

<b>APPLICATION NO: 19/01296/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>	
<b>DATE REGISTERED:</b> 3rd July 2019		<b>DATE OF EXPIRY :</b> 28th August 2019	
<b>WARD:</b> Lansdown		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Mike Mellor		
<b>LOCATION:</b>	Engadine, 3 Wendover Gardens, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing dwelling and erection of replacement dwelling		

## REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>7</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Saint Florence Villa  
21 Eldorado Crescent  
Cheltenham  
Gloucestershire  
GL50 2PY

**Comments:** 23rd July 2019

Our main objections to the proposed development are listed below;

1. The proposed balcony would result in loss of privacy for us and surrounding properties. The close proximity of the proposed development to the boundaries makes this issue more concerning not only for privacy, but noise levels as well.

2. It is noted that the internal space is increasing from 165sqm to 325sqm, therefore the site is in danger of being over developed and the structure quite imposing next to the surroundings properties.

The original design (16/01436/FUL) approved in 2016 was less imposing on surroundings, achieving this with use of elevations built on different planes and the interesting use of stonework to break surfaces up.

It was also architecturally more interesting and pleasing to look at.

If the development were to be approved, we would request that the following conditions be applied:

1. Height not to exceed ridgeline of adjacent properties.

2. Balcony to be restricted to the area overlooking terrace area only. We mention this because the drawing in the "design and access statement " indicates that the rear flat roof may be used as a balcony.

5 Wendover Gardens  
Cheltenham  
Gloucestershire  
GL50 2PA

**Comments:** 25th July 2019

My wife and I think that the proposed replacement dwelling for number 3 Wendover Gardens is too big for the actual plot and would not be in keeping with the other three houses in the close; therefore, creating a negative visual impact.

4 Wendover Gardens  
Cheltenham  
Gloucestershire  
GL50 2PA

**Comments:** 23rd July 2019

Letter attached.

17 Eldorado Crescent  
Cheltenham  
Gloucestershire  
GL50 2PY

**Comments:** 29th July 2019

Letter attached.

19 Eldorado Crescent  
Cheltenham  
Gloucestershire  
GL50 2PY

**Comments:** 22nd July 2019

Background:

The rear of the proposed new dwelling directly backs the rear of our property, therefore the rear windows of each house will look directly at each other.

The proposed dwelling will replace an existing one. The current property is set well back from the boundary, as is ours, and we are separated by our rear gardens and an original boundary garden red brick wall about 3.2 metres tall. We both therefore enjoy a high degree of privacy.

Summary of concerns:

We have three grave concerns about the new dwelling:

1. A balcony that extends to our boundary wall and which would have a significant, detrimental effect on our privacy and may increase noise levels when in use as a leisure area.
2. There are 2 large clear rear windows in a new protruding gable end which again would significantly affect our privacy.
3. There will be a significant visual impact as the development is higher and will be closer to our boundary than the existing dwelling.

Character of the Existing Situation:

The rear of the proposed dwelling and its neighbours in Wendover Gardens, and those of 17, 19 and 21 Eldorado Crescent is currently characterised by good sized gardens separated by high dividing walls and fences. The boundaries provide a great amount of privacy for all residents. Indeed, none of the gardens are directly overlooked by any of the other dwellings. All the dwellings are well set back from the boundaries.

#### The Balcony:

The proposed plans indicate a new, very large, single storey extension that extends up to our boundary wall. A certain amount of this extension is indicated to be used as a balcony. This balcony is capable of being extended for use in future as a large balcony or sun terrace. The drawing shows a long and narrow balcony (8m x 1m) that would not be appropriate for seating and so only would be capable of being walked along. In addition, the image of the balcony shown on the last page of the Design and Access Statement appears to extend along the North West elevation of the house. This leads us to believe an intent to use more of it for leisure use than is shown in the sketch of the first floor plan (drawing number 114-06).

Any balcony, particularly one that extends right up to our boundary wall, will give a view directly over our boundary wall and into our garden and house, with no obstruction. The balcony and its possible extension also over looks directly into 2 other properties gardens and dwellings. This would be great invasion of our privacy, as well as the privacy of 17 Eldorado Crescent and 4 Wendover Gardens. Extension of the balcony enabling leisure use will also create noise issues, as sounds will not be muffled by solid walls as currently is the case at ground level.

It is also important to note that none of the other dwellings neighbouring the proposed dwelling have an open balcony.

#### 2 large window in the gable end first floor:

The first floor windows of the gable end would be nearer our boundary than those in the existing dwelling. The windows are large and of clear glass and so would have an adverse impact on our privacy.

