

CHELTENHAM BOROUGH COUNCIL PLANNING COMMITTEE

24th June 2010



CHELTENHAM
BOROUGH COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR BUILT ENVIRONMENT
ON PLANNING APPLICATIONS**

SIGNIFICANT APPLICATIONS

APPLICATION NO 10/00252/FUL DC_MJC

DATE REGISTERED 19th February 2010

PROPOSAL Proposed mixed use development comprising 7,608 sq m of class B1 office space and 6,919 sq m of class A1 food store, petrol filling station, ancillary uses and associated works

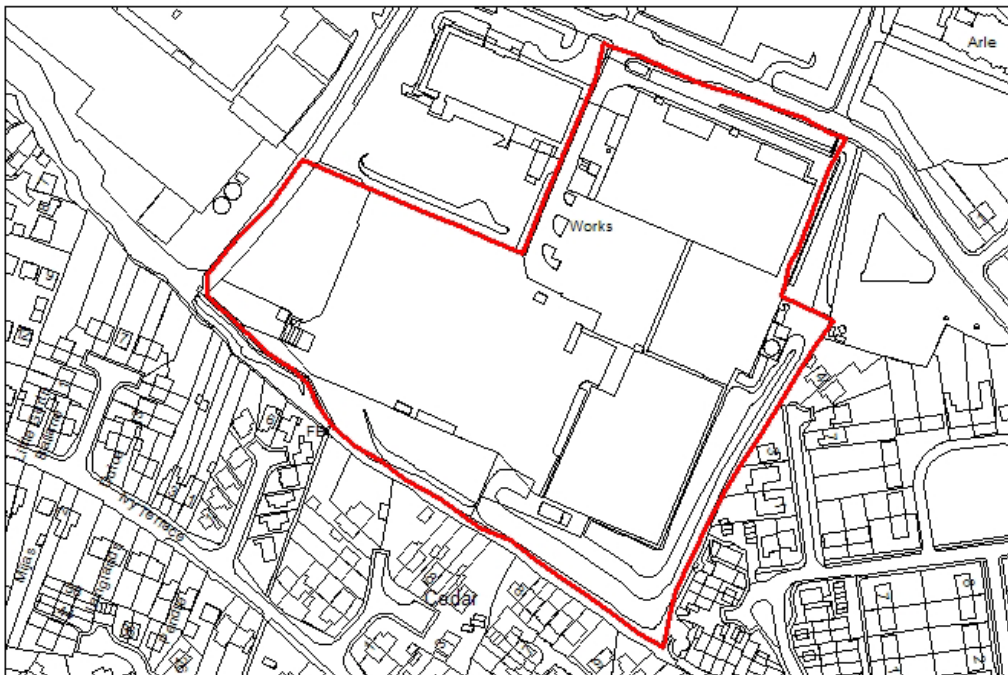
LOCATION APPLICANT Former Woodward International Hatherley Lane Cheltenham
Cheltenham Office Park Ltd

AGENT CgMs Ltd
EXPIRY 21st May 2010

RECOMMENDATION Recommendation at Committee

REPRESENTATIONS

No. of Letters Sent Out 351
No. of Letters Received 77



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The 50-page report and two updates were circulated last month, prior to this application being deferred. Members were requested to keep these papers, to avoid unnecessary printing this month. It is available electronically (20th May Planning Committee) and two spare copies have been put in the Members Room in case they're required. A further update on this application will be circulated in the next few days.

