

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

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.1.1. The key considerations relating to this application are the principle of development in this backland location, the design and layout of the proposal, potential impact on neighbouring amenity and highway safety considerations.

1.2. Principle of development

1.2.1. Members will be aware that the NPPF has removed private residential gardens from the definition of previously developed land. Members will also be aware that local plan policy HS1 (Housing development) advises that;

Housing development will be permitted on;

a) *Land allocated for residential development; and*

b) *Previously-developed land, subject to policies BE2, BE9, GE2 and HS3.*

In all cases, development should make the most efficient and effective use of the site

1.2.2. It is important to stress that policy HS1 is a permissive policy; the absence of the word 'only' ensures that the policy does not rule out other types of housing development. In this respect, development of the application site for an additional dwelling would not be contrary to policy HS1 and members should note that this argument has been thoroughly tested at appeal; they will also be aware that since the introduction of the NPPF, numerous examples of development within garden land have been approved by this Authority.

1.2.3. At the heart of the NPPF is a '*presumption in favour of sustainable development*' and paragraph 49 of this document advises that housing applications should be considered in this context. Paragraph 53 of the NPPF advises that;
Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

1.2.4. In adopting the SPD relating to Garden Land and Infill Development, this Authority have already carried out the above and the SPD clearly and usefully sets out the Council's approach to determining applications of this nature.

1.2.5. In light of the guidance set out within the NPPF, officers are satisfied that development of this site will constitute a sustainable form of development subject to the merits of the development proposed, and it is this the report will now focus on.

1.3. Design and layout

1.3.1. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. The proposal has been amended since its original submission in 2011 and now proposes a single storey dwelling, but retains its overtly contemporary architectural approach.

1.3.2. As advised in the initial officer report, the materials proposed comprise white render, Cotswold stone wall, cedar cladding, powder coated aluminium doors and windows and a zinc roof. The applicant contends that given the variety of architecture within the locality, the site can sustain a building that is very much of its time; a point that many local residents disagree with.

1.3.3. The design approach has also divided opinion between the Architects Panel and the Civic Society (officer note - the comments relate to the initial scheme as neither bodies have reviewed the recent submission) but members should note that the Civic Society do endorse the argument relating to the variety of architecture within the immediate locality. Having visited the site and having thoroughly assessed the application, officers do consider that the architecture for the new dwelling is entirely appropriate and that the contemporary and bold approach will generate an interesting relationship with the indexed building which fronts on to Church Road.

1.3.4. Notwithstanding the comments relating to the external appearance of the dwelling, it was the massing of the building that officers were initially concerned with when assessing the 2011 proposal. That submission proposed a large, two storey property that, in the view of officers, failed to pay sufficient respect to the hierarchy of the built form in the locality, specifically in relation to the indexed building. Officers were broadly comfortable with the footprint of the structure, but in terms of the bulk of the building, the relationship was uncomfortable. Members will no doubt be aware that the Garden Land SPD places a significant emphasis on development understanding and respecting context and officers considered that the initial proposal failed to do this.

1.3.5. Following amendments to the scheme, it is now considered that the proposal does achieve a suitable relationship with the indexed building to the front. Members will note on planning view that the site is large; they will also note that in terms of the urban grain, there are anomalies to the defined frontage of Church Road. There are a number of buildings set behind this built form and notably, the properties that form Vineries Close are readily appreciated within the application site. Officers consider that placing an additional, well designed building into this context will not compromise the character of the locality.

1.3.6. The proposal is provided with a suitable level of private amenity space and retains a commensurate amount of garden for 113 Church Road. The proposal also includes a suitable level of off-road parking as well as an integral garage.

1.3.7. Officers are content that, as a well designed and well considered proposal, the scheme is compliant with the aspirations of the Council's SPD as well as the provisions of local plan policy CP7.

1.4. Impact on neighbouring property

- 1.4.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. The initial proposal was met with a large level of resistance in relation to potential loss of privacy due to some large, first floor, picture windows in close proximity to the south west boundary of the application site and this was a concern that officers shared.
- 1.4.2. The scheme has been revised such that it now proposes single storey accommodation with all openings at ground floor level. The revised proposal will therefore not give rise to an unacceptable loss of privacy to adjacent or adjoining properties as views will be contained by existing boundary enclosures.
- 1.4.3. In terms of loss of light, the proposal is considered to be acceptable. The proposal sits in space on the site and will not compromise the levels of light received by neighbouring properties.
- 1.4.4. Members will note that some residents have suggested that the proposal will result in the loss of a view towards Leckhampton Hill but this is not a planning consideration. It is of note though that the single storey proposal (albeit a generous single storey) will improve this relationship. The proposal could in no way be classed as an overbearing form of development given the proximity from adjacent properties.
- 1.4.5. Officers consider that the revised proposal complies with the requirements of local plan policy CP4.

1.5. Access and highway issues

- 1.5.1. Members will note from the initial consultation response that the County Council, as highways authority, objected to the proposal due to the substandard quality of the proposed access road and the limited visibility.
- 1.5.2. Since this consultation response, the applicant has constructed a new access point into the site (with the benefit of planning permission and the endorsement of the County Council) and the revised application now proposes this as the access point. In response to this alteration, the County Council have now provided the following comments;
- 1.5.3. *This application for a new dwelling adjacent to Homeland 113 Church Road will utilise an existing vehicular access which was granted approval as a result of application 09/0517/FUL. This access runs adjacent to a lane which was previously proposed to serve this development, under this application, which the Highway Authority commented in June 2011 as being substandard due to restricted visibility and width. It is now agreed that these problems have been overcome by the introduction of the new approach into site, details of which are specified in the aforementioned vehicular access application.*
- 1.5.4. *The parking provision proposed is suitable for the scale and location of the development therefore no Highway objection is raised.*
- 1.5.5. In light of this change in circumstances, and the highways objection being removed, officers are satisfied that there is no highway safety reason to withhold planning permission. Officers have taken the neighbouring residents' comments into account but the County Council have provided clear advice on the matter.

1.6. Trees

- 1.6.1. The Council's tree officer has provided a response asking for a greater level of information in relation to the *Robinia* tree that members will see on the site. The drawings show this tree to be retained and the applicant's own Design and Access Statement advises that the tree is to stay.
- 1.6.2. The tree has been accurately plotted on the site plan and officers see no reason why it should not be retained and comfortably protected throughout the construction process (should members resolve to grant planning permission). The retention and protection of the tree can adequately be controlled by way of condition.

2. CONCLUSION AND RECOMMENDATION

- 2.1. In conclusion, it is considered that the proposed application will generate a dwelling of genuine architectural quality. The proposal has been amended to pay greater respect to the context in which it sits and it is considered that these revisions have resulted in a proposal that should be supported.
- 2.2. The proposal will not compromise the integrity of the locally indexed property, will not compromise neighbouring amenity and will not represent a highway safety concern.
- 2.3. It is recommended that members grant planning permission for the proposed dwelling; a full set of conditions will follow as an update to this report.