

Local development framework

CHELTENHAM

Local development framework

Development on Garden Land and Infill Sites in Cheltenham
Supplementary Planning Document

June 2009

Cheltenham Borough Council
www.cheltenham.gov.uk

Contents

1. Introduction	5
The purpose of the SPD	
How the SPD works	
Status of the document	
Consultation process	
Sustainability Appraisal	
2. Policy Context	9
Introduction	
National policy	
Regional policy	
Local policy	
3. Character and amenity	13
Understanding and responding to character	
The character of Cheltenham	
Protecting amenity	
4. Determining applications	19
What matters	
Making decisions	
What is expected from applicants	
Appendices	27
Appendix 1. Factors affecting the determination of applications	
Appendix 2. List of relevant national and local policies	
Appendix 3. Areas of similar character	
Appendix 4. Principles of Urban Design	

1. Introduction

- 1.1 Every year, a significant number of planning applications are submitted for development on the gardens of existing properties in Cheltenham. Intensification of the urban area has its benefits. It can help to ensure that new development is concentrated within the urban area, rather than by adding to the town at its edge, most probably on greenfield land. This in turn helps to support local services, reduce energy consumption through travel, and can increase the vitality and well-being of urban neighbourhoods. The Draft Regional Spatial Strategy (RSS) for the South West indicates an average annual provision from within the urban area of 325 dwellings, including all sizes of urban sites.
- 1.2 However, development on garden land can be a sensitive issue. By its very nature, garden land development takes place within established neighbourhoods which often have a particular character. Gardens, and in particular back gardens, have an important role in promoting biodiversity through their role as wildlife habitats and corridors. They are also important to the health and well-being of communities. Back gardens of sufficient size are valuable for play, for gardening and growing produce, and for the general enjoyment of a property. There can also be an important social dimension to back gardens which enhances quality of life, with neighbours getting to know each other through spending time in their gardens. The presence of 'greenery' has also been shown to have a positive impact on psychological well-being.
- 1.3 It is clear that a balance must be struck between competing demands. Development on garden land can make an important contribution to housing supply in the borough (in both amount and variety), and can enhance the character of an area. When poorly considered however, it can be to the detriment of the character of existing neighbourhoods, and detract from the amenities enjoyed by residents. The Council recognises that development on garden land and infill sites

Box 1: What do we mean by garden land development?

Garden land refers to the land lying within the curtilage (or boundary) of an existing property. Development on garden land can take the following forms:

- rear garden (or backland) development, where the existing property (or properties) is retained, and parts of one or more gardens are developed to the rear.
- frontage development, involving replacement of existing dwellings along the building frontage (usually developed to a more intensive level)
- proposals which combine both of the above.

Development on other plots of land within established residential areas is usually termed **infill development**. Whilst this does not constitute garden land, its general location and proximity to existing dwellings will mean that it is likely to raise similar issues as those covered in this document. Therefore, whilst this document is aimed primarily at garden land development, the Council will also use it in helping to assess proposals for infill development on small sites.

should be of the highest design quality. Schemes should be developed through a considered approach, working with local residents and the Council to ensure that such development is in keeping with the character of the local area. The primary aim should be to raise standards and promote high quality places.

Purpose of the Supplementary Planning Document

- 1.4 Development on garden land has become a sensitive subject in Cheltenham in recent years. Whilst some object in principle, discussions which have taken place during the preparation of this document have revealed that for many, the issue is one of the way a site is developed; namely the amount and design of development on a site. Cheltenham Borough Council is concerned that many applications for development on garden land are inappropriate and of poor quality. Some sites are simply unsuited to intensification. Elsewhere, designers have failed to fully consider the character of the area, and the impact of their proposals on that character, or on the amenities of nearby residents. For this reason the Council has prepared this Supplementary Planning Document (SPD).
- 1.5 The SPD is intended to:
- Assist prospective applicants in understanding and responding to local character in their development schemes, and ensuring that the impacts on the amenities of neighbours are acceptable
 - Improve the quality of proposals for development on garden land and infill sites
 - Ensure only developments that are in keeping with the character and quality of the neighbourhood and are of a high standard of design will be allowed.
 - Provide a consistent and robust approach to the assessment of applications for development
- 1.6 Once adopted, the document will be part of the Council's Local Development Framework (LDF) and will be a material planning consideration in the determination of planning applications. It will be used by the Council in making decisions and in explaining and justifying its decisions.

How the SPD works

- 1.7 The SPD explains the policy context for the consideration of planning applications and expands this into a framework intended to assist in making and determining applications. The framework identifies factors likely to influence the consideration of applications and indicates what is required from garden land and urban infill proposals.
- 1.8 Applicants need to demonstrate that they have understood the distinctive character of the neighbourhood, street and block, and responded to this character with their designs. The SPD sets up a process orientated approach to the development of schemes, including working with the Council to produce high quality designs at an early stage. The document clarifies what should be submitted with planning applications in the Design and Access Statements in order to demonstrate that this is the case.
- 1.9 Chapter two sets out the planning policy context. The existing planning policies are intended to bring about development which is beneficial and to prevent development that would cause harm to the character of the area or to local amenity, and the SPD deals with these issues in particular.
- 1.10 Chapter three explores what is understood by character and amenity, and gives a brief overview of some of the influences on the character of different areas in Cheltenham.

- 1.11 Chapter four with Appendix 1 provides the core of the guide. A process for taking forward development proposals on garden land and infill sites is set out, with further explanation of the factors to be used in assessing planning applications.

Status of the document.

- 1.12 This document was adopted on 29th June 2009. It has the status of supplementary planning document which means it does not contain policy, but provides greater detail on existing policies contained within the saved Local Plan (adopted 2006). As such it forms part of the Local Development Framework (LDF) but does not have the status of a Development Plan Document (DPD).
- 1.13 The SPD has been prepared in advance of the emerging Joint Core Strategy DPD for Gloucester, Cheltenham, and Tewkesbury. It will continue to have the role of SPD once this document is adopted, and appropriate policies will be included in this document which relate to the SPD.

Consultation process

- 1.14 The SPD has been prepared in accordance with the Council's Statement of Community Involvement (SCI). This included early consultation with a range of stakeholders in order to inform the initial preparation of the document. The formal consultation stage took place from 7th April to 18th May 2009. As part of this process all contacts on the Council's LDF database were contacted with information about the document including where and how to view it. A publicity leaflet was produced and copies provided at deposit locations along with copies of the SPD and supporting documents. The Council placed press releases and statutory notices in the local media to raise awareness of the SPD and the consultation. The Draft SPD, Draft Sustainability Appraisal (SA) report and other papers were also made available via the Council's website along with contact details and an online comment form. A dedicated telephone helpline was also provided.

Sustainability Appraisal

- 1.15 Sustainability Appraisal (SA) is intended to ensure that the impacts planning proposals and policies would have on the environment, and on social and economic issues, are understood. A Sustainability Appraisal was undertaken alongside the process of preparing the SPD and its results have informed the preparation of both the draft and final documents. The Draft SA was consulted on as part of the consultation draft SPD. Specific changes have been made to the final document in the areas of health and biodiversity as a result of the SA.

2. Policy Context

Introduction

- 2.1 Planning applications are to be determined according to relevant policies in the development plan, subject to the influence of other ‘material considerations’. At present the Gloucestershire Structure Plan forms the strategic part of the development plan. This will be replaced by the Regional Spatial Strategy for the South West (RSS) when it is published. The Local Development Framework which Cheltenham Borough Council is preparing will also form part of the development plan when it is adopted, replacing the Local Plan. Some of the policies from the Local Plan have been ‘saved’ and these are currently part of the development plan. Some of these provide the starting point for the consideration of applications affecting garden land. Statements of national planning policy are amongst the matters that can be material considerations.

National policy

- 2.2 National policy relevant to development on garden land or urban infill sites is contained within Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development*, and Planning Policy Statement 3 (PPS3) *Housing*.
- 2.3 PPS 1 states that

‘Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring better quality of life for everyone, now and for future generations’.

Essentially, this means reconciling different and sometimes competing social, economic and environmental objectives in a way which is most beneficial for all. The key challenge in terms of garden land is about making the most efficient use of land, whilst ensuring high quality design and developments which protect and enhance the existing natural and historic environment, and landscape and townscape character. This theme is emphasised through both PPS1 and PPS3 as set out below.

- 2.4 PPS3 states as ‘a key objective’:

‘that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.’

- 2.5 The definition of previously developed land from PPS3 is repeated below.

Box 2: Definition of Previously Developed Land:

PPS 3 states:

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

The statement provides a list of types of land which are specifically excluded from the definition. This does not include garden land, and hence **garden land falls within the definition.**

2.6 PPS1 and PPS3 together place design issues alongside the efficient and effective use of land. Both say that:

“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted”.

2.7 PPS3 adds:

“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.

2.8 Whilst the above are most important, a number of other PPSs and PPGs (Planning Policy Guidance) will also be relevant to the consideration of development on garden land and infill sites. A full list is provided in Appendix 2.

Regional policy

2.9 Regional policy is in transition. Regional Planning Guidance 10 (RPG 10) published in 2001 is currently part of the development plan.

2.10 A new regional spatial strategy, the Regional Spatial Strategy for the South West, is expected to be published in 2009 when it will replace the RPG.

2.11 The policies most relevant to the determination of garden land and infill development emerging from the latest version of the RSS are presented here rather than those in the existing RPG 10. The policies can be found in The Draft Revised Regional Spatial Strategy for the South West Incorporating The Secretary of State’s Proposed Changes consultation document. The relevant RSS policies are:

- Policy SD3 The Environment and Natural Resources: protecting and enhancing the region’s environment and natural resources through: positive planning and design to set development within, and to enhance, local character; contribution to regional biodiversity targets through the restoration, creation, improvement and management of habitats
- Development Policy E: High quality design: All development should deliver the highest possible standards of design, both in terms of urban form and sustainability criteria
- Development Policy H Re-using land: For the region as a whole the aim should be to achieve at least 50% of new housing development on previously developed land
- Policy ENV 5 Historic Environment: Preserve and enhance historic environment of south

west.

