

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: Planning
Date: 06/11/2018
Address/Location: 33 The Wheatridge Gloucester GL4 4DQ
Application No: 18/00840/COU
Ward: Abbeydale
Expiry Date: 03/10/2018
Applicant: Mrs Marlene Phillips
Proposal: Change of use of land to garden space for 33 The Wheatridge
Report by: Shane Burgess
Appendices: Site location plan
Proposed Block plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 No.33 The Wheatridge is a residential property located within the Abbeydale ward. The property consists of a two storey detached dwelling and a detached garage at the rear. It is surrounded by residential properties to the east, south and west and fronts onto Heron Primary School to the north.
- 1.2 To the west of the property is a pedestrian footpath which connects Heron Way to The Wheatridge. The footpath is flanked on one side by a strip of open space (the application site) which includes 6.no mature trees and other shrubbery (owned by Heron Land), and by the open plan front gardens of dwellings along Grebe Close on the other side. In parts the shrubbery is overgrown and poorly maintained.
- 1.3 The application seeks planning permission to change the use of the strip of open space adjacent to the footpath and incorporate it into the garden of the application property. To facilitate this, the applicant proposes to deconstruct the existing timber fence and erect a new 1.8metre (6ft) high, painted steel fence with trellis. The proposed fence would run parallel to the footpath and would be set in approximately 0.6metres from the pathway. The application suggests that the existing mature trees would be retained and would be appropriated in to the garden of no.33 The Wheatridge.
- 1.4 It is noted that the plans submitted in support of the application are incomplete, so it is not possible to determine the full extent of the proposed changes. Specifically the south eastern corner of the plot is not included in the proposed plans.
- 1.5 **Councillor Finnegan has requested Committee determination to assess the visual impact of the proposal and the impact on the amenity of neighbours.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
18/01073/FUL	Demolition of garage and erection of detached guest accommodation	Pending	

3.0 **RELEVANT PLANNING POLICY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 **National guidance**

National Planning Policy Framework 2018 and Planning Practice Guidance

3.3 **Development Plan**

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS (2017) include:

SD4 – Design requirements

SD14 – Health and environmental quality

INF1 – Transport network

INF3 – Green Infrastructure

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. Paragraph 48 of the NPPF 2018 sets out that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As the City Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature, which broadly accord with the policies contained in the NPPF, and are not superseded by policies within the JCS should be given weight:

BE.19 – Enclosure of Front and Side Gardens in Existing Open Plan Estates.

3.7 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<https://www.gloucester.gov.uk/planning-development/planning-policy/>

4.0 CONSULTATIONS

4.1 Highway Authority

The Local Highways Authority raises no objection to the proposal. The proposed boundary fence would not be regarded as materially worse in terms of highway safety. Pedestrian visibility splays will not be made any worse due to the existing trees and vegetation fronting the Wheatridge.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Eight neighbouring properties were notified via letter. Three letters raising the following issues were received:

42 Grebe Close

Concerned that if the land were to be appropriated then access to the phone line chamber would not be readily available and that the proposed fence would block the view to The Wheatridge, potentially causing a safety issues for pedestrians (particularly children who frequent the footpath in connection with the nearby Primary School).

45 Grebe Close

Moving the fence and taking the extra land will make this footpath an accident waiting to happen.

46 Grebe Close (Objection)

Not happy for the buffer of land to be appropriated. The trees and bushes act as a sight and sound barrier. This will only bring disturbances closer.

5.2 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 Legislative background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

- 6.4 It is considered that the main issues with regards to this application are as follows:
- Design, Layout and Landscaping
 - Traffic and Transport
 - Effect on the amenity of neighbouring occupants

