

APPLICATION NO: 20/00213/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th February 2020	DATE OF EXPIRY : 1st April 2020
WARD: Charlton Kings	PARISH: CHARLK
APPLICANT:	Mr Chris Radford
LOCATION:	303 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Proposed 1no new dwelling in the rear garden of 303 Cirencester Road

REPRESENTATIONS

Number of contributors	6
Number of objections	6
Number of representations	0
Number of supporting	0

Brookside
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 27th February 2020

Having reviewed the documents on the proposed new dwelling at the rear of 303 Cirencester Road we wish to object to the application.

The proposed access road to the site, Timbercombe lane is a country lane in an area of outstanding natural beauty (AONB) and should be protected from development.

The lane suffers from congestion due to the width of the carriageway (and lack of pavement), which often puts pedestrians at risk. We have witnessed many close encounters with vehicles when walking our children to school daily. The development of another property so close to the road with little driveway or turning space will add to this problem by generating manoeuvring traffic and will put highway safety at risk.

Application reference 19/01680/FUL was granted giving access to the existing property from the Cirencester Road relieving this issue and makes no mention of keeping both entrances or the development of a second property within the allocated plot. One would assume that the plan was to return the rear of the existing property to garden.

The development of the property so close to the lane would lead to a loss of trees shielding the carriageway and increase the building density creating a negative visual public impact on Timbercombe lane, further disrupting the AONB.

The design of the building is not in keeping with the 1920's neighbouring properties. Design precedence of the application has been set on a single development which itself is not in keeping and has had a negative impact on the surrounding AONB by causing the aforementioned issues.

The application makes reference to the existing plots garden being "too large" for a modern family and to make "more efficient use of land". The size of the garden is due to historic building lines and the adjoining protected countryside that would be welcomed by a modern family as green space is in decline.

Permitting development will set precedence on developing within AONBs and break national planning policies.

305 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8ED

Comments: 2nd March 2020

We have returned from a 3 week holiday in the US to find a letter from you regarding the above referenced application.

Whilst we note that comments should have been received by 28 February, we have not been aware of this until today and would request that we are allowed to submit our objection to the proposal as it stands - which we will do as a matter of urgency.

We have scanned the existing objections quickly and agree with everything that has been said regarding:

- Access from Timbercombe lane
- Previous planning approval from access off Cirencester Road not including comments about this subsequent development
- Impact on the AONB
- Impact on privacy of neighbouring properties - particularly given the size of proposed property to be developed and lack of relative garden space

It should be noted that the proximity of the new property will particularly impact upon our property, impinging greatly upon our rear facing views - the plan indicates that the new property and boundary will extend approximately halfway down our left hand boundary.

I would appreciate your earliest thoughts.

301 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8ED

Comments: 28th February 2020
Letter attached.

Comments: 28th April 2020

Please add the following to my original objection (attached) to the development of a new dwelling at 303 Cirencester Road, Charlton Kings, Cheltenham GL53 8ED along with the following observations/comments:

The erection of a new property is unnecessary and would be detrimental to local wildlife and the Area of Outstanding Natural Beauty, having a particularly negative effect on the enjoyment of the area by neighbours and visitors.

The Local Planning Authority - i.e. you and your colleagues - have a responsibility to conserve and enhance the natural beauty of the area. Destroying natural beauty by allowing buildings to be erected would be a dereliction of duty - whether such development within the AONB falls just inside the urban area or not. Should this responsibility be ignored:

I note on the revised plans submitted, the roofline has been adjusted, garage removed and chimney stack reduced in height. However, the newly proposed design still includes Dormer Windows to the rear of the dwelling at first floor height. This remains of particular concern. As in the style of Creagh Lodge next door, the first floor windows to the rear of the property should be of a roofline style such as Velux. This would minimise the ability of any new resident to readily see into the living areas of our home. A restriction was dictated by Cheltenham Borough Council when Creagh Lodge was erected regarding the window style for similar reasons, and this should prevail in this instance too.

Lilleybrook Lodge
Cirencester Road
Cheltenham
GL53 8EU

Comments: 20th February 2020

Invasion of privacy of residents of 301,303 and 305 Cirencester Road, at the back of these houses.

Loss of natural drainage by replacing garden with hard surfaces on the site.

Further damage to the Lane's drainage of run off water from the hills above. Poor drainage already causes standing water to collect on the main road at the junction of the Lane with the main road: rendering the pavement unusable with mud and wetting from passing traffic. Increasing skid risk for traffic.

