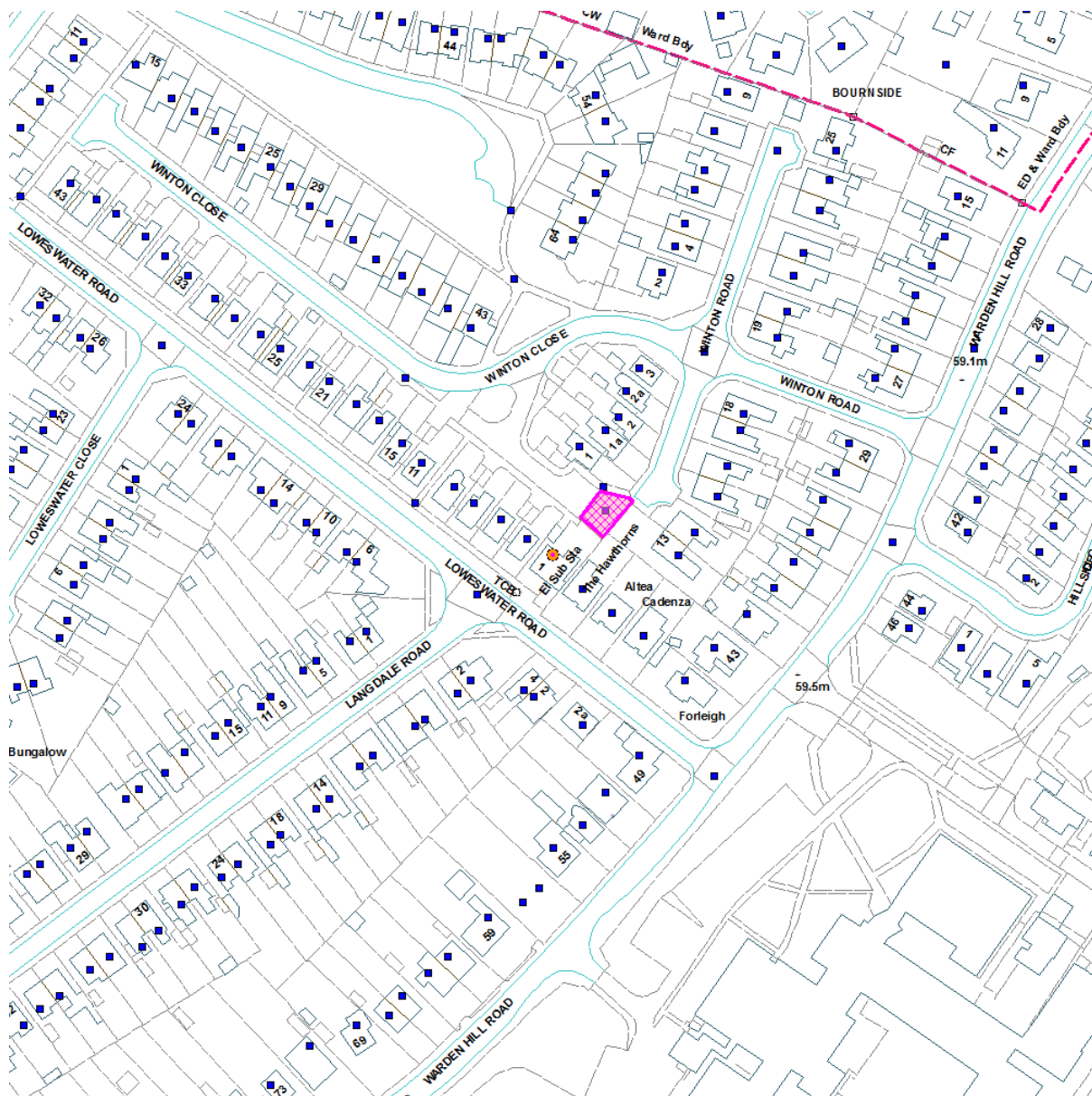


<b>APPLICATION NO:</b> 21/00505/COU		<b>OFFICER:</b> Mr Daniel O Neill
<b>DATE REGISTERED:</b> 4th March 2021		<b>DATE OF EXPIRY:</b> 29th April 2021 (E.O.T: 21/05/2021)
<b>DATE VALIDATED:</b> 4th March 2021		<b>DATE OF SITE VISIT:</b> n/a
<b>WARD:</b> Warden Hill		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr Adam Russell	
<b>AGENT:</b>	n/a	
<b>LOCATION:</b>	1 Loweswater Road, Cheltenham, Gloucestershire	
<b>PROPOSAL:</b>	Change of Use to land at the rear to extend garden land	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a strip of grassland to the rear of 1 Loweswater Road and is under the ownership of said owner/occupier at this residential property. This site is accessed via a section of Winton Close which serves primarily as an access road to the rear garages of Loweswater Road and Winton Road.
- 1.2 1 Loweswater Road is a detached two storey dwelling dating back from the 1970s with the existing rear garden land backing onto the parcel of land and rear garage accessed via Winton Close. The front elevation is accessed by a pedestrian footpath and garden fronting onto Loweswater Road.
- 1.3 The applicant is seeking planning permission for a change of use of land at the rear to extend the garden land and subsequent residential curtilage.
- 1.4 An application for a new dwelling was submitted in 2020 but was subsequently withdrawn following officers concern that the land was not appropriate in context for an independent dwelling. This application is separate and relates in no way as pretext for the establishment of a new dwelling.
- 1.5 The application has been requested to be determined at planning committee by Cllr Oliver over the impact on the wider locality and any future development.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport safeguarding over 15m  
Principal Urban Area

### **Relevant Planning History:**

**03/00656/REVOKE 22nd May 2003 REV**  
Revocation of tree preservation order

**90/00193/PF 29th March 1990 PER**  
Erection Of Extension

**81/00698/PF 30th July 1981 PER**  
Erection of single storey extension to provide a playroom

**14/01357/FUL 30th September 2014 PER**  
Erection of two storey rear extension

**20/01833/FUL 4th December 2020 WDN**  
Erection of single storey dwelling on land adjacent 1 Loweswater Road

## 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  
S1 Safe and sustainable living

**Adopted Joint Core Strategy Policies**

SD4 Design Requirements  
SD14 Health and Environmental Quality  
INF1 Transport Network

#### **4. CONSULTATIONS**

**GCC Highways Planning Liaison Officer**

*23rd March 2021*

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

**Building Control**

*23rd March 2021*

No comments to be made.

#### **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>8</b>
Total comments received	<b>4</b>
Number of objections	<b>4</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** Letters of notification were sent to 8 neighbouring properties. 4 comments in objection were received and have been summarised but not limited to the following points;

- Impact on the character and appearance of the locality
- Loss of open space within the housing estate
- Harm to biodiversity
- Impact on street parking and highways safety
- Inappropriate design in context of the locality

- Works to original vegetation undertaken without consent

