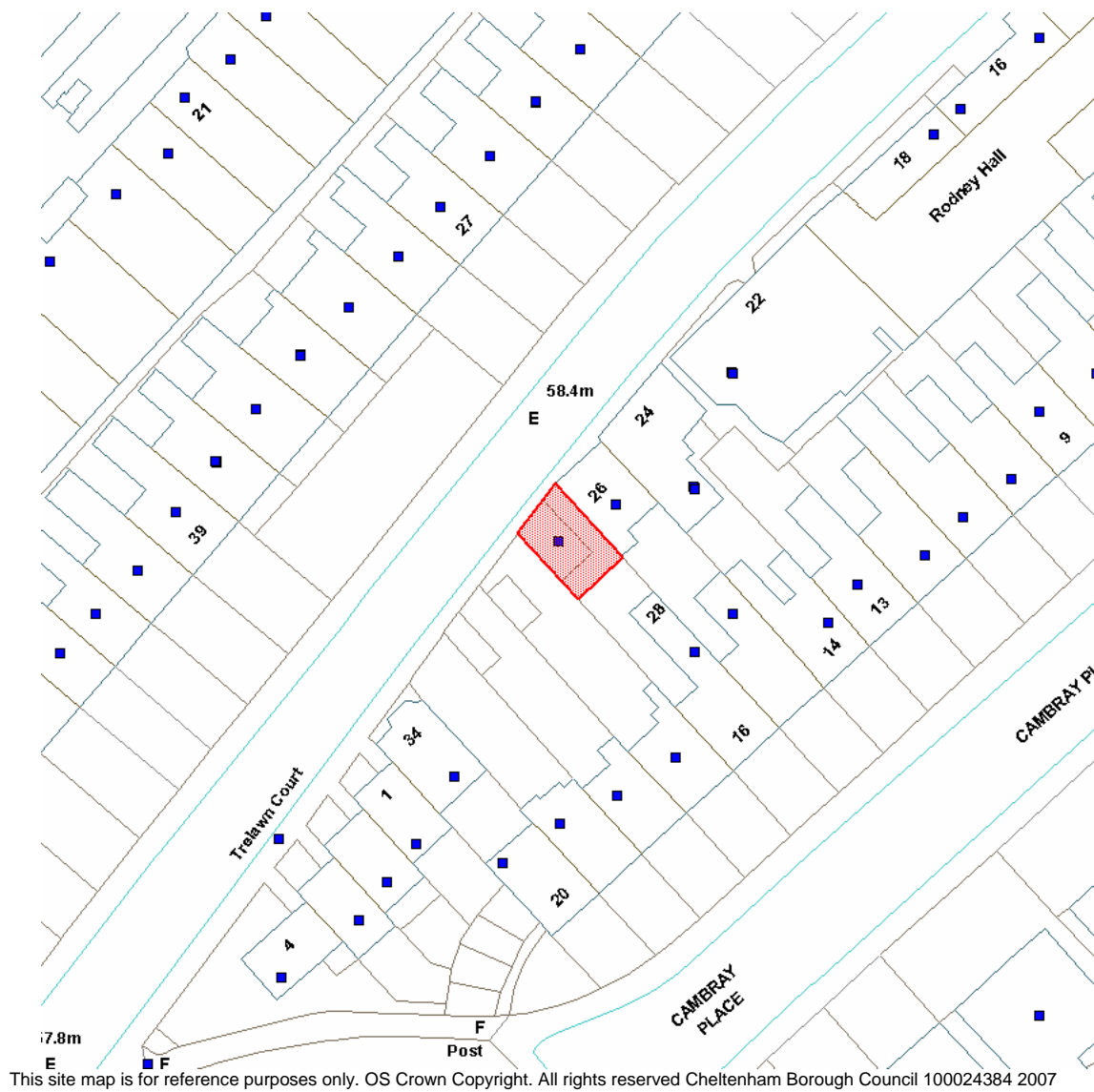


APPLICATION NO: 13/00965/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 13th June 2013	DATE OF EXPIRY: 8th August 2013
WARD: College	PARISH: None
APPLICANT:	Mr Anil Patel
AGENT:	John Everitt
LOCATION:	28 Rodney Road, Cheltenham
PROPOSAL:	Demolition of garage and construction of new four storey dwelling