SIGNIFICANT APPLICATIONS

APPLICATION NO 10/00540/REM DC_IRC

DATE REGISTERED 7th April 2010

PROPOSAL **Erection of 10no. dwellings and private driveway following the demolition of the existing dwelling (84 Little Herberts Road)**

LOCATION 84 Little Herberts Road, Charlton Kings, Cheltenham

APPLICANT **Marcus Homes Ltd**

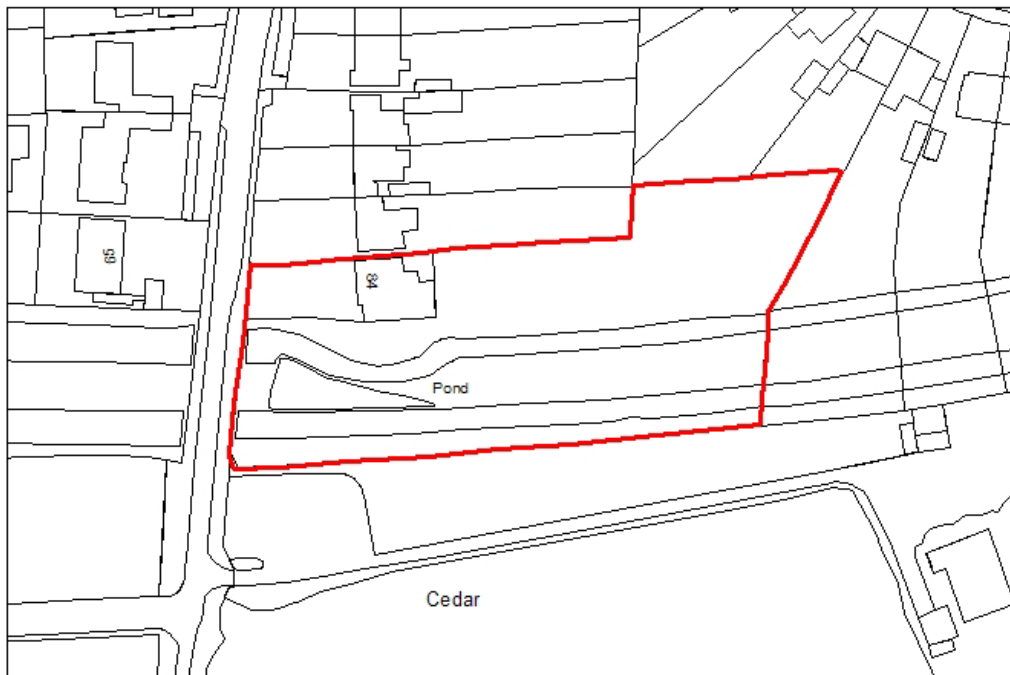
AGENT **Trower Davies Ltd**

EXPIRY 7th July 2010

RECOMMENDATION **Approval of reserved matters**

REPRESENTATIONS

No. of Letters Sent Out 63
No. of Letters Received 29



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REPORT

The report will be circulated separately.

RECOMMENDATION

Approval of reserved matters

LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE

APPLICATION NO **10/00469/FUL & 10/00470/LBC** DC_MP

DATE REGISTERED 27th March 2010

PROPOSAL **10/00469/FUL: First floor side extension**
10/00470/LBC: First floor side extension and associated alterations

LOCATION 17 Park Place, Cheltenham
APPLICANT **Mr S Davis**

AGENT **DJ Planning**
EXPIRY 22nd May 2010

RECOMMENDATION **Refuse**

REPRESENTATIONS

No. of Letters Sent Out 1
No. of Letters Received 0



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REPORT

1. The proposal

1.1 This is a joint application for both planning permission and listed building consent for the erection of a first floor side extension over an existing single storey addition together with associated internal alterations at 17 Park Place.

**LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING
APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE**

1.2 17 Park Place is one of a pair of grade II listed, semi-detached villas, c1820-32, on the west side of Park Place. The property is two storeys on basement, stucco over brick with a hipped slate roof; the existing single storey side addition is late 19th century.

1.3 The application site is located within The Park Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The application site is in an extremely prominent location within a very sensitive part of the conservation area.

1.4 The applications are before planning committee at the request of Cllr Garnham on behalf of the applicant; and this report relates to both the planning application and the application for listed building consent.