- Policy F1 Flood Risk: locate new development in places with little or no risk of flooding and use development to reduce risk of flooding through location, layout and design
- Policy HMA 3: Gloucester and Cheltenham HMA: requires that 8,100 new homes are provided in and around Cheltenham during the plan period (to 2026). Of this 6,500 are required to come from the existing urban area and this equates to 325 dwellings per annum.

Local policy

- 2.12 Local planning policy is changing. The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, currently being prepared, will replace the Cheltenham Borough Local Plan (2006), though the Council's intention is that some of the currently saved Local Plan policies will continue in use.
- 2.13 The SPD will need to have a policy context in future and this will be provided either by suitable policies in the Joint Core Strategy, once adopted, or by the continued use of the currently saved Local Plan policies.
- 2.14 In the meantime the existing saved local plan policies provide the context for the SPD. A key objective is the need to promote sustainable development, and the plan includes policies on making the most efficient use of land, promoting high quality design, ensuring environmental quality and character are protected, and promoting quality of life, among others. A full list of the potentially relevant saved Local Plan policies can be found in Appendix 2. The six most important Local Plan policies for garden land and infill development are identified below. The thrust of these policies is to protect and enhance character and amenity whilst providing for urban intensification. They are:
- Policy CP1 Sustainable development
 - Policy CP3 Sustainable environment
 - Policy CP4 Safe and sustainable living
 - Policy CP7 Design
 - Policy GE2 Private Green Space
 - Policy HS2 Housing Density

Existing SPG / SPD

- 2.15 There are existing Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) which provide greater detail on issues addressed in this document such as sustainable urban drainage systems (SUDS), and amenity space. Where this is the case, they are referenced in the appropriate sections of the document. In addition, a list of relevant SPG / SPDs is provided in Appendix 2.

Historic environment policy

- 2.16 The requirement to preserve or enhance character is enforced particularly stringently in Conservation Areas. Conservation Areas are "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance," (Planning (listed buildings and conservation areas) Act 1990).
- 2.17 Planning Policy Guidance 15 Planning and the Historic Environment stresses the need for local planning authorities to make an assessment of the special character and appearance of all Conservation Areas in their districts.

Box 3. Key policies for garden land development

CP1 Sustainable development

Development will be permitted only where it takes adequate account of the principles of sustainable development. In particular, development should:

- a) conserve or enhance natural resources and environmental assets;
- b) give priority to the use of previously developed land; and
- c) make the most efficient and effective use of land.

CP3 Sustainable Environment

Development will be permitted only where it would:

- a) not harm the setting of Cheltenham, including views into or out of areas of acknowledged importance; and
- b) not harm landscape character; and
- c) conserve or enhance the best of the built and natural environments; and
- d) safeguard and promote biodiversity
- e) not give rise to harmful levels of pollution to land, air or water (surface or ground); and
- f) minimise the risk of flooding.

CP4 Safe and sustainable living

Development will be permitted only where it would:

- a) not cause unacceptable harm to the amenity of adjoining land users and the locality
- b) not result in levels of traffic to and from the site attaining an environmentally unacceptable level; and
- c) make adequate provision for security and the prevention of crime and disorder; and
- d) not, by nature of its size, location, layout or design, give rise to crime or the significant fear of crime or endanger public safety; and
- e) maintain the vitality and viability of the town centre and district and local shopping facilities.

CP7 Design

Development will only be permitted where it:

- a) is of a high standard of architectural design; and
- b) adequately reflects principles of urban design; and
- c) complements and respects neighbouring development and the character of the locality and/or landscape

Extensions or alterations of existing buildings will be required to avoid

- e) causing harm to the architectural integrity of the building or group of buildings; and
- f) the unacceptable erosion of open space around the existing building.

The policy includes a table setting out the 'principles of urban design' and this is reproduced in Appendix 4.

GE2 Private Green Space

The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted.

HS2 Housing Density

Housing development will be required to demonstrate the efficient use of land between 30 and 50 dwellings per hectare, with a greater intensity of development at places with good transport accessibility.

Except where:

- a) It is clearly demonstrated that development at these densities would compromise the principles of urban design and the creation of safe and sustainable neighbourhoods, or
- b) where it would harm an interest of acknowledged importance (ref to policy CP3)

2.18 Cheltenham has seven Conservation Areas:

- Central Conservation Area
- Swindon Village Conservation Area
- Prestbury Conservation Area
- The Poet's (St Marks) Conservation Area
- St Mary's (Charlton Kings) Conservation Area
- Bafford Conservation Area
- Cudnall Street Conservation Area

2.19 Character appraisals and management plans in the form of adopted supplementary planning documents (SPD) cover each area. **The character appraisal assesses the character of parts of the Conservation Area and highlights negative issues, which are then addressed through management proposals within the management plan.** In developing planning proposals, the character appraisal and management plan need to be considered along with advice, guidance and policy set out in other planning documents, be they general, thematic or spatially specific.

2.20 Of particular relevance is Local Plan Policy BE1 (Open Space in Conservation Areas) which states that development will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area.

2.21 Cheltenham is known as the most complete Regency town in England. The central Conservation Area includes the whole of the town centre, most of the Victorian, Edwardian and some of the later 20th century suburbs. It is reputed to be the largest conservation area in Europe, covering 600 hectares. Because of its size, the area has been divided into 19 character areas. These have been appraised separately, in-order to identify their individual key components and, in turn, establish how each area may best be preserved and enhanced. Each of these smaller areas has its own character area appraisal and management plan in the form of a supplementary planning document.

2.22 Maps of the Conservation Areas and Conservation Area Character Appraisals and Management Plans can be found online at:

http://www.cheltenham.gov.uk/site/scripts/documents_info.php?categoryID=200074&documentID=92 or by contacting the Council's planning department at the number on the back cover of this document.

2.23 Listed building consent is required to demolish or alter a listed building (see policy BE9). The local plan also notes that 'the setting of a listed building can have a major influence on its character', The Council has also published an 'index of buildings of local importance' (policy BE11).

2.24 Nationally and locally important archaeological sites (Policies BE19 and BE20), Scheduled Ancient Monuments and Registered Parks and Gardens (Policy GE4), are all afforded special protection in local policy and Government legislation. Chapters 5 (Built environment) and 6 (Urban green space) of the local plan provide more information.

3. Character and Amenity

Understanding and responding to character

- 3.1 Proposals for development on garden land and other infill sites should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located. The requirement to complement and respect neighbouring development is encompassed in policies GE2, CP3 and CP7 (see chapter 2).
- 3.2 The character of a place is made up of a number of elements including; the age of the buildings; their height; the way they are laid out; and landscape features. In different places, different elements will be most important in contributing to the distinctive character. For example, in a historic centre, the age and local materials as well as densely packed development will contribute most to the essence of character. In suburban avenues, the presence of mature trees lining the street, combined with a uniformity in the form and architecture of the buildings might be the defining characteristics. These are the things which make a place 'locally distinctive'. The way different elements combine to create a particular feel or atmosphere in a place is often called 'sense of place', or 'identity'.
- 3.3 The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place. However areas which are less visible, such as back gardens, also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm.

Box 4. Character can be defined as:

“Locally distinctive patterns of development, landscape and use; a combination of all the aspects of a place that together make it distinct from anywhere else”

Dictionary of Urbanism

- 3.4 Several national sources of guidance set out ideas on the elements that combine to form character. Of particular use are *By Design - Urban Design in the Planning System: Towards better practice (DETR 2000)*, *Building for life standards (www.buildingforlife.org)*, *The Urban Design Compendium (English Partnerships 2000 & 2007)*, and English Heritage work on characterisation. They identify the physical (and social) elements of place which together make up its character. *By Design* and *Building for life* are endorsed by government in PPS3. The list below sets out the issues that will be considered in assessing the impact on character of applications for development on garden land and infill sites in Cheltenham. This list forms the basis for the assessment criteria, and guidance set out in chapter 4 and Appendix 1.

- 3.5 Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate in the context of the place, seeking always to enhance a place. Change itself is not to be considered a bad thing automatically, but change that results in harm to the character or amenity of an area will normally be unacceptable.

Box 5. Elements of Character:

- Landscape and natural features
- Layout and development patterns
- Activity
- Built form
- Enclosure
- Topography
- Age and architectural style (including materials and details)

The Character of Cheltenham

- 3.6 Cheltenham sits to the west of the Cotswolds Area of Outstanding Natural Beauty (AONB), and the escarpment provides a distinctive setting for the town. Views and vistas towards the hills are available from many locations, and this contributes to its distinctive character.

- 3.7 The historical development of Cheltenham has also had a strong influence on its modern day character. When mineral waters were discovered in the town in the early eighteenth century, Cheltenham was a small market town, centred on a single high street. During the latter part of that century, partly thanks to a restorative visit by George III, it began to expand. The popularity of the town as a spa resort for health and recreation in the first half of the nineteenth century was reflected by its rapid expansion during that time. Cheltenham was always a summer resort and the tree lined avenues and parks and gardens were designed to be part of the Cheltenham experience.



- 3.8 The main extent of the Regency town is indicated on the map in Appendix 3. Although the town has now expanded well beyond this area, the grand architecture, large parks and tree lined boulevards have provided a strong legacy and contribute much to its overall character, including the perception that it is green, open and spacious. The legacy of Cheltenham's historic town plan are the simple terraced houses combined together to form grand architectural statements set in spacious



landscaped grounds. All long distance views and vistas are considered, and roads terminate at junctions with an architectural gem of a building placed in a focal position.

