

APPLICATION NO: 13/00294/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 23rd February 2013		DATE OF EXPIRY : 20th April 2013
WARD: Park		PARISH: NONE
APPLICANT:	Mr Ian Bacon	
LOCATION:	32 St Stephens Road, Cheltenham	
PROPOSAL:	Proposed vehicular access and hard-standing, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)	

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

28 St Stephens Road
Cheltenham
Gloucestershire
GL51 3AA

Comments: 25th March 2013

I object for the following reasons:

This proposal is a minor modification of previous proposals rightly rejected in 2010 and 2011 by Cheltenham Borough Council Planning Department and on appeal by the Planning Inspectorate (see 10/01360, 11/00013, 11/01252).

In summary:

- 1) The applicant already has off-street (garage) parking at the rear of his property.
- 2) The proposal would necessitate reversing in or out of the property into a busy main road between parked cars next to a bus stop; visibility would be lacking and it would be unsafe.
- 3) The proposal would remove a large proportion of the front garden amenity from the property (significantly more than indicated in the inaccurate sketch accompanying the proposal) to the visual detriment of neighbours and passers-by.
- 4) The proposal would remove at least one, and because of its position in the street probably effectively two, street parking spaces which are a valuable amenity currently enjoyed by the applicant, neighbours and visitors to the area alike.
- 5) Despite assurances to the contrary, the proposal would very likely lead to the destruction of the pleasant tree beside the pavement due to root damage. The drive would be far less permeable than garden, contributing to faster water run-off following rain, further pressuring strained sewage systems.

Existing off-street parking at rear:

Most houses on the east side of St Stephen's Road have vehicular access from the rear, notably from Inkerman Lane and Oakfield Street, and do not have it into St Stephen's Road itself. The applicant already has a garage in Inkerman Lane, which I note he has recently re-roofed. If he wishes to park an especially large vehicle, or two vehicles, in the rear of his property, he could easily apply for permission to extend this garage or convert it to a gated car port maintaining rear privacy and security. (The applicant notes 33 properties in the road have vehicular access into

the road, but in fact nearly all of these are on the west side of the road, where properties have no alternative access at the rear, unlike those on the east side.)

Safety:

This proposal very closely resembles the applicant's initial proposal 10/01360 which, like this, was for a driveway perpendicular to the street. GCC Highways Planning Liaison recommended refusal saying: 'vehicles will have to reverse to or from St Stephen's Road at a point where visibility is restricted, and would increase highway dangers and hazards, contrary to the interests of highway safety'.

The applicant withdrew the application following this comment, which remains highly pertinent to the current application.

It should be noted that only last month in an accident in St Stephen's Road outside the applicant's house, a Citroen car collided with another vehicle and span onto its roof, causing the hospitalization of the driver. Please see the front page of the Gloucestershire Echo dated 2nd February 2013 for photograph and description of the chaos.

Visual impact:

The application has a rough plan which is inaccurate in detail and not properly to scale. The sketch implies the proposed lawn area would be nearly double that of the proposed drive, whereas in reality it would be just one third larger than the proposed drive at most. The proposed drive and adjacent path would in fact occupy nearly half the existing front garden. The plan omits the bus stop on the pavement outside the applicant's house by the proposed drive. The proposal lacks an elevation view, but a parked vehicle would be clearly visible to both neighbours and passers-by, creating a negative visual impact compared to the garden which is currently in the middle pair of a row of four gardens. This would break up the row of four gardens, leaving one garden isolated from the remaining pair, lowering the character of the neighbourhood.

Heritage and Conservation previously refused similar application 11/00013, as 'contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out at PPS5, and Local Plan policy BE7' and as 'something which the Council actively discourages via... management plan policy TV4 in the Tivoli Character Area Appraisal'. The current application fails to address these issues effectively.

Removal of street parking amenity:

The removal of at least one and, because of its position in the street, probably effectively two street parking spaces is unfair to neighbours and visitors, and provides no net benefit even to the applicant who in addition already has a garage at the rear of his property.

Environment:

The proposal would likely cause destruction to the pleasant tree beside the pavement due to root damage, and the drive would contribute to faster water run-off in rain, adding further pressure to sewage systems.

I trust the decision about this proposal will be consistent with previous refusals as it fails to overcome so many of the earlier objections.

Comments: 7th June 2013

Letter attached.

18 St Stephens Road
Cheltenham
Gloucestershire
GL51 3AA

Comments: 26th March 2013
Letter attached.

Comments: 10th June 2013
Letter attached.