Bilbao
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 15th February 2020

There are only 34 AONB in England and the Cotswolds was designated as such in 1966. Timbercombe Lane falls into such a protected area.

I strongly urge the application be rejected and that the Council backs it's own obligation to protect such areas from development as was the original intent of the Act designating land as being an AONB i.e. to CONSERVE And PROTECT.

An Area of Outstanding Natural Beauty, (ANOB), the Council has a duty to afford these areas of countryside the highest level of protection. Any area, even a garden, inside an AONB site should not be considered for development as extracts from the Countryside and Rights of Way Act 2000 clearly state:

Part IV Section 82 (1)

Where it appears to [Natural England] that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, [Natural England may], for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

Part IV Section 84 (4)

A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area.

In the past the Council has demonstrated that it is fully behind protecting this particular lane from development. Foden House was refused permission to build in it's garden in 2017. An application to build houses opposite Foden House was withdrawn, presumably in the light of objections from people all over Cheltenham in 2017. This following previous applications in 1982, 1990 and 1993. The erection of phone masts in 2000 was rightly refused.

Prior to this however, errors were made in approving the application for the building of Foden House, 1980, and again approving building Creagh Lodge in 2000. (No papers are available on the planning portal as to why they were approved.) I would hope that given the current pressures on AONB, that if these proposals were to be made today, they too would be refused.

The developer's disregard for the provision of the act is clearly demonstrated in the following extract from their application. Note the use of the word "only" in relation to the demands of the Act.

"1.10 The entirety of the site is located within Flood Zone 1 and therefore is not at risk of flooding. The only statutory designation that covers the site is the Cotswolds Area of Outstanding Natural Beauty (AONB)."

The following statement, also extracted from the application, is misleading in it's claim.

"Of the four neighbouring dwellings along Timbercombe Road three have been built on rear garden plots of varying design."

Timbercombe Cottage sits on land which was never part of the gardens of the houses in Gadshill Road. Two houses, Foden and Creagh are indeed built in gardens.

The character of the lane would be altered by the building of a house so close to the road. Apart from Creagh Lodge all the houses are set back and have a low visual impact. Indeed, if Creagh Lodge had not been built the visual aspect of the lane would be even better than it is today.

The following extract from the application cannot support the Act's requirement to "enhance" given the proximity to the road and the extensive parking area.

"... so that it looks to blend in with the surrounding area and enhance, views into and around the site and its setting."

The following is a purely subjective statement and should be disregarded from the application.

"The sites existing garden dating back to the 1930's is too large for a modern family.

Access for construction is not available. The lane is narrow and the site faced by a ditch. Ditches also run along the other side of the lane and would not allow access to large vehicles needed to bring in materials for construction.

In addition, the traffic generated from tradespersons arriving and needing parking would lead to the destruction of the verges and the "Triangle" where Timbercombe Lane meets Little Herberts Rd. A road sign stating 'Unsuitable for heavy goods vehicles' is already in position at the entrance to Timbercombe Lane for very good reason.

Current refuse collections are undertaken in Timbercombe Lane by smaller than usual trucks with bagged rubbish removed from bins by hand. As the proposed new house would use this facility, as do the current occupiers of the house at 303 Cirencester Road, that would mean there is no change. However, the development includes a new vehicle access from the Cirencester Road to 303. This would require the stopping of refuse vehicles in the Cirencester Road at a particularly busy stretch thereby putting operatives and road users at risk.

The garden also plays a valuable part in the drainage needs of the local area. I have no expert knowledge of the changes this development would make however, as a local resident who enjoys the lane and it's safe access to the hills beyond, I have experience of the amount of water that flows down the lane. Covering a substantial area with a house and associated "front courtyard space allows for multiple car parking spaces" cannot help the situation. Parking areas will reduce the amount of natural drainage forcing more water to run down to the Cirencester Road.

The development documents state that no trees etc will be affected by this development. This is because the land was cleared last Summer prior to this planning application being submitted.

Granting this application may result in more being submitted/re-submitted and they will be hard to resist if this gets permission.

Timberdale
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 24th February 2020

Letter attached.