- 3.9 By about 1897 the areas beyond the Regency town were beginning to be colonised, although development was largely sporadic and at very low densities. It provided a legacy of large individual properties set in their own grounds, around which infill development subsequently took place as the town developed in the twentieth century. This later stage of suburban development occurred firstly towards the escarpment, and then later further west, towards the river Severn.
- 3.10 A distinctive feature of Cheltenham is its open and spacious quality. There is a considerable amount of public open space around the town, not just within the Regency town as mentioned above, but beyond. The majority of Cheltenham's historic development continued throughout the 19th Century, and large areas were left open as the town expanded at low densities. Whilst much infilling has taken place, a number of areas were left open. The proximity of the undeveloped escarpment to the east also contributes to this feeling of space and connection with the countryside. In some of the more recently developed areas, in particular the larger social housing estates, large areas of public open space were also planned into the areas. The Poets' Conservation Area in particular was designed along 'garden city' principles with garden space and tree-lined streets.
- 3.11 The Council has carried out a series of studies of the character of different areas within the town, and this has been summarised in Appendix 3. This work is very broad, and is not a substitute for a characterisation of individual localities. However, it does provide some indication of the kinds of influences on the character of different areas of the town as a result of when and how they were developed. This work provides a starting point for an understanding of the character of different areas, when preparing applications for development on garden land.
- 3.12 It would not be appropriate to try to set out detailed character area assessments for every neighbourhood and locality within Cheltenham in this SPD. The character of the town varies greatly, and often there can be significant differences between streets and blocks. The Council therefore considers that the only basis for assessing the impact of applications for planning permission on the character of the locality, is for succinct and perceptive character assessments to be carried out by the applicant for each proposal for development on garden land or infill sites. This process will assist the designer in developing a real understanding of what it is that really matters about a place, and hopefully make their designs more responsive to its character.

The Historic Environment

- 3.13 Notwithstanding the above, more detailed information is available for locations that sit within or close to Conservation Areas. This is discussed in Chapter 2. It should also be noted that in Conservation Areas, there is a requirement to preserve or enhance the *character or appearance* of the area. Whilst there is clearly an element of appearance implicit within the elements of character (box 5), in Conservation Areas, these are separately emphasised and this should be reflected in any application within a Conservation Area.
- 3.14 The setting of listed buildings will be taken into account in the consideration of applications for development on garden land and infill sites. Public open spaces around the town provide part of the setting for a number of listed buildings. The 'index of buildings of local importance' should also be taken into account when preparing schemes.
- 3.15 The Council can also provide access to information relating to archaeology, Scheduled Ancient Monuments and Registered Parks and Gardens, all of which can influence the character of a local area. These things will have an impact on the development of sites in their vicinity, and they should be taken into account when undertaking character analysis (see chapter 4).

Protecting amenity

- 3.16 A key consideration in assessing planning applications, is the impact that new development will have on the amenities of residents and other land users within the locality. A specific requirement to do this is set out in policy CP4 (see box 3).
- 3.17 Amenity is generally taken to mean the enjoyment of a property and the elements of that property that provide comfortable and convenient living conditions. Amenity is a particularly important issue in higher density neighbourhoods, or areas where intensification is taking place. It is important to note that consideration of amenity should apply to new dwellings, as well as the impacts on existing dwellings and their occupants. The Supplementary Planning Guidance 'Amenity space in residential development' (April 2003) sets out what is required.
- 3.18 The box below sets out the issues that are generally considered to be important in contributing to amenity.

Box 6. Elements of amenity

In considering the impact of garden land or other infill proposals on the amenities of existing and new residents, the council will consider the following:

- Sunlight and overshadowing
- Daylight
- Loss of privacy / overlooking
- Noise disturbance from vehicles or other sources
- Disturbance from smells, dust, fumes, vibration
- Glare from artificial lights
- An overbearing impact due to the bulk and/or proximity of buildings
- A cramped plot with insufficient amenity space either in absolute terms or in relation to the size of the dwelling (applies to new and existing dwellings)

4. Determining Applications

- 4.1 This chapter explains how decisions are made on planning applications and highlights factors which influence whether or not a proposal for development on garden land or infill sites is likely to be acceptable. It focuses on aspects of character and amenity since these are key in the determination of planning applications on garden land. However it should be noted that the SPD does not attempt to cover every issue that will be considered as part of an application. It sits within the context of the need to promote sustainable development, including the most efficient use of land, protecting and enhancing the natural environment, managing flood risk, and promoting energy efficiency in building design and construction. The SPD is intended to assist prospective applicants and their agents together with other interested parties such as local residents and interest groups, and will be used by Council officers and elected members.
- 4.2 The SPD is not a rulebook. Sometimes there will be an issue - often related to a policy issue - that presents a clear cut reason why a proposed development should not proceed and that is not outweighed by other considerations. In most cases, decisions will be made having regard to a number of factors and will usually involve some interpretation of complex matters such as the character of a place and how that character would be changed by new development. The SPD is not intended to stifle creativity in the design process - quite the contrary. For example, an innovative design involving contemporary form and materials might be the way to achieve a high quality addition to the place, and quality is to be encouraged.

What matters

- 4.3 The SPD places emphasis on the design process. An analysis of the character of an area is required as a starting point. If this analysis is properly reflected in the design of the proposal, and justified in the Design and Access Statement, better quality proposals are likely to result.
- 4.4 The box below sets out factors affecting the determination of applications. These are presented as questions. The factors and questions should be used by both applicants and decision makers in order to develop and assess a proposal.
- 4.5 The factors deal with aspects of character, amenity and access and parking, and are grouped accordingly. For character and amenity, the questions are essentially concerned with the nature of the place and with the response made by the development proposal. Appendix 1 provides explanation of these factors, along with more ideas on what a proposal would need to do to be acceptable. It should be noted that this information is not intended to be prescriptive; emphasis will be placed on the importance of appropriate schemes emerging from a robust design process.
- 4.6 It is to be noted that when the character of an area or the implications of a development proposal are being considered, other proposals that are committed - that is, that have planning permission but have yet to be built - are to be taken into account. That is, the starting point is to be as if those proposals have already been implemented.

Box 7. Factors affecting the determination of applications

Townscape and natural environment significance

Question C1: Is the scale, prominence and appearance of the development site such that its retention in its current state is vital to the character of the area? Does landscaping make an important contribution to local character and distinctiveness within the street, block or neighbourhood, including its spacious character?

Question C2: If the site is suitable in principle for development, would the development proposal have a negative impact on landscape settings, biodiversity or particular features in front or back gardens which make an important contribution to character and amenity (including the spacious character)? If so can these impacts be mitigated satisfactorily?

Question C3. Does the proposal respond to local topography and respect or enhance key local views and vistas where appropriate?

Layout and development patterns

Question C4. Layout: How do different aspects of the neighbourhood and block layout contribute to the character of the area – are there any elements which make a significant contribution to the character and appearance of the area?

Question C5. Frontage development: Does proposed frontage development complement and respect the layout of the street through building lines, plot widths and the amount of built frontage (the ratio of built form to gap along the frontage)?

Question C6. Rear garden development: Does the layout of proposed development in back gardens respect existing development patterns in the street and block, and does it create its own identity which is complementary to the existing character?

Activity

Question C7. What are the main land uses and movement networks in the area and how do these influence the vibrancy / tranquillity of the neighbourhood, street and block?

Question C8. Is the proposed development likely to alter the level of activity on the street and within the block in a way which is harmful to the character of the area?

Built form

Question C9. How does the scale, height, massing and footprint of existing buildings in the street and block contribute to the character of the area?

Question C10. Does the scale, height and massing of the proposal complement and respect that of existing development in the area?

Enclosure

Question C11 What is the level and type of enclosure which characterises the street?

Question C12. Will there be significant changes to the level of enclosure on the street in a manner

which would cause harm to the character of the street?

Age and Architectural style

Question C13. Are the buildings in the neighbourhood, street and block predominantly of a particular age and/or architectural style and design, or is there a wide variety?

Question C14. Is the architectural style and design (including detailing and materials) of the proposed buildings of a high standard, complementing the established character of the locality?

Amenity

Question A1. Is the proposal likely to cause harm to the enjoyment of neighbouring properties (either internally or externally), and the locality due to its layout, scale or massing?

Question A2. Does the proposal provide for amenity space within the new development in a satisfactory manner?

Access and parking

Question AP1. Is the proposed driveway likely to be intrusive in the streetscape, significantly changing and causing harm to the character of the frontage or does it complement and respect the character of the street?

Question AP2. Does the development make provision for its own parking needs? Would car parking on the plot frontage be unusual and intrusive in the street scene? Would it necessitate the removal of mature vegetation that is important for the character of the area, or would it involve changes to characteristic boundary treatments?

Question AP3. Would the vehicular access arrangements create undue noise disturbance to neighbouring residents by means of their design and location?

Question AP4. Is access adequate in terms of safety and convenience of new and existing road users (including all forms of movement)?

Other considerations

Question P1. Play: Does the proposal make adequate provision for play needs arising from the development?

Question W1. Flood risk: Does the proposal make provision for water run-off in a way which will avoid any increase in flood risk?

Making decisions

- 4.7 The 'decision chart' box below represents the process followed in deciding on the merit of an application. Recognising this process will assist applicants in developing proposals that have a better prospect of obtaining planning permission. It should be noted that some changes to existing properties will not require planning permission, however this does not include the provision of new dwellings on garden land. If in doubt applicants should first check with the planning authority to confirm whether planning consent is required.

What is expected of applicants

- 4.8 Applicants should demonstrate in their submissions (through Design and Access Statements (DAS) and the form of the proposals) that they have understood and responded to the character of the area in which the proposal lies. Design solutions should respect and enhance character rather than cause harm. The box below summarises what is expected of applicants when putting forward proposals.

Applicants:

- Before designing a scheme applicants should establish whether a site is suitable for development (see decision chart).
- Applicants should go through a two stage process when they put forward proposals for a site. First they should undertake an analysis of the character of the area, and second they should design a scheme which responds to that character.
- Character analysis should be included within Design and Access Statements in the form of pictures, plans and text. Applicants should aim to summarise what the key defining elements of a place are – loss or damage to these is most likely to harm the character of the area.
- Design and Access Statements should demonstrate how the proposal has responded to character. More detailed information on what should be submitted within applications and in Design and Access Statements is set out at the end of each section in Appendix 1.
- In Conservation Areas, particular care should be taken to ensure that schemes would preserve or enhance the character of the area.
- Applicants should make early contact with Council officers in order to discuss their emerging proposals, before developing their final design solutions for the site.
- Applicants should also seek to engage with neighbours and residents' associations in developing and designing their proposals wherever possible. The Council's planning officers can provide contacts for known residents' associations on request.