Design, Layout and Landscaping

- 6.5 The NPPF states that development should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. This is reflected in Policy SD4 of the JCS, which sets out requirements for high quality design, and Policy INF3 which seeks to protect green infrastructure.
- 6.6 Policy SD4 specifies, among other things, that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live. It further specifies that new development should create clear and logical layouts that create and contribute to a strong and distinctive identity and which are easy to understand and navigate. This should be achieved through a well-structured and defined public realm, with a clear relationship between uses, buildings, routes and spaces, and through the appropriate use of vistas, landmarks and focal points.
- 6.7 Table SD4b of the JCS sets out Principles of Urban Design. Amongst other things, table SD4b specifies that areas of hard and soft landscaping should be created, that buildings and trees should be used to define space, and that public and private spaces should be clearly distinguished.
- 6.8 Policy INF3 (Green Infrastructure) of the JCS specifies, among other things, that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape/townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network.
- 6.9 Policy BE.19 of the Gloucester Local Plan Second Stage Deposit 2002, is a locally specific policy has not been superseded by the JCS policies and as publically published in June 2008, should also be given weight when determining planning applications. Policy BE.19 states: *'Enclosure of gardens and unusable strips of land will be allowed on existing open plan estates provided that the land to be enclosed does not adjoin a footpath link and its enclosure does not harm the visual amenity of community safety of the locality.'*
- 6.10 The local area consists of numerous pedestrian, open plan footpath links, often surrounded by trees and greenery; it is fair to say that one of the defining characteristics of the area is that of an open plan estate, enriched with green infrastructure. It is clear that the area was carefully planned, creating an open and attractive character. Whilst this particular piece of land is not currently well maintained, it nonetheless plays an important role in the leafy suburban character of the area, both in respect of providing an attractive footpath link and providing a leafy setting to The Wheatridge.
- 6.11 Removing much of the green infrastructure from the application site, appropriating the mature trees in the garden of the application property, and enclosing the footpath on one side would not respect the prevailing character of the area and would be in stark contrast to the other pedestrian footpath links in the locality.

- 6.12 It is considered that the proposed steel fencing here would change the spacious open plan nature of the immediate surroundings to the detriment of the character and visual amenities of the area as a whole. It would change the nature of the footpath link considerably, making it a much less attractive route for pedestrians. This would be at odds with the design principles for the original development and the aspirations for high quality design set out in Policy SD4 of the JCS.
- 6.13 The proposed steel fence itself, by virtue of its length, design and materials in this location would be inappropriate and would be harmful to the appearance of the area. It is also questioned whether, if the land were to be subsumed into the garden of no33 The Wheatridge, the trees would be retained in the longer term.
- 6.14 In light of the above the proposal would conflict with the NPPF which requires high quality design, and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.
- 6.15 Furthermore the proposal would clearly conflict with Policy BE.19 of the Gloucester Local Plan Second Stage Deposit 2002 in that the land adjoins a public footpath and its loss would be harmful to the visual amenities of the open plan estate

Traffic and transport

- 6.16 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.17 The Local Highways Authority raises no objection to the proposal. The proposed boundary fence would not be regarded as materially worse in terms of highway safety than the existing trees and vegetation fronting the Wheatridge. It is therefore considered that the proposal would not adversely impact upon highway safety, so would conform to policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Residential amenity

- 6.18 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.19 Six dwellings along Grebe Close have frontages which face out onto the footpath. Specifically all of the properties have living rooms and bedroom windows which face the footpath.
- 6.20 Currently, the outlook of the occupants of the aforementioned dwellings is one of a timber fence set back considerably from the footpath, with green infrastructure in front. Although in parts the greenery is poorly maintained, the set-back nature of the fence with the greenery in front, breaks up the large expanse of fence, lessens the impact, provides a reasonable outlook to the properties along Grebe Close, and adds to the open character of the footpath area.

- 6.21 It is considered that with the proposed steel fence, in close proximity to the footpath, with no planting to offer relief, the outlook from the properties along Grebe Close would be harmed. The occupants along Grebe Close would look out from their living rooms and bedrooms, onto a large blank expanse of fence (over 50metres in length), which would not be set back adequately from the footpath. This would make for an unattractive and diminished outlook.
- 6.22 In respect of the above, the proposal would not represent high quality design, would not offer a good standard of amenity for all existing and future occupants and would cause unacceptable harm to the amenity of the occupants along Grebe Close. The proposal would therefore be contrary to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Conclusion

- 6.23 This application has been considered in the context of the policies and guidance referred to above. For the reasons set out above, the proposal would not comply with policy SD4 or SD14 of the JCS, or the guidance set out in the NPPF 2018. Consequently the proposal would not be acceptable and accordingly it is recommended that planning permission be refused.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 7.1 That planning permission is **REFUSED** for the following reasons;

The proposed change of use would not respect the prevailing open plan, spacious and green character of the estate and would introduce a harsh and blank frontage that would harm the visual amenities of the area and make the adjoining public footpath a less attractive route for pedestrians. The proposal would also be harmful to the amenity of neighbouring occupants, in that it would create a poor outlook from the front facing living room and bedroom windows of properties along Grebe Close. The proposed development would therefore be contrary to Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 and Policy BE.19 of the Gloucester Local Plan Second Stage Deposit 2002.