**TIMBERDALE
GADSHILL ROAD
CHARLTON KINGS
CHELTENHAM
GL53 8EF**



20th February 2020

Your ref: 20/00213/FUL

Dear Mrs Pickernell

Proposed new dwelling at rear of 303 Cirencester Road

Having looked at the documents relating to the above development I wish to object to this application.

I would like to draw the attention of the Planning Committee to the following points:-

1. Timbercombe Lane is in the ANOB and as such any further development should not be allowed. The application for a property to be built in the curtilage of Forden House was rejected and the plan to build houses on the opposite side of Timbercombe lane was withdrawn
2. The Summary of Proposal refers to the subject dwelling being the third in a row of rear plot developments along Timberdale Lane. This is not correct as only Creagh Lodge is built in the rear of an existing house.
3. It also states "The house will be of sympathetic design and construction to reflect the local vernacular particularly through the choice of building materials and colours." This cannot be achieved as the styles of the other houses along Timbercombe Lane are so diverse. Some were built in the 1920s and are of the same design as houses in Gadshill Road. (see images 1&6) Timbercombe Cottage which was also built in the 1920s is of the completely different design. Only Forden House and Creagh Lodge were built recently. They are each of an entirely different design from the existing houses and are totally different from each other. From looking at the plans the proposed building would have some similarities to Creagh Lodge which itself is not in keeping with the other properties.
4. Timbercombe Lane is narrow county lane and even the addition of one family sized dwelling would generate extra traffic. The lane is accessed from the busy main A435 (Cirencester Road) and to exit the lane is dangerous as the visibility is limited.
5. There are no main drains in Timbercombe Lane and the proposed new dwelling would have to link into the drains for 303 Cirencester Road and thence into a now very old system in Cirencester Road.
6. As there are no mains water pipes in Timbercombe Lane the water supply would need to come through the grounds of 303 Cirencester Road and join into the mains in Cirencester Road. The mains water pipe terminates at the end of Gadshill Road. In hot weather the supply has failed to houses near the end of the mains and any further dwelling would add to the strain on the mains. In the past having both water pipes and mains drainage pipes running through a neighbour's property has caused problems when a blockage occurs.

7. Although the site is not on a flood plain, water does come down from Timbercombe Hill and the lane becomes a river. A good proportion of the plot is to be covered by the building and hard standing thereby decreasing the area of land to absorb rain water.

Yours sincerely,



Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
P.O.Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

27th February 2020

301 Cirencester Road
Charlton Kings
Cheltenham
GL53 8ED

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Mrs Pickernell,

RE: 20/00213/FUL – 303 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8ED

I wish to register my objection to the development proposals for the erection of a new dwelling in the rear garden of 303 Cirencester Road, Charlton Kings, Cheltenham, GL53 8ED

My primary concerns relate to the following issues, which I expand upon within the body of this letter:

- 1 Detrimental Affect on an Area of Outstanding Natural Beauty (AONB)
- 2 Prior Destruction of AONB Environment to Facilitate Application
- 3 Other Recent Applications Refused Permission
- 4 Inappropriate Design and Scale of the Proposed New Dwelling
- 5 Avoiding Disruption
- 6 Detrimental Effect on Flood Water and Soak

Detrimental Affect on an Area of Outstanding Natural Beauty (AONB)

The site lies within the Cotswold AONB and this development will have a negative impact upon the setting of this nationally designated landscape.

The erection of a new property is unnecessary and, given it will certainly not enhance or conserve the aesthetics of the area, the proposal is wholly inappropriate.

Paragraph 11 d) of the National Planning Policy Framework (NPPF) states that:

- 11. d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is noted that Cheltenham Borough Council (CBC) are not currently able to demonstrate a five year housing land supply (latest figure published December 2019 stating 3.7 years). In the absence of a five year housing land supply, and up-to-date policies, the decision maker is required to make a judgement as to whether the adverse impacts of a development would be so harmful that they would outweigh the benefits of the development.

In June 2019, further clarification on the issue of "out of date" policies was provided within the High Court judgement *Wavendon Properties Ltd v Secretary of State for Housing, Communities and Local Government (SoS) and Milton Keynes Council*. Within the judgement, at paragraph 58, Mr Justice Dove states:

"In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to [be] regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-

taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose.”

Notwithstanding the above, in practice the contribution to housing supply made by 1 x additional dwelling is so negligible that the weight to be attributed to the presumption in favor of sustainable development is diluted and I submit does not override policies which seek to protect the setting of the AONB.