Decision chart

Question 1.
What is the character of the area?

Using the questions set out above, and the advice in Appendix 1, carry out a brief character analysis. Summarise the defining characteristics of the area – what elements are key in contributing to sense of place and what should not be lost?

Applicants are required to demonstrate understanding of character in their DAS and officers should draw on their submitted analyses.



Question 2.
Is the site suitable for development in principle?

Is the site of townscape or environmental significance under policy GE2? (see questions above and Appendix 1) If yes the site is not suitable for development.



Question 3.
Does the proposal complement and respect the character of the street and block or is it likely to cause harm?

The amount of development and the design of the proposal should be appropriate and respect character. All the issues in Appendix 1 should be considered, paying particular attention to the issues of layout and built form.



Question 4.
Is the development likely to cause unacceptable harm to the amenity of neighbouring residents?

The amount of development and design should ensure that amenity is not harmed. The issues are summarised above and explained in Appendix 1.



Question 5.
Are access and parking arrangements adequate and appropriate?

The relevant issues are summarised above and explained in Appendix 1.



Appendices



Appendix 1.

Factors affecting the determination of applications

How the guidance works

This section expands on chapter 4 and provides more detailed information on what is expected from proposals for garden land and infill development, and on how these proposals will be assessed. It concentrates primarily on issues of character and amenity, but also covers other material planning considerations.

Each section is laid out as follows:

- **Assessment criteria:** Questions identifying the criteria that will be used in considering applications (to be used as a checklist by officers)
- **Explanation and requirements:** explaining the criteria in more detail and setting out requirements in terms of design and development principles
- **Design and Access statements:** information setting out what the Council expects applicants to include as part of their Design and Access Statements.

Applicants need to demonstrate that they have understood and responded to the character of the locality in the design and development solutions they propose for sites. The criteria referred to above have therefore been designed to set up a two stage process:

- **First** – establish and understand the character of the area
- **Second** – design a development which seeks to enhance rather than detract from that character, minimising negative impacts and harm to character and amenity.

There are few, if any, absolutes in the assessment process. An assessment of character is simply that - an assessment; it cannot design a scheme. A simple replication of the various elements which contribute to the character of an area, without real understanding, thought and interpretation, will not normally produce interesting places where people want to live, quality architecture, or a town which evolves. Poor examples of pastiche buildings or bland reproduction of existing failing layouts will not be acceptable and in all cases some professional judgement will be required, both on the part of the designer and the decision makers, in order to deliver places of quality.

Townscape and natural environment significance

Question C1: Is the scale, prominence and appearance of the development site such that its retention in its current state is vital to the character of the area? Does landscaping make an important contribution to local character and distinctiveness within the street, block or neighbourhood, including its spacious character?

Explanation

Townscape character is generally understood to be determined largely by the areas of the town (both buildings and spaces) which are **visible from the public realm**.

Street trees, public spaces and front gardens therefore have the greatest role to play in contributing to the landscape setting and character of an area. Back gardens also make a contribution to local character where they are visible from the street, and in a more limited way, through the semi-public realm that exists behind homes (within the development block).



Trees and hedges in front gardens can have an important impact on the character of an area

Generally, the contribution of back gardens to townscape character (including the spacious character of the town) is minimal because they have limited visibility. Back gardens can be considered to have townscape significance, **only when they are particularly prominent and visible** in the street or locality. This could occur for example when:

- large areas of mature trees within back gardens are clearly visible from the street, and contribute significantly to its character because they provide structure, enclosure, or soften the townscape in a way which defines its character
- on corner plots where mature landscaping sits on a prominent site in the townscape, or
- in areas where back gardens are particularly visible (for example due to the height of dwellings and large gaps in the frontage).

There are no 'absolutes' in this matter, and it will be for the character appraisal of the area to provide an analysis as to why this may or may not be the case.

Relevant appeal: Land to rear of 25 and 28 Cowley Close, Benhall

The large rear gardens of 25 and 28 Cowley Close are overlooked by a number of properties in Nettleton Road and Robert Burns Avenue, but, except in glimpses between existing dwellings, they are not visible from the public domain. From the public roads there are frequent views between properties of the upper parts of dwellings. Therefore, whilst the proposed dwellings would be clearly visible from existing dwellings and their gardens, particularly from the upper floor windows, the appeal site cannot be said to make a significant contribution to the townscape'. The appeal was allowed and two dwellings were subsequently built on the site.



Relevant appeal: Blenheim Cottage, Blacksmiths Lane, Prestbury

'The extensive garden of Blenheim cottage is surrounded by other very large gardens and the allotments are opposite.....it is apparent from the lane and the allotment gardens and also from nearby dwellings that there is considerable space to the rear of the existing house.... within this area, informally laid out dwellings of individual design set in large gardens is the prevailing characteristic of the built form, and the resulting spaciousness and the mature garden vegetation significantly contributes to the semi-rural environment and distinctive character of Blacksmiths Lane.....these characteristics make a significant contribution to the environment and townscape quality of this part of Cheltenham.' The appeal was dismissed but a subsequent application for a single dwelling on the site was approved.



In situations such as those described above, where gardens are considered to have townscape or environmental significance within the locality, it will not be appropriate to develop the site.

Question C2: If the site is suitable in principle for development, would the proposal have a negative impact on landscape settings, biodiversity or particular features in front or back gardens which make an important contribution to character and amenity, including the spacious character? If so can these be mitigated satisfactorily?

Explanation or requirements

In general, proposals which result in harm to landscape character (including mature trees) will not be acceptable. A back garden will be considered to have significant environmental value if it is deemed to make a significant contribution to biodiversity, either on its own, or cumulatively with other gardens. (Gardens can be of value for legally protected species and are an important element of wildlife corridors. This in turn forms part of the Green Infrastructure network within towns and cities.) If there are indications that this may be the case, the applicant will be asked to submit a 'Phase 1 Habitat Survey', and where appropriate, suitable mitigation measures will be required.

Frontage development: Proposals with frontage development should normally retain boundary hedges and mature trees that help to define the character of the area. Where this is not possible hedges should be properly reinstated. Proposals which remove boundary hedges in an area where these contribute to the character will not be permitted. Access arrangements should not compromise these.



Frontage development - boundary hedge retained

Relevant appeal: Rear of 7 Corfe Close, Prestbury

‘The Council’s particular concern is that the proposal would harm the open green spacious character of the site and the distinctive spacious qualities of the locality. I disagree.the rear garden of 7 Corfe Close is very large especially in relation to the size of the property, but this is not readily evident in the street scene. Nor, judging from my observations, is spaciousness a distinctive feature of the wider area.’

Relevant appeal: 43 Devon Avenue.

‘.....the undeveloped space above that built development, combined with the attractive backdrop of trees, results in the plot contributing positively to the spacious character of the area. The proposal, due to its size, would materially reduce the spacious feel of this corner plot...The space around the buildings on the corner plots in the area is a feature which makes a significant contribution to the character and appearance of a locality.’

Rear garden development: Development in rear gardens should retain mature trees and hedges wherever possible, for reasons of landscape character, spaciousness, biodiversity, and amenity. This will be particularly important where there are wildlife corridors within back gardens. In areas where back gardens are considered to be of strong ecological value (based on the results of a Phase 1 Habitat Survey), then parallel streets, which necessitate the removal of significant amounts of vegetation, will be resisted.



Development in rear garden visible to the left - mature vegetation has been retained

New planting should mitigate against any lost vegetation and seek to enhance the landscape character, biodiversity and preserve privacy.

Where mature trees are present in front or rear gardens, a tree survey should be carried out to identify the quality of the tree and how this might influence the design (e.g. root protection areas and above ground constraints). Prospective developers should always check with the planning department whether trees on a property are subject to a TPO (Tree Preservation Order).

Question C3. Does the proposal respond to local topography and respect or enhance key local views and vistas where appropriate ?

Explanation and Requirements

In prominent locations (e.g. corner sites, terminating views, hillside or hilltop locations), designs should not interrupt or cause harm to key views and vistas, but should seek to enhance them.

Hilltop sites provide excellent opportunities for enhancing local identity and distinctiveness. On hillside

or sloping sites, designs should use the slope to produce individual and distinctive house types which contribute positively to local identity and distinctiveness. Homes should appear to 'sit into' the hillside and work with the change in levels (e.g. using split level house types). Standard design solutions superimposed onto a 'cut and filled' site will not normally be acceptable.

Where the topography has already given rise to a distinctive local character, new buildings should complement this.

What an application / Design and Access Statement needs to show

1. A brief description of landscape character of neighbourhood, block and street, including aerial photo of site and surrounding properties.
2. Layout plans should show the location of existing mature trees and hedges on the site, any specimens which will be removed, and the proposed landscaping scheme.
3. A statement describing how the design has responded to topography
4. A statement on whether any existing views or vistas will be enhanced or blocked

Layout and development patterns

Question C4. Layout: How do different aspects of the neighbourhood and block layout contribute to the character of the area – are there any elements which make a significant contribution to the character and appearance of the area?

Explanation

The layout of buildings, plots, streets and neighbourhoods varies enormously and plays an important role in defining the character of an area. This is through a combination of each of the following elements:

- grain,
- type of building (e.g. terrace)
- location of buildings within blocks and on plots (e.g. closer or further from the street)
- plot widths,
- building lines and
- the amount of plot frontage which is built upon (ratio of built form to gap).

In some areas, the layout is characterised by a finer grain, perhaps terraced development with narrow plot widths, strong and continuous buildings lines, and uninterrupted frontage. In other areas, the layout might be characterised by a mixed grain, with some small and some larger plots, different types of dwellings (e.g. detached, semi-detached, apartments), varying proportions of the frontage built up, and no strong building line.