28 St Stephen's Road
Cheltenham
GL51 3AA

6th June 2013

Tracey Crews
Head of Planning
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 6 JUN 2013 1/4		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Ms Crews,

Re: Planning Application 13/00294/FUL

Thank you for your letter dated 30th May concerning a late revision to the above proposal. I am surprised that this revision is being permitted at this stage given that (a) the proposal was made in February and was to have been considered as it stood by Planning Committee on at least two occasions which were postponed, (b) only 5 working days are being allowed for public comments on this revision (presumably with previous objections being ignored when the revision is eventually considered), and (c) the online public access system does not currently permit further comments, saying "Comments may not be submitted at this time" – hence I am having to write you this letter. This is unfortunate as it could be misinterpreted as an attempt by the applicant to slip the proposal through the system without the many objections to it having to be fully considered. I would urge Planning Department to amend their systems in future to ensure that revisions to proposals do not require people to comment repeatedly on what is substantially the same proposal, and where further comments may be needed that appropriate time (3 weeks) is given for them to be made.

This revision is a minor amendment to the proposal made in February, and unfortunately does not overcome any of the objections I raised then. I therefore repeat these here, and add further comments about the revision where needed.

I object to the above revised planning application for the following reasons:

This proposal is a minor modification of previous proposals rightly rejected in 2010 and 2011 by Cheltenham Borough Council Planning Department and on appeal by the Planning Inspectorate (see 10/01360, 11/00013, 11/01252).

In summary:

- 1) The applicant already has off-street (garage) parking at the rear of his property.
- 2) The proposal would necessitate reversing in or out of the property into a busy main road between parked cars next to a bus stop; visibility would be lacking and it would be unsafe.
- 3) The proposal would remove a large proportion of the front garden amenity from the property (significantly more than indicated in the inaccurate sketch accompanying the proposal) to the visual detriment of neighbours and passers-by.
- 4) The proposal would remove at least one, and because of its position in the street probably effectively two, street parking spaces which are a valuable amenity currently enjoyed by the applicant, neighbours and visitors to the area alike.

5) Despite assurances to the contrary, the proposal would very likely lead to the destruction of the pleasant tree beside the pavement due to root damage. The drive would be far less permeable than garden, contributing to faster water run-off following rain, further pressuring strained sewage systems.

To expand on these points:

Existing off-street parking at rear:

Most houses on the east side of St Stephen's Road have vehicular access from the rear, notably from Inkerman Lane and Oakfield Street, and do not have it into St Stephen's Road itself. The applicant already has a garage in Inkerman Lane, which I note he has recently re-roofed. If he wishes to park an especially large vehicle, or two vehicles, in the rear of his property, he could easily apply for permission to extend this garage or convert it to a gated car port maintaining rear privacy and security. (The applicant notes 33 properties in the Road have vehicular access into the Road, but in fact nearly all of these are on the opposite (west) side of the road, where properties have no alternative access at the rear, unlike those on the east side.)

Safety:

This proposal very closely resembles the applicant's initial proposal 10/01360 which, like this, was for a driveway perpendicular to the street. GCC Highways Planning Liaison recommended refusal saying: "vehicles will have to reverse to or from St Stephen's Road at a point where visibility is restricted, and would increase highway dangers and hazards, contrary to the interests of highway safety."

The applicant withdrew the application following this comment, which remains highly pertinent to the current application.

It should be noted that only a month before the proposal was made, in an accident in St Stephen's Road outside the applicant's house, a Citroen car collided with another vehicle and span onto its roof, causing the hospitalization of the driver. Please see the front page of the Gloucestershire Echo dated 2nd February 2013 for photograph and description of the chaos. I attach a copy of the Echo's online photograph for information.

Visual impact:

The application has a rough plan which is inaccurate in detail and not properly to scale. The sketch implies the proposed lawn area would be larger than the proposed drive, but this is not so. The proposed drive including the existing adjacent path and wall/border would in fact occupy over 60% of the existing front garden. The plan omits the bus stop on the pavement outside the applicant's house by the proposed drive. The proposal lacks an elevation view, but a parked vehicle would be clearly visible to both neighbours and passers-by, creating a negative visual impact compared to the garden which is currently in the middle pair of a row of four gardens. This would break up the row of four gardens, leaving one garden isolated from the remaining pair, lowering the character of the neighbourhood. (Note: the revision supplies a mock-up photo which excludes the key feature of a large car parked on what is currently a patio garden – and is therefore unrepresentative. It also includes a new plan drawing which lacks measurements and is inaccurate. In particular, it implies that the lawn area would be equal to the combined drive/wall border area, whereas in fact, given the position of the tree in the corner of the proposed lawn, the lawn would be less than 40% of the total area.)

Heritage and Conservation previously refused similar application 11/00013, as "**contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out at PPS5, and Local Plan policy BE7**" and as "**something which the Council actively discourages via... management plan policy TV4 in the Tivoli Character Area Appraisal.**" The current application completely fails to address these issues effectively.

3/4

Removal of street parking amenity:

The removal of at least one, and because of its position in the street, probably effectively two street parking spaces is unfair to neighbours and visitors, and provides no net benefit even to the applicant who in addition already has a garage at the rear of his property.

