

# Committee Officer Report

APPLICATION NO: 24/01730/FUL		OFFICER: Ms Nicole Golland
DATE REGISTERED: 18th October 2024		DATE OF EXPIRY: 13th December 2024
DATE VALIDATED: 18th October 2024		DATE OF SITE VISIT:
WARD: Battledown		PARISH:
APPLICANT:	Sara Richardson	
AGENT:	SF Planning Limited	
LOCATION:	1 Coltham Fields Cheltenham Gloucestershire	
PROPOSAL:	Erection of 1no. two storey self-build dwelling.	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a vacant parcel of land measuring approximately 123 sq. metres. The site is enclosed by timber fencing and appears currently overgrown with shrubs. A garage structure and tree once occupied the site but these were removed some years ago. Access to the site is via Coltham Fields which is a private, no through road leading from Hales Road.
- 1.2 The site lies outside of Cheltenham's Central Conservation Area; the boundary of which runs along the north side of Hales Road. Surrounding development is a mix of residential and commercial with Battledown Trading Estate located to the north east of the site. Coltham Fields is predominantly residential and characterised by a mix of architectural styles and age of properties; however the majority of existing dwellings are older and occupy relatively small plots, particularly those of Rosehill Terrace to the north of the site. The rear gardens, parking areas and main access points for properties in Rosehill Street lie opposite the site and the side curtilage/garden and parking area of No 1 Cotham Fields adjoins the north-west boundary. A commercial storage site adjoins the north boundary of the site with two recently constructed pairs of semi-detached dwellings further to the north-west and behind 1 Coltham Fields.
- 1.3 The application proposes the erection of a detached, two storey dwelling with off road parking.
- 1.4 The site has an extensive history, of particular note to this case;
- October 2026 - A planning application for a pair of semi-detached dwellings on the site was submitted but subsequently withdrawn (16/01862/FUL).
  - August 2022 - Planning permission was granted for a two storey dwelling on the site. The applicant has not implemented the scheme and the permission is extant (22/00764/FUL).
  - April 2023 – A scheme for a large dwelling was refused, subsequently appealed, and dismissed by the Planning Inspectorate (23/00596/FUL).
  - March 2024 – During the course of the appeal another large dwelling was submitted. which was withdrawn by the applicant (24/00400/FUL).
  - September 2024 – The current application (24/01730/FUL) before you. The applicant had been advised a scheme more akin to the extant permission could be reviewed by officers if they wanted to amend the plans. However, the applicants advised they did not wish to amend the scheme. Accordingly, officers advised they would recommend refusal.
- 1.5 Councillor Chris Day stated if officers were minded to refuse the application they would request the application at planning committee for the below planning reasons;
- Development in the Principal Urban Development area.
  - The scheme is sustainable development.
  - The scheme contributes to the 5 year housing land supply.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Principal Urban Area

### **Full Planning History:**

**15/01613/PREAPP 5th October 2015 CLO**

Demolition of existing building and re placement with 3 no.detached dwellings

**73/00020/PO 8th March 1973 REF**

Outline Application For Erection Of Detached House

**74/00004/PF 7th January 1974 PER**

Demolition Of Existing Lean-To Side Addition And Erection Of 2

Storey Side Extension To Provide New Kitchen With Bedroom Over

**08/00147/FUL 6th March 2013 DISPOS**

Demolition of existing detached property and erection of two semi-detached houses

**08/00320/FUL 8th August 2011 DISPOS**

Erection of workshop

**16/01862/FUL 7th December 2016 WDN**

Erection of a pair of semi-detached two bedroom houses

**16/01954/FUL 21st December 2016 WDN**

Demolition of existing detached dwelling (1 Coltham Fields) and replacement with 2 semi detached properties

**19/00709/FUL 7th June 2019 WDN**

Erection of 2 detached dwellings following demolition of the existing dwelling.

**19/01421/FUL 28th January 2020 PER**

Erection of 2no. dwellings following demolition of the existing dwelling, and associated works (revised scheme).

**22/00764/FUL 19th August 2022 PER**

Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields

**23/00596/FUL 31st October 2023 REF**

Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields

**24/00400/FUL 2nd May 2024 WDN**

Erection of 1no. two storey dwelling on land adjacent to 1 Coltham Fields (revised scheme ref: 23/00596/FUL).