Person to Contact: Shane Burgess (01452 396822)

Planning Application: | 18/00840/COU

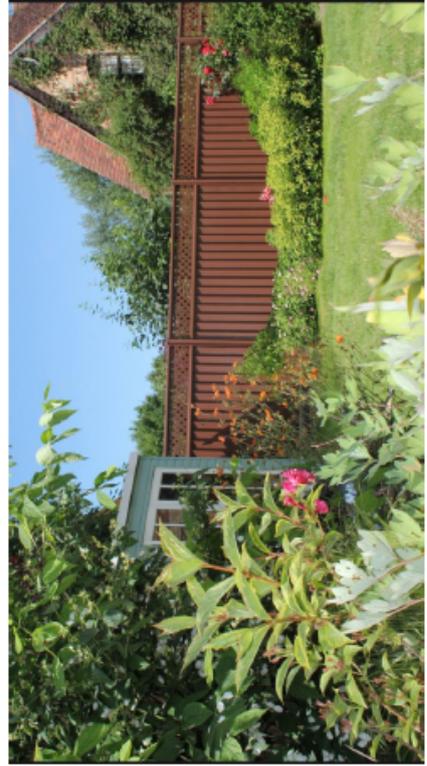
Address: | 33 The Wheatridge Gloucester
GL4 4DQ

Committee Date: | 06.11.2018

FOR PLANNING ONLY



1:200 BLOCK PLAN



EXAMPLE OF FENCING PROPOSED 1.8M CW TRELIS TO TOP STEEL FENCING FINISHED IN BROWN BY COLOURFENCE

REV A: THIS FRONT CORNER TO REMAIN UNFENCED AND AS OPEN ASPECT, GARDEN TO FRONT LAD TO LAWN

REV A: NEW 1.8M FENCE (INCLUDING TRELIS TO START AT CORNER OF HOUSE AND CONTINUE AS PER ORIGINAL SUBMISSION SET IN 600MM FROM PATHWAY

AREA OUTLINED IN RED INDICATES CLIENTS OWNED EXISTING LAND

AREA OUTLINED IN BLUE INDICATES LAND CURRENTLY OWNED BY HERON WHICH THE CLIENT WISHES TO PURCHASE

RED DASHED LINE INDICATES PROPOSED NEW FENCE LINE

FENCE LINE PROPOSED TO BE SET IN 600MM FROM PATHWAY EDGING STONE, THIS WILL LEAVE STREETLIGHTING OUTSIDE OF FENCING PROPOSED ALL HEDGEROW EXISTING TO SIDE TO BE CLEARED, ALL EXISTING TREES TO REMAIN AND BE WITHIN NEW EXTENDED GARDEN AREA



PHOTO SHOWS POSITION A ON EXISTING



PHOTOS SHOWS POSITION B ON EXISTING EXAMPLE OF LITTERING WITHIN HEDGEROW



PHOTO SHOWS POSITION C ON EXISTING EXAMPLE OF LACK OF MAINTENANCE



PHOTO SHOWS POSITION D ON EXISTING

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HOMEPLAN
DRAFTING SERVICES

ARCHITECTURE | PLANNING
INTERIOR DESIGN | LANDSCAPE ARCHITECTURE
SPECIALISING IN RESIDENTIAL ARCHITECTURAL DESIGN
FOR EXTERIORS & INTERIORS

CLIENT PROJECT:
MRS MARLENE PHILLIPS
PROSPECTIVE PURCHASE OF LAND ADJACENT TO
33 THE WREATHEAD, GLOUCESTER GL4 4DG

TITLE:
BLOCK PLAN AND DETAILS

SCALE:
1:200 @ A1

DATE DRAWING NUMBER:
AUGUST 2018

MP-2017/14-0-014