeks the extension and alteration to the existing single storey garage block, internal alterations and alterations to the front entrance piers and gates.

Internal Alterations

The proposed internal alterations are acceptable in principle. Confirmation will be needed of the 4 panel door currently used to enter the sitting room will be retained and re-used? Detailed drawings of the other internal doors will also be needed but can be conditioned.

French Doors

The principle of the insertion of French doors to the sitting room is acceptable as this is a modern window of little historic significance. Concern is raised over the insertion of French doors to the dining room, where this window is historic, as evident by the panes of historic glass. This window therefore needs to be retained.

Garage

Whilst the principle of the replacement garage is acceptable as the existing is of limited architectural merit. However, concern is raised as to how far forward the proposed garage would project. Whilst there has been a slight step back, a further set back is needed in order for the degree of subservience to be remain, and the character of the detached villa set within space to be retained.

Gates

Concern is raised over the principle of the pillar extensions, whilst these are not historic they contribute to the character of the conservation area. Lower pillars and gates aligned centrally up with the principle door are a traditional feature of Regency detached properties. This therefore was designed to allow views of the principle elevation.

Whilst there is a mix of pillars within the area, the majority are of a similar, and thus the introduction of taller pillars adjacent to the gates would appear incongruous. Where taller pillars are used these are primarily at corner plots, and not characteristic of the pedestrian entrances.

Summary

The principle of the work is acceptable. However for this application to be supported the historic sash window, and existing pillars should be retained, and the garage reduced in size. If this cannot be agreed, the application should be refused.

Cheltenham Civic Society

9th February 2018

We concur with the concerns raised by the neighbour, at 19 Tivoli Road, regarding loss of light to SSE facing Wall. We assume that the planning officer will check this.

The garage should be located further back on the site so that it does not compromise the visual gap between Nos. 21 and 19 Tivoli Road; the shower room to the gym would have to be omitted to achieve this.

There is inconsistency between elevation and plan of garage door.

The new gates are too high and will form a blank 'face' to the street.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 11 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, an objection has been raised by the neighbour at 19 Tivoli Road; the comments have been circulated in full to Members but the principal concern appears to relate to a loss of light to windows in the side elevation of this neighbouring property.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining these applications for planning permission and listed building consent relate to design and impact on the listed building; impact on neighbouring amenity; and access and highway safety.

6.2 Design and impact on listed building

6.2.1 Saved local plan policy CP7 advises that all new development should be of a high standard of architectural design; and complement and respect neighbouring development and local character. Extensions must avoid harm to the architectural integrity of the building; and the unacceptable erosion of open space about the building. The policy is generally consistent with design advice set out within adopted JCS policy SD4 and the NPPF.

6.2.2 Additionally, where the development involves works to a listed building and/or is proposed within a conservation area, the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character or appearance of that area, in accordance with Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.3 As mentioned at paragraph 1.4 above, the proposals have been revised during the course of the application in response to concerns raised by the Conservation Officer, whose comments can be viewed in full at section 4. Following these revisions, the only outstanding concern raised by Conservation is in relation to the proposed garage and how far it would project forward; they suggest that a further set back is needed and this view is shared by the Civic Society. These concerns are fully understood and it is acknowledged that a greater set back would perhaps improve the relationship with the principal villa; however, that said, the judgement has to be whether or not this element of the proposal is so harmful as to warrant refusal of the whole scheme. Reflecting on this point, and in light of the positive changes to the scheme secured on the back of the heritage concerns, officers feel that the set back proposed, which is some 1.7m, together with the single storey nature of the garage, is sufficient to achieve an appropriate degree of subservience to the listed building. In addition, the full-height end pilasters on the existing building will further ensure that the historic form of the building is not compromised. Currently, a trellis fence panel and gate extends across the site which is only nominally set back from the principal elevation.

6.2.4 The proposals, as amended, are therefore considered to be acceptable on design grounds.

6.3 Impact on neighbouring amenity

6.3.1 Saved local plan policy CP4 requires new development to avoid causing unacceptable harm to the amenity of adjoining land users; Note 1 to the policy advises that in assessing impact, the Council will have regard to a range of matters including, but not limited to, loss of light, loss of outlook and loss of privacy. The policy is consistent with the advice set out within adopted JCS policy SD14 and the NPPF.

6.3.2 The neighbouring property to the north, which the garage would sit alongside, has three windows in its side elevation at ground floor, one of which is obscurely glazed, and levels of light reaching these windows would undoubtedly be affected, to a degree, by the proposal. However the neighbour has confirmed that these windows serve a downstairs WC, stairwell; and kitchen, and that the kitchen is also served by an additional light source to the rear.

6.3.3 Established guidance (Site Layout Planning for Daylight and Sunlight: A guide to good practice, P Littlefair, 2011) advises that windows to toilets and circulation spaces need not be analysed when assessing impact on daylight; these rooms are identified as not requiring daylight. As such, the only window in the side of the neighbouring property that could reasonably be afforded any protection is that serving the kitchen; however, as previously noted, the kitchen is served by an additional window in the rear elevation which would be unaffected by the proposals. With particular regard to sunlight, windows serving kitchens are considered to be less important.

6.3.4 The proposals are therefore considered to be acceptable on amenity grounds.

6.4 Access and highway safety

6.4.1 Adopted JCS policy INF1 advises that planning permission will be permitted where the impact of the development on the highway network is not severe. The policy is consistent with advice set out within the NPPF.

6.4.2 In this instance, access to the site would be unchanged; vehicular access would continue to be provided via the existing driveway from Tivoli Road.

6.4.3 The proposed garage is therefore considered to be acceptable on highway safety grounds.

6.5 Recommendation

6.5.1 With all of the above in mind, the proposals are considered to accord with all relevant local and national planning policy, and the recommendation is to grant both planning permission and listed building consent subject to the following conditions:

7. CONDITIONS

18/00127/FUL

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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.

18/00127/LBC

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby granted 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.

- 3 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) External doors;
- b) Roof lantern;
- c) Garage doors;
- d) Internal doors;
- e) Architraves; and
- f) Skirting.

The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy (adopted 2017), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice (note 2).

- 4 The new render work shall match the facing render work on the principal listed building existing building in respect of material, mix, colour and texture.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to Policy SD8 of the Joint Core Strategy (adopted 2017), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice (note 2).

- 5 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to Policy SD8 of the Joint Core Strategy (adopted 2017), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice (note 2).

INFORMATIVE

18/00127/FUL

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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, the authority sought the omission of works which were considered to be unacceptable.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.