## **3. POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

Section 2 Achieving sustainable

development Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

### **Adopted Cheltenham Plan Policies**

D1 Design

BG1 Cotswold Beechwoods Special Area of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

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

SD3 Sustainable Design and

Construction SD4 Design Requirements

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF5 Renewable Energy/Low Carbon Energy Development

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

Development on garden land and infill sites in Cheltenham (2009)

## 4. CONSULTATIONS

### **CBC Ecologist**

*29th October 2024 –*

#### Protected species

The risk of any protected species being affected by this development is very low therefore an ecological appraisal is not necessary, but a Ground Level Tree Assessment (GLTA) in respect of roosting bats would be advisable and should be submitted prior to determination to confirm whether bat species (legally protected) and/or bird species are roosting or nesting (respectively) in the mature tree on site. This should be completed by a suitably qualified ecological consultant.

Reason: To conserve legally protected bats in line Regulation 41 of the Conservation of Habitats and Species Regulations 2017 and Section 9 of the Wildlife and Countryside Act 1981.

If works are proposed within the nesting bird period (March to August inclusive), nesting bird checks shall be completed by a suitably qualified ecological consultant to ensure that no breeding birds would be adversely affected including by disturbance by the works. Where checks for nesting birds are required, they shall be undertaken no more than 48 hours prior to the removal of vegetation. If nesting birds are found, a 5m buffer zone shall be implemented and works shall not be carried out in that area until the chicks have fledged.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

#### Soft Landscape Plan

On this occasion a Biodiversity Net Gain Assessment (BNGA) is not required but prior to the commencement of the development, a soft Landscape Plan including a planting schedule, shall be submitted to and approved in writing by Cheltenham Borough Council to demonstrate that the proposal will achieve gains in biodiversity and the loss of the mature tree on site can be adequately compensated for.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: to comply with the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and in paragraph 185 (b) "To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity".

### **GCC Highways Planning Liaison Officer**

*4th November 2024* - The proposed property will be accessed via Coltham Fields which not a publicly adopted highway and technically only having the status of a footway. It is acknowledged that this has been used for vehicular access by other properties for a considerable period and no changes are proposed to it junction with Hales Road. The site location is approximately 250m from the nearest bus stops located on the A435 / A40 London Road and is therefore considered acceptable to provide future residents with options for sustainable public transport instead of private car use.

It is noted that there are no dedicated secure cycle storage facilities provided for the existing dwelling as part of the car parking provision or within the new dwelling ground floor layout.

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 subject to the provision of secure and covered cycle facilities to support sustainable transport options.

This information can be provided prior to determination or can be conditioned to allow the applicant sufficient time consider the most practical solution for both properties inconjunction with appropriate EV charging facilities.

There are no justifiable grounds on which an objection could be maintained and therefore the Highway Authority submits a response of **no objection** subject to condition.

### **Drainage And Flooding**

*18th October 2024* - There are no objections to this application provided that if planning permission is granted, a condition is attached to ensure that the development incorporates a Sustainable Drainage System (SUDS) which incorporates appropriate flood risk management. This should be submitted to and approved in writing by the Local Planning Authority.

A soakaway is proposed in the application. BRE 365 infiltration testing will be required to prove feasibility and establish a site specific infiltration rate for drainage system design. If a soakaway is not feasible then the SUDS hierarchy should be followed in choosing an alternative option for surface water disposal. Onsite attenuation (flood storage) will be required prior to controlled discharge off the site (with relevant approvals secured from Severn Trent Water for a new sewer connection), not exceeding the Qbar greenfield runoff rate for all events up to and including the 1% (1 in 100) annual exceedance probability (AEP) rainfall event (including a 40% allowance for climate change).

### **Building Control**

*22nd October 2024* - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1** Letters of notification were sent to 70 neighbouring properties. A total of 15 support letters have been received, these are from wider Cheltenham opposed to adjacent to application site. 2 objections have been received concerning overlooking, noise and privacy loss due to the balcony and overlooking from the windows. They also raise highway safety concerns as Coltham Fields is a busy road.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2** The key issues for consideration are (i) the principle of residential development and suitability of the plot to accommodate one new dwelling; (ii) the design, scale and layout of the proposals and their impact upon the character and appearance of the street scene and wider locality; (iii) access, parking and highway safety; and (iv) any potential impact upon the amenities of occupiers and neighbours.