In summary, the above referenced judgement has set out that applying the titled balance test referred to within paragraph 11(d) of the NPPF does not automatically apply if only one of the important policies relevant to decision making is determined by the decision maker to be out of date.

To apply the titled balance test in these circumstances would be inconsistent with the purpose of paragraph 11 of the NPPF, which seeks to put plan led decision at the heart of the planning process. The judgement clarifies that the tilted balance can only be triggered when policies are considered collectively to be out-of-date.

The statement made by the applicant claiming that the ‘tilted balance’ is triggered is contested.

Notwithstanding the above, Footnote 6 to paragraph 11 d) i. explicitly states that the tilted balance test does not apply where the application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing proposed development, including but not limited to Areas of Outstanding Natural Beauty.

In addition to policies contained within the NPPF, the following policies are pertinent to development within the AONB:

Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB) of the Joint Core Strategy states:

All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

Development of an additional dwelling in the rear garden of the existing property will fail to enhance and conserve the scenic beauty of the area. The southern fringes of Cheltenham within the AONB are characterised by a dendritic settlement pattern, which helps to create a ‘soft edge’ to the town.

Development of established gardens will drastically increase the development density of the area, detracting from the value and setting of the AONB.

The **Countryside and Rights of Way Act 2000** states:

Part IV Section 82 (1)

Where it appears to [Natural England] that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, [Natural England may], for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

Part IV Section 84 (4)

A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area.

Policy CE10: Development and Transport – Principles of the Cotswolds AONB Management Plan states:

- 1. Development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help to deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB’s special qualities. They should also contribute to the economic and social well-being of AONB communities.*
- 2. Proposals relating to development and transport in the Cotswolds AONB and in the setting of the AONB should comply with national planning policy and guidance. They should also have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance*

produced by the Cotswolds Conservation Board, including the:

- (i) Cotswolds AONB Landscape Strategy and Guidelines;*
 - (ii) Cotswolds AONB Landscape Character Assessment;*
 - (iii) Cotswolds AONB Local Distinctiveness and Landscape Change;*
 - (iv) Cotswolds Conservation Board Position Statements.*
- 3. The purposes of conserving and enhancing the natural beauty of the Cotswolds AONB and increasing the understanding and enjoyment of the AONB's special qualities should be identified as priorities in Local Plans, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the Cotswolds AONB Management Plan as a material consideration.*

The Cotswold AONB Management plan emphasises the importance of conserving and enhancing the natural beauty of the AONB, which is highlighted in the adopted development plan.

Inappropriate Garden Land Development

The proposals represent wholly inappropriate development in residential garden land.

Paragraph 70 of the NPPF states:

70. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The proposals, if supported and approved, would set a dangerous precedent for the Council in allowing harmful development within the AONB. The harm caused by garden land development in this area has already been highlighted above, and if pursued by numerous other properties in the area would result in significant urbanisation of the fringe of the town.

The Local Planning Authority – i.e. you and your colleagues – have a responsibility to conserve and enhance the natural beauty of the area. Destroying natural beauty by allowing buildings to be erected would be a dereliction of duty – whether such development within the AONB falls just inside the urban area or not.

Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (SPD)

SPD states that a key consideration in assessing planning applications is the impact that new development will have on the amenity of residents and other land users with the locality. Such elements of amenity include sunlight and overshadowing, loss of privacy, noise disturbance and an overbearing impact.

The development will have an overbearing presence of the rear garden of our property – No. 301 Cirencester Road – resulting in loss of private amenity and quiet enjoyment of the property. The loss of amenity therefore demonstrates that the development is inappropriate development and contrary to adopted local policy guidance.

