

From Raymella

PLANNING NOTES

Undercliff Avenue 202 JAN 2021

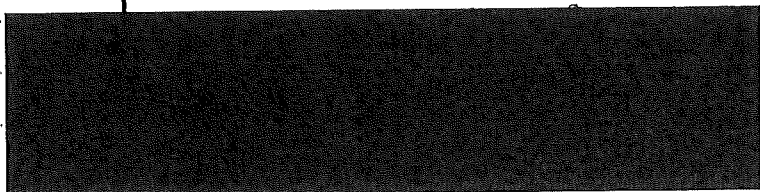
Dear Sir, in reference to the proposed building at Villa Nova Undercliff Terrace there are a few points we would like considered.

Firstly we would like the boundary line to be kept in line with the existing houses on that side of the terrace.

The previous owner had let his hedge encroach into the lane narrowing it down. The lane should be left as a country lane as much as possible. We note the application is for 6 vehicles, we doubt there will be enough room for 6 cars.

Our garage is directly opposite and we need to be able to get our car out if we have doctors appointments. The terrace is very narrow and construction lorries are bound to cause access problems the terrace is not built for heavy vehicles, the bin men don't come down because it is so narrow. Should you give the go ahead for this project, we feel all work vehicles should be parked on Villa Nova land to give all residents access. Lastly we feel when the building is complete the builder should put the road back in good order. We hope you will kindly consider our concerns.

From



From

[REDACTED]  
Raymella Undercliff Avenue  
Leckhampton  
Cheltenham

Reference No. 20/02296/FUL

Dear Sir,

Having looked at the ammended plans for the houses to be built on Villa Nova Undercliff Terrace, we notice the boundary line across the two houses has be altered narrowing the road our garage is opposite and our exiting and entering our garage could be compromised, we feel the boundary line should be kept in line with the other two houses.

Yours faithfully  
[REDACTED]

PLANNING

Rec'd - 9 MAR 2021

SERVICES

FAO Mr Ben Warren  
Planning Case Officer for:

**20/02296/FUL - Villa Nova Undercliff Terrace Cheltenham Gloucestershire  
Proposed Demolition of existing dwelling, garage and shed and erection of  
replacement dwelling and additional new dwelling with garaging**

I write to add my concerns to those expressed by local residents about the proposed redevelopment of the Villa Nova site on Undercliff Terrace.

Since purchase of the site in December of last year by [REDACTED] the application site has been cleared of much of its vegetation leaving the site and existing dwelling exposed and open to views from the Area of Outstanding Natural Beauty (AONB) immediately to the east - Daisybank Common, common land which is traversed by a number of well used Public Rights of Way (PROW). The clearance has also exposed the true line of the watercourse that runs through the site.

The principle of an additional dwelling on the site has already been accepted by the Council and is acknowledged. However, the current proposal fails to respect the AONB landscape, the proximity of the watercourse and the amenity of neighbouring residents.

The open nature of the adjacent AONB must be respected. The properties proposed are substantial and of much greater scale than the existing property and those properties adjacent to it. The existing property is clearly visible from the AONB and far more dominant than surrounding residential development (see photos below). The proposal to bring development closer to the boundary with the AONB and raise the eaves height by 2.2m (almost a full storey) on the east facing side elevation will make these dwellings much more visible, a dominant and discordant feature as viewed from the AONB and main PROW up through and across the lower sections of Daisybank Common.

It should be noted that views towards the site were previously curtailed by the vegetation that has been removed. The application puts forward no proposals for landscaping/relandscaping the boundary with the AONB to screen views of the proposed new dwellings. The proposed dwellings, at such larger scale, would be a permanent incongruous visual element within the landscape and thus harmful to the character and appearance of the AONB contrary to policies CP7, SD4, SD6, SD7 of the Joint Core Strategy (JCS) and policies CE1 and CE3 of the Cotswolds AONB Management Plan that seek to ensure that development has regard to the scenic qualities of the AONB and its setting.