### **6.3 Principle/Policy Background**

- 6.4** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan

unless material considerations dictate otherwise. The proposal must therefore be considered against the relevant policies contained within the Cheltenham Plan (2020) and the Joint Core Strategy (2017); the most relevant policies being D1 and SL1 of the Cheltenham Plan and policies SD3, SD4, SD10, SD14 and INF1 of the JCS.

- 6.5** Policy SD10 of the JCS supports the principle of new housing development on previously developed land within the Principal Urban Area (PUA) of Cheltenham. Housing development on other sites, including garden land, will only be permitted where it constitutes infilling within the PUA or where there are other specific exceptions/circumstances defined in District plans. The application site is considered to be previously developed land for the purposes of Policy SD10.
- 6.6** Paragraph 11 of the NPPF (2023) states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'.
- 6.7** Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '*(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.
- 6.8** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.9** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing. The proposal would provide for one additional dwelling which would make a small but valuable contribution towards alleviating the shortfall. The shortfall position is a material consideration in the determination of this application.
- 6.10** In summary, it is acknowledged that the principle of the redevelopment of the site for residential purposes is established through the grant of the previous planning permissions for a new dwelling on this site. However there is a requirement to consider the merits of the proposed development as a whole, having regard to the material considerations set out below.
- 6.11 Design and Layout**
- 6.12** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to live. Similarly, Policy SD4 of the Joint Core Strategy (JCS) requires development to respond positively to and respect the character of the site and its surroundings. This is reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.
- 6.13** Guidance contained within the Council's adopted SPD on 'Development on Garden Land and Infill Sites in Cheltenham' refers to the various elements that combine to create the character of an area which include grain, type of building, location of buildings within the block or street, plot widths and building lines, with a '*requirement to complement and respect neighbouring development*' as encompassed by Policy D1 of the Cheltenham Plan and Policy SD4 of the JCS. It states '*Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place, seeking always to enhance a place.*'

- 6.14** The proposal includes the erection of a two storey detached dwelling with off road parking for two vehicles (beneath the first floor overhang). The proposed internal layout is shown with 2no. bedrooms and 2no. bathrooms on the ground floor, plus hallway and internal store for bicycles. All other living accommodation would be at first floor.
- 6.15** The proposals include a first floor roof terrace, fully surrounded by a 1.8m wall. Off road parking for 2no. vehicles is provided in the area beneath the first floor roof overhang. A refuse/recycling area and air source heat pump (ASHP) sits at the front of the property behind railings with a gate. The previous concerns regarding room for bins appear to have been overcome. Minimal hedge planting is provided. The previous scheme had EV charging, however this doesn't appear on the floor plan, but could hypothetically be conditioned.
- 6.16** Much like the previously dismissed appeal scheme, the footprint of the building is unusual and roughly U shaped. Other than a small section to the front, the building occupies the full extent of the plot, extending to the north, west and east site boundaries.
- 6.17** When dismissing the previous scheme the Inspector noted;

*“the proposed dwelling would span the entire width of the plot. It would be taller and bulkier than the properties in Coltham Fields and the combination of the excessive width and height of the dwelling would result in a building which would appear bulky and prominent within the street scene. The siting of the dwelling flush with the site boundaries on 3 sides would result in an unduly cramped appearance which would detract from the modest proportions of dwellings in the surrounding area. The provision of the amenity space within the first floor terrace, in addition to the incorporation of obscure glazing to windows in the first floor front elevation, would emphasise that the plot is of insufficient size to satisfactorily accommodate a building of the size proposed.”*

- 6.18** It is not considered the current scheme has overcome these issues, and is therefore still considered overdevelopment, as it sits flush on all three boundaries, has a first floor terrace surrounded by a 1.8m wall and first floor windows have to be obscure glazed.
- 6.19** The form of the building is modern, with render, brick and a flat roof. Whilst the design is more akin to the contemporary houses constructed recently, the bulky and prominent form would create a large blank elevation of render with little architectural interest at the front. Whilst the 3D drawing does show planting covering some of the render it would appear as a stark blank façade.
- 6.20** In summary, the proposed dwelling, by virtue of its design, scale, layout and overall appearance, would appear as a visually discordant and incongruous addition within the street scene and at odds with the prevailing residential character of Coltham Fields. The applicant has not resolved the issues previously highlighted by the Inspectorate and officers.
- 6.21** In light of the above, the proposed development is considered inappropriate in design, scale, form and appearance. The proposals therefore conflict with the objectives of policy D1 of the Cheltenham Plan, policy SD4 of the JCS and the relevant SPD guidance.