2. History

2.1 04/00657/FUL - Enlargement of opening to front boundary and repositioning of fence and gate - Permit - 28.05.2004

2.2 04/00658/LBC - Enlargement of opening to front boundary. Internal alterations, rooflights, replacement of door with window to rear basement - Grant - 28.05.2004

2.3 06/01255/FUL - Extension to ground floor conservatory - Permit - 04.10.2006

2.4 06/01256/LBC - Extension to ground floor conservatory - Grant - 04.10.2006

2.5 08/00542/FUL - New entrance gates - Refuse -21.05.2008

2.6 08/00543/LBC - New entrance gates and block paving to drive - Refuse – 21.05.2008

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Residential alterations and extensions (2008)

The Park character area appraisal & management plan (2008)

Planning Policy Guidance/Statements

PPS 1: Delivering sustainable development

PPS 5: Planning for the historic environment

4. Consultation responses

4.1 Heritage and Conservation - *Because this house is a semi-detached property, the front elevation of this house forms an integral part of the design of the front elevation of the adjacent house (ie no.19 Park Place) too.*

**LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING
APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE**

Being considered together the existing two properties do not have typical Cheltenham Villa façades, and this is partially due to the existing historic late 19th century single storey extension to no.17.

However the existing design of this single storey extension is subservient to the main front elevation of the two properties, and whilst it is un-usual it does not unbalance the front elevation.

The proposed extension will give prominence to that later 19th century extension, and in turn un-balance the front elevation of both properties. The proposed roof form which is a pitched roof creates an unacceptable relationship with the main roof.

The existing front door was always intended to be at the side, and because of the height of the existing single storey extension, it still currently reads as a side front door. However the proposed first floor extension will make the front door appear not as a side door but an unsymmetrical centre door. This visual change to the front door is not acceptable.

Finally it is not known (and the applicant has been unable to confirm) if the existing roof and ceiling structure to the existing late 19th century extension is historic; or was it replaced in the 20th century. Therefore without any evidence to the contrary it must be assumed that this roof/ceiling structure is historic and the removal of it will result in loss of historic fabric.

CONCLUSION: Refuse

5. Publicity and representations

5.1 An advertisement was placed in the Gloucestershire Echo on 06 April 2010 and a site notice was posted; the 21 day period ended on 27 April 2010. In addition, 19 letters of notification were sent out to local residents.

5.2 No representations have been received in response to the publicity.

6. Officer comments

6.1 The main issues when considering this application are design and impact on the listed building, and neighbouring amenity.

6.1.1 Local Plan Policy CP7 requires all development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.1.2 Local Plan Policy BE9 advises that the external alteration of a listed building which would adversely affect its character will not be permitted, except where works are necessary for the adaptation of the building to modern requirements; or essential for the prevention of dilapidation.

6.1.3 Whilst the existing late 19th century single storey extension is unusual it is subservient to the main building and does not unbalance the front elevation of these semi-detached properties. The addition of a first floor however would give unacceptable prominence to the existing extension and create an unbalanced front elevation. In addition, the proposed

**LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING
APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE**

hipped roof would result in an awkward relationship with the main roof which is neither acceptable nor desirable.

6.1.4 Furthermore, in the Conservation Officer's opinion the existing front door would have always been intended to be at the side of the building and the single storey height of the existing extension still allowed it to read as a front door positioned to the side. The proposed first floor addition would make the front door appear as a central door, albeit positioned asymmetrically, and this visual change would cause harm to the character and appearance of this listed building and would not be acceptable.

6.1.5 Local Plan Policy CP4 advises that development will only be permitted where it would not cause unacceptable harm to the existing amenity of adjoining land users and the locality. The proposed extension would not have a detrimental impact on neighbouring properties in terms of loss of daylight, privacy or outlook. The adjacent building has a blank elevation facing the application site and would not be affected by the proposal.

7. Conclusion and recommendation

7.1 With the above in mind, the recommendation is to **refuse** both the application for planning permission and that for listed building consent for reasons relating to the adverse impact that the proposal would have on the character and appearance of the listed building and the affect on historic fabric.