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The main considerations when determining this application are the principle of a change of use of land to residential, impact on the wider locality, the amenities of neighbouring properties and any highway safety implications.

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

**6.4** The application site is small strip of flat of rough grassland land that is rectangular in shape and located adjacent to the rear of 1 Loweswater Road. A timber fence panel runs along the entire length of the site facing south-east which acts as a boundary enclosure to a neighbouring property's front garden. To the north-east is a public footpath which provides a pedestrian route to Winton Road and Winton Close. Along the southerly western side of the site is a turning head used for overspill off road parking to the surrounding properties.

**6.5** There are other examples of small parcels of soft landscaped land within the locality of the wider housing estate. It is evident that these areas were visual buffers between the interconnected cul-de-sacs and breaks between the roads.

**6.6** Properties along Loweswater Road back onto Winton Close and the adjacent turning circle. This is a similar situation for properties that front onto Winton Road and are in the immediate vicinity of the application site. The rear of these properties are characterised by brick boundary enclosures, either red or buff brick, and attached rear garages accessed via Winton Close.

### **6.7 Principle, impact on wider locality and design**

**6.8** JCS policy SD4 requires development to be of a high standard of design that respects the character of the site and its surroundings. This is reinforced by Cheltenham Plan policy D1 requiring development to complement and respect neighbouring development and the character of the locality. Section 124 of the NPPF sets out how good design is a key aspect to achieving sustainable places and creating better places in which to live.

**6.9** The application proposes to extend the garden land to 1 Loweswater Road by changing the use of the site into residential curtilage. The site lies within the Principal Urban Area (PUA) and sits within recognised urban setting. There is nothing to suggest that the principle of redeveloping this land into residential curtilage would be unacceptable, however site specific issues such as impact on the locality and design would need to be taken into consideration.

**6.10** Consideration has been given to the proposed development impact on the character and appearance of the wider locality. The intention is to surround part of the land with fencing thus incorporating this into the existing garden land, while an area designated to off-road parking and soft vegetation is proposed adjacent to the pedestrian footpath.

**6.11** As outlined above, this area can be characterised as a visual buffer/break between the roads and interconnected cul-de-sacs. Whilst it is proposed to use this land for private amenity purpose, the overall sense of grassland and buffer zone between Winton Close and Winton Road will be retained given that no outbuildings or structures of any kind are proposed which would create an abrupt visual end-stop. As such, this area of land will still

read as break between the established dwellings between the interconnected roads/cul-de-sacs.

