

<b>APPLICATION NO: 13/00605/FUL</b>		<b>OFFICER: Miss Chloe Smart</b>	
<b>DATE REGISTERED: 25th April 2013</b>		<b>DATE OF EXPIRY: 20th June 2013</b>	
<b>WARD: Lansdown</b>		<b>PARISH: None</b>	
<b>APPLICANT:</b>	Mr Chris Hehir		
<b>AGENT:</b>	Simon Firkins		
<b>LOCATION:</b>	13 Lansdown Place Cheltenham Gloucestershire		
<b>PROPOSAL:</b>	Erection of new dwelling to rear of existing building, facing Lansdown Place Lane		

## Update to Officer Report

### 1. CONSULTATIONS

#### HERITAGE AND CONSERVATION

*31<sup>st</sup> July 2013*

##### Additional comments (revised drawings)

The positioning of the proposed dwelling has now been amended to show the development in line with the rear range to the principal terrace building and it is shown to be sited along the eastern boundary and to a similar width to that of the rear range.

The proposed building does now reflect the building lines and width of the rear range and minor alterations to the design which include the introduction of the Juliet balcony, have been made.

Whilst I consider that the amendments do improve the proposed structure and its presence within the immediate setting of the grade II\* listed terrace, in my opinion, the minor changes to the design still fail to show a creative response to the historic context and I still have concerns that the proposed structure would be an alien addition to the setting.

Lansdown Place Lane is characterised by the small mews houses, garages and workshops which abut the back edge of pavements along the narrow service lane. The subordinate and modest buildings are utilitarian in appearance and complement the grandeur of the principal terraces.

Whilst I appreciate that the simplicity and crisp approach within modern buildings can achieve an effective juxtaposition with historic architecture, I do feel that the proposal would fail to harmonise with the immediate context. The box-form, crisp render and poor fenestration detail do not reflect the utilitarian character of the service lane.

The proposed erection of a dwelling in this location offers an opportunity to introduce a building which will preserve, enhance and better reveal the character and appearance of the locality and unfortunately, I consider the current proposal to be a poor attempt which lacks originality and innovation.

Furthermore, contrary to policy and guidance set out in National Planning Policy Framework, the proposal does not appear to offer any tangible public benefit which would offset the harmful impact that the development would have on the heritage assets.

For the above reasons I am not minded to support the application and suggest the below refusal reason:

No. 13 Lansdown Place is a grade II\* listed building which lies wholly within the Central Conservation Area. The proposal involves the erection of a single dwelling to the rear of no. 13 Lansdown Place and the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building and to preserving or enhancing the character or appearance of the locality.

In the opinion of the Local Planning Authority, the proposal is considered incongruous to the site and its surrounding by virtue of the form and design of the building. The design of the building is not considered to be of good, high quality design and it would not respond well to the local character and distinctiveness.

For the above reasons, the proposed development is considered harmful to the setting of the listed building and to the character and appearance of the conservation area. Therefore it is contrary to Policies CP3, CP7 and BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Sections 7 and 12 of National Planning Policy Framework.

## **HERITAGE AND CONSERVATION**

*13<sup>th</sup> August 2013*

### Revised comments (final drawings)

Whilst the proposed drawings have been amended to detail a brick finish to the exterior of the building and 100mm reveals to the window and doors, I do not feel that the revisions address the concerns raised in my previous comments and again, I consider that the minor amendments still fail to show a creative and well designed response to the immediate historic context.

With the above in mind, my comments for the previous proposal stand and I suggest that the application is refused for the below reason:

No. 13 Lansdown Place is a grade II\* listed building which lies wholly within the Central Conservation Area. The proposal involves the erection of a single dwelling to the rear of no. 13 Lansdown Place and the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building and to preserving or enhancing the character or appearance of the locality.

In the opinion of the Local Planning Authority, the proposal is considered incongruous to the site and its surrounding by virtue of the scale and design of the building. The design of the building is not considered to be of good and high quality design and it would not respond well to the local character and distinctiveness of the historic area.

For the above reasons, the proposed development is considered harmful to the setting of the listed building and to the character and appearance of the conservation area. Therefore it is contrary to Policies CP3, CP7 and BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Sections 7 and 12 of National Planning Policy Framework.

## **2. OFFICER COMMENTS**

- 2.1. The application has been brought before planning committee at the request of Councillor Driver, due to parking and refuse storage concerns.

## Determining Issues

- 2.2. The main considerations in relation to this application are the design of the proposed dwelling and its impact on both the listed building and the conservation area; and the impact of the dwelling on neighbouring amenity and highway safety.