RECOMMENDATION

Refuse

- 1 17 Park Place is a grade II listed building of architectural and historic importance situated within Cheltenham's Central conservation area. The proposed alterations and extension, by virtue of the loss of historic fabric, and the height and overall design of the extension, would harm the character and appearance of the listed building. In addition the overall design of the extension will harm the setting of the adjacent listed building no 19 Park Place and harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policies set out at PPS5 and local plan policies CP7 and BE9.

**LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING
APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE**

APPLICATION NO 10/00519/FUL & 10/00520/LBC DC_WH

DATE REGISTERED 30th April 2010

PROPOSAL 10/00519/FUL: Two storey extension with single storey glazed link
10/00520/LBC: Two storey extension with single storey glazed link and internal alterations

LOCATION The Coach House, Little Eslington, Thirlestaine Road

APPLICANT Mr & Mrs Knowles

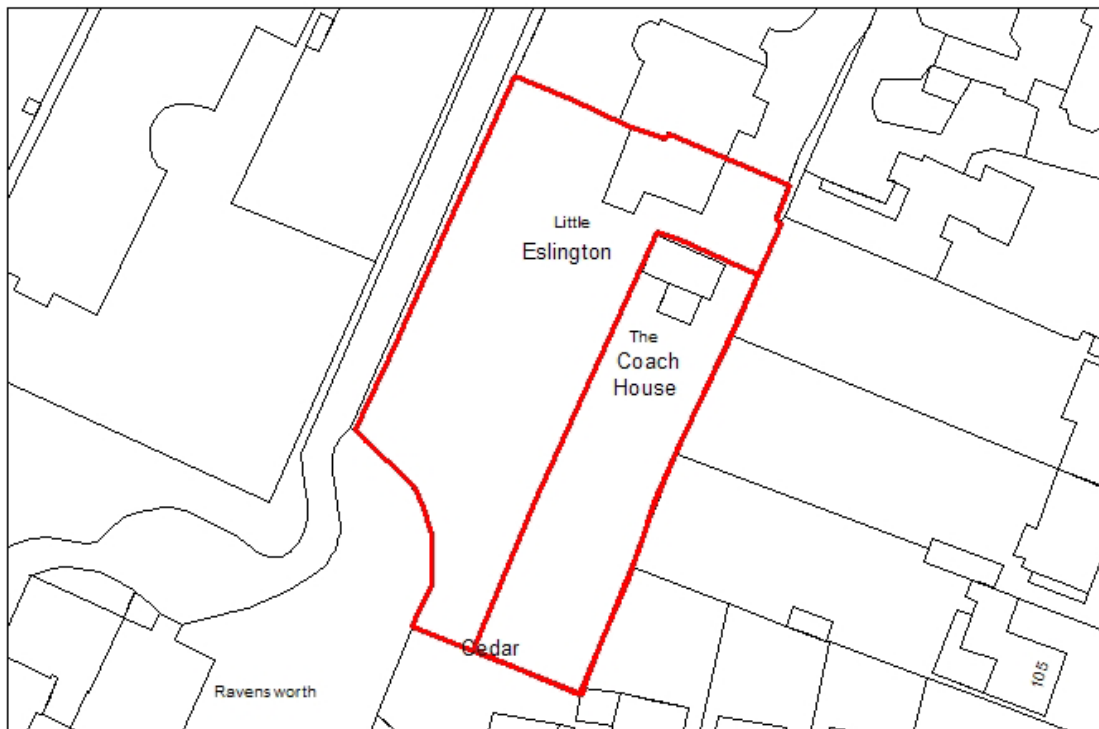
AGENT Stanley Partnership

EXPIRY 25th June 2010

RECOMMENDATION Refuse

REPRESENTATIONS

No. of Letters Sent Out 19
No. of Letters Received 4



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REPORT

The report will be circulated separately.

