



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a garage and garden land to the side of Byways, a detached two-storey dwelling to the north of Swindon Lane. The site is within the Greenbelt.
- 1.2 This application proposes the erection of a part two-storey, part three-storey detached dwelling to the south of Byways. The dwelling would have 3 bedrooms. It is proposed to be white rendered with fibre cement slates.
- 1.3 The application is brought to Planning Committee at the request of Councillor Bernard Fisher as he would like a committee decision on the grounds of Local Plan Policy CP7 (Design).

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Greenbelt  
Honeybourne Line  
Principal Urban Area

### **Relevant Planning History:**

**06/00506/FUL 25th May 2006 PER**

Two storey rear extension, alterations and new vehicular access

**91/01360/PF 10th January 1991 PER**

Erection of a garage

**19/00715/FUL 22nd May 2019 WDN**

Proposed demolition of garage and erection of a detached dwelling plus associated car parking

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 12 Achieving well-designed places  
Section 13 Protecting Green Belt land

### Saved Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
CO 7 Rebuilding or replacement of dwellings in the green belt

### Adopted Joint Core Strategy Policies

SD4 Design Requirements  
SD5 Green Belt  
SD10 Residential Development

### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

## 4. CONSULTATIONS

### **GCC Highways Planning Liaison Officer**

*9th September 2019*

Reference is made to the above application received on the 29th August 2019 submitted with application form, site location plan ref 10, cover letter and site layout ref 11.

Recommendation:

The highways authority recommends no highways objection to be raised.

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**

*29th August 2019*

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

### **Gloucestershire Centre For Environmental Records**

*5th September 2019*

Biodiversity report available to view.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>17</b>
Total comments received	<b>1</b>
Number of objections	<b>1</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** 17 letters were sent to neighbouring properties. In response to this publicity, 1 objection has been received. The planning objections related to;

- Impact on amenity in terms of loss of light, loss of privacy and overbearing impact.
- Design
- Over development of the site
- Highway impact

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The key issues in determining this application are considered to be (i) the principle, (ii) impact on the greenbelt, (iii) design, (iv) impact on neighbouring properties, (v) highway safety and parking.

### **6.3 The site and its context**

**6.4** As mentioned above, the application site is within the Green Belt. The north of Swindon Lane is within the Green Belt but the south is not. Dwellings to the south of Swindon Lane have a more tightly compact urban grain than dwellings along the north side of the road. Properties along this part of the north side, generally, sit on larger plots with larger gaps between semi-detached pairs which offers views of the countryside beyond.

### **6.5 Principle**

**6.6** The NPPF confirms at paragraphs 143-145 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It states that LPAs should regard the construction of new buildings as inappropriate. Exceptions to this are listed in the NPPF, these include infilling in villages and limited affordable housing for local community needs and infilling on previously developed sites. Neither of these two exceptions are considered to apply to this proposal.

**6.7** Although the proposal involves the development in the curtilage of the existing dwelling, garden land is excluded in the definition of previously developed land for the provision of the NPPF.

**6.8** Policy GB1 of the emerging Cheltenham Plan (eCP) supports limited infilling in the Green Belt. It states that, except in very special circumstances, there will be a presumption against the construction of new buildings. It does allow for limited residential infilling in existing and previously undeveloped gaps in built up frontages, however these are restricted specifically to The Reddings, Shaw Green Lane and Bowbridge Lane and is only applicable if there is no adverse impact on the openness of the Green Belt. It is acknowledged that eCP policy GB1 only carries limited weight at the time of writing.

**6.9** As such, unless very special circumstances exist which may warrant an alternative conclusion, the principle of the proposal is unacceptable.

### **6.10 Impact on Green Belt**

**6.11** As mentioned above, the dwellings to the north of Swindon Lane sit on relatively large plots with larger gaps between them giving views of the countryside. These gaps help contribute to the transition from the built up area to the countryside beyond. The proposed two-storey dwelling would essentially result in the loss of this gap at first floor and its replacement would be a building. For these reasons it is considered that the proposal would have a harmful impact upon the character and openness of the Green Belt.

### **6.12 Design**

**6.13** The adopted Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury states in Policy SD4 how high quality and well thought out design is a key element in producing sustainable places. Furthermore, new development should 'address the urban structure and grain of the locality in terms of street pattern, layout mass and form.'