## Site and Context

- 2.3. The previously refused scheme was for a two storey detached coach house. This application was recommended for approval but refused at planning committee for the following reason:

*The proposed development is unacceptable by virtue of its impact on the amenity of existing residents within 13 Lansdown Place and its incongruous design. The application site is located within an area that is heavily constrained by on street car parking and, as an existing area of hardstanding, represents a clear opportunity to provide additional off street parking for the occupiers of the seven flats within 13 Lansdown Place which would help alleviate the existing problem.*

*The proposal to erect a coach house on this land is therefore an inappropriate and unacceptable overdevelopment of this tightly constrained site which would also enclose the site to an unacceptable degree, restricting the outlook for existing residents. The mass and scale of the proposed coach house is inappropriate for a site in such close proximity to existing dwellings and indicative of this is the shallow pitched hipped roof with limited eaves, designed to limit the bulk of the building, but instead resulting in a poorly executed coach house pastiche. The development fails to comply with the objectives of policies CP4 (Safe and sustainable living) and CP7 (Design) of the Cheltenham Borough Local Plan (Adopted 2006).*

- 2.4. An appeal was subsequently dismissed although it should be noted that the Inspector thought the principle of the development need not be unacceptable, as this would reflect what has historically been found in the terrace; but that the previous coach house scheme failed to reflect its former function as it was proposed to be sunken into the site and as such would be 'a discordant development that would not reflect its intended function as a coach house'.
- 2.5. Whilst it is accepted that the current proposal adopts a more contemporary approach differing from the previous coach house design, officers feel that given the context and character of the area (where there is a mix of small mews houses, garages and workshops), the principle of such an approach may be acceptable, subject to the detailed design.
- 2.6. The Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham, refers to character as:

*'Locally distinctive patterns of development, landscape and use; a combination of all the aspects of a place that together make it distinctive from anywhere else'.*

- 2.7. The pattern of development is clearly distinctive in the area surrounding the application site. There is a hierarchy of principal terraces, with secondary buildings to the rear, all with their own access onto the rear lane. As such, the rear buildings fronting onto Lansdown Place Lane have been adapted to form their own uses and many are now in separate residential use.

## Design and Layout

- 2.8. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 2.9. In addition, due to the site being within close proximity of a listed building and the Lansdown Character Conservation Area, the Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character or appearance of the locality.
- 2.10. In ensuring that necessary attention has been paid to the buildings surroundings, the proposed scheme has been subject to a number of revisions through discussions with the agent. These revisions have been requested on the basis of comments received from Architects Panel and the Conservation Officer.
- 2.11. Firstly, the proposed dwelling has been shifted to the boundary eastern boundary. Officers consider this has substantially improved the dwelling's relationship with the principal terrace building at No.13 and in particular with its rear wing. The dwelling now maintains a similar building line to No.13 and this improvement has been acknowledged by the Conservation Officer in her response dated 31<sup>st</sup> July 2013.
- 2.12. The fenestration detail has also been amended significantly since the initial submission of the scheme. The Conservation Officer initially considered the *'squat proportions of the building were in conflict with the tall terrace and the proposed dwelling fails to reflect the vertically proportioned fenestration detail'*. As a result the applicant amended the fenestration detail to create more of a vertical emphasis to complement the tall and narrow characteristics of the principal terrace, but in a contemporary approach.
- 2.13. The use of 'crisp render' has been raised as a concern in comments received from the Conservation Officer. The applicant has amended the scheme to incorporate brick throughout. This change has been welcomed by officers as brick responds well to the context of the Lansdown Place Lane, which is characterised by small mews houses, garages and workshops, primarily faced in brick or painted brick. It was considered that the use of render would have resulted in a quite stark addition to the street scene, something that is softened by the use of facing brick.
- 2.14. Officers consider that the above changes have overcome number of the concerns raised by the Conservation Officer and the dwelling no longer reads as an 'alien addition to the setting', but a subservient building to the principal terrace.
- 2.15. Notwithstanding the change to facing brick, the contemporary design approach has remained consistent throughout the proposal. It is considered that the 'simple box form' provides a recessive quality which does not detract from the surrounding listed buildings. At the same time, the fenestration picks up on the vertical features of the terrace, ensuring the proposal does not look 'squat' and also to ensure the design responds to the surroundings.
- 2.16. Furthermore, the contemporary design will build on the diversity in an area characterised by a mix of building forms, uses and tenures.
- 2.17. A representation has been received requesting clarification on the flat roof finish and window openings, among other aspects of the design. Suitable conditions have been attached to the recommendation to ensure that all elements of the detailed design, such as materials and finishes, are approved by officers and appropriate to the proposals surroundings.
- 2.18. On balance, officers consider that the proposal would not harm the setting of the listed building. Whilst the Conservation Officer still objects to the proposal, it is considered that

