

APPLICATION NO: 20/01914/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 3rd November 2020		DATE OF EXPIRY: 29th December 2020	
DATE VALIDATED: 3rd November 2020		DATE OF SITE VISIT:	
WARD: St Peters		PARISH:	
APPLICANT:	Atherstone		
AGENT:	n/a		
LOCATION:	4 Graduate Court, Cheltenham, Gloucestershire		
PROPOSAL:	Erection of a cat cage (Retrospective)		

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 4 Graduate Court is a semi-detached dwelling located on a residential cul-de-sac within the St Peters ward. The site was part of 90 new dwelling permitted in 2013.
- 1.2 The applicant is seeking planning permission for the erection of a cat cage. The proposed development is attached to the rear elevation and therefore has been considered in the form as an extension rather than a separate outbuilding.
- 1.3 The application is at committee due to the applicant being an authority member of Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

12/00662/DEMCON 23rd May 2012 NPRIOR

Demolition of all school buildings, former caretakers house and other structures (Not including the existing Sports Hall)

13/00911/OUT 17th January 2014 PER

Outline application for residential development including means of access (indicative layout of 85 dwellings)

14/01317/REM 24th November 2014 APREM

Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

15/00017/DISCON 16th June 2015 DISCHA

Discharge of conditions 4, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27 on outline planning permission 13/00911/OUT

15/00619/AMEND 26th May 2015 PAMEND

Non material amendment to planning permission 14/01317/REM- moved alignment of access road, moved entrances to plots fronting Arle Road, dwellings on Arle Road frontage adjacent to the footpath moved, railings removed from plot 17 and cycle store moved to the entrance of the LEAP

C12/00012/DEMO 1st May 2012 CLOSED

Demolition of Former Christ College School

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

10th November 2020

No comments to be made.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

5.1 Letters of notification have been sent to 10 neighbouring properties. 3 comments of objection were received from the surrounding neighbours and has been summarised but not limited to the following points

- Design
- Height
- Visual Impact

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, impact on neighbouring amenity and impact on the wider locality.

6.3 Design and layout

6.4 Policy D1 of the Cheltenham Plan requires development to reflect the principles of urban and architectural design, while complimenting and respecting neighbouring development within the wider locality. This is reinforced by policy SD4 of the JCS and section 12 of the National Planning Policy Framework.

6.5 The application proposes a structure to the safe keeping of a pet animal incidental to the enjoyments of the dwelling house. By virtue of its fixing to the rear external wall by a series of bolts, the form of the proposed development must be considered as an extension to the existing dwelling.

- 6.6** Officers have taken into consideration the height, scale and appearance of the proposed development. It is acknowledged that the structure is somewhat utilitarian in appearance however it gives the appearance as an independent outbuilding incidental to the parent dwelling and a structure that is temporary without a permanent foundation. Furthermore, consideration has been given to how the height and scale of the proposal will not skewer the legibility of the original building, how fits comfortably within the plot and will read as a later addition.
- 6.7** It should also be noted that the dimensions of the structure could be achieved as an outbuilding under permitted development despite its appearance. The height of the cat cage, in relation to the neighbouring boundaries, would adhere to the requirements indicated within regulations for incidental outbuildings. This indicates that a structure of this design could be built, with permanent foundations instead of attachment to the rear elevation, without the benefit of planning permission. This is an important fall-back position to consider.
- 6.8** Whilst the design of the proposal will conflict with the existing red brick of the parent dwelling, its location to the rear and its obscurity from the wider public realm, indicates that no unacceptable harm to the wider locality will be caused.
- 6.9** In light of the above, the modest scale of the proposed development and what can be achieved under permitted development, it would be unreasonable in this instance to refuse the application based on its design.

6.10 Impact on neighbouring property

- 6.11** Policy SL1 of the Cheltenham Plan and policy SD14 of the JCS requires development not to cause any unacceptable impact to neighbouring amenity. Development should not cause a loss of privacy, outlook and/or light to the surrounding neighbours.
- 6.12** Officers understand the comments from the surrounding neighbours regarding its visual impact through its visibility from private amenity areas however this is not sufficient for a reason of refusal given what can be achieved under permitted development.
- 6.13** Consideration has been given to how the proposed development is of a height and depth which will not cause any unacceptable loss of light. Its design will also allow for light to seep through and will not create any detrimental overshadowing affect.
- 6.14** There will be no unacceptable loss of privacy or additional overlooking concerns given the size of the proposed development. This subject area was initially used as rear patio space incidental to the enjoyment of the dwellings private amenity areas. As such, this will not impact the privacy of the neighbouring properties.
- 6.15** Officers have also taken into consideration how the proposed development will not create a high and long boundary impacting the outlook of the neighbouring properties. It is also of note that the development is 2.5m in depth and under permitted development a 3m extension could be achieved without permission.
- 6.16** Overall, it is considered that no harm will be caused to the amenity of the surrounding neighbours in respect to privacy, light and outlook.

6.17 Public Sector Equalities Duty

- 6.18** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to permit this application subject to the conditions set out below;

8. CONDITIONS

- 1 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.

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.