Figure ground plan

Illustrates the variety of layout and development patterns in part of Cheltenham

Area of coarser grain development.

In this area, buildings are set further back on plots, with some additional buildings as mews development to the rear. Many buildings are detached. Building lines and the ratio of built frontage to gaps vary greatly.



Area of finer grain development.

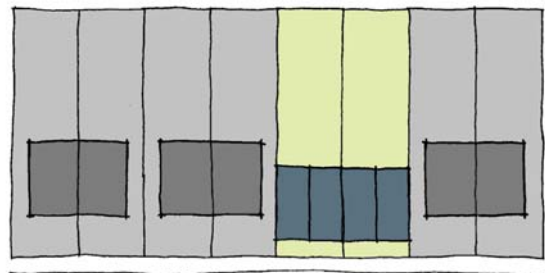
In this particular area, buildings are predominantly terraced, and set at the front of plots, with some additional buildings to the rear (backfilling). Building lines are strong with few interruptions and often 100% of the plot frontage is built up.

Question C5. Frontage development: Does proposed frontage development complement and respect the layout of the street through building lines, plot widths and the amount of built frontage (the ratio of built form to gap along the frontage)?

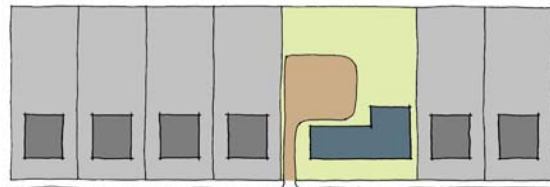
Explanation or requirements

This section includes a series of layout plans which are intended to provide examples of the sort of layouts which could work or which are unlikely to work, in specific contexts. These are intended to illustrate points. Simply replicating these layouts will not guarantee planning approval, rather a considered response to the individual character of each street and block is needed, supported by a Design and Access Statement (see chapter 4). The layout of new frontage development should respect the character of the existing street. If proposals would constitute a significant change, causing harm to the established character, then they will be refused.

Where there is a predominant building line, new frontage development which departs from this will not normally be acceptable.



In a street where there is a dominant pattern in the amount of a frontage that is built up, the width of dwellings and the spacing of dwellings along that frontage, proposals which vary from this will not normally be acceptable.



Where an area is dominated by large detached dwellings, the introduction of new terraced development along the frontage, is unlikely to complement and respect the existing character of the area. This is unlikely to be acceptable.



Relevant appeal: Land at Queenswood, Blacksmiths Lane

'In my view, the proximity of the dwellings to one another, and with the side boundaries, would give rise to a visually cramped form of development that is out of context with the spacious surroundings. I consider that the layout is more akin to that of a suburban housing estate and that the design of the 2 properties as a 'similar pair' would reinforce this impression...'

Corner plots

At junctions or nodal points, corner plots tend to be more prominent in the streetscape, and have the potential to provide an anchor in the street, a building of interest that complements the existing character, or even a new landmark. Depending on the context, buildings on corner plots may need to relate to those on opposing corners, rather than the remainder of the street. They may be taller than other surrounding buildings, and more substantial.

Buildings on corner plots should 'turn the corner', including two primary frontages. Each frontage addressing the public realm should include at least one ground floor window from a habitable room, in order to engage with both streets, and provide surveillance. Proposals which do not achieve this will not normally be acceptable.

Where a new access drive to a rear garden site creates a new 'corner' site new dwellings should not stand out, rather, they should relate well to the other buildings in the street. Dwellings may turn the corner, if this is appropriate within the context of the street (i.e. the level of rhythm and uniformity allows it). If dwellings do not turn the corner, ground floor windows should still be present in the gable end facing the new access road, in order to increase surveillance. Proposals which do not achieve this will not normally be acceptable.



Question C6. Rear garden development: Does the layout of proposed development in back gardens respect existing development patterns in the street and block, and does it create its own identity which is complementary to the existing character?

Explanation and Requirements

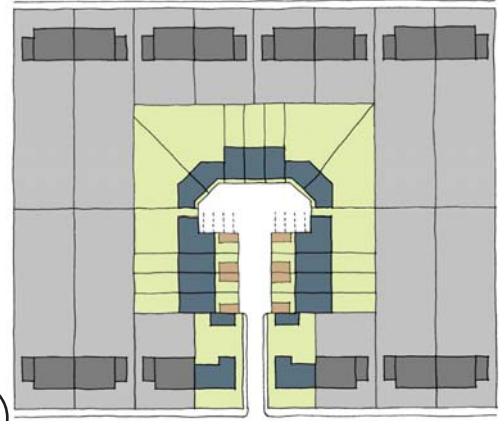
In streets or blocks where existing development is exclusively on the frontage, rear garden development may involve some change to character. In such cases the layout will need to be designed very sensitively in order to avoid harm to that character, and this is achievable. In general, the layout should respect the character of the block and street (e.g. is it formal or informal), create a sense of identity, protect amenity and promote safety and security.

Of particular importance is the amount of development proposed. If a site contains too many plots, or if the size of dwellings on a plot are too large for that plot, then the character of the area is likely to be harmed. A guide to what is acceptable will be found by looking at the surrounding properties.

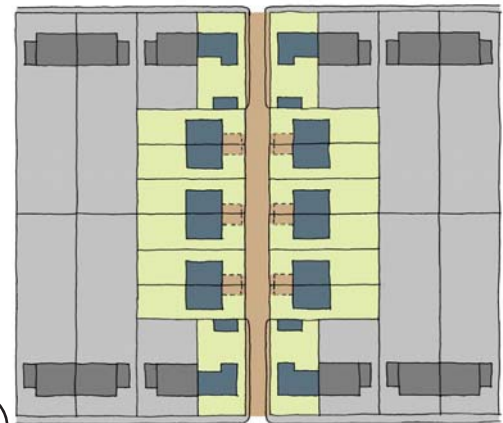
Relevant appeal: land to the rear of 36 Charlton Close

'There are other bungalows on sizeable plots in the locality, which is generally open and spacious in character.....the proposed bungalow would occupy about 28% of the site and it would be located close to the east and west side boundaries. The result would appear cramped and out of keeping with the grain of the surrounding area.....'

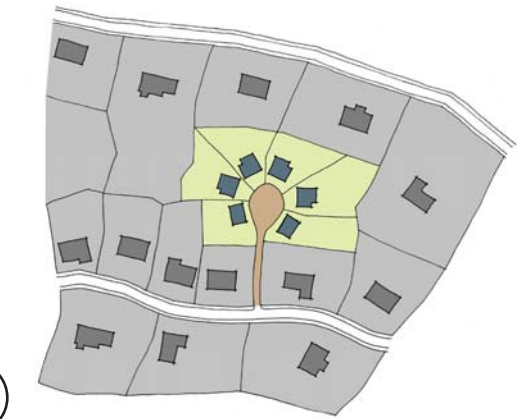
Where the street and block have a regular layout with uniform building and plot sizes and straight streets and lines, then a similar approach will be appropriate.



It may even be appropriate to create a new perpendicular street with access from two existing parallel streets. This has the added benefit of increasing connectivity and permeability in an area, and reducing cycling /walking distances to shops and services thus increasing the propensity to walk / cycle.



On the other hand, where plot boundaries are irregular, and buildings are more haphazardly placed on their plots, then a less formal style of layout will be more appropriate.



Layouts where one-sided streets face onto the backs of existing properties should be avoided where possible for the following reasons:

- high blank fences can undermine the visual quality of residential streets, and when front doors look out onto high blank walls, it does little to create a strong sense of identity for the new development.
- opportunities for natural surveillance are reduced and the safety/ security of existing properties can be compromised.
- there are also amenity issues relating to privacy and noise disturbance to frontage properties.

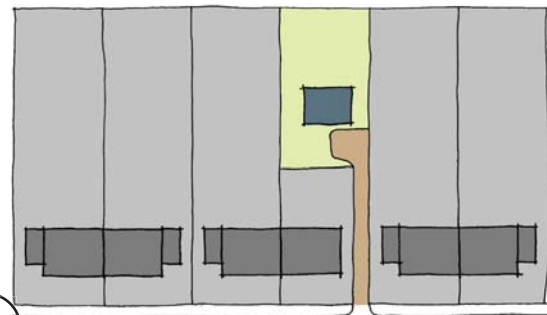


In principle, backs should face onto backs whenever possible, and frontages should generally face each other, creating a sense of focus within the development. Where a new access exposes the side of an existing garden, then the site should be designed to achieve maximum surveillance of this area. New landscaping can also provide a visual and acoustic buffer.

A possible solution to a site that would appear to lend itself to this type of development is to design single aspect mews dwellings into the proposal, thus creating a two sided street, and protecting the rear boundaries of existing dwellings.

Where possible, dwellings built on rear garden plots should have a visual connection to the existing street. This enables the new development to contribute to the character of the area, and promotes safety and security. Long, winding cul-de-sacs will not be acceptable. On small sites, short cul-de-sacs and courtyard style developments give the opportunity to create a focal point and sense of place for the site, with dwellings facing onto a central focal or amenity space. This type of development also creates good opportunities for street play.

On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted. Clusters of two or more dwellings are more likely to be able to create their own sense of identity or place than single dwellings. In addition, it is more difficult to design out problems related to amenity (particularly in relation to access arrangements) and security on such small sites.



What an application / Design and Access Statement needs to show

1. Provide a 'figure/ground' (or Nolli) plan for the area as existing – This is a simple plan and just means that all buildings are shaded black, and plot boundaries are shown. This will provide information on grain, block layout, where buildings sit on the block, building lines and frontages. The plan should cover a radius of 100 metres from the site and identify the proposal site. (Scale 1:2500)
2. Provide a second 'figure/ground' plan with the proposed buildings included – shade these new buildings in red.
3. A statement providing information on how the layout of the area has evolved
4. A statement identifying what the applicant considers to be the key elements of layout which contribute to the character of the area, and how the proposal has been designed to complement and respect these.
5. Proposals for sites comprising 10 or more units should be accompanied by a building for life assessment.

