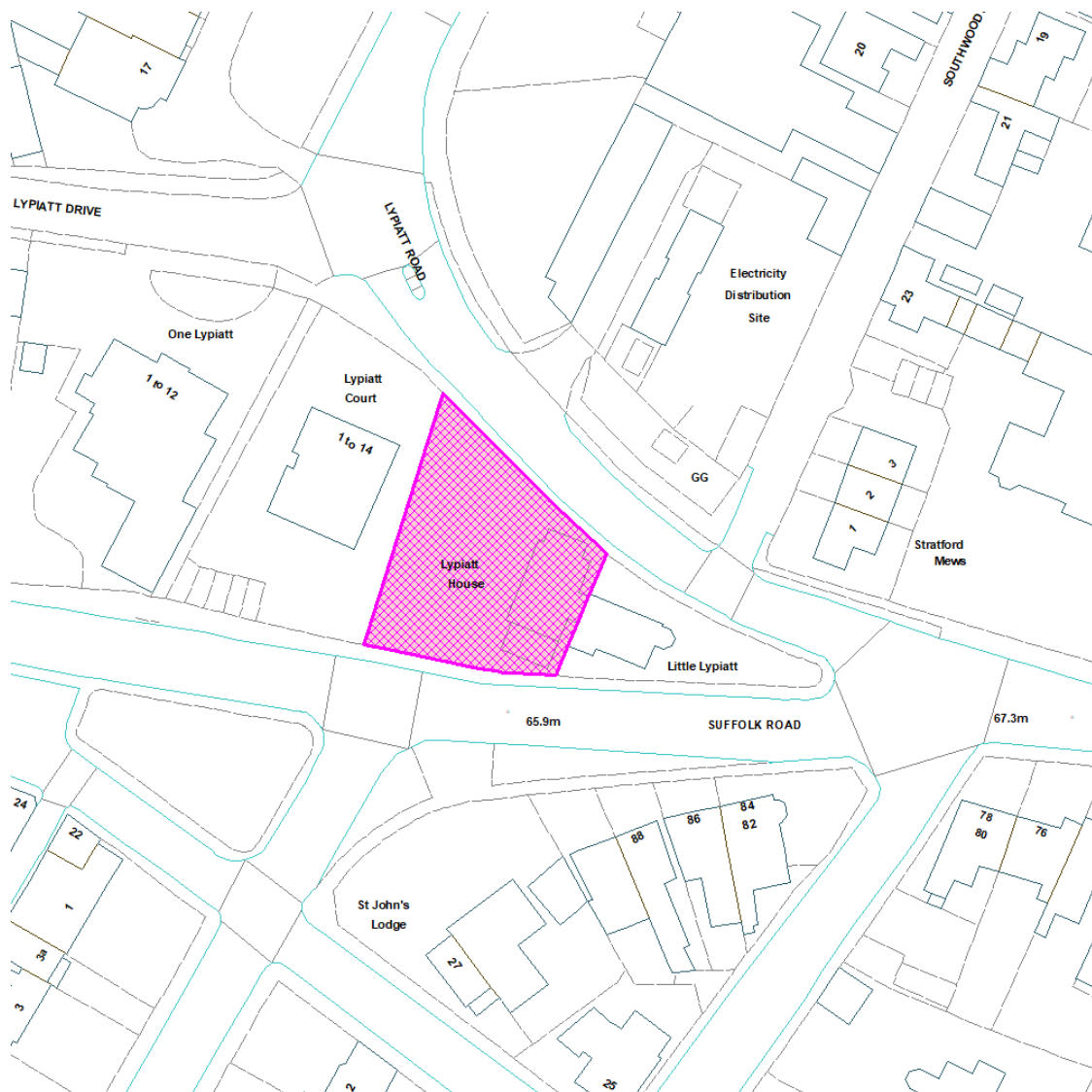


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|--|--|
| <b>APPLICATION NO:</b> 21/01447/FUL    | <b>OFFICER:</b> Miss Claire Donnelly   |
| <b>DATE REGISTERED:</b> 18th June 2021 | <b>DATE OF EXPIRY:</b> 13th August 2021;<br>extension of time agreed to 1 <sup>st</sup> October 2021 |
| <b>DATE VALIDATED:</b> 18th June 2021  | <b>DATE OF SITE VISIT:</b>   |
| <b>WARD:</b> Park                      | <b>PARISH:</b> n/a   |
| <b>APPLICANT:</b>                      | Mr Clive Seymour Davison   |
| <b>AGENT:</b>                          | n/a  |
| <b>LOCATION:</b>                       | Lypiatt House, Lypiatt Road, Cheltenham  |
| <b>PROPOSAL:</b>                       | Construction of single storey carport and garage building with pitched roof (retrospective)          |

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Lypiatt House, located on Lypiatt Road. The site occupies a relatively prominent position on a corner plot on Lypiatt Road, with views of the site from Suffolk Road, Andover Road and Tivoli Road. The site is within the Lansdown Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for a single storey carport/garage structure.
- 1.3 The works have been completed, and therefore the application is seeking retrospective consent.
- 1.4 The initially submitted scheme, and therefore the structure as built, was not supported by officers due to the design and its impact on the surroundings. As such, following a meeting on site with the applicant and architect, the applicant has agreed to alter the design of the structure to be more in-keeping with its surroundings. Revised plans have been submitted showing the revised proposed design.
- 1.5 The application is at planning committee due to an objection received by the Civic Society.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Local Listing  
Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**13/01087/PREAPP**                      **16th July 2013**                      **CLO**  
Change of use from existing hotel to single dwelling house

**88/00111/PC**                              **25th February 1988**                      **PER**  
Change Of Use From Residential Flats To Hotel

**89/01259/PF**                              **8th November 1989**                      **PER**  
Erection Of New Conservatory And Toilet Extension As Amended By Revised Plans

**91/00640/PC**                              **1st August 1991**                              **REF**  
Change Of Use From Hotel To Offices

**98/00576/AN**                              **12th November 1998**                      **PER**  
Retrospective Application – Painted Timber Hoarding Set Above Wall Level At Junction Of Lypiatt Road And Suffolk Road (As Amended) (Retrospective)