RECOMMENDATION

Refuse

LISTED BUILDING & CONSERVATION AREA CONSENT APPLICATIONS WITH ASSOCIATED PLANNING APPLICATION/ADVERTISEMENT APPLICATION WHERE APPROPRIATE

APPLICATION NO 10/00620/FUL & 10/00621/CAC DC_MJC

DATE REGISTERED 13th May 2010

PROPOSAL **10/00620/FUL: Erection of replacement dwelling following demolition of existing dwelling**
10/00621/CAC: Demolition of existing dwelling

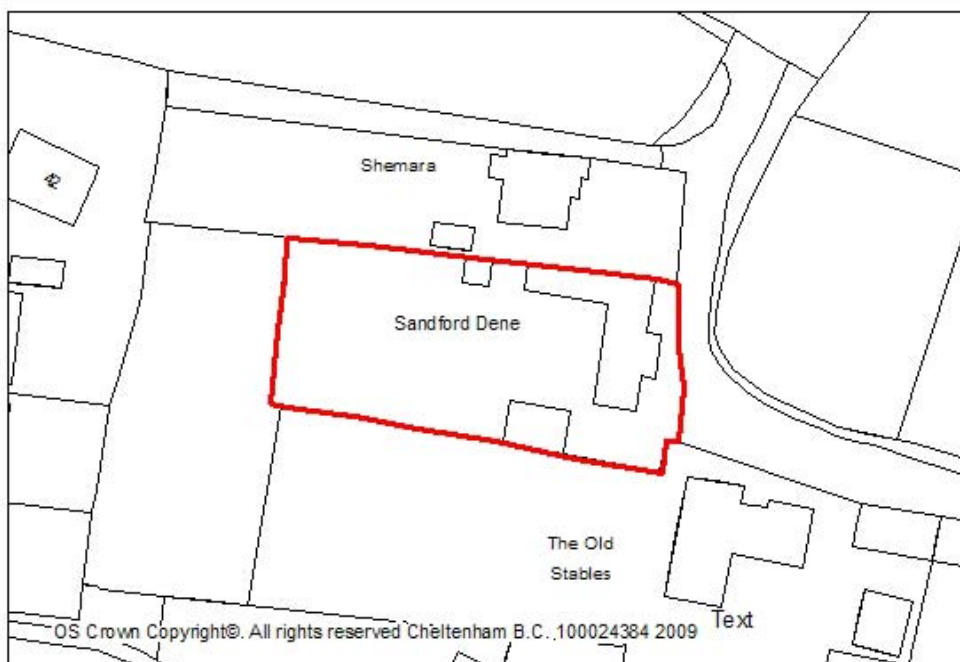
LOCATION APPLICANT Sandford Dene, Lake Street, Prestbury
Lightmoor Homes Ltd

AGENT EXPIRY **SF Planning**
8th July 2010

RECOMMENDATION **Recommendation at Committee**

REPRESENTATIONS

No. of Letters Sent Out 25
No. of Letters Received 1



REPORT

The report will be circulated separately.

RECOMMENDATION

Recommendation at Committee

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00058/FUL DC_MJC

DATE REGISTERED 30th March 2010

PROPOSAL Erection of a 2 storey semi-detached dwelling to the side and erection of new porch to front elevation of the existing property