As the first floor of the gable end extends significantly beyond the first floor of the existing property the 2 windows will look directly over our boundary wall and into our garden and house. This is a great violation of our privacy.

We would also be concerned that demolishing the existing dwelling may also enable creep of the rear of the building further towards the boundary wall than is indicated on the plans.

#### Visual Impact:

The proposed dwellings upper floor is 50% wider when viewed from the rear. Whereas this by itself would not give us too much cause for concern, the height of the new dwelling is higher than the existing one. The roof profile is also reduced in height. This means that the upper windows extend higher than the existing ones. There is also an opportunity of 'building creep' towards our boundary beyond that indicated by the plan.

Any increase in height would not reflect the current similar dwellings that sit in the same development which are all practically the same height. It would certainly dominate our outlook and the scene as a whole. Any increase in the height of the existing upstairs windows would allow further views into our garden and dwelling.

The exterior of proposed dwelling is reasonably attractive, but it is a very large increase in size and scale, more than doubling the internal area of the existing dwelling. It is way beyond the scale of the other dwellings in the cul de sac. By demolishing the existing dwelling the applicant is proposing to take the edges of the new dwelling right up to the curtilage's boundary walls, which would affect three properties.

To the extent that the dwelling extends at ground floor level there would be little detrimental effect on us save for the use of the roof as a balcony, now or in the future. There would however be an adverse effect on number 4 Wendover Gardens as their boundary is a wooden fence, far lower than our garden wall.

**Objections:**

The proposed new dwelling is reasonably attractive and we have no objection to the enlargement of the dwelling, but it should be done in a way to maintain the existing levels of privacy and noise.

We strongly disagree with the installation of a balcony and new rear windows that would enable a clear view of our and other residents' rear gardens and into the downstairs and bedroom floors of our houses.

The height of any new development should not be higher than the existing building and the first floor building line maintained.

**Comments:** 23rd July 2019

Letter attached.

Cranborne  
2 Wendover Gardens  
Cheltenham  
Gloucestershire  
GL50 2PA

**Comments:** 22nd July 2019

The portal to place my comments on the planning section of the council website was down on Sunday 21st July and I have therefore sent my comments by letter but will add this letter into the planning comments portal when it is functioning again.

I live at number 2 Wendover Gardens, which is located in a position south west to number 3.

I welcome in principle the idea of making improvements to the property at number 3 Wendover Gardens, particularly if they benefit the overall appearance of the house and thus the cul-de-sac. However, I do have some concerns and objections about the current proposed plans which are as follows:

1. I am concerned about the height of the proposed new property. The plans suggest that it will be higher than all the properties in Wendover Gardens and I think there should be a height restriction for the plans in order to keep the roof line at level with the surrounding existing adjacent houses.

2. I do object strongly to the proposed plans for a balcony which runs along the boundary between the south west side of the property and mine. This balcony will overlook three quarters of my garden and the back of my home. My privacy will be lost. I am very worried about this. I personally do not think that any balcony should be allowed on my boundary side ie south west, or indeed on any boundary for the same privacy reasons as this will affect neighbours in Elderado Crescent and number 4 Wendover Gardens. The Design and Access statement in the plans suggest that there is capacity for further development of the balcony section which concerns me.

3. For the same reasons, I am concerned about the proposed plans to build two French windows from the bedroom leading onto the balcony. Once again my privacy will be lost.

4. In connection with point 3, I am concerned about the noise produced if the balcony was given permission to be built.

5. The proposed plans suggest that the overall size of the new house will be double the size of the existing property. This will mean that the property will dominate the locality and will have a direct adverse visual impact as it currently stands. I wonder whether it will be out of proportion to the surrounding houses in the cul-de-sac?

6. A balcony was refused permission to be built for house number 4 and there is a precedent for balconies to not be granted planning permission within Wendover Gardens.

7. There is a covenant in the land registry deeds dated 14th June 1960, which states clearly that any building and alterations of properties in the cul-de-sac has to be agreed by all house owners in Wendover Gardens. This covenant is still legally binding and current.

8. I am aware that the plans are creeping beyond the original plans and that there is potential for further extension or creeping of these new proposed plans which is concerning. For example, the plans leave open the possibility of making the second floor balcony and flat roof section further developed.

In summary, I approve of the overall viewpoint that there is a need to modernise and develop the property of number 3.

I think the plans should reflect the adjacent properties in proportion and height within this small cul-de-sac.

I do object strongly to the building of the second floor balcony and the south west French windows. Both the balcony and the French windows would directly affect and take away my right of privacy. My garden and the back of my house would be overlooked and by the same token it would also cause noise disturbance.