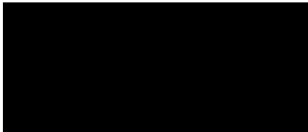
Environment:

The proposal would likely cause destruction to the pleasant tree beside the pavement due to root damage, and the drive would contribute to faster water run-off in rain, adding further pressure to sewage systems.

The revision includes gates to the drive. This has a further important safety implication. In order to open or close those gates, the driver entering or leaving the property would have to stop their car in St Stephen's Road while they got out, walked to the gates and opened or shut them. Given the size of the road, this would block the road to traffic in both directions. This is clearly inconvenient and dangerous. Not only is the road used by buses, with a bus stop outside this property, it is also used by emergency vehicles which on occasion have to travel at high speed. Blocking the road in this way could therefore be extremely dangerous.

I trust the decision about this revised proposal will be consistent with previous refusals as it fails to overcome so many of the earlier objections, and introduces new threats to traffic safety.

Yours sincerely,

A solid black rectangular box redacting the signature of Gregory Moxon.

Gregory Moxon

Lucky escape in crash where car flips over in St Stephen's Road | This is Gloucestershire



18 St. Stephen's Road,
CHELTENHAM,
GL51 3AA.

24 March 2013

Dear Mr. Lindsey

re: Application 13/0294/FUL – 32 St. Stephen's Road

I wish to record my objection to this proposal which is totally unnecessary and is not greatly different from previous proposals rejected by both the Planning Committee and the Planning Inspectorate.

Rather than repeating all my previous reasons for refusal, I enclose a copy of my letter of 30 September 2011 which sets them out. The only change in the latest application is that the proposed "hard standing" is at right angles to the road rather than at an angle. However, this is still not acceptable.

What I find difficult to understand is why this application was not considered to be against the Council's Local Plan Policies **BE5** and **BE12**. The former covers "...the preservation of boundary enclosures in their original form;". The applicant is proposing to demolish half of the original fencing which will give a lop-sided appearance, rather like a missing tooth!

However, it is the second of these policies that seems to be quite unambiguous. "...will not permit development which introduces or extends the parking of vehicles on forecourts or front gardens in conservation areas." It has been said that the Inspector felt that a scheme such as that at No.38 might be acceptable. I do not think the same comment would be made now if he saw what happened a few weeks ago. The large area of grass which had been there since the driveway was permitted, has been torn up and replaced with pebbles! Now **two** cars are parked there giving a very unattractive appearance. Indeed, No.38 is now as undesirable as the Inspector said that No.36 was.

The applicant makes much of the number of properties in the road that he says have direct access to it. This totally ignores the fact that **NONE** of those on the West side have, or ever have had, access to the rear so there was no other alternative to front egress. As for houses on the East side, until fairly recently and with the exception of Fallowfield (now No.40) and Roehampton (the old vicarage), **all** properties were built with access only at the rear; either to Inkerman Lane or Oakfield Street. Of the more recent homes, even Nos.56 to 62 have their garages at the rear. [All this can be confirmed by consulting local maps, past and present].

I believe that the "soft landscaping" approach is purely cosmetic and even if the current applicant did not alter it, this is absolutely nothing to stop a later owner from doing what has been done at No.38. It is rather puzzling that the applicant gives the impression that only one car is involved when he and his wife have a car each. If it is essential that he must park one off the road, why does this not apply to the other?

If this proposal were to be granted, it would only be a matter of time before similar applications for Nos.28, 30 and 34 would be submitted with the consequent destruction of the front gardens contrary to not only present environmental considerations, but to the whole intention of the builders of these six properties who provided a garage for each at the rear.

Yours faithfully

Mr. R. Lindsey,
Development Manager, Built Environment,
Cheltenham Borough Council,
Municipal Offices, The Promenade,
CHELTENHAM,
GL50 1PP.

Cheltenham Borough Council			
Environment Group			
PASSED TO			
REC'D	26 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref	

18 St. Stephen's Road,
CHELTENHAM,
GL51 3AA.

30 September 2011

Dear Sir,

re: Application 11/01252/FUL – 32 St. Stephen's Road

Having now seen the Planning Inspector's decision to dismiss the appeal against the last proposal, I am both astonished and disappointed that Mr. Bacon has made a further application.

The main objections are as set out in my letters of 11 September 2011 and 25 January 2011 under the previous proposals (10/01360/FUL, 10/01358/CACN and 11/00013/FUL) and are still relevant to this new submission.

The revised plan completely baffles me in the way that egress appears to be proposed. Not only does it seem to be at an angle to the road, with a consequent inability to view traffic, but because someone quite legitimately parking outside No. 30 might make it difficult if not impossible to exit the property. The Inspector quite rightly criticized the poor plans in the last submission and the current proposal is not much better. In any event, there is **no elevation** without which the plans are unclear. I was given to understand that both a plan and elevation were required in any planning application.