LOCATION 11 Moorend Road, Cheltenham

APPLICANT Mr S West

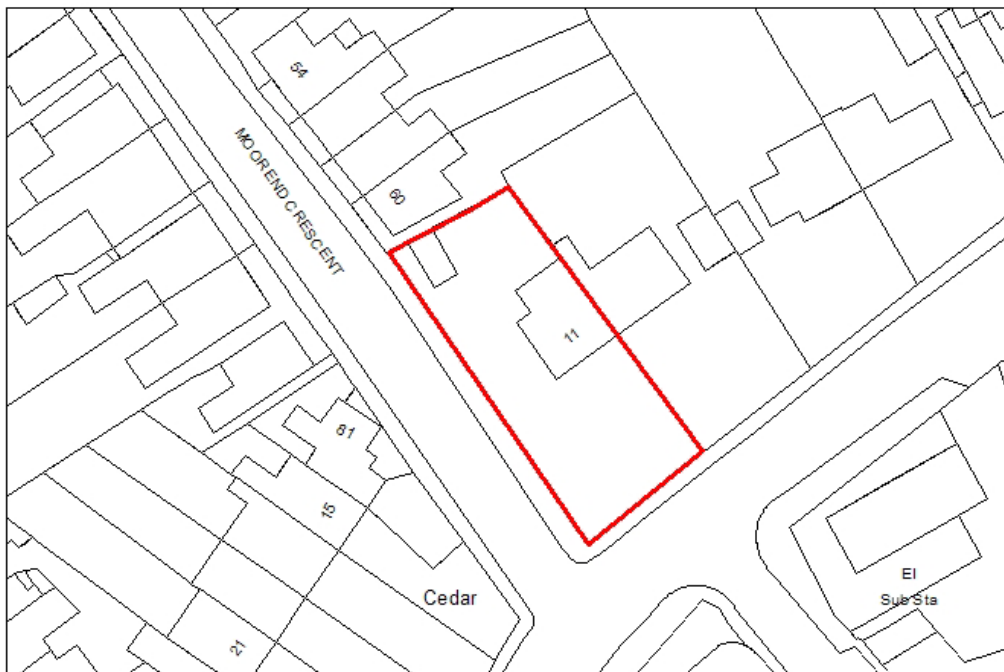
AGENT VjM Design House Ltd

EXPIRY 25th May 2010

RECOMMENDATION Refuse

REPRESENTATIONS

No. of Letters Sent Out 30
No. of Letters Received 6



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REPORT

The report will be circulated separately.

RECOMMENDATION

Refuse

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00316/FUL DC_MJC
DATE REGISTERED 9th March 2010
PROPOSAL Erection of a detached dwelling
LOCATION 145 Gloucester Road, Cheltenham
APPLICANT Mr M Croker
AGENT SF Planning
EXPIRY 4th May 2010
RECOMMENDATION Recommendation at Committee

REPRESENTATIONS

No. of Letters Sent Out 28
No. of Letters Received 5



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REPORT

1. The proposal

1.1 This application is for the erection of a detached dwelling on land to the rear of 145 – 153 Gloucester Road. The site area measures 0.062 hectares, providing a density of 16 dwellings to the hectare.

PLANNING AND ADVERTISEMENT APPLICATIONS

1.2 The dwelling is a chalet style bungalow, with first floor accommodation located within the roof. Whilst traditional in form, there are elements of contemporary design including powder coated aluminium windows and doors, a mix of facing brick and render and painted timber boarding.

1.3 The site is accessed via an existing lane which already provides vehicular access to two recently built dwellings and a Scout Hut. The proposed layout demonstrates this lane running to the rear of 143 and 145 Gloucester Road, before opening up into the application site. The site is currently used as a storage yard although it is before committee as it was previously in use as garden land. Members will visit the site on planning view.

2. History

Reference number	Description	Decision and date
07/01239/FUL	Erection of two bungalows	Application disposed (never determined)
06/00263/OUT	Outline application for residential development	Refuse – 7/8/06

2.1 There is also important planning history on nearby properties which will be duly considered further into this report.