I would also like to add my request that the council make good any damage to the road surface and curb if building work takes place, as the demolition and building works appear to be quite extensive.

Please could you take into consideration my objection,

**Comments:** 23rd July 2019

Letter attached.

4 Wendover Gardens  
Cheltenham  
Gloucestershire  
GL50 2PA

**Comments:** 23rd July 2019

Whilst we welcome the renovation of No 3 Wendover gardens in principle, and feel it can benefit the Cul-de-sac, we wish to raise the following concerns regarding the above planning application:

Harmful effect on amenity:

1. The proposed building is very close to our boundary on the North-East and to the rear boundary at the North-West. This will have a significant impact on the sunlight coming into our garden.

The development, whilst creating a patio facing South-West to maximise sunlight for the new property, is at the same time denying us sunlight on our existing patio.

The building should therefore be moved further away from our boundary coming no closer than the end wall of the existing building (garage).

Harmful effect on privacy

2. On the proposed plan there is a balcony, which is shown along the full length of the ground floor on the South-West elevation, projecting beyond the end wall of the upper floor. It will hence overlook directly into our and our neighbours gardens. This directly affects our privacy and causes concerns of possible noise. We are very surprised that the balcony has been considered as we were refused one on our planning application a few years ago. We had to have a Juliet balcony and we feel this has set a precedent. Furthermore, the Design and Access statement shows the balcony continuing further around the flat roof, raising concerns regarding future expansion of use. We feel this should be clearly addressed as unsuitable in any final planning agreement.

Visual impact and harmful effect on local character:

3. We are also concerned that the overall ridge height of any development will not exceed the existing buildings ridge height as this would be out of character compared to the other buildings in the cul-de-sac. This would also further affect the sunlight into our garden. The planned building is out of proportions to the size of the plot and the neighbouring buildings in the cul-de-sac, meaning the property will dominate the other houses, especially due to its central location.

4. It should be noted that there is a Covenant dated 14th June 1960 made between William Henry George Wheeler and John Stuart Bruce Reynolds which restricts alterations to the property. This states that any alterations must be agreed to by all owners in the Cul-de-sac.

We would also would like to make sure that any damage to the road, kerbs and pavement caused by the construction are repaired.

**Ref: 19/01296/FUL**

4 Wendover Gardens  
Cheltenham  
GL50 2PA

21<sup>st</sup> July 2019



For the attention of Tracey Crews, Director of Planning

Dear Miss Crews,

Whilst we welcome the renovation of No 3 Wendover gardens in principle, and feel it will benefit the Cul-de-sac, we wish to raise the following concerns regarding the above planning application:

1. The proposed building is very close to our boundary on the North-East and to the rear boundary at the North-West. This will have a significant impact on the sunlight coming into our garden.

The development, whilst creating a patio facing South-West to maximise sunlight for the new property, is at the same time denying us sunlight on our existing patio.

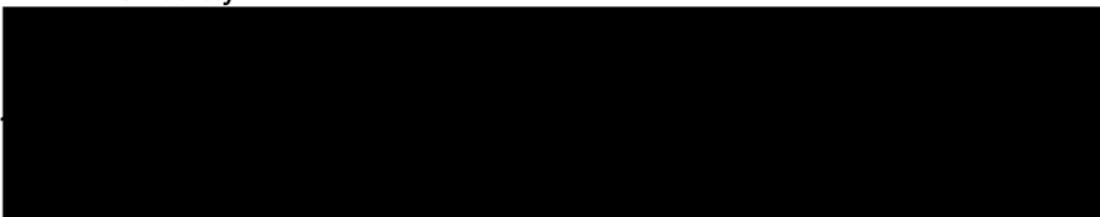
The building should therefore be moved further away from our boundary coming no closer than the end wall of the existing building (garage).

2. On the proposed plan there is a balcony, which is shown along the full length of the ground floor on the South-West elevation, projecting beyond the end wall of the upper floor. It will hence overlook directly into our and our neighbours gardens. This directly affects our privacy and causes concerns of possible noise. We are very surprised that the balcony has been considered as we were refused one on our planning application a few years ago. We had to have a Juliet balcony and we feel this has set a precedent. Furthermore, the Design and Access statement shows the balcony continuing further around the flat roof, raising concerns regarding future expansion on use. We feel this should be clearly addressed as unsuitable in any final planning agreement.
3. We are also concerned that the overall ridge height of any development will not exceed the existing buildings ridge height as this would be out of character compared to the other buildings in the cul-de-sac. This would also affect the sunlight into our garden.
4. The planned building is out of proportions to the size of the plot and the neighbouring buildings in the cul-de-sac, meaning the property will dominate the other houses, especially due to its central location.
5. It should be noted that there is a Covenant dated 14<sup>th</sup> June 1960 made between William Henry George Wheeler and John Stuart Bruce Reynolds which restricts alterations to the property. This states that any alterations must be agreed to by all owners in the Cul-de-sac.