**01/01272/TPO**                              **12th November 2001**                      **PER**  
Robinia on Suffolk Road frontage: cut back 2 branches from the house

**07/01449/CACN**                              **16th November 2007**                      **NOOBJ**  
Reduce to previous pollard points and retain side growth as screen - 7 x limes

**07/01450/TPO**                              **16th November 2007**                      **PER**  
Crown lift to 4m - robinia

**08/01202/CACN**                              **15th September 2008**                      **NOOBJ**  
7 x limes - pollard down to 5m and remove all side shoots

**12/00555/CACN**

**9th May 2012**

**NOOBJ**

1) Row of pollarded Limes along Lypiatt Rd boundary- remove epicormic growth. 2) 2 x Yews on car park side of pollarded Limes - cut back long branches over car parking area by approx. 2 - 2.5m

**12/00566/TPO**

**9th May 2012**

**PER**

Robinia (T6 on TPO) - cut back from hotel to give 4m clearance and cut back epicormic growth on lower main trunk

**C21/00019/DS**

**REC**

Potentially dangerous boundary wall (Suffolk Road elevation)

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

#### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

#### **Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Supplementary Planning Guidance/Documents**

Central conservation area: Lansdown Character Area and Management Plan (July 2008)

### **4. CONSULTATIONS**

#### **Building Control**

*12th July 2021*

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

#### **Cheltenham Civic Society**

*12th July 2021*

Cheltenham Civic Society strongly objects to this application.

This is an inappropriate structure for The Lansdown Character Area of the Central Conservation Area. Although not formally listed, the building is highlighted as 'a positive building' within The Lansdown Character Area Appraisal and Management Plan and is surrounded by Grade II and II\* listed buildings.

The garage is a rustic structure appropriate for a rural or semi-rural location, not for an area noted for its formality of design and layout. The applicant's photographs purport to show that the building cannot be seen from public view and that vegetation screens the site and the building. That is, however, not true and it can be clearly seen from all sides. Indeed, vegetation should not be used to screen poorly designed or inappropriate structures such as

this one. The structure detracts from the Conservation Area, especially by being in front of and very close to the house's front elevation (though carefully cropped from the applicant's photographs), with which it jars.

The quality of the design should withstand scrutiny and contribute positively to its surroundings. It should preserve or enhance the character or appearance of the Conservation Area, in accordance with saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2. The application fails on these tests and is therefore opposed.

## 5. PUBLICITY AND REPRESENTATIONS

|                         |           |
|-------------------------|-----------|
| Number of letters sent  | <b>15</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 Letters have been sent to fifteen neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; on response has been received from a neighbouring resident objecting to the initial scheme.
- 5.2 The main concerns raised by the objecting neighbour include, but are not limited to, the following:
- Design conflicts with the characteristics of the existing building and surrounding buildings,
  - Inappropriate scale and footprint,
  - Questions over the proposed use,
  - Detracts from the conservation area,
  - Inappropriate location,
  - Questions over retrospective application.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The application proposes the siting of a detached, single storey garage/car port structure; the key considerations for this application are the design, impact on the conservation area and any impact on neighbouring amenity.

### 6.3 Design and impact on the conservation area

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.5 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.

- 6.6 The application proposes the erection of a garage/car port structure within the grounds of Lypiatt House Hotel; the structure was erected without planning permission. The initial design proposed a timber clad building with a shingle tiled roof. Officers had initial concerns with the design, agreeing with the comments made by the Civic Society in regards to the design being more suited to a rural location and therefore out of character with the area and harming the Conservation Area. As such, the concerns were raised with the applicant and following a meeting, the applicant agreed to amend the design of the structure to achieve a more in-keeping design.
- 6.7 Revised plans have been submitted proposing rendered elevations and a slate roof; these materials are considered to be more appropriate for its location. The front elevation (the garage doors) would remain as wood, however the other changes are considered to alter the design enough which would be less harmful to the Conservation Area. It is considered that the changes to the design of the proposal are acceptable and would address the concerns raised by the Civic Society in terms of design for the location.
- 6.8 Comments were also raised by the Civic Society in regards to the siting of the structure and its impact on the host dwelling. It is considered that the structure could have been more appropriately located within the site, however, given the structure has been erected and the design has been amended, on balance the proposal in its revised form is considered to be appropriate and would not warrant a refusal of planning permission.
- 6.9 As such, it is considered that the revised design of the garage/car port structure would result in a more in-keeping design that would be more appropriate for its location and setting. The proposal is therefore considered to appropriately comply with the relevant planning policies and guidance in terms of design.

#### 6.10 **Impact on neighbouring property**

- 6.11 As a result of the proposal, there are no concerns that there would be an unacceptable loss of amenity in terms of a loss of light or loss of privacy due to the location of the development and relationship with neighbouring properties. As such, the proposal is compliant with policies SD14 of the JCS and SL1 of the Cheltenham Plan, as well as section 12 of the NPPF.

#### 6.12 **Other considerations**

#### 6.13 Conditions

A condition has been added to ensure the works as shown in the revised plans; namely the addition of rendered panels to the side and rear elevations, and replacement of the existing shingles on the roof with slate tiles, are completed within 5 months of the date of the decision. This is to ensure good design is achieved and to ensure minimal harm to the Conservation Area. The proposed time frame has been requested by the applicant due to an ongoing sale of the property; officers consider the time frame to be an appropriate time frame to allow for the works to be completed.

#### 6.14 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three 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; and

- 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 is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 For the reasons set out above, the proposed development in its revised form is considered to be appropriate and would not result in undue harm to the character of the conservation area. The recommendation is to therefore permit this application subject to the conditions set out below.

## **8. SUGGESTED CONDITIONS / INFORMATIVES**

- 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.

- 2 The works hereby permitted, as shown in approved drawing no's. 1589\_300 and 1589\_301 submitted 23rd September 2021 shall be completed within 5 months of the date of this decision.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

## **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, the authority sought revisions to the scheme to overcome concerns relating to design and impact on the Conservation Area.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.