

<b>APPLICATION NO:</b> 11/00735/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd June 2011	<b>DATE OF EXPIRY:</b> 28th July 2011
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Mark Sheldon
<b>AGENT:</b>	Russell Overs Architects
<b>LOCATION:</b>	113 Church Road, Leckhampton, Cheltenham
<b>PROPOSAL:</b>	Erection of a storey dwelling to the rear (revised drawings to those previously consulted upon)

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the erection of a new dwelling on land to the rear of 113 Church Road. Members will note from the reference number, the application has been with the Authority for a number of months now. During this time the scheme has been substantially changed – the proposal was initially for two storey accommodation and the proposal is now for a single storey dwelling.
- 1.2 Both iterations of the scheme have been fully consulted on and this will be fully detailed within this report.
- 1.3 The application site comprises a detached dwelling which fronts on to Church Road. The dwelling itself has been placed on the Council's Index of Buildings of Local Interest and has been given the following description:

*Cottage ornée, c1930: Two-bay with a central front door and an attic dormer directly above. To the left, a gabled projecting wing with rectangular bay window under a single pitch roof; to the right a simple oriel window. Steep slate roof. Exposed rafter ends to the main eaves and the bay window. Attractive veranda formed by the overhanging eaves supported on cast iron supports of geometric openwork design. Domestic; early 20C. An unusual building type in Cheltenham.*

- 1.4 The application site currently benefits from an existing access located on the north east boundary of the site. This access serves two properties as well as a parking space and garage for the application site. Members will note on planning view that an additional access has also been constructed (with the benefit of planning permission). It is proposed that the new dwelling would use the newly created access.
- 1.5 The proposed dwelling is overtly contemporary in appearance. The palette of materials consists of white render, Cotswold stone wall, cedar cladding and a zinc roof.
- 1.6 The application is before planning committee due to an objection from the Parish Council. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Local Listing

### **Relevant Planning History:**

**99/50410/OUT 27th January 2000 REF**

Outline planning permission for a single dwelling

**00/00438/OUT 31st May 2000 REF**

Construction of 3 no. detached houses with garages following demolition of existing dwelling. Construction of new vehicular access

**01/00897/FUL 30th July 2001 PER**

Extension to dining room and kitchen on ground floor, the addition of a first floor bedroom with en-suite plus family bathroom and the creation of a dormer window to the rear in existing bedroom

**09/01517/FUL 4th December 2009 PER**  
New vehicular access, boundary wall and entrance gate

**12/01803/TIME 9th January 2013 PER**  
Application to extend the time limit for implementation of planning permission 09/01517/FUL for new vehicular access, boundary wall and entrance gate

**12/01963/AMEND 20th February 2013 PAMEND**  
Non-material amendment to planning approval 12/01803/TIME - Revision to location of dropped kerb and part retention of existing hedging.

### **3. POLICIES AND GUIDANCE**

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
BE 11 Buildings of local importance  
GE 6 Trees and development  
HS 1 Housing development  
TP 1 Development and highway safety  
TP 6 Parking provision in development

#### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Play space in residential development (2003)

#### National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

***The first set of comments relate to the application in its initial form.***

**Parish Council 20th June 2011**

The Council objects to the application, for the reasons noted below.

#### Reasons/Observations

Special character of Homeland: With respect to paragraph 4.12 of the planning statement, the size of the garden is a key part of the special character of Homeland. Building on this garden as proposed would substantially detract from Homeland as a local visual amenity.

Unreasonable intrusion on privacy of neighbouring properties: The first floor windows of the proposed dwelling look out across the back gardens of many houses to the south-west in Vineries Close and in Church Road.

Parking on Church Road: Church Road is at its narrowest outside Homeland and in rush hour cars back up at this point to and beyond the Kidnappers Lane junction. There are often one or more vehicles parked outside Homeland that contribute to this congestion and also block the pavement for pedestrians, notably children walking to Leckhampton Primary School. Neighbours also complain that cars

parked outside Homeland impair car access to and from their driveways. The proposed new dwelling would make this problem worse. Even if residents of the proposed dwelling parked at the dwelling, visitors cannot park on the access drive and would necessarily park on Church Road as currently happens for Homeland.