RECOMMENDATION: Refuse



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a garage which is located at the rear of the Grade II listed terrace of properties Cambray Place. It fronts onto the South East side of Rodney Road. Opposite is a further terrace of Grade II listed buildings. The site is within the Montpellier Character Area of the Central Conservation Area. The Character appraisal identifies the view up and down Rodney Road as a key view/vista.
- 1.2 Immediately to the north of the application site is a four storey building with the fourth storey being set in with a barrelled roof. To the south are several more garages.
- 1.3 This application proposes the demolition of the existing garage and its replacement with a 4 storey dwelling. The dwelling would occupy the full width of the site. The ground floor would provide garaging within timber doors, a hall way and WC to the rear and a pedestrian access which runs down the side of the ground floor accommodation to the remaining amenity space. The first floor would provide an open plan living area with three bedrooms accommodated at the second and third floors. Balcony areas are indicated at the first and third floor levels, to the front of the building. The style of the building is contemporary with the front and rear elevations comprising a mixture of render, rain screen cladding and powder coated aluminium glazing. The side elevation of the building (above ground floor level) comprises metal standing seam cladding which curves over to the form the roof of the majority of the building. This also splays outwards to follow the line of the building beneath which is wedged shaped in plan form.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History:

12/01961/PREAPP CLO

Proposed redevelopment of existing garage site to form a 4 storey town house with integral garage

13/00965/CAC 19th June 2013 NOTREQ

Demolition of garage and construction of new four storey dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 3 Demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 8 Demolition of listed buildings
HS 1 Housing development

Supplementary Planning Guidance/Documents

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

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Heritage and Conservation

6th August 2013

1. Please note that much of the following comments are a repeat of the comments made at pre-application stage. Since the scheme has altered very little since that stage the pre-app comments remain relevant.
2. The history of this site is inextricably linked to the adjacent listed building which is 16 Cambray Place. This listed building is shown on the 1820 map of Cheltenham, when Cambray Place was a very important street and Rodney Road was then undeveloped land and used as a back land service road.
3. From considering the historic map of 1834 there was a building in the location of the existing garage on this map, and the historic building was in a similar size and form to the existing garage.
4. Please note that from the historic information and looking at the brickwork of the side of the garage from Rodney Road, it appears that this existing garage may be a curtilage listed building. If the applicants want further advice about the criteria for curtilage buildings then please ask them to contact the conservation department. Of course if this building is curtilage listed then an application for listed building consent for its demolition will be required. Although this comment was included in the pre-application advice, the applicant has not provided any further evidence to confirm or deny the curtilage listed status of this garage, and as far as I am aware the applicant has not asked for any further advice about the criteria for curtilage listed buildings.
5. Therefore I now confirm what the applicants may need to know about curtilage listed buildings, which is as follows-
 - i. A free standing building or structure which was erected before 1st July 1948 and is located within the curtilage of a listed building, and was in the same the date of listing as the principal listed building, is curtilage listed as the same grade as principal listed building.
 - ii. So 16 Cambray Place was listed grade II on 12th March 1955, and from the historic maps it seems possible that the existing garage was constructed prior to 1st July 1948, but the ownership of that garage and 16 Cambray Place in 1955 needs to be confirmed.
 - iii. I suggest that confirmation of this information is important and should be provided now to enable the application to be considered in the correct manner.
6. It is noted in the Montpellier Character area appraisal, that this existing garage has not been defined as a negative building.
7. The block of land between Rodney Road and Cambray Place is tapering in shape, with properties at the southern end of Cambray Place having smaller rear gardens.
8. This application site was previously part of the rear garden to 16 Cambray Place.

9. 16 Cambray Place has a particularly long rear wing, the majority of which is four storeys and some of which is two storeys.
10. Any new building in the rear garden of 16 Cambray Place will have an impact on the setting of this listed building and the bigger the new building the greater the impact. The proposed building at four storeys will have a significant impact and is proposed to be only 6.2m away from the historic rear wing of the listed building.
11. In addition any new building on this site will also have an impact on the listed buildings on the other side of the road (ie 15-55 Rodney Road).
12. The proposed new building is not acceptable for a number of reasons - size, mass, height, form, materials and overall design. It is contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, contrary to policies CP7, BE3, BE5 and (BE8 if the garage is a curtilage listed building), and the NPPF.
13. However whilst the proposed building is unacceptable, I remain unconvinced that the principle of development of this site is acceptable. In my opinion the principle of the proposed development is an incremental erosion of open space at the rear of the listed properties in Cambray Place. The PPS5 Historic Environment Planning Practice Guide which is still relevant planning guidance states in paragraph 120- "When assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."
14. Finally I understand that the applicant complained about my pre-application comments because they did not include a Planning Officer's opinion. However following this complaint Mr Lindsey (then Head of DC) went out on site on 21st Feb 2013 and made hand written file notes in which he agreed with my pre-app comments. If these files notes from Mr Lindsey have not been scanned and included on the pre-app electronic file, please can you ensure that they are added to the file for future reference.