In any event, the fundamental objections remain; it is unnecessary as "adequate off-road parking" (as mentioned in the GCC letter by Sophie Claridge) already exists at the rear of the property and could be extended for more vehicles. The applicant does not feel this is convenient, but if a single lady was able to both use the existing garage and walk to the house for some 30 years until age stopped her from driving, then a young couple should be able to cope. To contend that saving a few feet to get to the house is necessary "for the safety of children" is pathetic. Other children have grown up quite safely and some are still doing so where they have **no alternative** to on-street parking.

As to the proposed landscaping, this is purely cosmetic and unless the Council has some means of ensuring that no subsequent alteration is made were permission to be granted, it is meaningless. I was given to understand the supposed permeable hardstanding can easily be filled in or replaced if not by the current owner, by later ones. Also, I believe that policy BE7 is only to be considered where no alternative space is available.

The environmental grounds for rejecting this proposal are strong. As I previously commented, approval would create a precedent for the owners of Nos. 28, 30 and 34 to do the same. This would destroy three perfectly delightful (and very "green") front gardens and further be detrimental to those who have no access to off-street parking. Even the Inspector noted that No. 36 is the worst possible example of what can happen! Sadder still is the fact that the lady who lives there has not used a car for some years. Committee members should ask themselves why the builders of these houses went to the trouble of building garages at the rear of all six properties. In my opinion, the permissions for Nos. 36 and 38 should never have been given.

Frankly, it is very disappointing that the applicant is making what I and others consider to be an unnecessary, as well as selfish and inconsiderate, proposal. This may have no "planning consideration" meaning, but to deprive others (who have no alternative) of an on-road parking space (or even spaces) and the detrimental impact on the appearance of the CA as well as environmental considerations, certainly should not be ignored.

Yours faithfully,

Built Environment
Cheltenham Borough Council
Municipal Offices, The Promenade
Cheltenham
GL50 9SA

BUILT

Wed - 7 JUN 2013

ENVIRONMENT

18 St. Stephen's Road,
CHELTENHAM,
GL51 3AA.

6 June 2013.

Dear Miss Payne,

re: Application 13/0294/FUL – 32 St. Stephen's Road

I was astonished to receive your letter of 30 May regarding changes to this application as the consultation period for it closed on 26 March. If a decision had been decided at either the original April or later May Planning Committee meetings, no revisions could or would have been accepted.

In any case, these latest "proposals" are purely cosmetic and do not detract from the fact that front access is not necessary and is in contravention of your own Conservation Area guidelines. All the points raised in earlier letters are still relevant.

To my mind, it appears that your department, like Mr. Bacon, is determined to have this proposal approved. For example he has had over two months to try to get around the various objections and seems to have been granted a fair amount of "discussions and advice" [See his letter of 29 May addressed to "Dear Michelle"]. By comparison, there are only 5 working days allowed for comments. In any event, it was not possible for me to discuss the case with you as you were on holiday for the whole week.

However, it appears that the system dictates that I must do so by 9 June, albeit that it is a Sunday!

1. The railings were erected shortly after World War II as the original railings into the existing plinth stones were removed as part of the War effort. The original railings to the property were erected in the 19th. Century when the land was used as gardens for the terrace of Hatherley Place. It is proposed that the part of the current railing be used as gates, but this raises three points; (a) it may turn out that one of their two cars will have to be double parked, blocking a main road, while the gates are opened, (b) will there be room for the gates to open (inwardly as they must) while allowing room for a car and (c) if the gates are left open, then it will be as if that part of the existing railing are in effect, removed.

2. One of the "benefits" claimed is that of "removal of on street parking". For the applicant perhaps, but not for others in the community who have no off street parking space as he already has.

3. There is to be grass on one side but for how long? You and the Planning Committee should look at No. 38. A grass lawn has recently been replaced by pebbles (these may be permeable but do not breathe; hardly helping a Green agenda!) and there are now two cars parked there. The one on the pebbles is parked at an angle, one of the reasons given by the Inspector for upholding the earlier refusal. Can the Council ensure that the new lawn at No. 32 will not similarly be converted at some future date?

Finally, I believe that it is totally unacceptable to accept changes after the original closing date (if not, why have one?) and I strongly object to both the amount of time allowed for consultation and the way it is calculated. I have written to Mr. Grahame Lewis about these matters.

Yours faithfully

Miss M. Payne,
Planning Officer,
Cheltenham Borough Council,
Municipal Offices, The Promenade,
CHELTENHAM,
GL50 1PP.

cc. Cllr. Helena McCluskey,
Chairman, Borough Planning Committee.
Cllr. R.E. Garnham, Park Ward.