Activity

Question C7. What are the main land uses and movement networks in the area and how do these influence the vibrancy / tranquillity of the neighbourhood, street and block?

Explanation

Non-visual elements that contribute to character, include smells and sounds, (or quiet), as well as the social element of people, their movements and the daily interactions that contribute to public life.

Land use patterns and movement between places in any given neighbourhood or street has an impact on the character of the area, both in terms of the buildings themselves, and in terms of activity and noise associated with those uses. Large scale destination uses such as schools and stations will have an impact on the level of noise and activity, not just immediately adjacent, but on key walking or transport routes. Heavily trafficked streets, and shopping streets are likely to be more vibrant. Areas which are predominantly residential in character, with few other uses, tend to be quiet and tranquil, especially during the daytime.



Quiet lane with little pedestrian or vehicular activity - helps to create a tranquil feel.

Question C8. Is the proposed development likely to alter the level of activity on the street and within the block in a way which is harmful to the character of the area?

Explanation and requirements

Activity generated by additional residential development, or intensification of residential development, is often a positive thing in that it increases the number of people supporting local shops and services, and provides additional potential for natural surveillance on the street. Development which links one parallel street with another (a new perpendicular street) can open up new walking routes, and increase pedestrian activity on the street.



Busy town centre street - helps to create a vibrant character.

However noise created by development to the rear of existing gardens (through play or vehicular movement for example) can be a source of disturbance and lack of privacy. Ensuring that back gardens face onto back gardens wherever possible is a way to reduce this possibility. Designs should therefore ensure that this is the case, placing new back gardens and buildings between existing back gardens and the public realm (see section on layout and development patterns).

What an application / Design and Access Statement needs to show

1. Briefly describe the main land uses and any distinctive movement patterns in the area within 100m radius of the site.
2. Has the proposal taken existing land uses and movement patterns into account – if so how?

Built form

Question C9. How does the scale, height, massing and footprint of existing buildings in the street and block contribute to the character of the area?

Explanation

Building scales vary from 'grand' to 'standard domestic' to 'small domestic' (or cottage scale), and this variety in scale, as well as the number of storeys, has an impact on the height of a building. Together, the height and massing affect the 'presence' and impact of a building on a street, and within the block.



Area behind Pitville Circus - transition from grand Regency to modern domestic scale.

Question C10. Does the scale, height and massing of the proposal complement and respect that of existing development in the area?

Explanation and Requirements

Proposals which do not complement and respect the scale, height and massing of existing development in the area will not normally be acceptable.

Frontage development

In streets with a strong level of uniformity (e.g. 2 storey domestic homes all built at the same time and similar in appearance) frontage development should be similar in scale to existing properties.



Frontage development similar in scale and height to existing buildings in the street.

In streets where there is more variation in height, and scale, there will be more scope to vary the height of proposed frontage buildings.

In streets dominated by single or two storey domestic scale development, high, bulky buildings will not normally be acceptable on the frontage

Rear garden development

Development in rear gardens which is greater in height, scale and massing than development on the frontage will not normally be acceptable. Rear garden development which is reduced in height and scale compared to existing is likely to be more appropriate. It is less intrusive within the block, is less likely to have a negative impact on the amenity of neighbouring residents, and can contribute to a sense of identity. This is because it creates a hierarchy of development with the sense that the area within the block is secondary space – a modern mews or courtyard style development. This is particularly the case where single dwellings are proposed as they do not benefit from the sense of identity that a ‘cluster’ of dwellings creates.



Rear garden development subservient in scale to 2.5 storey frontage buildings.

Relevant Appeal: 10 Hillview Road.

‘...the appellant explained at the hearing that the design was intended to be subservient to that of the existing dwelling.....In my opinion, the scale and mass of the proposed dwelling would be completely inappropriate to its location on land to the rear of residential properties. Its excessive bulk would give it an intrusive and unduly dominant presence in relation to existing frontage development and surrounding garden space’.

What an application / Design and Access Statement needs to show

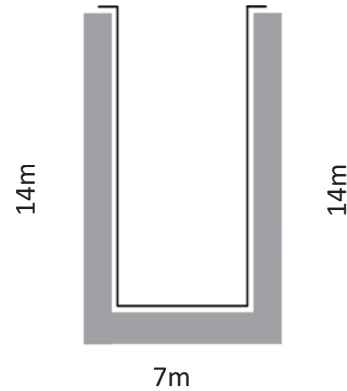
1. A statement explaining the rationale for the height, scale and massing of proposed buildings and how the design responds to existing buildings.

Enclosure

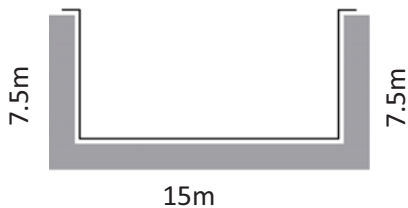
Question C11. What is the level and type of enclosure which characterises the street?

Explanation

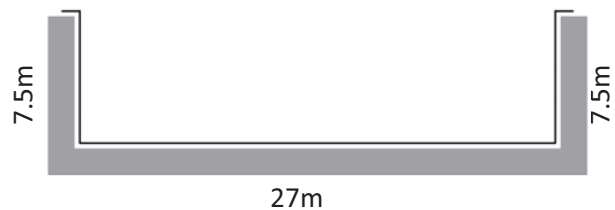
The level of enclosure on a street varies considerably. It affects the character and feel of a street, and is thought to have an impact on the well-being of residents. Enclosure is created through a combination of both two dimensional form (layout) and three dimensional form. Primary enclosure is created by buildings, and secondary enclosure is created by trees and vegetation. In some streets in Cheltenham, including back lanes, a sense of enclosure is given by high boundary walls. There is much discussion regarding the ideal ratio of building height to street width, but essentially, different ratios (combined with 2D layout) contribute much to the character of a place. The cross sections indicate the impact of different enclosure levels on the character of a place.



*Narrow street in historic area
Could feel oppressive in modern context*



*Typical C19 Terrace street
Satisfactory enclosure*



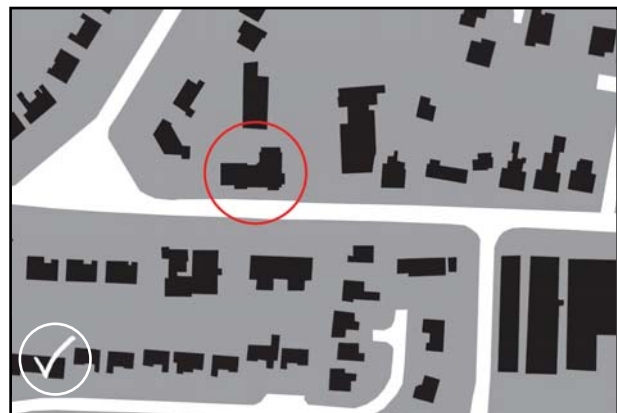
*Local Authority Housing estate circa 1950
Can feel rather open and windswept*

Question C12. Will there be significant changes to the level of enclosure on the street in a manner which would cause harm to the character of the street?

Explanation and Requirements

Frontage development

Proposals including frontage development should seek to create or retain a level of enclosure that reinforces sense of place but does not feel dominant or oppressive in the street. The level of enclosure in both two dimensional and three dimensional form should complement and respect that of existing development. The treatment of old walls and railings and existing hedges on the frontage should be carefully considered.



*There is no strong building line on the street.
The circled building sits forward on the plot and begins to create a pinch point in the street.*

Rear garden development

Where proposals include development on rear gardens, a sense of identity can be enhanced by creating a space that is enclosed and defined by buildings, in both 2D and 3D form; a focal point or amenity space.

The treatment of old walls and railings and existing hedges to the sides and rear of sites should be carefully considered.



This space is defined by buildings on all sides. The level of enclosure is satisfactory, making the space feel like a focus and a place to be.



This space is poorly enclosed, despite the height of the buildings. This is caused by the distance of the set back from the rear gardens of the frontage buildings, and the fact that there are no buildings to the sides.



This space is perhaps too enclosed and the building on the right feels too high for the small space.

What an application / Design and Access Statement needs to show

1. A statement describing how the level of enclosure on the main street is likely to be affected
2. A statement describing how the design has sought to create well enclosed spaces, both on the existing frontage, and in any new spaces to the rear. How has the design of development on rear gardens sought to create its own sense of identity?

Age / Architectural style

Question C13. Are the buildings in the neighbourhood, street and block predominantly of a particular age and/or architectural style and design, or is there a wide variety?

Explanation

The age, architectural style and design of buildings has a big impact on the aesthetic, the character and the general ambience of an area. This includes building details such as distinctive roof lines, windows or gables, and the materials used in construction. In some streets, the use of a single material such as red brick or Cotswold stone creates a distinctive feel. In others, a particular detail on a porch, repeated rhythmically on every building in the street, has a big impact.



Buildings in 'The Poets' ' Conservation Area built from 1918 and with a distinctive arts and crafts style

Question C14. Is the architectural style and design (including detailing and materials) of the proposed buildings of a high standard, complementing the established character of the locality?

Explanation and Requirements

Designers need to understand the architectural style of the area, but their response to this analysis should not be to try to merely copy or replicate that which is existing, for example through the introduction of elements such as dormers or porches that are similar to existing. The Council does not encourage the 'pastiche' approach to design. The preferred approach is for style to respond to context and character – this can be in contemporary or historic style but it must be of high quality. The need to promote sustainable development through building design and technology and the use of sustainable materials is of particular importance, and further information on this can be sourced from the SPG on Sustainable Buildings (see appendix 2).

Frontage development

Where a street has a strong architectural style, or particular rhythm, then new frontage additions will need to be particularly sensitive in complementing the existing style, for example using a similar roof line or pitch. Replacement of existing frontage in streets with a strong uniformity may be unacceptable due to their failure to conserve elements which make a significant contribution to the character and appearance of the area.



New frontage development tries to refer to existing arches over front doors - it does not sit easily with other houses in the street.