Garden grabbing: The Council is opposed to any building in gardens in the vicinity of Church Road. Paragraph 4.3 of the planning statement cites the decision to allow building on the land off Thompson Drive as a precedent for allowing building at Homeland. The Council believes the decision regarding Thompson Drive was a poor one. It was a development that both Parish and Borough Councils fought against. Two wrongs do not make a right, and the Thompson Drive decision should not serve as a justification for allowing building at Homeland.

Design of the proposed building: Although the plans include a number of drawings of the proposed dwelling itself, they do not show how it looks against Homeland or other surrounding houses. This makes it very difficult to judge how it would look in its proposed setting. Among local residents there is a lot of opposition to modern architectural styles of the type proposed. So this is an issue that should be treated with much more care than it has been given in the current plans.

Difficult driveway access to Church Road: The access of the driveway on to Church Road is difficult because of the high traffic density and the fact that parked cars obstruct the view. Fortunately at present this exit is only used by the residents of 106 and lightly by the residents of 107 and 109. But the usage could become heavier if/when there is a change of residence at 107 and/or 109. The Council does not believe that usage of this driveway exit should be allowed to increase further. In fact the current residents of Homeland tend to park on Church Road, presumably because of the difficulty of using the access drive. The access drive also serves as a public footpath that is heavily used.

**HMO Division** *8th June 2011*

No fundamental objection to this proposal.

**GCC Highways Planning Liaison** *20th June 2011*

I refer to the above planning application received on 06/06/2011 with drawing numbers 1012-20 and 1012-22.

There has been a previous permission (09/01517) on this property for a new vehicular access, boundary wall and entrance gates off Church Road. The visibility from the proposed access catered for the appropriate visibility of a 30mph speed limit and proposed a turning facility within the site to allow vehicles to leave the access in forward gear.

The site is located off a private access road via Church Road and this is also a public right of way that serves five properties. The access road is proposed to serve a new dwelling in the garden of 113 Church Road. The width of private road is 2.5 metres with no passing places for approximately 63 metres where there is an area of garages. This width does not allow for two vehicles to pass each other for the first 63 metres.

The visibility from the junction with Church Road the visibility is restricted in one direction and based on the guidance in Manual for Streets, the appropriate visibility

for a 30mph limit is 43 metres whereas the existing visibility to the south-west is less than half the appropriate standard.

A similar application in Gloucester (10/00219/OUT) went to appeal which was dismissed on three issues and one was highway safety. The development proposed was the erection of five detached dwellings off an existing driveway via Stroud Road. The Highway Authority recommended no objection to this scheme.

With regards to highway safety, the Planning Inspectorate recognised at the point of entry onto the main road there was restricted visibility. The Inspector also observed the access width was about 4.3 metre and the driveway length 67 metre long and as a result only one vehicle could travel at any one time. The Inspector disagreed with HA's views and found the narrowness of the access combined with its length means that conflict is bound to occur when two or more vehicles attempt to enter or leave the site at the same time. This would result in vehicles having to reverse onto a busy road at a point where visibility is restricted and this would be hazardous to road safety.

I recommend that this application be refused on highway grounds for the following reason:

The vehicular access intended to serve the proposed development is substandard and would have restricted visibility, and the increased vehicular turning movements likely to be created at this location by the development proposed would be likely to increase highway dangers, to the detriment of highway safety.

