



CHELTENHAM

BOROUGH COUNCIL

DD number: 01242 264118
Our ref: 20/00325/DCALLB
Ask for: Daniel Lewis
E-mail: daniel.lewis@cheltenham.gov.uk

Date: 4 March 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

Re: Unauthorised development at 7 Upper Park Street Cheltenham Gloucestershire GL52 6SB

Enclosed is an enforcement notice issued by Cheltenham Borough Council (the Local Planning Authority) on you in connection with the above. Copies of the Notice are also being served on others understood to have an interest in the land.

The Notice will take effect on 5 April 2021 unless an appeal is made against it to the planning inspectorate before that date. Once the notice has taken effect, you must ensure that the steps required for compliance, specified in paragraph 5 of the notice are taken within the timeframe given for compliance. Failure to comply with the requirements of an enforcement notice once it has taken effect can result in prosecution and / or remedial action being taken by the Council.

If you wish to appeal against the notice(s), you are advised to visit the guidance pages at <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. If you have any queries or questions, you can contact the Customer Service Team via the details contained with the annex at the end of this notice.

Should you submit an appeal, a copy of the appeal documentation should be sent to the council. Any appeal against the notice must be received or posted in time to be received by the planning inspectorate at the address shown on the appeal form, before the date on which the notices take effect.

Yours sincerely

D. Lewis

Daniel Lewis
Senior Enforcement and Compliance Officer

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**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

Issued by: Cheltenham Borough Council ('the Local Planning Authority')

To:

1. THIS NOTICE is issued by the Local Planning Authority (LPA) because it appears that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act at the land described below. The Local Planning Authority considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex to this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES:

Land at 7 Upper Park Street Cheltenham Gloucestershire GL52 6SB
(As show edged red on the attached plan for identification purposes)

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:

- Without planning permission the erection of a first floor extension over existing single storey rear extension.

4. REASONS FOR ISSUING THE NOTICE:

- It appears to the Local Planning Authority that no planning consent has been granted for the retention of the extension as constructed in that the retrospective planning application submitted on 19 October 2020 under Local Planning Authority reference 20/01812/FUL, in respect of "First floor extension above existing single storey rear extension" has been refused for the following reasons:
 - The proposed first floor rear extension by virtue of its height, depth and overall bulk is considered to constitute an unacceptable form of development in terms of its impact on neighbouring amenity. The cumulative bulk and height of the addition will constitute an overbearing form of development when viewed from the first floor window and ground floor window at 8 Upper Park Street, and will result in the loss of light to the ground floor room to a degree which is unacceptable. Furthermore the depth of the extension together with the overall height of the first floor element would constitute an overbearing form of development when viewed from 3 Strickland Road, and whilst the first floor window will have obscure glazing the oppressive nature of the development would be harmful to the enjoyment of the neighbouring property. The proposal is therefore considered to be contrary to policy SL1 of the Cheltenham Plan, policy SD14 of the Joint Core Strategy, advice contained within Section 12 the National Planning Policy Framework and advice given in adopted

Supplementary Planning Document: Residential Alterations and Extensions.

5. WHAT YOU ARE REQUIRED TO DO

- Take down the first floor rear extension over existing single storey rear extension and make good the remaining single storey extension; and
- Remove all resulting waste from the application site.

6. TIME FOR COMPLIANCE

- 5 months from the date of the Notice.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 5 April 2021

Signed: 

Date: 4 March 2021

Mr Mike Redman
Director – Environment

*on behalf of: Cheltenham Borough Council, Enforcement, Environment, Municipal Offices,
Promenade, Cheltenham, Gloucestershire GL50 9SA*

ANNEX



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.