- 6.12** There was concerns raised that the development with fencing would remove this area as an open space used by the surrounding properties and restrict any view of this land. This land is not designated as open green space or other protected open land. A timber panel fence encloses two sides of the land and the land abounds several properties rear gardens. This has already somewhat compromised the area as an open space and it should be noted that a 1m boundary treatment can be erected without planning permission at any time.
- 6.13** The predominant feature of boundary treatments within the locality are brick walls, however, given the sites location timber fencing would be appear as a less visually harsh boundary treatment and is considered to be more appropriate. A condition has been attached requesting further details to ensure adequate design of this fence including materials, dimensions, finishes etc.
- 6.14** Part of this land will be used for vehicular off-road parking to the occupiers at 1 Loweswater Road. A small triangular section of shrubbery and bushes is proposed between the pedestrian footpath and this proposed parking area. This will soften the landscape and provide a vegetative cushion for users of the pedestrian path. A condition has been attached that prior to occupation details of these works are provided to ensure good design.
- 6.15** For reasons outlined above, officers consider that the proposed development is acceptable in principle. The character of this land would be retained as a buffer/break between the interconnected cul-de-sacs, while the appearance of the works will complement the existing boundary treatments and gardens land of the surrounding area. On balance, it is considered that the proposal would no warrant a refusal of planning permission in this instance.

#### **6.16 Impact on neighbouring property**

- 6.17** Policy SD14 of the JCS and policy D1 of the Cheltenham Plan requires development not to cause any unacceptable harm to the amenity of the adjoining land users or locality. Development should not cause a loss of light, privacy, outlook or create an unacceptance distance and noise.
- 6.18** The proposed change of use of land resulting in an enlarged rear garden area should not cause any significant harm to the amenity of neighbouring land users. The proposal will not impact the light levels or the privacy of neighbouring properties. This is a residential area with gardens already in close proximity to each other, the site will be used by the occupiers of 1 Loweswater Road, so there will be no unacceptable increase in noise.
- 6.19** The proposed off-road parking has raised a concern that this will impact the outlook for a properties adjacent to the land on Winton Road. Parking opposite this parcel of land is predominant and it is common for vehicles to park on the road outside properties on Winton Road. As such, this outlook will remain relatively unchanged and will not cause an unacceptable loss of outlook.

#### **6.20 Access and highway issues**

- 6.21** Gloucestershire County Council highways have been consulted on this application and they raise no objection to the formation of vehicular parking and a dropped kerb. As such, it is considered that the proposal will not cause have safety implications to the transport network.

**6.22** A concern was raised that the allocation of parking on the land would result in a loss of on street parking. The turning circle adjacent to the land is used as overspill for parking to the surrounding properties however this area has no defined parking allocation or any form of resident permits. There is ample area to use this road for on-road parking and the proposal will not have any detrimental impact to the existing situation.

### **6.23 Biodiversity**

**6.24** Several comments regarding the impact to the local biodiversity have been received as part of the neighbour's consultation process.

**6.25** Every planning application is screened by the Gloucestershire Centre for Environmental Records (GCER) to inform if any ecological information to biodiversity issues are relevant when determining an application. No records or biodiversity alerts have been indicated by the GCER.

### **6.26 Other considerations**

**6.27** It has come to officer's attention that land had previously been covered heavily in hedgerow and shrubs, with a large mature tree. Following the acquisition of this land by the owners at 1 Loweswater Road, this vegetation has been removed from the site and is now a strip of flat rough grassland. Concerns were raised that these works had removed this vegetation and tree without prior approval. No formal written consent was required for these landscaping works to be undertaken and this is not pertinent to ongoing application.

**6.28** A street lamp and telephone pole are located on the edges of the site. Any relocation of these structures will require formal consent from Gloucestershire County Council and is not a relevant planning consideration.

**6.29** The application form states that a "summer house" could be erected on the site however this is not indicated within any of the submitted plans or other documents. This application has only considered the merit of the change of use and subsequent fencing. Permitted development rights have been removed for this parcel of land as any outbuilding will require careful consideration.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** In light of the above, officer consider that the proposed development is compliant with the relevant local policies and national policies.

**7.2** Officer recommendation is to permit this application subject to the conditions set out below;

## **8. CONDITIONS / INFORMATIVES / REFUSAL REASONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no plant, structures, buildings, walls, fences or other means of enclosure associated with the development hereby permitted shall be constructed or installed without express planning permission.

Reason: Any further buildings, structures or alterations would require further consideration to safeguard the amenities of the area, having regard to policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD7 and SD14 of the Joint Core Strategy (2017).

- 4 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be retained as such thereafter;

Boundary Fencing (to include but not limited to specific product details (including material(s), finish/colour(s) and dimensions)).

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD8 of the Joint Core Strategy (2017).

- 5 Prior to first occupation of any part of the development, full details of all hard/soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new bushes and shrubs];

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

## **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.

- 2 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.