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| <b>APPLICATION NO:</b> 18/02297/FUL        |   | <b>OFFICER:</b> Mr Joe Seymour           |
| <b>DATE REGISTERED:</b> 13th November 2018 |   | <b>DATE OF EXPIRY :</b> 8th January 2019 |
| <b>WARD:</b> Charlton Kings                |   | <b>PARISH:</b> CHARLK                    |
| <b>APPLICANT:</b>                          | Mrs A Freeman                                 |  |
| <b>LOCATION:</b>                           | 59 Cirencester Road Charlton Kings Cheltenham |  |
| <b>PROPOSAL:</b>                           | Replacement dwelling                          |  |

## REPRESENTATIONS

|                           |          |
|---------------------------|----------|
| Number of contributors    | <b>5</b> |
| Number of objections      | <b>4</b> |
| Number of representations | <b>0</b> |
| Number of supporting      | <b>1</b> |

15 Brookway Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AJ

**Comments:** 14th November 2018

No issues with this application. You could have supported mine :)

61 Cirencester Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8EX

**Comments:** 28th November 2018

I am the owner of 61 Cirencester Road. I wish to submit an objection to the council concerning the new development proposed at number 59.

My real concern for this development is the threat of subsidence due to the poor foundations underlying the properties of number's 57, 59, 61 and 63 due to the houses built on an old sand pit. With regard to the plan to build a basement floor, this would require deep excavation in the already poor foundations and is a real worry and concern with the potential of subsidence to our property.

Around two years ago a single storey dwelling was built at the bottom of the garden of number 59. After the foundations were excavated the hedge collapsed and cracks have appeared in our garden adjacent to the dwelling.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home, do not hesitate to contact me.

57 Cirencester Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8EX

**Comments:** 22nd November 2018

I am acting as agent on behalf of the owner of 57 Cirencester Road Cheltenham, who has requested me to submit objections to the Council on her behalf concerning the development proposed in the above planning application. I understand that you are the Case Officer dealing with the application.

My qualifications are an MA (Hons) degree and a Diploma in Town & Country Planning. I am a retired Member of the RTPi and have 38 years of planning experience in local government, including 20 years of experience in development control.

I have examined the documents and plans accompanying the application and have visited Cheltenham to assess the effects of the proposed development on my sister's property and the locality. I have acquainted myself with Cheltenham Borough Council's local planning policy framework against which this development proposal is to be judged. The first observation is that the Design and Access Statement accompanying the application does not refer to Cheltenham's planning policy framework and does not explain how the development relates to it. The following appraisal seeks to remedy that omission.

Planning Policy Considerations

Cheltenham Borough Council Local Plan Second Review (2006) contains planning policies which have been saved for the purposes of development control pending adoption of the new Cheltenham Plan which was submitted to the Secretary of State for independent inspection on 3 October 2018. Saved Local Plan Policy CP4 entitled Safe and Sustainable Living states, inter alia:

Development will be permitted only where it would: (a) not cause unacceptable harm to the amenity of adjoining land users and the locality;

This key consideration in assessing planning applications, which is protecting amenity, is elaborated further in the Supplementary Planning Document (SPD) entitled Development on garden land and infill sites in Cheltenham which was adopted by the Council in 2009. Paragraph 3.18 and Box 6 of the SPD defines those elements of amenity which the Council will take into account in the following bullet points:

- Sunlight and overshadowing
- Daylight
- Loss of privacy/overlooking
- Noise disturbance from vehicles or other sources
- Disturbance from smells, dust, fumes, vibration
- Glare from artificial lights
- An overbearing impact due to the bulk and/or proximity of buildings
- A cramped plot with insufficient amenity space either in absolute terms or in relation to the size of the dwelling (applies to new and existing dwellings)

The proposed development is now assessed for compliance with each of these elements of amenity in so far as each element is relevant to it.