Rear garden development

Where a street has a strong architectural style or rhythm, additions to the rear should still seek to create their own sense of identity, but the style should not seek to compete with the predominant character of the area. In these circumstances, the notion of a hierarchy of development, with subservient dwellings within the block, is particularly pertinent. Simple, high quality, and robust contemporary designs which reflect the principles of sustainability, and hence their own time, provide a good starting point.



Materials:

New building materials should be in harmony with those in the street or block in terms of colour and in terms of texture and finish. Where there is a single dominant material (e.g. red brick in a street of Victorian semis) then a white rendered building on a frontage will not normally be acceptable. There is more scope for variation in rear garden development. Where there is more variety, then materials which match the colour palette of the existing should be used.



Top and above: Street with strong uniformity along the frontage. The new development in a rear garden below creates a new identity which does not compete with the original. Materials are different but simple and appropriate.

Where the character of an area is defined by variety in building age and style, there will be scope for more creativity in the architectural style of the proposed buildings. However this should still respect other elements which define the character of the street such as materials, landscaping, height and massing, and layout.



New frontage development (two distinctive central buildings) in a street with a variety of architectural styles and ages.

What an application / Design and Access Statement needs to show

1. A brief description of the age and architectural style of buildings in the street and block, whether any elements or details make a particular contribution to the character of the area, and how the design has responded to this.

Amenity

Question A1. Is the proposal likely to cause **harm** to the enjoyment of neighbouring properties (either internally or externally), and the locality due to its layout, scale or massing?

Explanation and Requirements

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted.

New homes which overlook or create noise disturbance due to their height and proximity to neighbouring homes and gardens, can affect the residents' enjoyment of their property in a way which is unacceptable. This impact on 'amenity' includes the following issues:

- Reduction of daylight to neighbouring gardens and rooms
- Reduction of sunlight of neighbouring gardens and overshadowing of rooms
- The neighbour's ability to use their garden space due to overlooking and lack of privacy
- An overbearing appearance of neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity to the rear of gardens.

These issues are explored elsewhere in this document, however there are issues relating to the combination of layout and three dimensional form which need to be separately highlighted.

The Council uses the following minimum distances in determining privacy for residents:

- 21 metres between dwellings which face each other where both have windows with clear glazing
- 12 metres between dwellings which face each other where only one has windows with clear glazing

It should be noted that numerical standards are a guide, and careful design, justified in a Design and Access Statement will be required. These distances need interpretation in situations where only one dwelling is facing onto a boundary (e.g. in rear garden developments). In these circumstances new dwellings are generally required to be 10.5 metres from a boundary where first floor windows have clear



Rear garden development on a small plot - close in proximity to rear of existing dwelling, feels cramped and risks overlooking.



Access arrangements to rear garden development leaving back gardens open and exposed - likely to suffer from noise disturbance.

Relevant appeal: 4 Kentmere close

'The area remaining to the rear of the existing building would be small and inadequate for future residents. The amenity space provided for the proposed dwelling would be small and irregular in shape and inadequate for a two bedroom property in this location'

glazing.

Overlooking can be minimised by changes in the orientation of dwellings, or by the use of high level windows.

Plot size

The size and scale of a new dwelling should be appropriate to the site and available space, rather than comparable to the size of nearby dwellings. Development on a site should not feel 'cramped' and have an overbearing appearance due to its layout, scale and massing. Where this is the case, proposals will not be permitted.



Overlooking can be minimised by reducing the height and massing of buildings.

Some plots may simply be too small to accommodate the proposed number and/or size of dwellings whilst ensuring that the bulk of first floor buildings is not too close to the site boundaries. In such circumstances, a reduced scheme may be more appropriate.

There is a social as well as an environmental dimension to the value of back gardens. They have an important role as private leisure and play space, including for food production. In addition, the enjoyment of a group of gardens together can contribute to sense of place. The impacts on well being, health and quality of life of a reduction in size of existing gardens also need to be taken into account.

Question A2. Does the proposal provide for amenity space within the new development in a satisfactory manner?

Explanation and Requirements

Amenity space includes both private gardens and public space within developments. Its location and layout have an impact on the identity and character of the site, and provide opportunities for leisure, play and improved health and well-being.

Applicants should refer to the Supplementary Planning Document 'Amenity space in residential development' (April 2003) which states that 'developers will be required to demonstrate how amenity space identified within development proposals will contribute to the quality of the townscape and add value to the lives of people that use it'. It sets out the following criteria which should be considered in preparing schemes: context, townscape value, accessibility, landscaping, safety and security, ownership and public art.



Roads within rear garden development need to serve as amenity space - the aim should be to make the space feel owned by people as well as vehicles.

What an application / Design and Access Statement needs to show

1. Include a statement on how the design has sought to respect and retain the amenity of neighbouring residents through access arrangements and design.

Access and Parking

Question AP1. Is the proposed driveway likely to be intrusive in the streetscape, significantly changing and causing harm to the character of the frontage or does it complement and respect the character of the street?

Explanation and requirement

New driveways should be appropriate in their context. In a modern higher density suburb, a highly engineered driveway would form part of the character of the area. However, in an area with abundant and mature vegetation, and long shaded driveways, the introduction of open, highly engineered solutions will not normally be acceptable.

‘Streets for All: South West’ (English Heritage 2005) sets out principles for the treatment of historic street surfaces and these should be followed when creating new access drives for development in the historic environment.



Driveway appropriate to the semi-rural context



New driveway appropriate to scale of site

Question AP2. Does the development make provision for its own parking needs? Would car parking on the plot frontage be unusual and intrusive in the street scene? Would it necessitate the removal of mature vegetation that is important for the character of the area, or would it involve changes to characteristic boundary treatments?

Explanation and requirement

Schemes involving development on rear garden land should make provision for their own parking needs. Provision of car parking should form part of the design of the overall scheme and should not be super-imposed later. Car parking should only be provided on the frontage when this is an established part of the street character. Many streets are designed with front car parking spaces, and a similar solution would be appropriate in this context. Where front gardens are largely planted (either as part of large individual properties, or on more densely developed streets) parking on the frontage will not normally be acceptable.



Many properties in this street provide frontage car parking - however on this new plot, the lack of vegetation makes the site feel more exposed.

Question AP3. Would the vehicular access arrangements create undue noise disturbance to neighbouring residents by means of their design and location?

Explanation and requirement

New driveways serving rear garden development should be positioned so as to minimise the noise disturbance to neighbouring dwellings. A distance of less than 3 metres between a new driveway and a new or existing entrance property will not normally be acceptable.



Access arrangements with a negative impact on the amenity of existing dwellings. The driveway cuts across the front of the existing property, intruding on its natural defensible space, with property boundaries unclear.

Relevant appeal: 36 Charlton Close

'The proposed vehicular access to serve the proposed new bungalow would run alongside the 2m high southern boundary fence with the neighbouring property 34 Charlton Close, which has 2 bedroom windows facing the proposed driveway, only about 3m away. Associated vehicular comings and goings would cause unreasonable noise and disturbance of no.34. Parking and turning would be located adjacent to the rear garden of 2 regis close, so that the residential amenities of the occupants of this dwelling would similarly be harmed.'

Question AP4. Is access adequate in terms of safety and convenience of new and existing road users (including all forms of movement).

Explanation and requirement

Access arrangements should provide for good visibility both for vehicles and cycles accessing and egressing the site, and for vehicles and cycles on the primary road. If this cannot be provided then the development will be unacceptable.

What an application / Design and Access Statement needs to show

1. New driveways and car parking spaces should be shown on the layout plan.
2. The applicant should also state whether there will be any changes to the frontage of the site (e.g. removal of vegetation, boundary wall etc)

Play

Question P1. Does the proposal make adequate provision for play needs arising from the development?

Explanation and Requirements

Development on garden land sites, whilst often small, should still provide for opportunities to play. Whilst it may be unrealistic to provide play equipment (depending on the size of the site) shared space should be designed and laid out in order to promote opportunities for play. This should also help implement the NICE (National Institute for Health and Clinical Excellence) guidance on physical activity and the environment.

The council has produced supplementary planning guidance entitled 'Play Space in Residential Development' (April 2003, updated February 2004).

Play England is a good source of information and advice on how to incorporate play provision into the design of new development. <http://www.playengland.org.uk/Page.asp>

Water run-off

Question W1. Does the proposal make provision for water run-off in a way which will avoid any increase in flood risk?

Explanation and Requirements

The Government's Planning Policy Statement (PPS25 – Development and flood risk) seeks to ensure that flood risk is taken into account at all stages in the planning process. The Council's Strategic Flood Risk Assessment seeks to achieve a 20% reduction of **peak discharges/volumes from any existing brownfield site** where an existing positive drainage system has been identified. In our opinion this should be seen as a target, since garden land is less likely to be hard landscaped. As a minimum there should be no increase in peak discharges / volumes.

The Council's policy on development and flooding (UI2) and Sustainable drainage systems (UI3) should be referred to. The Council requires that all new developments should incorporate sustainable drainage systems.

A flood risk assessment (FRA) should be undertaken, including surface water assessment if the site is in flood zone 1 and over 1 hectare. FRA will also be required where sites are next to ordinary watercourses or smaller scale main rivers where flood zone modelling is unavailable.

The Supplementary Planning Guidance "Sustainable drainage systems" Adopted April 2003, provides further information on how sustainable drainage can be achieved.

Appendix 2.

Relevant national and local policy

Planning Policy Statements / Planning Policy Guidance Notes

- PPS1 Delivering sustainable development
- PPS 3 Housing
- PPS 9 Biodiversity and geological conservation
- PPG 13 Transport
- PPG 15 Planning and the historic environment
- PPG 16 Archaeology and planning
- PPS 22 Renewable energy
- PPS 23 Planning and pollution control
- PPG 24 Planning and noise
- PPS 25 Development and flood risk.