## **6.22 Residential Amenity**

- 6.23** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook. The policy is consistent with adopted JCS policy SD14.

- 6.24** Similarly, the Council's 'Development on garden land and infill sites Supplementary Planning Document' (SPD) states that in considering the impact of garden land or other infill proposals on the amenities of existing and new residents, the issues that will be considered include; light restriction, loss of privacy/ overlooking and overbearing impact due to the bulk/proximity of buildings.
- 6.25** Local residents have raised concerns about the potential for overlooking into neighbouring properties, loss of privacy, and noise and disturbance from the proposed first floor windows and balcony.
- 6.26** With regards to windows, the proposed first floor plan is annotated with distances to the nearest neighbouring property elevations and boundaries. The separation distances largely accord with the recommended distances of Policy SL1 of the Cheltenham Plan (e.g. in excess of 21 metres between clear glazed facing openings). The previous concern with regard to overlooking on gardens has been overcome as the elevation drawings state the first floor windows will have "Externally mounted fixed shutters to 1.6m above first floor level to prevent overlooking". Therefore, overlooking from these windows would not occur and could be secured via planning condition.
- 6.27** Whilst poor in design terms, the balcony being completely sealed by a 1.8m wall does remove any overlooking concerns and whilst some noise may occur outside it is not considered beyond that normally experienced in a residential area. Overall, it is not considered this scheme harms neighbouring amenity.
- 6.28** When considering the future occupiers of the dwelling, the first-floor balcony is the only private outdoor amenity space. It would offer poor outlook and function for the future occupiers as the 1.8m wall would block outlook and light. The overdevelopment of the site and the resultant design of the balcony is considered to be deleterious to the reasonable living conditions rightly expected by any future occupant. Consequently, officers consider the proposals does not meet the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.
- 6.29 Access and highway issues**
- 6.30** Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.31** Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes.
- 6.32** The scheme shows parking on plot for two vehicles. Neighbours raise concerns with adding parking onto Coltham Fields as they note it is a busy road.
- 6.33** The Highway Authority (HA) has considered the proposals. The HA 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. Should planning permission be granted, there are various conditions suggested relating to parking implementation and retention, cycle storage and electric vehicle charging.
- 6.34 Sustainability**
- 6.35** Policy SD3 of the JCS requires new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings.



**6.36** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For new residential development there is an opportunity to improve the environmental performance of a new home through the inclusion of technologies and features such as appropriate fabric/materials, photovoltaics, thermal efficient windows and ventilation systems, heat recovery systems, permeable (or minimal) hard surfaces, insulation, heating systems (heat pump) and thoughtful kitchen design.

**6.37** This applicant has provided a Sustainability Statement which, other than the requirements of up-dated Building Regulations, sets out the intended measures to achieve a reduction in carbon emissions and opportunities/scope for additional features. The proposed measures include, but are not limited, to the following:

- air source heat pump
- fabric led approach to design and detailing
- good natural and cross ventilation
- internal and external dedicated areas for waste and recycling storage
- low water use fittings
- solar panels on flat roof area of main roof
- Given the scale of development proposed within this application, these measures are considered to be acceptable and proportionate.

**6.38** Other considerations

**6.39** Drainage & Ecology

**6.40** As noted in the consultation section the Council Ecologist and Drainage Officer does not object to the scheme and these matters could be covered by way of condition if the application were supported.

**6.41** Cotswold Beechwoods Special Area of Conservation (SAC)

**6.42** The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

**6.43** Policy BG1 of the Cheltenham Plan states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network (alone or in combination), and the effects cannot be mitigated. Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

**6.44** The application includes no information on this matter and therefore no mitigation is proposed to address the impacts of the proposal on the SAC. The proposal is therefore in conflict with policy BG1.

