

APPLICATION NO: 21/01447/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 18th June 2021		DATE OF EXPIRY: 13th August 2021
DATE VALIDATED: 18th June 2021		DATE OF SITE VISIT:
WARD: Park		PARISH:
APPLICANT:	Mr Clive Seymour Davison	
AGENT:	Edge Design Workshop Ltd.	
LOCATION:	Lypiatt House ,Lypiatt Road, Cheltenham	
PROPOSAL:	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, a detached property location 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 structure.
- 1.3 The structure has been erected, and therefore this application is seeking retrospective planning 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, and the subsequent request by the Chair and Vice Chair of Planning Committee requesting the application is determined by the Committee.
- 1.6 Members will be aware that the application was before Committee at the November 2021 meeting; the application was deferred due to concerns raised in regards to design and impact on the conservation area. Members requested that changes were made to the proposal to address these concerns. The applicant has amended the design, removing the proposed doors on the front elevation of the structure. The application is before Planning Committee again with a revised design proposed.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

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)

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	15
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 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 were submitted amending the design of the structure, replacing the vertical timber cladding and shingle roof to render and slate; these materials are considered to be

more appropriate for its location. The initial revisions submitted left the doors as vertical timber; this was the design that was before planning committee in November. This design raised concerns with members in terms of not being in-keeping with the location and surroundings, and therefore the application was deferred to allow the applicant to make further changes to the scheme. The applicant has therefore removed the doors from the structure and therefore now proposes a 3-bay open car port. The external walls would be render, the roof slate, and the exposed timber posts painted white to match the colour of the render. It is now considered that the design addresses members concerns raised at the November Planning Committee.

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 be a reason to warrant a refusal of planning permission.

6.9 It is therefore considered that the proposal in its revised form would achieve a more in-keeping design that would be more appropriate for its location and setting. The proposal is therefore considered to comply with the relevant planning policies 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, and removal of the front timber doors 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 appropriate 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.