We would also would like to make sure that any damage to the road, kerbs and pavement caused by the construction are repaired.

Finally, we are not against the updating of the property, indeed we welcome it. However we feel that the proposed plans are a little over ambitious for the plot and neighbouring houses.

Yours Sincerely



'Kynance',  
17, Eldorado Crescent, Cheltenham,  
Gloucestershire, GL50 2PY.  
Tel: [REDACTED]



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Miss Michelle Payne  
Planning Officer  
Cheltenham Borough Council  
Cheltenham  
GL50 1PP

23 July 2019

Dear Miss Payne,

Thank for your letter announcing the proposed development of Engadine, 3, Wendover Gardens, Cheltenham. I have examined the application and submit the following comments:

1. Design.

The much larger and overpowering building lacks sympathy and does not compliment the existing features of Wendover Gardens

2. Privacy:

The much increased area of the development has resulted in the north west elevation being extremely close to the boundary wall running through houses in Eldorado Crescent.

The existing 3 bedrooms windows have little impact on overlooking our property but with the relocation of 5 much larger windows and the opportunity to view from a balcony will greatly diminish the current privacy.

The proposed landing windows are now shown as large clear double glazed versions, as opposed to the original narrower opaque style, with immediate impact on our privacy.

The location and size of the building will affect the privacy of houses in Eldorado Crescent.

3. Noise:

The terrace area clearly implies entertaining and with a much larger car park the potential is therefore to have a serious impact on the neighbours and adjacent properties.

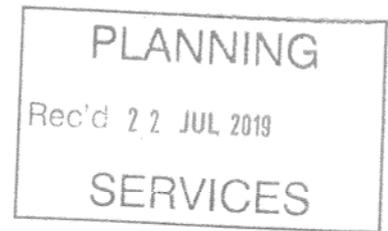
4. Impact:

The overall effect of this development is not an enhancement of the Gardens within this Heritage Area and has an affect on property and gardens outside of the site.

Yours sincerely

[REDACTED]

19 Eldorado Crescent  
Cheltenham  
GL50 2PY



21 July 2019

Tracey Crews, Director of Planning  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Director of Planning,

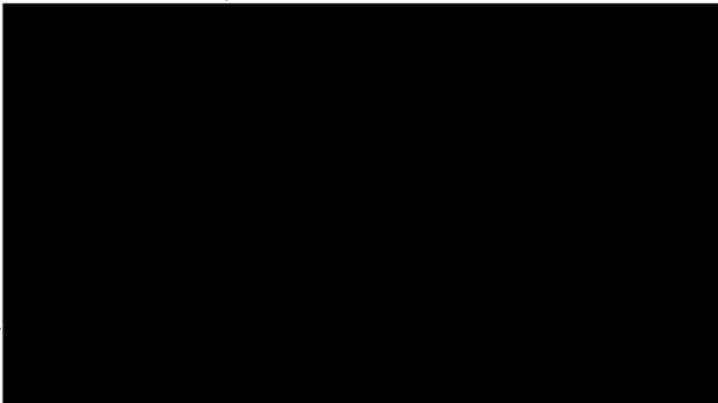
**Proposal: Demolition of Existing Dwelling and Erection of Replacement Dwelling  
at Engadine, 3 Wendover Gardens, Cheltenham - 19/01296/FUL**

We have tried to leave our comments on the planning portal website. However, the login appears not to be working and so to ensure that you receive them I am submitting them in hard copy. I will continue to try to enter them in the portal too.

We attach our comments on the above planning application to this letter.

We would be grateful if you would confirm receipt.

Yours sincerely,



## Comments on Proposal



### **Background**

We are the residents of 19 Eldorado Crescent, GL50 2PY.

The rear of the proposed new dwelling directly backs the rear of our property, therefore the rear windows of each house will look directly at each other.

The proposed dwelling will replace an existing one. The current property is set well back from the boundary, as is ours, and we are separated by our rear gardens and an original boundary garden red brick wall about 3.2 metres tall. We both therefore enjoy a high degree of privacy.

### **Summary of concerns**

We have three grave concerns about the new dwelling:

1. A balcony that extends to our boundary wall and which would have a significant, detrimental effect on our privacy and may increase noise levels when in use as a leisure area.
2. There are 2 large clear rear windows in a new protruding gable end which again would significantly affect our privacy.
3. There will be a significant visual impact as the development is higher and will be closer to our boundary than the existing dwelling.