**Tree Officer** *17th June 2011*

Currently there is insufficient information for the tree section to be able to comment on this application. Please can the following information be submitted in order for the tree section to comment further:

- Updated plans showing the robinia tree in the rear garden plotted correctly (on existing and proposed plans)
- Tree Protection Plan (TPP) and Arboricultural Method Statement; the latter to support the TPP and to include any pruning requirements, proposed service runs, siting of storage materials during construction etc. (both to BS5837:2005)

**Cheltenham Civic Society** *21st July 2011*

We do regard this as an appropriate site for development and accept that the style of the houses in the area is very varied. An innovative design is not therefore necessarily out of place, but - in our view - this design is not only unconventional but also unattractive. There are too many materials and the design is over-complicated. We particularly dislike the mock Cotswold stone wall - especially around the garage. The proximity of the countryside is not a justification for importing grotesque mock-rural features

**Architects Panel** *18th July 2011*

Observations on Presentation

Good level of detail and well presented. What we would like to see on all applications!!

### Principle of Development

The site appears suitable for a development of this size and design.

### Quality of Design

We believe this is a very well laid out design with a good mix of materials and considered massing to provide a series of interesting internal spaces and external views.

### Summary

This is a very competent scheme with a good level of detail and design skill and in our opinion should set the standard for aesthetics and submission documentation the Council should expect for all schemes.

### Recommendation

We would strongly support this application.

### **Comments in relation to the revised scheme**

#### **Parish Council 27th June 2013**

The Parish Council OBJECTS to this application on the following grounds:

**Over development of site:** The boundary of Homelands forms the wall to new property.

**Parking on Church Road:** Church Road is at its narrowest outside Homelands and in rush hour cars back up at this point to and beyond the Kidnappers Lane junction. There are often one or more vehicles parked outside Homelands and adjoining properties that contribute to this congestion and also block the pavement for pedestrians, notably children walking to Leckhampton Primary School. Neighbours also complain that cars parked outside Homelands impair car access to and from their driveways. The proposed new dwelling would make this problem worse. Even if residents of the proposed dwelling parked at the dwelling, visitors cannot park on the access drive and would necessarily park on Church Road as currently happens for Homelands.

**Garden grabbing:** The Council is opposed to any building in gardens in the vicinity of Church Road. The planning statement cites the decision to allow building on the land off Thompson Drive as a precedent for allowing building at Homelands. The Council believes the decision regarding Thompson Drive was a poor one. It was a development that both Parish and Borough Councils fought against. Two wrongs do not make a right, and the Thompson Drive decision should not serve as a justification for allowing building at Homelands.

**Design of the proposed building:** Although the plans include a number of drawings of the proposed dwelling itself, they do not show how it looks against Homelands a 'Locally Important Building'. This makes it very difficult to judge how it would look in its proposed setting. Among local residents there is a lot of opposition to modern architectural styles of the type proposed. So this is an issue that should be treated with much more care than it has been given in the current plans.

**Difficult driveway access to Church Road:** The newly created access of the driveway on to Church Road is difficult because of the high traffic density and the fact that parked cars obstruct the view. An additional property making use of this

narrow driveway will create a further hazard for traffic negotiating Church Road at its narrowest part. The access drive to the side of the proposed development site also serves as a public footpath to Burrows field and adjoining allotments and is heavily used.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>26</b>
Total comments received	<b>17</b>
Number of objections	<b>15</b>
Number of supporting	<b>0</b>
General comment	<b>2</b>

### **5.1 Comments Received**

**5.2** As advised earlier in this report, the application has now had two rounds of consultation, one in 2011 and one in 2013. The comments received have broadly been similar although the 2011 consultation certainly brought with it a higher level of objection. The concerns relating to the scheme are summarised below;

- a) Inappropriate development on garden land;
- b) Proposed design out of keeping with locality;
- c) Highway safety concerns relating to the proposed access;
- d) Development of the site is not necessary;
- e) Loss of light;
- f) Loss of privacy;
- g) Loss of view;
- h) Flooding and drainage concerns;

**5.3** Members should also be aware that there have been two letters raising no particular concerns with the scheme, with one suggesting that the architectural variety within the area lends itself to contemporary architecture.

**5.4** Other than the loss of a view, all of the matters set out above are material considerations and will be taken into account in the following section of the report.

## **6. OFFICER COMMENTS**

**6.1** Officer comments will follow by way of an update to this report.