The importance of the AONB designation in the determination of such applications was highlighted in the recent appeal decision in respect of proposals to build two new houses at Imber, Undercliff Avenue reference APP/B1605/W/19/3241668. This appeal was dismissed in July of last year. A copy of the appeal decision is attached.



Having reviewed the revised documents online it is clear that the proposed development is within 5m of the existing watercourse. The proximity of the watercourse to the existing dwelling and the site of the second dwelling can be readily appreciated from the photo below.



The Flood Risk Engineer, in the consultation response to the Council, states that **‘to allow for future maintenance of the watercourse the dwelling should be a minimum of 5m from the watercourse bank’**. The Flood Risk Engineer concludes that more information is required and has raised objection to the development.

It should be noted that the proposed dwelling closest to the boundary with the AONB is also positioned in very close to the boundary with the rear private garden of the existing dwelling at 19 Pilford Road (See photo below). The minimal distance combined with the elevated position of the proposed development will lead to overlooking and loss of privacy for the occupiers of that dwelling. It should be noted that the main living space to the proposed dwelling is shown to be at first floor level with large expanses of glazing with Juliet balconies facing north towards properties on Pilford Road. Furthermore, at second floor level rear facing bedrooms (including the master bedroom) have roof windows combining both sloping and vertical elements which, as shown in the section drawing submitted, would allow panoramic views over neighbouring residential development.





Above – photo of Villa Nova (as existing) and 19 Pilford Road

The fact that both proposed dwellings will be taller than the existing dwelling and those to the west on Undercliff Terrace should not be ignored. The dropped eaves on the front of the proposed dwellings does help from a streetscene perspective but the additional height will only serve to make these building more prominent in views from outside the site and particularly those gained from the neighbouring AONB.

Whilst it is accepted that the principle of an additional dwelling has been agreed on the site by the approval of a PIP application last year (20/00605/PIP) prior to the sale of the site to the applicant/developer, this does not mean that the current proposals should be subject to any less scrutiny and that the impact on the AONB, the watercourse and neighbouring properties can be ignored.

It seems very clear that the developer is seeking to achieve far too much on the site. The whole scheme should be scaled down and back. Revised plans for two smaller dwellings should be put forward alongside landscaping proposals for successfully mitigating their visual impact on the character and appearance of the AONB.

Yours sincerely

[Redacted signature]

DJ Planning



---

## Appeal Decision

Site visit made on 2 June 2020

**by M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 July 2020**

---

**Appeal Ref: APP/B1605/W/19/3241668**

**Imber, Undercliff Avenue, Leckhampton, Cheltenham, Glos**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Colburn Homes Limited against the decision of Cheltenham Borough Council.
  - The application Ref 19/00011/FUL, dated 2 January 2019, was refused by notice dated 27 June 2019.
  - The development proposed is the construction of 2 No. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. With the appeal the appellant has submitted amended drawings in respect of the site layout, cross-section and landscape strategy. These are to address concerns which the Council has raised in its Delegated Officer Report. The Council has had the opportunity to comment on these details and as such, I am satisfied that there would be no prejudice in me considering these amended details.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including on the adjacent Area of Outstanding Natural Beauty.

### Reasons

4. The appeal site comprises the existing dwelling, known as Imber, and its associated garden area. Access to the site is gained from Undercliff Avenue to the north, which also serves several other residential properties. Imber sits at one of the highest points within the site and lies above the level of Undercliff Avenue. Within the site, ground levels fall to the east towards a watercourse, beyond which lies a belt of mature trees lying along the eastern extent.
5. The site is bordered on three sides by existing properties, with an open aspect to the south east towards the Cotswolds Area of Outstanding Natural Beauty (the AONB), which borders the site. To the north of Undercliff Avenue dwellings are relatively densely sited with little spacing between. This results in the development on that side of the road having a suburban quality at this location, within the defined Principal Urban Area (PUA) of Cheltenham. Whilst the appeal

site also lies within the PUA it, in my view, sits apart from the development to the north of the road. This is, in part, due to a greater separation between Imber and its immediate neighbour than there is between other dwellings in the area. In addition, the large garden area associated with Imber results in an area of transition between the denser development to the north and the less dense development to the south, as well as the open nature of the adjacent AONB. There is also an increased spaciousness to the layout of development immediately adjoining, and to the south of, the site than to the north.