CONCLUSION: REFUSE

Architects Panel

2nd August 2013 [in response to additional 3D analysis]

1. Project Description and Reference 13/00965/FUL

2. Is the information sufficient to understand the application?

Yes. 3d images are very helpful.

3. Context.

The relationship of the elevational curve/roofline and the barrel vault next door is a little awkward. One suggestion is to resolve the eaves into a parapet. The difficulty however, is resolving it in a way that doesn't negate the qualities of the design concept.

4. Massing and Scale

Seems ok.

5. External Appearance.

Would be an interesting addition to the streetscape.

6. Detailing and Materials

Careful detailing of the standing seam roof will be very important, particularly the curve.

7. Environmental Design.

No comments.

8. Summary

Although the relationship with the barrel vault is still a little awkward, this would not justify refusal of the scheme.

9. Recommendation

Approve.

5th July 2013

1. Is the information sufficient to understand the application?

Generally yes, although some 3d analysis would be useful to understand the relationship with the barrel vaulted roof next door.

2. Context.

The relationship of the elevational curve/roofline and the barrel vault next door has potential to be quite awkward. In this respect some 3d analysis would be beneficial. It may be that the overall height has to be lowered to make this more harmonious.

3. Massing and Scale

See comment above.

4. External Appearance.

No comments.

5. Detailing and Materials

No comments.

6. Environmental Design.

No comments.

7. Summary

The principal of development appears acceptable but the relationship of the roofline with the neighbouring building needs further consideration.

8. Recommendation

Approve subject to resolution of roofline.

Cheltenham Civic Society

12th July 2013

We regard this as an ingenious and welcome addition to this diverse streetscape, though we are concerned that it appears to compromise the possibility of development over the neighbouring garages

HMO Division

21st June 2013

Analysis of proposal/s

No adverse comments.

Recommendation/s:

In general and as a minimum the development proposal and/or existing residential use should be free of any deficiencies and defects giving rise to Category 1 Hazards with respect to the Housing Health and Safety Rating System (Housing Act 2004). Consideration should also be given to reducing the seriousness of Category 2 Hazards to an acceptable level

The applicant / owner should be informed concerning compliance with the provisions of Housing Act 2004, as inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004.

Conditions/Refusal reasons

From the information available on the plans, I have no fundamental objection to the proposal.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	37
Total comments received	
Number of objections	
Number of supporting	1
General comment	

- 5.1** 37 letters were sent to nearby properties, a notice was displayed at the site and a notice published in the Echo. In response to this publicity, 1 letter of support has been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle of the proposal in general terms, (ii) the loss of the existing building, (iii) the impact on the listed building, (iv) the design of the proposed building, (v) the impact upon neighbouring properties, (vi) any highways implications.

6.2 General Principle

Local Plan policy CP1 is generally supportive of providing additional housing in sustainable locations. The NPPF also provides some support in terms of it's 'presumption in favour of sustainable development'. A dwelling in this location would assist in adding vitality and interest to the east side of Rodney Road. Furthermore there is a general requirement for additional housing within the Borough. As such the principle of additional housing in the town centre is supported.

However clearly each application for such a development must be treated on it's own merits. In this instance the site is sensitive in terms of the listed status of 16 Cambray Place, it's location in the conservation area and there are detailed considerations which must be made.

6.3 Loss of Existing Building

The demolition of the existing building does not require conservation area consent as the existing building has a volume of under 115sqm. However the conservation officer has raised a concern that the building is curtilage listed and therefore its demolition would require listed building consent. This is considered to be a technical point which would

need to be resolved should the application be approved. However it is not considered that this point prevents members from making a decision on this application.

6.4 The Impact on the Listed Building

Concerns have been raised from the Conservation Officer in relation to the impact of the proposal on the Listed Building, 16 Cambray Place (see above). The view is that any new building in this location would have an impact on the setting of this listed building and that the bigger the building the greater the impact. There is also a concern regarding the setting of the listed buildings opposite the site.