### **Character of the Existing Situation**

The rear of the proposed dwelling and its neighbours in Wendover Gardens, and those of 17, 19 and 21 Eldorado Crescent is currently characterised by good sized gardens separated by high dividing walls and fences. The boundaries provide a great amount of privacy for all residents. Indeed, none of the gardens are directly overlooked by any of the other dwellings. All the dwellings are well set back from the boundaries.

### **The Balcony**

The proposed plans indicate a new, very large, single storey extension that extends up to our boundary wall. A certain amount of this extension is indicated to be used as a balcony. This balcony is capable of being extended for use in future as a large balcony or sun terrace. The drawing shows a long and narrow balcony (8m x 1m) that would not be appropriate for seating and so only would be capable of being walked along. In addition, the image of the balcony shown on the last page of the Design and Access Statement appears to extend along the North West elevation of the house. This leads us to believe an intent to use more of it for leisure use than is shown in the sketch of the first floor plan (drawing number 114-06).

Any balcony, particularly one that extends right up to our boundary wall, will give a view directly over our boundary wall and into our garden and house, with no obstruction. The balcony and its possible extension also over looks directly into 2 other properties gardens and dwellings. This would be great invasion of our privacy, as well as the privacy of 17 Eldorado Crescent and 4 Wendover Gardens. Extension of the balcony enabling leisure use will also create noise issues, as sounds will not be muffled by solid walls as currently is the case at ground level.

It is also important to note that none of the other dwellings neighbouring the proposed dwelling have an open balcony.

### **2 large window in the gable end first floor**

The first floor windows of the gable end would be nearer our boundary than those in the existing dwelling. The windows are large and of clear glass and so would have an adverse impact on our privacy.

As the first floor of the gable end extends significantly beyond the first floor of the existing property the 2 windows will look directly over our boundary wall and into our garden and house. This is a great violation of our privacy.

We would also be concerned that demolishing the existing dwelling may also enable creep of the rear of the building further towards the boundary wall than is indicated on the plans.

### **Visual Impact**

The proposed dwellings upper floor is 50% wider when viewed from the rear. Whereas this by itself would not give us too much cause for concern, the height of the new dwelling is higher than the existing one. The roof profile is also reduced in height. This means that the upper windows extend higher than the existing ones. There is also an opportunity of 'building creep' towards our boundary beyond that indicated by the plan.

Any increase in height would not reflect the current similar dwellings that sit in the same development which are all practically the same height. It would certainly dominate our outlook and the scene as a whole. Any increase in the height of the existing upstairs windows would allow further views into our garden and dwelling.

The exterior of proposed dwelling is reasonably attractive, but it is a very large increase in size and scale, more than doubling the internal area of the existing dwelling. It is way beyond the scale of the other dwellings in the cul de sac. By demolishing the existing dwelling the applicant is proposing to take the edges of the new dwelling right up to the curtilage's boundary walls, which would affect three properties.

To the extent that the dwelling extends at ground floor level there would be little detrimental effect on us save for the use of the roof as a balcony, now or in the future. There would however be an adverse effect on number 4 Wendover Gardens as their boundary is a wooden fence, far lower than our garden wall.

### **Objections**

The proposed new dwelling is reasonably attractive and we have no objection to the enlargement of the dwelling, but it should be done in a way to maintain the existing levels of privacy and noise. We strongly disagree with the installation of a balcony and new rear windows that would enable a clear view of our and other residents' rear gardens and into the downstairs and bedroom floors of our houses. The height of any new development should not be higher than the existing building and the first floor building line maintained.

21 July 2019

Re proposed planning permission for demolition of existing dwelling and erection of replacement dwelling at 3 Wendover Gardens, Cheltenham. Reference 19/01296/ful



[REDACTED]  
2 Wendover Gardens

Cheltenham

22nd July 2019

Dear Ms Crews,

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In summary, I approve of the overall viewpoint that there is a need to modernise and develop the property of number 3.

I think the plans should reflect the adjacent properties in proportion and height within this small cul-de-sac.

I do object strongly to the building of the second floor balcony and the south west French windows. Both the balcony and the French windows would directly affect and take away my right of privacy. My garden and the back of my house would be overlooked and by the same token it would also cause noise disturbance.

I would also like to add my request that the council make good any damage to the road surface and curb if building work takes place, as the demolition and building works appear to be quite extensive.

Please could you take into consideration my objection,

Yours sincerely,