6. I have had regard to the submitted Landscape Statement but disagree with the conclusion that the site is more strongly influenced by and associated with its urban setting. As I have identified above, the site is a large area of garden associated with a single dwelling, sitting distinctly apart from the denser development to the north. It is therefore in my view a site providing a transition between the more urban development in the area, with that of the open rural aspect of the AONB. As a consequence of this, the site is an attractive element in views out of the AONB and contributes positively to its setting.
7. The proposed scheme would result in the construction of two substantial dwellings alongside Imber. One would be located on a plateau alongside the existing property, with the other beside this at a lower level. Due to the presence of a buffer to the eastern extremity of the site which contains the existing watercourse and mature trees, the proposed dwellings would be located in close proximity to each other. As a consequence, there would be little spacing between, as well as little spacing between the proposed dwelling on Plot 1 and Imber. This would result in the development having a cramped appearance and give the impression of being squeezed into the site, especially when viewed from Undercliff Avenue. It would be an incongruous addition to the streetscene, notwithstanding that the development would take account of the fall in levels within the site.
8. Whilst I have acknowledged that the development to the north side of Undercliff Avenue exhibits a denser layout, these properties are generally smaller, and they are set below the level of the road. The proposed properties are of a greater scale and would be sited in an area which I have identified as being transitional between higher and lower density development. The immediately adjoining development has a roomier appearance, befitting the location adjoining the AONB. As such, the site following development would not assimilate successfully with the character of the built environment with which it would be most closely associated.
9. There are numerous Public Rights of Way (PROWs) which traverse the adjacent AONB. I observed that the appeal site and Imber itself were clearly visible from a number of them and was a feature which provided an attractive framing to the development along Undercliff Avenue. There was also a distinct sense of openness in views towards the site, with dwellings appearing well-spaced and framed by vegetation. Whilst there are views of the more densely developed settlement to the north, these are at a distance. As such, at close quarters the proximity of two large dwellings adjacent to Imber would be a harmful and jarring addition in views from the AONB.
10. Moving to the south along the PROWs, the level of the land rises and, notwithstanding the conclusion of the Landscape Statement, I observed views



of the site were still possible, notwithstanding the presence of vegetation. This vegetation provided some shielding of views to the site however this was not extensive in its effect. I accept that in places these would be glimpses or fleeting views, but from other locations, the views of the site would be for longer durations. In any event, wherever it is viewed from, the proposal would be seen as an incongruous visual element within the landscape.

11. An amended landscape strategy has been submitted with the appeal, providing details of new planting, which includes new trees as well as establishing a meadow area to the south east of the proposed dwellings. I accept that this would improve an area which I observed to be overgrown and the planting of new trees would supplement the screening that is already present at the boundaries of the site. However, the trees would filter views of the proposal, rather than completely screen them and native tree and shrub planting is likely to provide limited screening during the winter months. In the circumstances, I consider that the development would remain a discordant feature within the landscape, which would not be successfully mitigated by additional planting.
12. Thus, I find that the scheme would be harmful to the character and appearance of the area, including that of the adjacent Area of Outstanding Natural Beauty. Accordingly, the proposal would conflict with saved policy CP7 of the Cheltenham Borough Local Plan – Second Review (adopted 2006) as well as policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017). Together, and amongst other things, these policies seek to ensure development complements the character of a locality, responds positively to the character of its surroundings, protects landscape character for its own intrinsic beauty and that development within the setting of the AONB conserves its scenic beauty. The scheme would also conflict with the landscape protection aims of the National Planning Policy Framework.
13. There would also be conflict with policies CE1 and CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan (2018-2023), insofar as these policies seek to ensure that development has regard to the scenic quality of the AONB and its setting, as well as that development respects local distinctiveness.
14. Whilst there are trees to the eastern boundary that would partially shade the site, the southern aspect of the garden for plot 2 would for much of the day be unshaded. As such, I do not consider that there would be undue pressure to remove these trees. I note that Policies GE 5 and GE 6 are referred to in the reason for refusal. However, these policies refer to the protection and replacement of trees, as well as trees and development. As the appeal scheme proposes no direct removal of trees as part of the development, I find no conflict with these policies.