the applicant has addressed a number of the concerns that have been raised, and the design is now of a sufficiently high quality which responds successfully to the area and the adjacent listed buildings. The dwelling is of an appropriate scale, responds well to the building line of the terrace and the modern design does not detract from the main terrace. Furthermore, the materials used in the development are to be powder coated aluminium and red brick which will seek to preserve the character of the conservation area.

### **Impact on neighbouring property**

- 2.19. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 2.20. There would be no unacceptable impact on neighbouring amenity as a result of this application. The proposed dwelling would not cause an unacceptable loss of daylight, nor would it result in any unacceptable increase in overlooking.
- 2.21. The previously refused scheme included an obscure glazed bedroom to the rear of the proposal, to overcome overlooking issues with the flats at No.13. Whilst this was considered an alternative to overlooking, the Inspector had concerns regarding the only outlook for this room being through a skylight and the enclosed feeling this would create.
- 2.22. Officers consider the Inspector's concerns have been overcome. The room to the rear of the dwelling is now a bathroom as opposed to a bedroom, and therefore the use of obscure glazing and lack of outlook are considered acceptable.

### **Access and highway issues**

- 2.23. Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety.
- 2.24. Gloucestershire County Council Highways have been consulted on the application and have raised no objection subject to a condition regarding cycle parking. The dwelling is not considered to create a significant amount of vehicular trips and therefore will not result in a severe impact on the local highway network.
- 2.25. Whilst the current proposal does not include parking provision for the additional dwelling, the previous Inspector stated that;  
  

*'The site is in a highly sustainable location, close to services, public transport routes and shops, and so even if limited parking is available in connection with No 13, it has not been demonstrated that there is a justifiable need for any additional provision.'*
- 2.26. As suggested by the GCC Highways, a condition has been included to ensure there is provision for cycle parking.
- 2.27. Overall, the proposal is in accordance with Policy TP1, in that it will not endanger highway safety and this was also the conclusion provided by the Inspector.

## **3. CONCLUSION AND RECOMMENDATION**

- 3.1. Based on the above, the proposal is considered to be of a high quality design and will not detract from the setting of the listed building. The applicant has submitted a number of amendments in response to concerns raised by the Conservation Officer.
- 3.2. Whilst officers accept that Heritage and Conservation still have reservations, the applicants have amended the scheme significantly from initial submission to overcome

concerns. On balance, officers feel the remaining concerns do not constitute sufficiently strong grounds to justify the refusal of planning permission.

- 3.3. The applicant has overcome the previous Inspector's concerns regarding neighbouring amenity and the concern relating to car parking was not shared by the Inspector when considering the recent appeal.
- 3.4. As such, the recommendation is to grant planning permission subject to the conditions set out below.

#### 4. CONDITIONS / INFORMATIVES

- 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 numbers LW/001/005/D and LW/001/003/D received 12th August 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a. all windows, and doors, and all external doors including cills, lintels reveals and the Juliet Balcony
  - b. the lintel panels
  - c. walls
  - d. roof eaves and roof covering
  - e. rainwater goods

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 4 Prior to the commencement of development, a sample panel of new facing brickwork (with coping detail where appropriate) of at least one square metre shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the development to provide consistency.  
Reason: To ensure that the new brickwork is sympathetic to the existing facing brickwork on the principal listed building to ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

- 5 Notwithstanding the submitted drawings, all windows shall be set in reveals of at least 100mm.  
Reason: To ensure a satisfactory development in terms of local plan policy CP7.
- 6 Prior to the commencement of development, a scheme for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the refuse storage shall be completed in all respects and thereafter kept free of obstruction.  
Reason: To ensure adequate provision and availability of refuse storage in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 7 Prior to occupation of the proposed dwelling secured and covered cycle storage facilities, in accordance with the submitted Design and Access Statement, shall be provided within the curtilage of the site and such provision shall be permanently retained and maintained thereafter.  
Reason: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.
- 8 No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties.
- 9 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.
- 10 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.  
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.
- 11 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 first floor rear bathroom window shall be 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.
- 12 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage

system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 13 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.