The rear wall of the proposed house would not conform with the rear building line of 57 Cirencester Road, but would protrude 6 metres beyond it in an easterly direction. The north facing wall of this protrusion would be sited only 2.5 metres distant from the paved terrace/sitting

out area which adjoins the rear wall of Number 57. The proposed building would rise 3.2 metres to eaves level and 6.7 metres to roof apex level above that terrace. A large box dormer projecting from the northern roof slope would also extend beyond the building line by 2 metres adding to the bulk of the structure. Mrs Parsons uses the terrace regularly for sitting, eating out of doors and entertaining family and friends. The proposed building would have an overbearing impact in the outlook from her terrace due to its bulk and proximity. This would spoil Mrs Parsons' enjoyment of her outdoor recreation space and cause unacceptable harm to the amenity of this neighbouring property contrary to Policy CP4 and bullet point six of Box 6 of the SPD.

Having regard to its height and degree of protrusion from the rear building line of Number 57 and to its location to the south of the property, the proposed building would cause a significant degree of overshadowing of the paved terrace/sitting out area. This again would cause unacceptable harm to the amenity of the neighbouring property contrary to Policy CP4 and bullet point one of Box 6 of the SPD.

It is relevant to note that in 1994, under application Ref: 94/01037/PF, Mr R I Freeman sought planning permission for a 2-storey extension at the rear of Number 59 Cirencester Road to provide new living area and gallery above. This extension would have protruded 5 metres beyond the building line of the adjacent properties. Planning permission was refused by decision notice dated 19 January 1995 for the following reason:

The proposed extension, projecting five metres into the rear garden of the application site and likewise beyond the rear building line which is currently adhered to by neighbouring properties of similar design either side would have an over bearing effect on neighbouring residents, resulting in loss of light and privacy. The proposal is therefore contrary to policies GP4 and GP9 of the CBLP (DC 92)

The building now proposed would protrude further than the 1994 proposal into the rear garden of Number 59 and is objectionable for the same reason as stated in this decision notice.

With regard to bullet points four and five of the SPD , the neighbour at No. 57 would suffer excessive disturbance from noise, dust, fumes and vibration during the engineering operations involved in reducing the ground level at Number 59 to accommodate the proposed development. The excessive extent and depth of the excavation would prolong these disturbances causing unreasonable harm to the amenity of occupants of Number 57 Cirencester Road contrary to bullet points four and five of the SPD.

Although it is stated in the application that the proposed building would be used as a single dwelling, it is evident from the submitted floor plans that with minor internal alterations to the function of living spaces, it could be occupied as three dwellings - the most obvious arrangement being self-contained flats on three floors.

The Council, therefore, ought to consider the fact that the proposals are tantamount to the development of two or more additional dwellings on the site and judge this real possibility in the light of Local Plan policies. The relevant policy is HS3 in the 2006 Local Plan which addresses proposals for sub-division of dwellings. Policy HS3 requires the Council not to permit such subdivisions in places, such as this part of Cirencester Road, where the established single occupancy character of this residential area would be harmed by the intensification of residential use.

The Council's vehicle parking standards for two or more additional dwellings could also not be complied with having regard to the limited space available for parking on the site forecourt. The resulting overspill of parking on to the kerbside of the busy A 435 classified road would cause obstruction and detriment to the safety of users of the highway.

The Council is requested to give these possibilities for intensification of use consideration at this stage and not to await any future application for change of use of the building, once erected, into two or more dwellings.

#### Other material planning considerations

It is noted that the Design and Access Statement contains no appraisal of ground conditions at 59 Cirencester Road and no method statement explaining how excavation of the foundations for the proposed retaining wall, adjoining the northern boundary of the property, would avoid subsidence of land in the ownership of Number 57. The geology underlying the two properties comprises deposits of quaternary Cheltenham Sand and Fan Gravels with a depth up to 15 metres. When excavated the loosely-bound sand and gravels do not hold a vertical face and it is unclear what steps the applicants would propose to prevent sand and gravel under Number 57 pouring into their excavation with consequent risk of subsidence to the structure of the adjacent property. It is recommended that this risk of subsidence damage to the adjacent property should be a further reason for refusal of planning permission.

The Council is requested to take into consideration all the objections to the proposed development at 59 Cirencester Road contained in this letter and to refuse planning permission accordingly.

I shall be pleased to discuss any questions arising from this letter with you and look forward to your acknowledgement of its safe receipt.