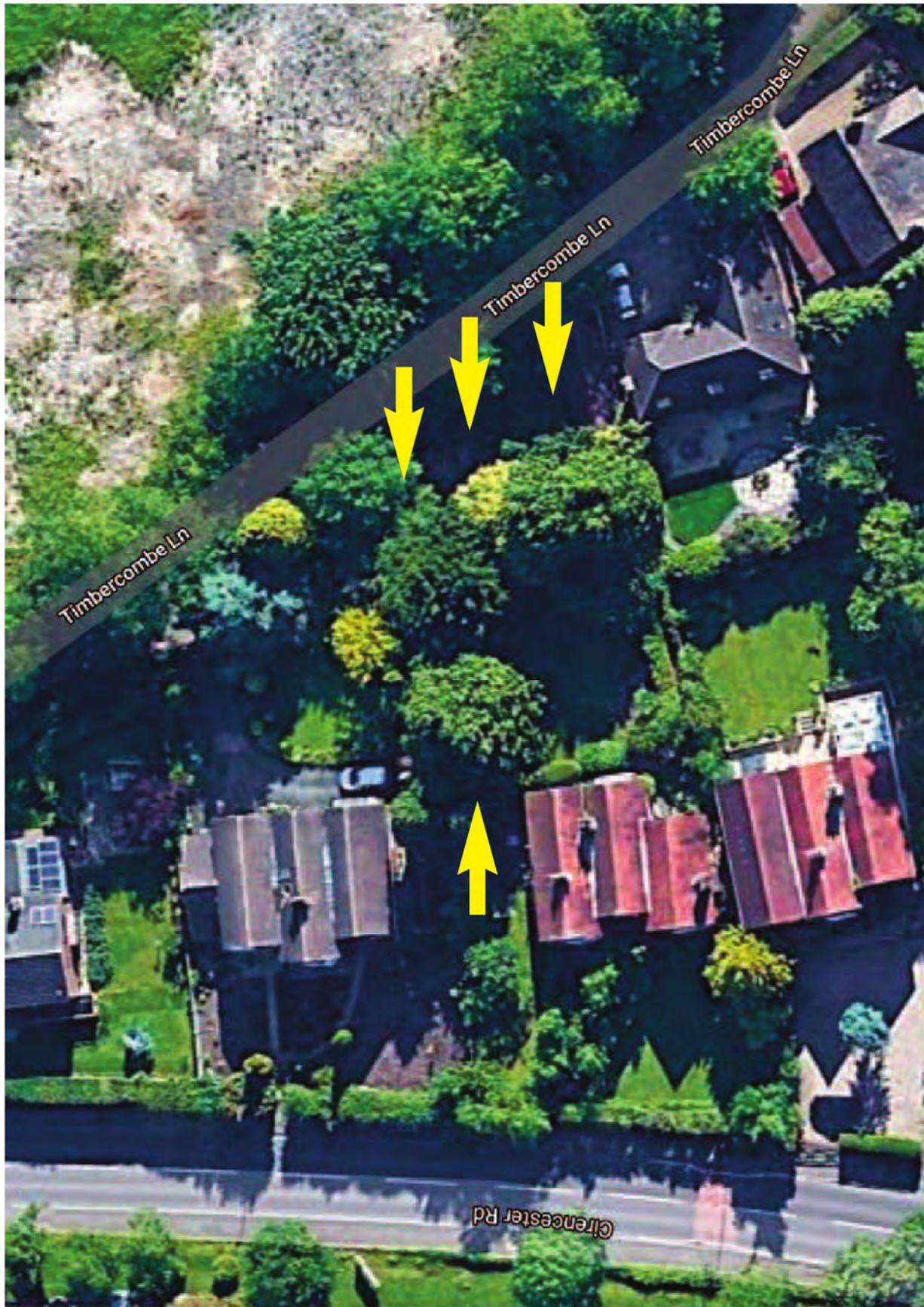
The SPD notes that the Council will consider where a proposed dwelling is in a cramped plot with insufficient amenity space. The scale of the footprint of the proposed dwelling, in relation to the garden area that will be lost as a result of the development, means that there will not be sufficient amenity space for both the existing dwelling of 303 Cirencester Road and the proposed dwelling. As such, it is not just the amenity of the surrounding dwellings which will be severely impacted, but also the amenity of the 'doner' dwelling (303 Cirencester Road).

Furthermore the proposal increases the density of residential development in the area and is very much contrary to the established urban grain. A further unequivocal indicator that this proposal is inappropriate and should not be supported.

Prior Destruction of AONB Environment to Facilitate Application

Should this application be approved it would represent an endorsement of the damage to the AONB already actioned by the owners to facilitate a more suitable 'land grab' for profit.

Prior to planning consent being sought, at the end of April 2019 the owners of 303 Cirencester Road felled ancient trees – a row of Yew and extremely large Fir – along with other trees as shown in the following image marked with yellow arrows.



Consequently the beautiful, wildlife-friendly environment these trees provided has been lost – please see Tree Felling on the next page. I do not know categorically whether permission to fell some of the trees should have been sought from the appropriate authority, but that was the view of a tree surgeon we employed recently.

