

APPLICATION NO: 13/00527/FUL		OFFICER: Mrs Wendy Hopkins	
DATE REGISTERED: 6th April 2013		DATE OF EXPIRY: 1st June 2013	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mrs Ali Paparesti		
AGENT:	Mr Clint Jones		
LOCATION:	131 Cirencester Road, Charlton Kings, Cheltenham		
PROPOSAL:	Erection of a timber garden/summer house		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a late C19 - early C20 red brick semi-detached property set within a substantial garden area. The rear private garden area is long and narrow measuring approximately 76 metres in length and 5.8 metres in width. This arrangement is characteristic of adjoining gardens within the immediate locality.
- 1.2 The application is retrospective and details the erection of a timber garden/ summer house within the rear garden area. The structure is sited 17 metres down the garden measured from the rear elevation of the dwelling house. This is approximately one third of the way down the garden. The structure is sited 0.3 metres from the boundary with the adjoining neighbour and 1.6 metres from the boundary with the adjacent neighbouring property.
- 1.3 The dimensions of the structure measure 3.9 metres in width and depth, 3.5 metres to the ridge and 2.1 metres to the eaves. Total floor area is 15.2 square metres.
- 1.4 The application is presented to this Committee at the request of Councillor McCloskey following an objection from Charlton Kings Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

07/01473/FUL 19th December 2007 PER

Lower the kerb to allow vehicular access to parking area at front of house

12/01854/FUL 5th March 2013 PER

Erection of single storey rear extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design

National Guidance

National Planning Policy Framework

Other

BRE – Site Layout Planning for Daylight and Sunlight (P Littlefair)

4. CONSULTATIONS

Parish Council

30th April 2013

Objection The building, which is already complete, because of its size and location, it is out of proportion to the garden in which it is situated. It is very close to the boundary fence and

this combined with its height causes it to be unacceptably detrimental to the neighbour's enjoyment of their garden and property.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	2
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

5.1 Comments Received

5.1.1 No third party representations have been received in respect of this application.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 Matters to be considered in the determination of this application relate to i) the general design approach (scale, form, siting, design & materials) and ii) the protection of the adjoining residential amenity.

6.2 General design approach

6.2.1 The application details a conventional garden structure utilised for the incidental enjoyment of the dwelling house.

6.2.2 The objection received from the Parish is two-fold. Firstly, the objection states that "because of its size and location, it is out of proportion to the garden in which it is situated".

6.2.3 In response to this matter, Officers consider that the garden area is able to comfortably accommodate this structure without resulting in a cramped or over-bearing form of development. Officers are mindful that the garden appears narrow when compared to its length however; the dimensions of the garden/summer house are not unusual to this structure type and the garden width is not untypical to a dwelling of this size and type.

6.2.4 For above reasons, the development accords with the requirements of Local Plan Policy CP7 and the NPPF.

6.2.5 The second part of the objection received from the Parish relates to neighbouring amenity.

6.3 Impact on neighbouring property

6.3.1 The Parish state that "*It is very close to the boundary fence and this combined with its height causes it to be unacceptably detrimental to the neighbour's enjoyment of their garden and property*".

6.3.2 The adjoining property referred to is known as 135 Cirencester Road. This property lies due South of the application site. The garden/summer house is sited 0.3 metres from the neighbouring boundary with an overall ridge height of 3.5 metres and eaves height of 2.1 metres.

6.3.3 Officers are of the view that the height of the structure would not constitute a material harm to the residential amenities of 135 Cirencester Road. Especially when 135 Cirencester Road lies directly South of the application site (and structure).

6.3.4 The submitted drawings show 2 windows located on the Southern elevation. Whilst on-site Officers observed that the windows had been blocked off (boarded up) however, to ensure that the windows do not compromise residential amenities of the adjoining property in the future Officers suggest a condition is attached to any permission given stating that the windows should be non opening and obscurely glazed and retained as such thereafter.

6.3.5 For the above reasons, the development thereby complies with the requirements of Local Plan Policy CP4.

6.4 Other considerations

6.4.1 No other matters have been brought to the attention of Officers for further consideration of this development.

7. CONCLUSION AND RECOMMENDATION

7.1 For the above reasons, the development accords with relevant development plan policy and as such Officers recommend that the application is supported subject to the following conditions being attached to any permission given:

8. CONDITIONS

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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 development hereby permitted shall be carried out in accordance with drawing number 01576/02 received 4th April 2013.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the windows on the Southern elevation shall be non-opening and glazed with obscure glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

1 Town and Country Planning (Development Management Procedure) (England) Order 2010

The proposed development has been considered against the following Development Plan Policies and, in the opinion of the Local Planning Authority, does not conflict with those policies:

- a) The general design approach of the proposed in terms of scale, form, siting, design and materials is considered acceptable to the site and its surroundings (Local Plan Policy CP7)
- b) The proposed development has taken full account of neighbouring residential amenities and would not materially harm the amenities of occupiers of neighbouring properties (Local Plan Policy CP4)

The development is considered to be in accordance with the above policies and no other material consideration suggests outweighing these policies with a decision other than to permit

- 2 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.