**Comments:** 2nd January 2019

Letter attached.

Greenlea  
Prince Crescent  
Staunton  
Gloucestershire

**Comments:** 28th November 2018

Letter attached.

102 Cirencester Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DG

**Comments:** 3rd December 2018

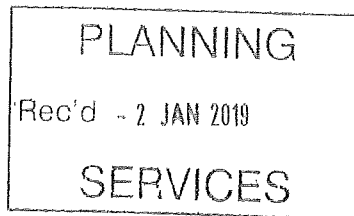
I am the son of the occupier of 57 Cirencester Road. I was living at the property when the initial application of 1994 for a full height extension was rejected by planning committee subsequently in January 1995 due to the overbearing nature of the proposal and unacceptable loss of light to my mothers property.

This current proposal is higher and extends further out than the 1994 application. This would be completely overbearing to a well loved and used area of the family home due to the developments scale and loss of light due to the increased height of the proposed roof and also the protruding full height extension out. This would have great bearing on light throughout the day to my mothers front and side kitchen windows and also to the dining room at side of the house . This is why the original 1994 plan was scaled down. Unless there has been a major change in policy since 1994 I see no reason this application should be supported now.

My other concern is the undermining of both 57 and 61 Cirencester Road. The Annex built at the bottom of 59 last year (not objected to) caused collapse of number 61s hedgerow. The builders struggled to maintain trenches and had collapses throughout the build and this was due to the unstable sand and gravel the houses are built on. Indeed the 'settlement cracks' the architect

talks of at the front of 59 I believe come as a direct result of them excavating this same unstable surface to extend their off road parking. The nature of this development will require deep excavation right up to 57 and 61s boundary will result in detrimental consequences to both of these properties structures.





Treroosel Minehouse  
Treroosel Road  
St Teath  
Bodmin  
Cornwall  
PL30 3LA  
19 December 2018

(on behalf of  
57 Cirencester Rd.)

Mr Joe Seymour BA (Hons) MSc MRTPI  
Senior Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham GL50 9SA

Dear Mr Seymour,

BY EMAIL & BY POST

**Application Ref: 18/02297/FUL Replacement dwelling 59 Cirencester Road**

Further to our telephone conversation on Monday 17 December, I have spoken to my sister's Ward Councillor, Mr Paul Mc Closkey, Mr Mc Closkey expressed surprise that his November email to the Planning Department, requesting that this application be called in for consideration by Planning Committee, had not yet been acted upon by the Department. He undertook to make further enquiries about this and to let me know what is happening. You also agreed to let me know this information at your earliest opportunity.

On the assumption that the application will be called in, my sister and I are expecting a site inspection by Members of Planning Committee on the afternoon of Tuesday 15 January 2019 and subsequent consideration of the application by the Committee at the meeting on 17 January. I have spoken to Ms Baker, the Planning Committee Coordinator, and confirmed my intention to address the Committee at that meeting.

You informed me that you have decided to recommend that planning permission be granted for this development. I shall expect you, therefore, in your report to Planning Committee to explain how this proposed development differs materially from the development which was refused planning permission in 1995 under Ref: CB12677. There are, in fact, no material differences between the two proposals insofar as the adverse impact on the neighbouring property is concerned. Furthermore, the planning policy framework which opposes unneighbourly development has not changed since 1995. A decision to grant planning permission for the current development, therefore, would be manifestly unreasonable or irrational and as such would be quashed on an application made to the High Court.

Whilst it is clear from the decision notice dated 19 January 1995 that the building then proposed was two stories in height and protruded 5 metres beyond the established rear building line, I consider that the Planning Committee should view the plans and drawings which were refused permission in 1995 in order to enable a comparison between these plans and drawings and those now proposed. I now make, therefore, a formal request under

the Freedom of Information Act that the plans and drawings refused planning permission on 19 January 1995 be made available for inspection by me at your offices before 17 January 2019 and that these plans be displayed to Planning Committee before any decision is made on the current application.