This action had a knock-on effect to trees and parts of trees (i.e. more of the AONB's positive features) in our garden at 301 Cirencester Road, as demonstrated in some of the following images and descriptions – *Neighbouring Trees Destroyed* and *Tree Felling Caused Danger to Tenants*.

Tree Felling

Sample pictures of the result of tree felling actioned at 303 Cirencester Road in April 2019.



View **before** tree felling ...



View **after** tree felling ...

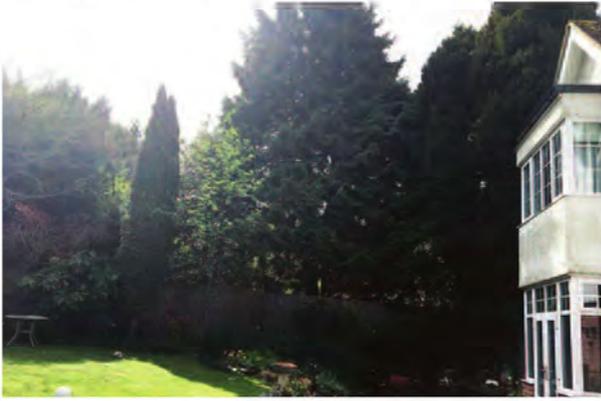


Neighbouring Trees Destroyed

Removing the protection provided by mature trees at 303 Cirencester Road resulted in significant **tree damage in the rear garden** of 301 Cirencester Road – with some trees completely collapsing as a direct result ...



View **before** tree felling ...



View **after** tree felling ...



Tree Felling Caused Danger to Tenants

The knock-on effect of tree felling at number 303 caused major damage to branches of a mature fir tree in our garden (301 Cirencester Road), which we had no option but to subsequently fell – at our expense!

The danger of the owner of 303's actions became increasingly clear during the recent storms – highlighting a serious threat to both his own property and, indeed, the safety of his Tenants. I am pleased WE were able to prevent further damage to property or persons.



A further act of disregard by the owner of 303 Cirencester Road was evident in the felling of a small tree on land adjacent to Timbercombe Lane at the rear, and a part of, 301 Cirencester Road.

My wife challenged the tree surgeons employed and, although they stopped short of raising the tree completely to the ground, most of the trunk had already been severed.

The tree surgeon said he had been instructed by the owner of 303 Cirencester Road to remove the tree.



Other Recent Applications Refused Permission

The applicant's submitted planning statement states that there are no relevant planning applications in relation to the application site itself. However, this is not true. Immediately adjacent to the application site planning permission for 4 dwellings (originally 5, application ref. no. 17/01088/FUL) was refused in June 2017. It is noted that this application was refused due to its negative impacts on the Cotswolds AONB, as well as its location outside of the Primary Urban Area.

A second relevant planning application in relation to the site was submitted in December 2017 for the construction of a new two storey dwelling at Forden House, Timbercombe Lane, Charlton Kings. (LPA Ref 17/02513/FUL) The first reason given by Cheltenham Borough Council in refusing to permit the development was:

- 1 The proposed dwelling by virtue of its footprint and general design would fail to respond to the established local character and would constitute a cramped and contrived form of development in contrast to the general pattern of existing development and prevailing urban grain.
In addition, the proposal fails to conserve the landscape character and scenic beauty in an Area of Outstanding Natural Beauty.
The proposal is therefore considered to be contrary to Policies CP1 (Sustainable Development), CP1 (Landscape Character), CPR (Development within or affecting the AONB), CP7 (Design and Layout) of the adopted Local Plan (2005), Policies SD4 (Design Requirements), SD6 (Landscape) and SD7 (Cotswold AONB) of the adopted Joint Core Strategy (2017) and guidance within the NPPF.*

Other factors were considered in CBC's decisions to refuse both of the above applications, but the AONB was a significant factor – and quite rightly so. Both applications were adjacent to the border of the Principal Urban Area – one just inside, the other just outside.

Some of the objections to the new dwelling in the grounds of Forden House were the lack of garden space (for original and new property) not being in keeping with the area's balance. The scale of new property being proposed for 303 Cirencester Road also impacts the balance – the land area (and proportional garden area) of its would-be neighbour Creagh Lodge is out of keeping with the area and, therefore, should not be considered a precedent in any way. CBC's precedent of protecting the AONB and aesthetics of the area should be maintained.