Local Plan Policies

Local Plan policies currently used in assessing applications for development on garden land include:

- Policy CP1 Sustainable development
- Policy CP3 Sustainable environment
- Policy CP4, Safe and sustainable living
- Policy CP7 Design
- Policy HS2 Housing density
- Policy BE1 Open space in Conservation Areas
- Policy BE6 Back lanes in Conservation Areas
- Policy GE2 Private green space
- Policy GE3 Development within extensive grounds
- Policy GE5 Protection and replacement of trees
- Policy GE6 Trees and development
- Policy GE7 Accommodation and protection of natural features
- Policy RC7 Amenity space in housing developments
- Policy HS1 Housing development
- Policy CO1 Landscape character
- Policy UI 2 Development and flooding
- Policy UI 3 Sustainable drainage systems

Supplementary Planning Documents / Guidance

- Play space in residential areas (April 2003)
- Amenity space in residential development (April 2003)
- Security and crime prevention (April 2003)
- Flooding and sustainable drainage systems (April 2003)
- Sustainable developments (April 2003)
- Sustainable buildings (April 2003)
- Index of buildings of local interest
- Conservation Area character appraisals and management plans (see para 2.22)

Appendix 3.

Areas of similar character

This appendix provides a broad indication of the influences on character of different parts of the town. It is not an attempt to define character areas, but identifies and categorises different types of areas, and some of the characteristics which might influence the potential for garden land development, and its design. It is not a substitute for a neighbourhood and street characterisation study, but will provide some starting points for such an exercise.

The map identifies the different types of areas, and the key below identifies key characteristics and influences on development.

-  This area indicates the extent of the commercial core of Cheltenham. This includes the medieval core which runs along the High Street and lanes off its north and south side.

-  Regency Cheltenham: This area indicates the main extent of the Regency town. It includes the commercial core and adjacent areas, mainly to the north and south. Large villas with extensive grounds, grand terraces and traditional parks are located here. Although the area feels spacious, it should be noted that Georgian terrace developments are generally considered to be of relatively high density compared to much of the development that takes place today – this is largely due to their height. This includes Pittville in the north, and The Park in the south.

-  This area is made up of artisan terraces constructed largely during the Victorian period at relatively high densities. A series of regular, parallel, well enclosed 2 storey streets, with uniformity in the architecture and often little space for street trees or car parking. Private amenity space is provided in small back yards or gardens. These areas lie immediately outside the Regency core. St Pauls and Fairview provide examples.

-  Transitional areas – These areas include a mix of uses. They are generally areas that were developed to a very low density during the nineteenth century and subsequently infilled, largely in the period post 1945 and often on a small scale or incremental basis. Housing reflects a variety of ages and takes a variety of sizes and styles. Pockets of larger Victorian properties (e.g. semis and detached properties) can also be found in these areas. Their location, largely around the outside of the town centre, means that they also include a range of uses, for example education campuses and some office / commercial buildings. Often the character of streets is strongly influenced by the variety in age and style of the buildings, creating an eclectic feel. Millbrook / Overton and Eldorado provide examples.

-  These comprise mainly larger areas of social housing, most being from the period post 1945. They include a series of streets often following a variation on a grid pattern, but with the addition of crescents and short cul-de-sacs. These areas often have long back gardens and large public open spaces. They sometimes have mature landscaping, but the width of the streets in relation to the height of buildings (generally 2 storeys) often creates an open and

perhaps rather exposed feel. Examples include Springbank, Hester's Way, and, Whaddon. The Poets' Conservation Area is included, however this was constructed immediately post 1918 and with both social and private housing. In this area tree lined streets and green private space are an important element based on the garden city aesthetic.

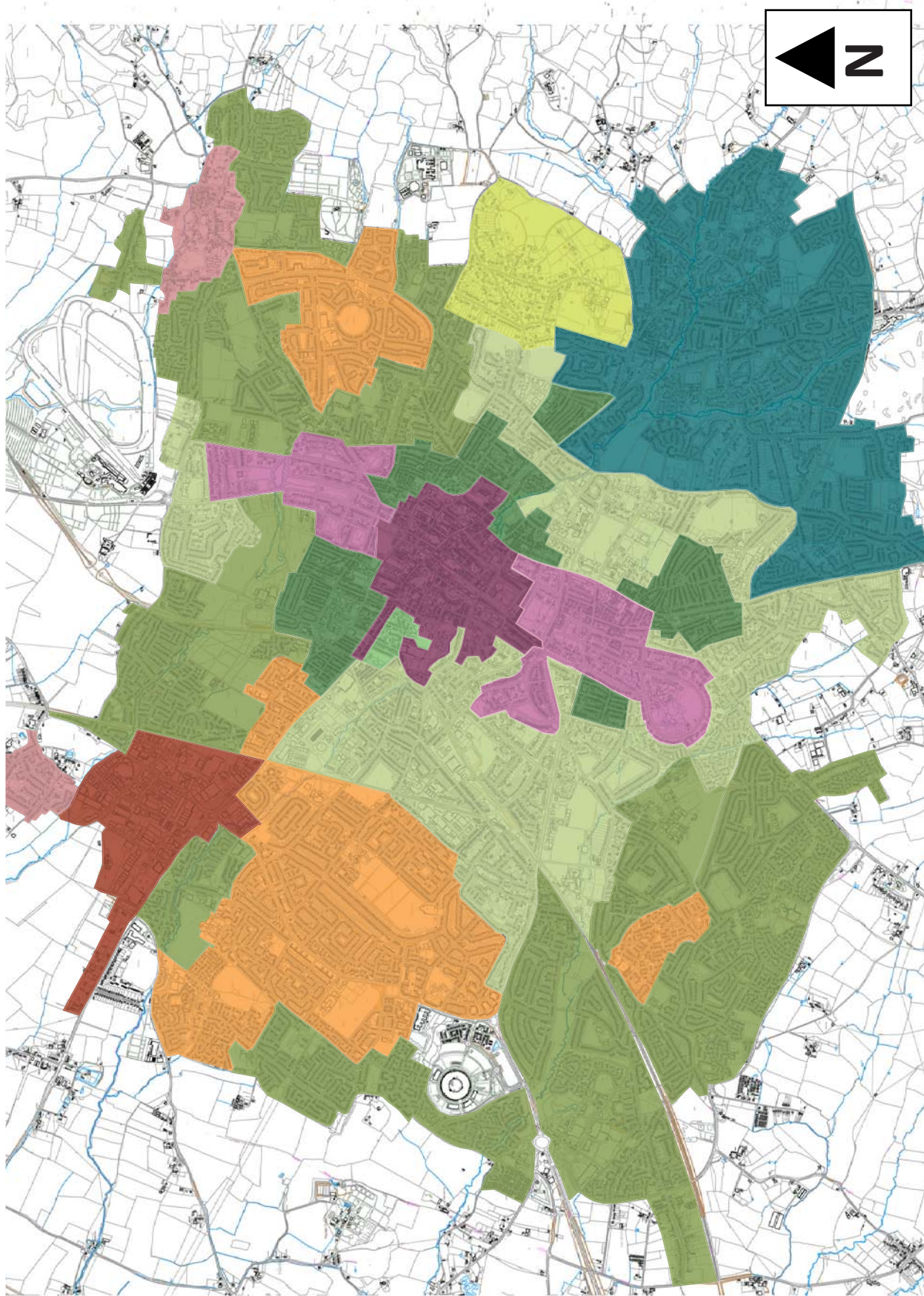
These areas comprise large scale private sector housing estates mainly built post 1945. Most are unplanned, and developed in a more incremental way than the social housing areas, with fewer large open spaces (apart from Benhall), and not generally benefiting from large back gardens. E.g. Benhall, Hatherley, Noverton

Charlton kings / Ryeworth – The historic core of Charlton Kings around St Mary's church was developed in the 16th Century. Much of the surrounding area was developed to a low density during the C19. It includes a variety of housing styles and ages and some housing estates. However these estates are much smaller than those on the western side of the town, and tend to be areas of infill between earlier development. This area is similar to the transitional areas identified above in that it has a long tradition of infilling. There are a number of streets with large back gardens and some individual properties set in large gardens.

Battledown – This area comprises large individual properties set into their own grounds climbing up the escarpment to the east away from the town. There is much mature landscaping. The area benefits from a covenant which means that garden land is not subject to sub-division and intensification here.

Prestbury and Swindon villages. These are historic villages which have become part of Cheltenham due to its expanding suburbs. Their historic cores benefit from Conservation Area status. Both are still set slightly apart from the main town, but with nearby residential estates.

Employment area



Appendix 4.

Principles of Urban Design

The following principles form part of policy CP7 of the Cheltenham Local Plan, and are represented there as table 3.

Character

- create or reinforce a sense of place with its own identity
- reflect existing topography, landscape and ecology
- utilise a hierarchy of building form and design to reflect the use and importance of buildings
- create focal points and places
- create areas of hard and soft landscaping

Continuity and enclosure

- use buildings and trees to define space
- distinguish clearly between public and private spaces, providing continuous building frontages between them where possible

Quality of the public realm

- create attractive spaces which provide a variety of interest and experience
- produce comfortable local microclimates
- provide overlooking of streets and spaces, especially main elevations
- design lighting and landscaping to reduce opportunities for crime
- enrich space with well-designed details (e.g. paving, public art, lighting, signs, seats, railings and other street furniture)
- avoid visual clutter and confusion, especially from signs and advertisements
- design areas for ease of maintenance, particularly in regard to litter collection, mechanical sweeping and the maintenance of planted areas

Ease of movement

- promote accessibility to and within an area, particularly on foot, bicycle, and for people with limited mobility
- increase permeability by avoiding culs-de-sac and connecting adjacent streets

Legibility

- develop a clear, easily understood image of an area
- retain and create views of existing and new landmarks, skylines and other focal points
- provide recognisable and memorable features, especially at key locations

Durability

- create spaces that can adapt easily to changes in need and use
- provide environments which are suitable for their use
- use quality materials

Diversity

- where appropriate within buildings, streets or areas, consider a mix of building forms, uses and tenures



Cheltenham Borough Council
Built Environment
Municipal offices
The Promenade
Cheltenham
GL50 1PP

Tel: 01242 262626



Baker Associates
The Crescent Centre
Temple Back
Bristol
BS1 6EZ