- 6.45** There are no opportunities for on-site mitigation, therefore the applicant could make a financial contribution towards ecological mitigation for the SAC and enter into a UU S106 legal agreement, which would state that the applicant will pay the Council the relevant sum for each unit of accommodation proposed.
- 6.46** Public Sector Equality Duty (PSED)
- 6.47** 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:
- 6.48** Removing or minimising disadvantages suffered by people due to their protected characteristics;
- 6.49** Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- 6.50** Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.51** 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.
- 6.52** In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The development plan currently in force is out of date due to a shortfall in the five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11 of the NPPF applies a presumption in favour of sustainable development unless:-
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.
- 7.2** The application site is in a sustainable location and would provide for one additional residential unit. This application has therefore been considered carefully within the context of Policies SD10, SD4 and SD14 of the JCS, relevant Cheltenham Plan policies, and guidance set out in the Council’s SPD.
- 7.3** Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.4** In this case, officers consider that the design, scale, form and layout of the proposed dwelling would result in a discordant and incongruous addition to the street scene. As such, the proposed development would be at odds with and harmful to the character and appearance of the locality in general. The first floor balcony being sealed by a 1.8m wall, various design features and the building footprint would result in a cramped and contrived form of residential development and overall, the plot is considered too small to accommodate a dwelling of this size and design.

- 7.5 The applicants cover letter states “the principle of a new dwelling in this location has been firmly established through the August 2022 permission which remains extant”. The Inspectorate provided a helpful and clear position on the extant permission, and the weight to be assigned to it, when dismissing the previous appeal;

*“The appellant sets out that permission for residential development on the site has been approved and that the proposal would make better use of the site including increased amenity space and levels of car parking, the incorporation of an air source heat pump and a layout which maximises solar gain. There is no dispute that this permission could be implemented although I have limited information about whether there would be an intention to build that dwelling if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this alternative would take place. The proposed dwelling would be wider, taller and bulkier than the approved dwelling. Given this, if the fallback scheme were implemented, it would be less harmful to the character and appearance of the area. I therefore give any improvements arising from the amended design limited weight in this decision.”*

- 7.6 Whilst the addition of a dwelling in the PUA is a benefit, there exists an extant permission that could be implemented by the applicant (23/00596/FUL). The previous Inspector found there would seem a greater than just theoretical possibility that this alternative would take place. The proposed dwelling would be wider, taller and bulkier than the approved dwelling. Given this, if the fallback scheme were implemented, it would be less harmful to the character and appearance of the area, but would still bring the same benefits.
- 7.7 The application fails to address the impacts of the proposed development on the Beechwoods Special Area of Conservation and does not provide any mitigation for those impacts.
- 7.8 In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any adverse impacts of the proposals on the character of the site and wider locality and the amenities of future occupiers, against the small but positive contribution the proposal could make towards the Council’s housing land supply and any economic or social benefits that the scheme might bring. In this case, the identified harms would not be outweighed by the limited benefits of one additional dwelling.
- 7.9 Officer recommendation therefore is to refuse planning permission for the reasons set out below.

## 8. REFUSAL REASONS

- 1 The proposed dwelling, by virtue of its design, scale, form, layout and overall appearance, would appear as a visually discordant and incongruous addition within the street scene and at odds with the prevailing residential character of Coltham Fields. In addition, the footprint of the proposed dwelling occupies the majority of the plot, extending and abutting the north, west and east site boundaries, with only a narrow gap within the front elevation (at ground floor level) to enable off road vehicular and pedestrian access to the property. The overdevelopment of the plot causes a large run of blank rendered wall. Furthermore, the only amenity space is provided by way of a first floor roof terrace, which is completely sealed by a wall. Shutters must be added to a first floor (living room) window to minimise the potential for overlooking into neighbouring gardens. Therefore, the overdevelopment of the plot and the resultant design creates a cramped and contrived form of residential development and overall, the plot is considered too small to accommodate a dwelling of this size, design, form and layout.

The proposed development would therefore be contrary to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD4 and SD14 of the Joint Core Strategy (2017), the guidance set out in adopted Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham and national policy guidance set out within the National Planning Policy Framework (2023).

- 2 The proposed development, by virtue of resulting in a net increase in dwellings, would result in an adverse effect on the integrity of the Cotswold Beechwoods SAC. The application includes no on or off-site mitigation to address the impacts of the proposed development on the SAC. Without appropriate mitigation, the proposed development is likely to have a cumulative, significant effect on the integrity of the Cotswold Beechwoods SAC through increased recreational pressure.

The proposed development is therefore contrary to adopted policy BG1 of the Cheltenham Plan (2020) and the aims of The Conservation of Habitats and Species Regulations 2017.