The applicant/agent have queried the existence of the adjoining building which was permitted in 2004; given the concerns mentioned above. Members will be aware that each case must be considered on its own merits however it is worth noting that the road tapers meaning any development to the rear would be in closer proximity to the buildings of Cambray Place, towards the southern end of Rodney Road. Furthermore the rear range of 16 Cambray Place is longer than that of its neighbour thereby bringing it in closer proximity. As such this site is not directly comparable with its neighbour.

Therefore there is concern about the principle of a building in this location and these concerns are exacerbated by concerns about the nature of the proposed building. For these reasons the proposal is considered to be contrary to the general provision of CP3 to conserve or enhance the best of the built environment and the provisions of Para. 132 of the NPPF which states that “*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*”.

6.4 Design

Local Plan Policy CP7 requires a high standard of architectural design which reflects the principles of urban design and which complements and respects both neighbouring developments and the character of the locality. Chapter 7 of the NPPF echoes the general requirement for good design. It requires that developments respond to local character and history, however it also seeks to ensure that innovation and originality are not stifled. The test in relation to the impact of the development within the conservation area is whether the proposal preserves, or enhances the character and appearance of the conservation area.

The comments which have been received present mixed views on the replacement building. The Architects Panel and the Civic Society are generally supportive of the design concept. However concerns have been raised from the Conservation Officer, linked to the concerns in relation to the principle of the development. The concerns relate specifically to the size, mass, height, form, materials and overall design.

The design is certainly striking and in some ways the merits of the design is a matter of personal opinion. However there are intrinsic elements of the design which are considered to be problematic. Whilst it is appreciated that there are mixture of styles on this side of Rodney Road it is not considered that the design adequately responds to its context within the conservation area and in the grounds of a listed building. The end elevation when approaching from the south west would essentially present a solid elevation of cladding which is considered to be overly intrusive and alien in the street scene. The junction of the proposed building with that adjacent, in particular at roof level is considered to be awkward resulting in a poor relationship between the two buildings. Whilst the overall height is no greater than that adjacent it is bulkier at roof level and the splay of the roof exacerbates this. Apart from the ground floor elevation, the materials are alien to this part of the conservation area and serve to highlight the incongruity further.

For these reasons it is considered that the design of the proposed dwelling is unacceptable and fails to preserve or enhance the character and appearance of the conservation area.

6.5 Neighbour Amenity

There are no windows in the rear elevation of the rear wing of 16 Cambray Place therefore the nearest windows on this property that face the proposed dwelling are on the main part of the building, over 16m away. The rear windows on the proposed dwelling are indicated to be obscure glazed. As such the relationship between these buildings from a neighbour amenity perspective is considered to be acceptable. There is the potential for inter-visibility between the proposed balconies on the front elevation and those of the neighbouring property, however it is considered that if the application were to be approved this could be dealt with by way of a condition requiring an appropriate screen to be provided.

6.6 Highways

The proposal results in the retention of a garage in this location and therefore does not result in the net loss of parking in the locality. Given the sustainability of the location in the town centre there is no objection to the creation of an additional dwelling in highway or parking terms.

7. CONCLUSION AND RECOMMENDATION

7.1 The consideration of this application requires a careful balancing of the issues. The positive aspects of the scheme are that it provides a new dwelling in a highly sustainable location. However this must be balanced against strong objections in relation to both the principle of development because of its impact on the setting of the adjacent listed building and also in terms of the replacement building. Although there is some support for the design of the replacement building, strong concerns have also been raised in relation to its form, design and materials. Given the sensitivity of the location and the prominent nature of the site it is considered in this instance that the conclusion must be that the heritage and design related objections outweigh the benefits of the scheme. Therefore the application is recommended for refusal.

8. REFUSAL REASONS

The application site is in the grounds of and in close proximity to, a Grade II listed building and within the Central Conservation Area. By reason of its proximity to the listed building, its size, mass, height, form, materials and detailed design, the proposed dwelling is considered to be an intrusive, incongruous and alien form of development which would be harmful to the setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area. As such the proposal is contrary to the Adopted Local Plan, in particular policies CP 3 (Sustainable environment) and CP 7 (Design) and advice contained in the 'Central Conservation Area Montpellier Character Area Appraisal and Management Plan' and the NPPF, in particular Chapters 7 and 12.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to

dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the fundamental objections raised on heritage grounds

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.