### **Other Matters**

15. The Council accept that they are unable to demonstrate a 5-year housing land supply; currently with a 3.7-year supply. The provision of two new dwellings would therefore be a benefit although this would be relatively limited in terms of addressing the shortfall due to the small size of the development. There would also be associated economic benefits, including through spend during the construction as well as expenditure by occupiers. There would also be social benefits, including the provision of modern housing at a sustainable location. However, for the same reason as given above, these would be limited also.

16. I am aware that since the refusal of planning permission, a revised scheme has been granted approval for the replacement of the existing dwelling and one additional dwelling. The appellant has indicated that it is likely that this scheme will come forward as an alternative to the scheme that is before me. Whilst this is noted, the construction of one additional dwelling at the site, rather than the two proposed in the appeal scheme would not result in the degree of harm that I have identified from this current proposal. Thus, the fallback position is a matter to which I attribute little weight in this case.
17. I have also had regard to the appellant's comments in respect of the density of development, as well as that the scheme would comprise an efficient use of land. There is also reference to the dwellings being visually attractive, comprising good architecture and taking account of the need to plan for climate change. These are matters with which I do not disagree, and they are all benefits that would arise from the development.
18. However, the harm that I have identified in respect of the character and appearance of the area and setting of the AONB is of compelling importance. The adverse impacts that would arise would, in this case, significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework. The proposal would conflict with the development plan when taken as a whole and there are no material considerations that indicate that the decision should be made otherwise than in accordance with it.
19. In reaching this conclusion I have considered whether planning conditions could provide satisfactory mitigation but have concluded that they could not. I have also considered the appellant's reference to other developments that have been granted approval by the Council, both within and adjoining the AONB. Whilst some details of these have been provided, I am unable to draw any useful comparisons between those cited cases and the scheme that is before me. There is reference to the site comprising previously developed land (PDL). Whilst I have not considered this matter in detail, even if I were to agree that the site is PDL, any benefit in this regard would not be sufficient to overcome the harm that I have identified above.

### **Conclusion**

20. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR

FAO Mr Ben Warren  
Planning Case Officer for:

**20/02296/FUL - Villa Nova Undercliff Terrace Cheltenham Gloucestershire**  
**Proposed Demolition of existing dwelling, garage and shed and erection of**  
**replacement dwelling and additional new dwelling with garaging**

I write further to my original letter objecting to the proposal to redevelop the site of Villa Nova, Undercliff Terrace with 2no. residential dwellings.

The revised plans dated 23 March 2021 which see the design and layout of the proposed dwellings amended, their scale significantly reduced and landscaping proposals put forward have addressed my concerns about the visual impact of the development on the character and appearance of the adjacent AONB and watercourse running through the site.

There remains a window in the apex of the rear gable serving the bedroom within the roofspace which would potentially afford views into neighbouring gardens but note that this could easily be resolved by way of some form of condition requiring obscure glazing and restricted opening. Alternatively the window could be replaced by glazing within the apex with above eye-level cill which would effectively repeat the detail in the window below.

I am grateful that revisions to the plans were sought and feel that the revised plans acknowledge the importance of the AONB and more readily reflect surrounding development.

Yours sincerely



DJ Planning