Inappropriate Design and Scale of the Proposed New Dwelling

The development would have an overbearing presence of the rear garden of our house – 301 Cirencester Road – resulting in loss of private amenity and quiet enjoyment of our home.

The current proposed design with Dormer Windows to the rear of the new dwelling at first floor height would be of particular concern. As in the style of Creagh Lodge next door, the first floor windows to the rear of the property should be of a roofline style such as Velux. This would minimise the ability of any new resident to readily see into the living areas of our home.

With the exception of the dining room which, I note, is single storey, the footprint of the proposed dwelling is similar to Creagh Lodge. However, the height is considerably greater and should be restricted to the maximum elevation of Creagh Lodge. To clarify, and because Timbercombe Lane slopes down to Cirencester Road, this parameter should be the actual height of Creagh Lodge in relation to its position above Timbercombe Lane – not, for example, a distance above sea level which would allow any new dwelling to be of a taller construction.

Avoiding Disruption

Timbercombe Lane is 'Unsuitable for heavy goods vehicles'. While this may not be directly relevant to a planning decision, it should be considered. In the event of the AONB being ignored and permission to build being granted, access to the site should only be direct from Cirencester Road. This itself would cause disruption on one of Cheltenham's busy roads, but would avoid inevitable damage to the verges of Timbercombe Lane – including the drainage channels they provide from Timbercombe Hill.

Parking for any contractors/workmen would also be incredibly disruptive whether on the Cirencester Road or further up Timbercombe Lane at its junction with Little Herberts Road (a small area known as 'the triangle') where dog/leisure walkers park.



Below is the hedge at the rear of 303 Cirencester Road adjacent to Timbercombe Lane. Much of this is likely to be destroyed if the proposed development proceeds – another act that would be detrimental to the preservation of the Area of Outstanding Natural Beauty.



Detrimental Affect on Flood Water and Soakaway

The natural spring situated on the corner of Timbercombe Lane and Little Herberts Road flows along the side of the lane to join drainage systems on the Cirencester Road. Inevitably this channel needs clearing from time to time in order for the flow to be maintained. I do not recall witnessing council contractors

ensuring this is done, which is most likely why primarily my wife (because she's vigilant and helpful) and other members of my family have found it necessary to dig out blockages at times of heavy rain. During times of particularly heavy rain, cuts have also been made through the earthen 'walls' of the channel adjacent to the tarmac in order for rain to exit the lane into the mains system.

There have been occasions when, due to sheer volume of water, even this action is not sufficient to prevent rain flooding off Timbercombe Hill joining rain running down Cirencester Road with devastating consequences for properties further along Cirencester Road towards town where the bridge just beyond the Clock Tower pub car park forms a blockage with sewerage/mains water systems unable to cope.

In recent times – the last few years – on several occasions Cirencester Road has been impassable due to flooding at the aforementioned bridge. On one of these recent occasions, Cirencester Road was closed at the junction with Timbercombe Lane and, due to Little Herberts Road also being impassable at its bridge, vehicles were forced to turn in the entrance to Timbercombe Lane and travel back up to Seven Springs.

Destruction of trees on the proposed development site will have already damaged the land's ability to cope with water retention. Covering the ground with a substantial dwelling and associated driveway/hardstanding will simply aid the process of passing the water problem on to residents further down Cirencester Road.

Some may argue the erection of a single dwelling won't make much difference but, undoubtedly, there will be a negative impact. A piecemeal approach by CBC in refusing to allow small areas of natural landscape on the edge of Cheltenham to be covered will help prevent damage to homes nearer to town.

Summary

For the above reasons we strongly recommend that the application is refused under delegated power, or called in for consideration by the Planning Committee to prevent this harmful precedent from being established for 'garden grabbing' within our precious AONB.

This Area of Outstanding Natural Beauty should be completely protected by a 'once and for all' decision to deny development permission by the Local Planning Authority whose duty in law is to 'conserve and enhance'. Failure to do so will result in permanent destruction of wildlife habitat and have a permanent detrimental effect on the lives of hundreds of Cheltenham residents who frequent the area for leisure. Granting permission would set a precedent for future, numerous developments in nearby plots within the AONB with any increase in the volume and nature of traffic using the single vehicle Timbercombe Lane potentially resulting in serious accidents – particularly at the Cirencester Road and Little Herberts Road junctions.

Yours sincerely,