In our telephone conversation on Monday you informed me that the daylighting test on the dining room window at Number 57 Cirencester Road should be based on the "45 degree rule." In this case the dining room window directly faces the proposed building (it is the only window affording light to that room) and as such the "25 degree rule" should be applied as I indicated to you. Applying the correct rule shows that the maximum obstruction angle would be exceeded by the intrusion of the box dormer and roof apex of the proposed building above that angle.

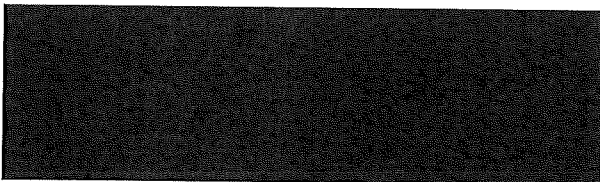
I requested that the applicants be required to erect poles on their property to assist the Planning Committee to judge the impact of the proposed development. I suggested that one pole be placed to indicate the height of the furthest projection of the roof apex into the rear garden and another be placed to indicate the height and position of the box dormer (placed opposite the dining room window of Number 57).

I would also correct you on your assertion that risk of subsidence to the adjacent properties is not a planning matter. Paragraphs 178 and 179 of the latest NPPF clearly makes this a material planning consideration. The applicants should be required to explain how they would excavate sand on the boundaries without causing subsidence on the adjacent properties. The driving of steel piles (if that happens to be the engineering advice) would cause much disturbance due to vibration and noise to occupants of Numbers 57 and 61 Cirencester Road during the course of works as well as possible long term structural damage.

You are also ignoring my apprehension about likely future sub-division of the proposed building into two or more dwellings. The Planning Committee ought to be concerned about the effect of intensification of residential use on the character of this low density residential area and on the resulting obstruction caused by increased parking in Cirencester Road.

I look forward to the Council's early and positive response to my statutory request to be furnished with the information which I have requested in this letter. Please also confirm before 15 January 2019 whether the applicants have agreed to erect poles on their land for the site meeting.

Yours sincerely,



Copies: Mrs P Parsons

Councillor P Mc Closkey

Councillor G Barnes



[REDACTED]

Planning Officer  
Cheltenham Borough Council

[REDACTED]

Greenlea  
Prince Crescent  
Staunton  
Glos.  
24 November 2018



Dear Sir,

Ref Planning Application No. 18/02297/FUL

I wish to object to this application on the following grounds:-

1/ The new building will be considerably larger, above ground, than the original house. It will be some 300mm higher to the top of the ridge and by virtue of the "deep overhanging verge" drwg 212, to the roof it will protrude at least 500mm further into the back garden. At its closest point it will be no more than 1000mm from the boundary of No.57 Cirencester Road and protrude beyond the rear wall building line of the original four chalet bungalows by almost 6m.

I maintain that this will contravene your Councils' guidelines on Development on Garden Land etc., adopted in 2009, inasmuch as the house will have "An overbearing impact due to the bulk and proximity of buildings". This will apply to both No.57 & No.61 Cirencester Road.

2/ Owing to the increased height and the inclusion of a large dormer, the daylight, to the south facing kitchen and dinning room windows of No.57, will be almost totally cut off. The whole of the south side of No.57 will be overshadowed and deprived of any sunlight except for the top of these windows for a few days in midsummer.

3/ At present there are [REDACTED] No.59.

[REDACTED]. Where will all their cars be parked?  
The plans allow for two spaces only .

4/ The only form of heating shown for the new build is via two wood burning stoves. These devices have been demonstrated to be very environmentally unfriendly. They produce more particulate emissions than diesel engines, they produce PAH's, many of which are carcinogenic, and CO. Owing to the cyclic mode of operation, vis cold when recharged through to hot at burnout, these problems are made worse. An automatic wood-chip feeder would reduce these problems but not eliminate them. They will contravene your councils smokeless zone restrictions.

I recommend that this application be refused.

[REDACTED]

[REDACTED]

Note for Planning Officer.

Although I am not a resident of Cheltenham Borough; I [REDACTED]  
[REDACTED] and have known [REDACTED]  
[REDACTED] I feel that this gives me the  
right to raise my objections.

Yours faithfully

[REDACTED]