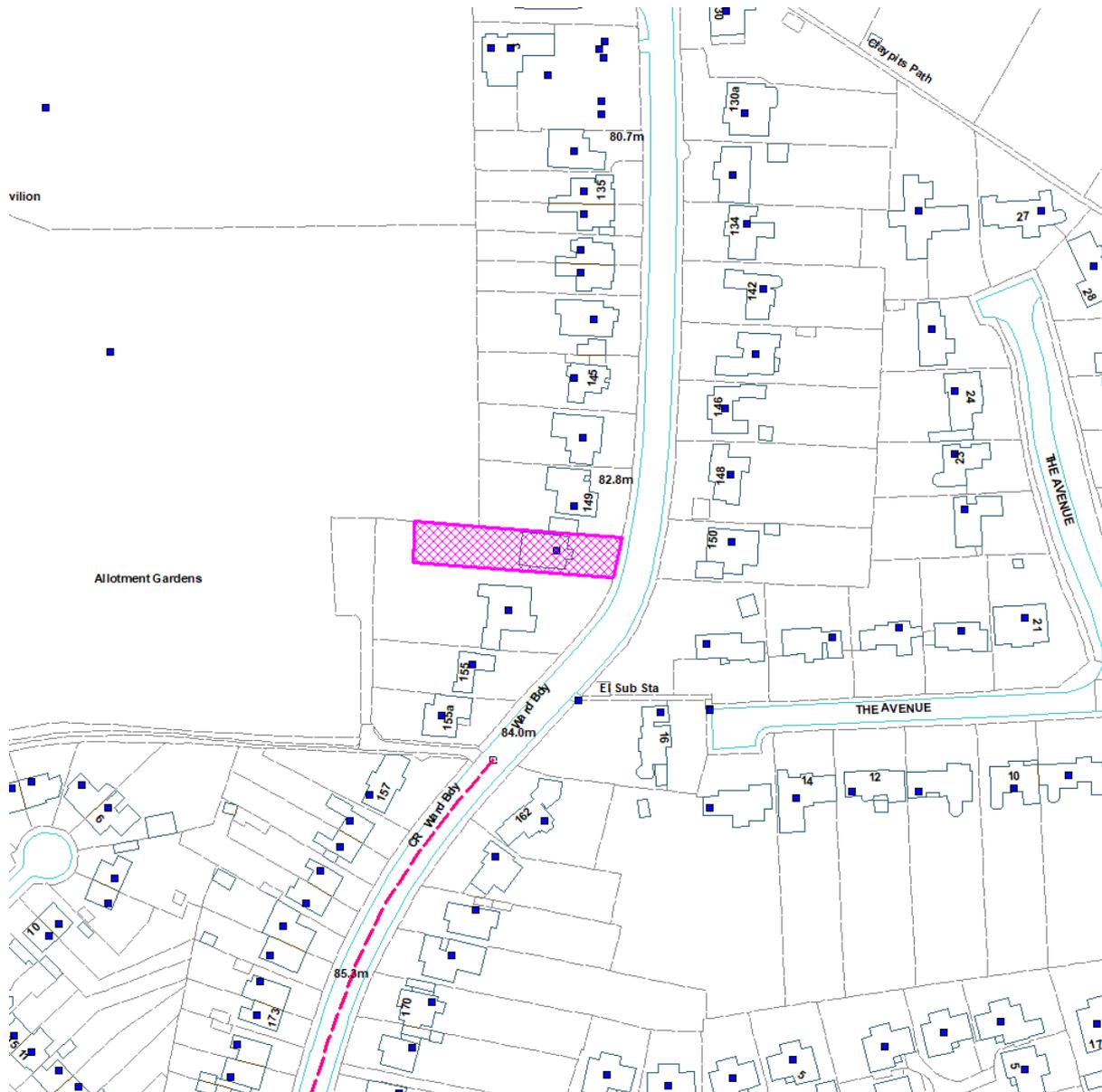


<b>APPLICATION NO:</b> 19/01230/FUL		<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 22nd June 2019		<b>DATE OF EXPIRY:</b> 17th August 2019
<b>DATE VALIDATED:</b> 22nd June 2019		<b>DATE OF SITE VISIT:</b> 12th July 2019
<b>WARD:</b> College		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Sean Durkin	
<b>AGENT:</b>	Cheltenham Drafting	
<b>LOCATION:</b>	151 Old Bath Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of detached garage	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached dwelling located within a residential area on Old Bath Road.
- 1.2 The applicant is seeking planning permission for the erection of a detached garage to the front of the existing dwelling.
- 1.3 The application is at planning committee at the request of Councillor Sudbury on behalf of a local resident. The concerns relate to highway safety and impact on the character of the area.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**17/02461/FUL 1st February 2018 PER**  
To extend the dropped kerb at the driveway entrance

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 8 Promoting healthy and safe communities  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places

### Saved Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development

### Adopted Joint Core Strategy Policies

SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

## 4. CONSULTATIONS

**GCC Highways Planning Liaison Officer**  
*5th July 2019*

Reference is made to the above application received on the 3rd July 2019.

Recommendation: No objection.

#### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

#### **Building Control**

*5th July 2019*

No comment

#### **Tree Officer - 10th July 2019**

The Tree Section does not object to this application pending submission of further information. Please could foundation details which take account of any potential roots be submitted and agreed before determination. Please could the following Condition be added with any permissions given:

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Please could the following informative also be added with any permissions:

#### Suggested Gutter Cover Informative

It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>4</b>
Total comments received	<b>2</b>
Number of objections	<b>2</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

5.1 4 letters were sent to neighbouring properties, 2 letters of objection have been received.

5.2 The objections have been summarised but are not limited to the following:

- Visual impact/ Visual amenity

- Traffic and highway safety
- Impact on trees

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity, impact on the street scene and impact on existing trees.

### 6.3 The site and its context

6.4 The application site consists of a detached two storey dwelling set back from the road with a large front garden/driveway. The site sits amongst a number of detached properties that vary in scale, form and design with frontages onto Old Bath Road.

6.5 Typically the space between the highway and the properties in the immediate locality is used as private front gardens, driveways and parking areas. Front boundary treatments in the area are varied, some with low level brick walls and planting, others with higher level fencing and planting.

### 6.6 Principle, design and layout

6.7 The proposal is for a single storey pitched roof garage, measuring 5.6 metres in length, 3.5 metres in width, with an overall ridge height of 3.6 metres. Access to the garage to be from within the site and not from Old Bath Road. Unlike the properties either side of the application site, the site is not sufficient in width to enable a new garage to the side of the existing dwelling, therefore the proposal is for a garage in front of the building.

6.8 As existing, there do not appear to be any detached garages built in the immediate locality. Generally garages in front of dwellings can be considered to be imposing on the street scene and often cannot be supported. However, having reviewed planning history in the local area, a number of applications are considered to be relevant.

Permission was granted in 2017 (17/00012/FUL) at 172 Old Bath Road. This decision made reference to a previous appeal decision relating to 06/01733/FUL where the planning inspector stated:

*'I saw other garages sited in front of dwellings further along the road and I therefore consider garages positioned forward of the building line are already an established feature of the street scene.'*

A further application at 176 Old bath road (08/01225/FUL) also granted permission for a garage forward of the existing building.

In addition, planning permission was recently granted in 2018 (18/01348/FUL) for a detached garage in the front of the existing building at number 157 Old Bath Road, just a few doors down from the application site.

Having reviewed this relevant planning history, officers consider the principle of a garage in the proposed location to be acceptable.

6.9 The external finish of the proposed garage includes low level facing brickwork, rendered walls and brown concrete roof tiles to match the existing building. The overall scale, form and design of the proposed garage is appropriate for its location and will reflect the

general design and finish of the existing building, therefore allowing it to read as a sympathetic addition to the site.

- 6.10 Officers duly note the concerns raised by the immediate land users regarding the impact of the proposed development on the character of the area. Whilst officers accept the scale form and general design to be acceptable, it is also considered necessary for a robust planting scheme to be put in place in order to reduce the visual impact of the new structure and to provide a soft boundary that reflects other frontages in the area.

There is an existing planting scheme in place which consists of Portuguese Laurel sat within raised planting beds; however, officers have noted that this planting is failing in places. Having sought advice from the council's tree officer and having discussed this further with the applicant's agent, a revised plan has been submitted which shows the raised beds being removed and the planting of new privet hedging proposed. The tree officer has advised that the removal of the raised planting beds will encourage better growth of the new planting. Officers consider that the revised planting proposal will be an improvement and once matured will provide a soft boundary to the site that will also serve as a buffer between the highway and the proposed garage.

- 6.11 It is for these reasons that officers consider the principle, scale form and design of the proposed new garage to be acceptable and compliant with the requirements of the local plan policy CP7 and adopted JCS policy SD4.

#### **6.12 Impact on neighbouring property**

- 6.13 Due to the scale, form and position of the proposed garage and the relationship with neighbouring land users, it is not considered that the proposed development will result in any unacceptable loss of light or overbearing impact to any neighbouring land user.

- 6.14 The proposal is therefore considered to be compliant with Local Plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

#### **6.15 Access and highway issues**

- 6.16 Gloucestershire Highways have been consulted on this application and no objection has been raised. Having discussed this further with the highways officer, no objection has been raised due to the fact that vehicular trips already occur on the site and the garage would not generate additional movements.

- 6.17 Concerns have been raised by the neighbouring land user regarding ease of access to the garage if built. A gap of approximately 5.5 metres will remain between the front of the proposed garage and the boundary line, this is considered to be sufficient space to enable a car to enter and exit the garage safely.

- 6.18 The proposal is not considered to result in any highway safety implications and is therefore compliant with adopted JCS policy INF1.

#### **6.19 Impact on Trees**

- 6.20 The Council's tree officer has reviewed the application to consider the impact of the proposed development on the existing street tree located on the footpath adjacent to the site. The tree officer does not object to the proposed development but has requested further details regarding the proposed foundations. A condition requiring these details to be submitted has been suggested.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, officer recommendation is to permit the application, subject to the conditions set out below:

## 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission 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 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to first beneficial use of the development unless otherwise agreed in writing by the Local Planning Authority.

Any planting indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development (including site clearance), the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) full details of the proposed method for any ground works (including foundations) within the tree Root Protection Area(s)

The development shall be implemented strictly in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

## INFORMATIVES

- 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 a revised planting scheme.

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

- 2 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc