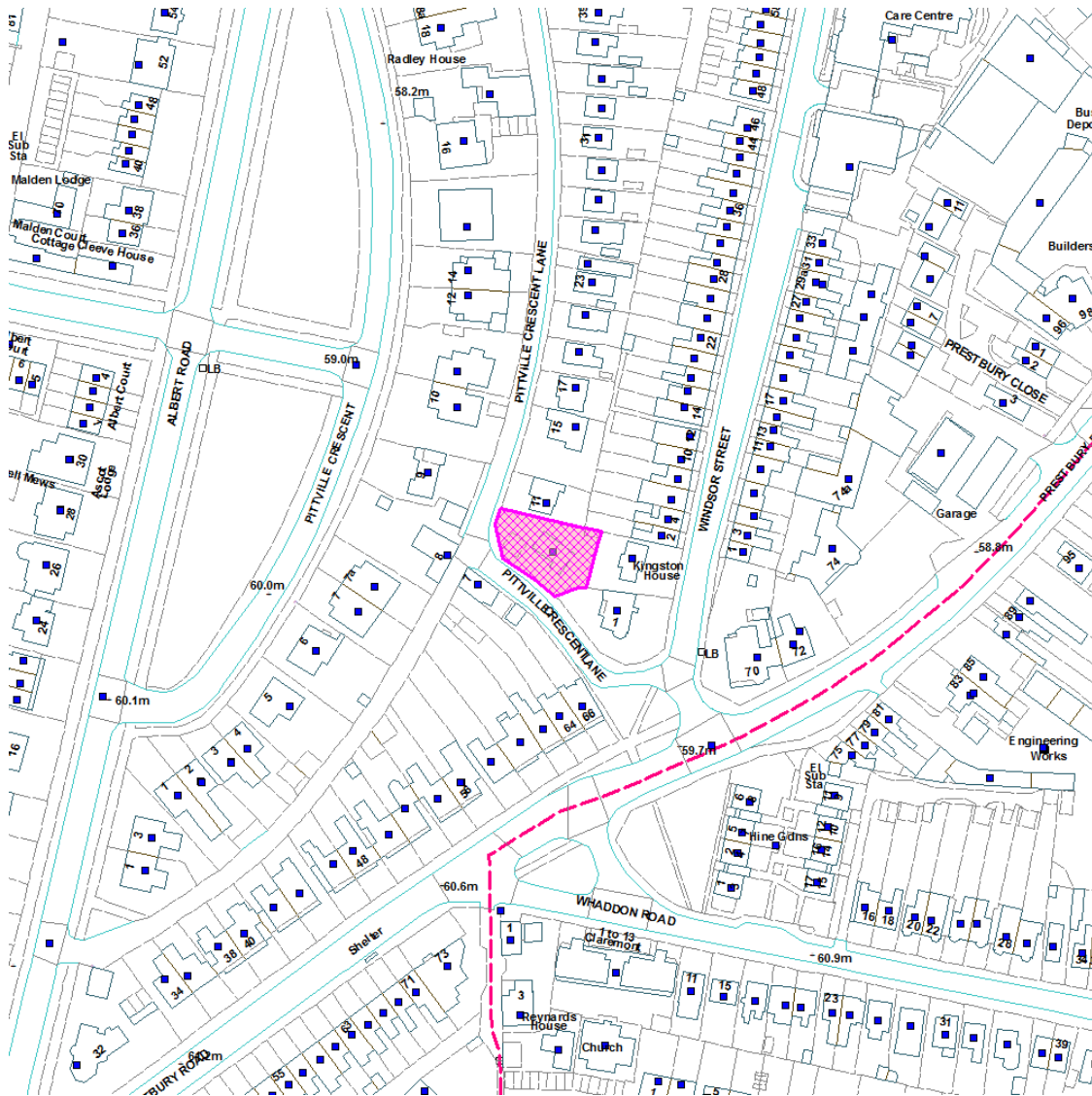


APPLICATION NO: 24/00631/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 13th April 2024		DATE OF EXPIRY: 8th June 2024
DATE VALIDATED: 13th April 2024		DATE OF SITE VISIT:
WARD: Pittville		PARISH: n/a
APPLICANT:	Mr Bradley Jacklin	
AGENT:	n/a	
LOCATION:	3 Pittville Crescent Lane Cheltenham Gloucestershire	
PROPOSAL:	Proposed wooden garden shed, and retention of new boundary fence (part 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 The application relates to 3 Pittville Crescent Lane; a two storey, detached, residential dwelling located within a residential area. The application dwelling has been recently updated and extended including alterations to the western boundary. The site falls within the Pittville Ward and is not in a conservation area, however falls just outside of the Pittville Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the siting of a garden shed and new boundary fence.
- 1.3 During the course of the application, the applicant added the proposed boundary fence to the application already submitted for the shed. The proposed fence has already been erected and therefore is seeking retrospective planning permission for this element.
- 1.4 Planning permission is required for the shed as it is sited forward of the principal elevation of the main dwelling. The fence requires planning permission as it exceeds the height of the existing fence is higher than the limits set out within the limits of permitted development.
- 1.5 The application is at planning committee at the request of Councillor Tooke, for the following reasons:
 - The fence is not compliant with the fence agreed in the original planning permission.
 - Lack of enforcement action on retrospective works.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Residents Associations

Relevant Planning History:

99/50290/FUL 18th November 1999 PER
Single storey domestic extension

22/02122/FUL 10th February 2023 PER
Two storey side and rear extensions and new vehicular entrance with dropped kerb

23/00359/FUL 21st April 2023 PER
Two storey/single storey side and rear extensions and new vehicular entrance with dropped kerb (revised scheme following grant of planning permission ref. 22/02122/FUL)

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

SD3 Sustainable Design and Construction
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

The Cheltenham Climate Change SPD (adopted June 2022)

Residential Alterations and Extensions (2008)

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Building Control

7th May 2024

No comment

Tree Officer

19th April 2024

The Trees Section has no objections to this proposal.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	23
Number of objections	15
Number of supporting	6
General comment	2

- 5.1 The application has been advertised by way of letters sent to six neighbouring addresses and a site notice has been displayed near to the application site given the sit falls just outside of the conservation area. Following the statutory consultation period, twenty-three responses have been received.
- 5.2 Of the twenty-one responses, fifteen are objections, six are in support, and there are two general comments.
- 5.3 The objections have been summarised below:
- Height of fence has impact on street,
 - Height of fence is unacceptable,
 - Materials used for the fence are not appropriate,
 - Fence not in-keeping with surroundings,
 - Fence has a negative visual impact on, and detracts from the area,
 - Fence has intrusive design,
 - Fence is higher than previous fence,
 - Fence exceeds height of permitted development,
 - Relocation of Leylandii and impact on neighbouring property in terms of loss of light to garden therefore impact on plants to grow, and impact on foundations of boundary wall,
 - Varies from original planning permission.
- 5.4 The comments in support have been summarised below:
- The works have enhanced the property,
 - Fencing is in-keeping given different styles in the area,

- Lots of different heights of fence/boundaries in the area
- Smart/contemporary fence design,
- Section where the boundary has been removed has improved visibility and wider area.

5.5 The neutral comments received have been summarised below:

- No objection to shed however would rather it was relocated,
- Fence is in situ,
- Works have improved the property.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The application proposes a new shed, and the retention of a front boundary fence; the key considerations for this application are design and impact on the adjacent conservation area, impact on neighbouring amenity and sustainable development.

6.3 Design

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 135 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

Shed

6.5 The proposed shed would be of a typical shed design and would have a footprint of 2.3 metres by 3.5 metres, with a pent roof of a maximum height of 2.5 metres. The shed is to be sited to the eastern side of the property; permission is required as it is to be sited slightly forward of the principal elevation of the main dwelling. However, its siting would not be forward of surrounding buildings and therefore sits comfortably and appropriately within the plot and in the wider street context. The shed is considered to be of an acceptable scale, form and design, and siting within the plot.

Fence

6.6 As set out in the introduction, the proposed fence has been erected prior to seeking the relevant consents. As such, the fence was added to this application and is seeking retrospective consent. Permission is required for the fence as it has been erected at a height higher than the previous fence, and also exceeds the limits of permitted development, which allows a 1 metre high fence to be built without the need for planning permission.

6.7 The application property occupies a corner plot on Pittville Crescent Lane; the site itself is not within the Conservation Area, Pittville Crescent Lane forms the boundary of the Pittville Character Area of Cheltenham's Central Conservation Area. The site is relatively prominent being on a corner plot however Pittville Crescent Lane is a small road serving a small number of properties. To the south, a service lane serving the rear of a number of properties runs from Albert Road to the application site; to the north, the road widens serving a number of residential properties.

6.8 The proposed fence replaces an existing 1.4 metre high fence on the southern (front) boundary, which increases in height to 1.8 metres on the western (side) boundary. The property has recently been extended and upgraded (planning permission ref. 22/02122/FUL and revised scheme ref. 23/00359/FUL). As part of the upgrades to the property, the western part of the existing fence has been removed. The proposed fence now extends on

the southern boundary, halfway along the existing detached garage. The proposed fence has been erected to a height of 1.8 metres at a length of 19 metres, including a pedestrian gate along the southern (front) boundary. The material of the fence is brown composite panels, hung as horizontal slats.

- 6.9 The proposed composite material is not a 'traditional' material used for fences; normally boundary fences would be a feather edge type, timber design. However, there is a variety of materials used for boundary treatments in the vicinity of the site; brick walls, rendered walls, and timber fences. The proposed fence material could be considered as relatively harsh due to the composite nature of the material; however, officers are mindful that this material could have been used to replace the existing 1.4 metre high fence without the need for planning permission.
- 6.10 With regards to the height of the fence, officers acknowledge that the fence is higher than the previous fence, therefore has a greater visual impact; furthermore, the proposed use of material contributes to its impact. As set out above, the existing fence could have been replaced with a composite material to the existing height, and therefore in this instance the main consideration is the additional 0.4 metres height of the fence. It is also acknowledged that the width is also greater, as a previous vehicular access point has been closed and replaced with a pedestrian gate.
- 6.11 The surrounding area lacks a uniform site layout, property style or property design. It is also noted that there are examples of high boundary treatments along Pittville Crescent Lane which face the highway; these examples vary in type and design. As such, the principle and design of the fence is considered to be acceptable in this location given that the boundary would not be out of character with the surrounding area.
- 6.12 On balance, whilst it is acknowledged that the fence has changed the character of the property visually, however given the improvements that have taken place on the site by removing the western fence and opening up and improving the design of this corner, the relevant permitted development fall-back position when considering material use, and the location of the site and the surrounding character, the proposed fence is considered to be acceptable in terms of design in this instance. Furthermore, as the site falls outside of the conservation area, and given the location of the site, the proposal would not harm the character of setting of the conservation area in this instance.
- 6.13 Impact on neighbouring property**
- 6.14 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.15 A number of neighbour comments have been received following the public consultation period; a summary of comments received are set out above. The main objections raised relate to design and visual impact.
- 6.16 The impact on neighbouring amenity has been assessed; it is considered that there would not be an unacceptable impact on amenity in terms of a loss of light or loss of privacy as a result of the proposed development.
- 6.17 One neighbour has raised an objection to the relocation of planting shown on the proposed plan with regards to a loss of light and impact on an existing boundary wall foundations. The proposed planting does not require planning permission, and therefore whilst the comments are noted, officers cannot control the planting of vegetation.

6.18 As such, with regards to an impact on neighbouring amenity, there are no concerns that the proposed fence or siting of the garden shed would impact upon the amenities of adjoining land users.

6.19 **Sustainability**

6.20 Given the nature of the proposed development, officers acknowledge that there is little opportunity to include low carbon features or technologies as part of the application. As such, in this instance, officers have not requested that a sustainability statement be submitted.

6.21 **Other considerations**

6.22 Public Sector Equality Duty (PSED)

As set out in the Equality 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 Taking all of the above into consideration and duly noting the comments raised by neighbouring residents; it is acknowledged that the proposed fence has a greater visual impact than the previous fence due to the increase in height and material used; it is considered however, that improvements have been made to the site and the proposed fence, given its location and character of the site and its surroundings, is considered to be acceptable. No concerns are raised with regards to the proposed siting of a garden shed.

7.2 Officers recommendation is to therefore permit this application subject to the suggested conditions below.

8. SUGGESTED CONDITIONS

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.

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.