- 6.14** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (SPD) provides guidance in understanding and responding to local character. The aim of the SPD is to ensure that only developments which respond successfully to the character and distinctiveness of the area are permitted.
- 6.15** The sub-division of the existing curtilage of Byways, Swindon Lane to create a new plot for a single detached dwelling would result in a plot width that is out of keeping with the street scene. Although the width does increase to the rear and plot depth is similar to those of neighbouring dwellings, the plot width at the front is considered insufficient in size to accommodate a dwelling. The plot width would result in an enclosed, cramped and contrived form of development which would appear wholly at odds with the prevailing character of this part of Swindon Lane which is characterised by larger detached dwellings and semi-detached dwellings all on wider plots.
- 6.16** The distance between the side elevations of the proposed dwelling and the boundaries of the two adjacent properties, Byways and Wayside, would be at its narrowest 800mm and 400mm respectively. Furthermore, the distance between the side elevation of the proposed dwelling and side elevation of Byways would be limited to 1.1 metres (800mm at its narrowest point). This degree of separation is considered unacceptable and again does not follow the gaps and pattern of surrounding development.
- 6.17** The proposed dwelling's eaves and ridge height are noticeably lower than both Byways and Wayside and the narrow plot width necessitates the building being set back from the front elevations/building line of both adjacent properties. The scale, design and form do not reflect the character and appearance of the neighbouring properties. As such, the proposed development would be an incongruous addition resulting in significant harm to the character and appearance of the street scene.
- 6.18** Whilst the architectural design of the proposed dwelling responds to architectural features of the adjoining dwelling, it is not considered this outweighs the harm regarding layout, form and principal of development.
- 6.19 Impact on neighbouring property**
- 6.20** Policy SD14 of the JCS states how development must not cause harm to the amenity of neighbouring occupants and this is reinforced further within Local Plan Policy CP4. The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (SPD) provides advice on understanding potential impact on neighbouring amenity.
- 6.21** There are concerns regarding the potential impact of the development on Wayside and these primarily relate to a loss of light and potential overbearing. The application proposes replacing the existing flat roof garage with a two-storey dwelling. The proposed building's height and width would be significantly larger than the existing structure.
- 6.22** Wayside has been subdivided into two dwellings. The dwelling at the front has its only bedroom and kitchen window to the side elevation. The standard 25 degree light test was undertaken as part of the application to assess the impact on these light sources. The proposal fails this test. The loss of light together with the loss of outlook would cause an unacceptable impact upon the amenities of the occupiers of Wayside. Given the height, width, footprint and location of the new dwelling, the proposal would cause an unacceptable overbearing impact on Wayside.
- 6.23** There is some discrepancy between the street scene drawings and the site as viewed during the officer site visit. The submitted drawings show the land levels are the same at Byways and Wayside however following a site visit it is clear that land levels at Wayside are lower than Byways. However, this inaccuracy is not considered to prevent the Local Planning Authority from making a decision on the application. The proposal fails the

standard light test whether the land is lower or not and there would still be an overbearing impact.

#### **6.24 Access and highway issues**

**6.25** The Highways Authority has been consulted as part of the application proposal and no objection has been raised.

#### **6.26 Other considerations**

**6.27** As an application for a new building in the Green Belt it is important to consider whether there are any 'very special circumstances' which may be of relevance in reaching a recommendation. The information submitted with the application has not referred to any special circumstances and there does not appear to be anything specific or unusual about this proposal in this location which should warrant such an exception.

### **7. CONCLUSION AND RECOMMENDATION**

**7.1** The proposal for one dwelling in this location has been deemed inappropriate development in the Green Belt, which would also harm its openness. The very special circumstances that are required for development within the Green Belt do not exist in this case.

**7.2** The proposed development also fails to respond to the established urban grain resulting in harm to the character of the street scene and also cause unacceptable harm to the amenity of the adjoining neighbour.

**7.3** For these reasons, the application is recommended for refusal.

### **8. REFUSAL REASONS**

- 1 The proposed development constitutes inappropriate development in the Green Belt which would be detrimental to its character and openness. Existing gaps between buildings on the north side of this part of Swindon Lane contribute to the transition from the built up area to the countryside beyond. This proposal would result in the loss of this important gap and the intensification and consolidation of frontage development along the north of Swindon Lane thereby resulting in harm to the character and openness of the Green Belt.

Furthermore, the new dwelling would, by virtue of its location and general design, fail to respond to the established local character of the surrounding area and would be in complete contrast to the general pattern of surrounding development and the prevailing urban grain.

Additionally, the proposed dwelling would result in an unsatisfactory impact on the levels of amenity currently enjoyed by the occupants of the neighbouring property, Wayside, by virtue of a loss of light and an unacceptable level of overbearing.

Accordingly, the proposal is considered to be contrary to policies SD4, SD5 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), policies CP4 and CP7 of the Local Plan (adopted 2006), the aims and objectives of the Council adopted Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham and NPPF sections 12 and 13.