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development
 CP 4 Safe and sustainable living
 CP 7 Design
 GE 5 Protection and replacement of trees
 GE 6 Trees and development
 HS 1 Housing development
 HS 2 Housing Density
 RC 6 Play space in residential development
 UI 3 Sustainable Drainage Systems
 TP 1 Development and highway safety
 TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on Garden Land and Infill Development in Cheltenham (2009)

Planning Policy Guidance/Statements

PPS 1: Delivering Sustainable Development
 PPS 3: Housing
 PPG 13: Transport

PLANNING AND ADVERTISEMENT APPLICATIONS

4. Consultation responses

4.1 County Council Highways Authority

The application site is accessed via a narrow poorly surfaced private road. Conditions on previous permissions along this road stated that the road should be constructed in accordance with our Highway Requirements for Development document. Although the site is too constrained to provide a suitable estate road to the site, there are improvements that can be made to the road. The conditions on the previous permissions stated that details had to be submitted of improvements to the estate road, therefore a similar condition requiring details to be submitted for this development would be the problem. The same details could be submitted to discharge all three conditions, this would then result in improvements to the road.

The existing dwelling, 147 Gloucester Road, has a legal right to use the access road and the area to the rear of the property. This application would result in the extinguishment of these rights for the existing dwelling with them being transferred to the proposed dwelling. Therefore, the effect in traffic generation terms will be neutral. I recommend that no highway objection be raised to this application, subject to a legal agreement to ensure that the vehicular rights from the existing dwelling are transferred to the proposed dwelling and the following conditions being attached to any permission granted:

No works shall commence on site until details of improvements to the existing private road have been submitted to and agreed in writing by the local planning authority, these works shall then be completed in accordance with those agreed details prior to the occupation of the proposed dwelling, and similarly maintained thereafter.

Reason: To ensure the existing road to the site is improved, in the interests of highway safety.

Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

Reason: To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety.

Note

The above recommendation is made on the basis of 145 Gloucester having legal rights to use the private road, and that this application will see these rights transferred to the proposed dwelling. If this is not the case, please re-consult.

4.2 Architects Panel

1. Project Description and Reference.

10100316/FUL - Erection of a detached dwelling

2. Observations on Presentation.

Adequate representation of the proposed dwelling but no context (apart from the block plan). As such we would question how the LA can assess the impact of the proposal on the adjoining properties or their amenity space

PLANNING AND ADVERTISEMENT APPLICATIONS

3. Principle of Development.

We have no objection to this type of site being developed particularly if the proposed level of development is appropriate as it is in this case. However we do have concerns that this site may not be able to conform to the building regulations with regards access for fire and other emergency vehicles. As such it is questionable if this is a site for a residential dwelling.

4. Quality of Design.

Fairly modest house with some interesting elements

5. Summary.

A very short Design and Access Statement

6. Recommendation.

We would not object to this application but would request the Local Building Regulations Authorities look at the access issues.

4.3 Contaminated Land Officer

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

4.4 Tree Officer

The proposed development is too close to a multi stemmed oak situated in the garden of 155 Glos Rd. The development is proposed to be well within the anticipated root protection area of this tree. As such damage to the trees roots would be inevitable. This tree is approx 3.5 metres south west of the proposal and as such it will cast shade over any approved dwelling. Similarly, there is a tall cypress hedge several metres beyond (further south east) of this site and as such, even during the winter months, the dwelling would be in shade for much of the time.

I therefore suggest that the dwelling is moved away from the south east boundary. If a tree constraints plan and projected sunlight analysis was undertaken (as recommended in BS 5837 (2005)) of trees both on and also adjacent to the site, this would have been apparent.

There is a large fine eucalyptus tree within the garden of 153 Glos Rd. Tree protection should be erected within this site so as to ensure that no excavations, mixing or storage of materials, fires are undertaken within this tree's root protection zone. Suitable distances of protective fencing from trees could be calculated following the tree survey and after any constraints plan is drawn.

PLANNING AND ADVERTISEMENT APPLICATIONS

5. Publicity and representations

5.1 Letters were sent to 28 neighbouring properties, advising that the application had been received. In response to this publication, 5 letters have objection have been received. The objections are;

- Highway safety concerns – Nothing has changed since refusal of planning permission in 2006;
- Use of the lane will be more intensive;
- Loss of privacy to neighbouring residential properties;
- Incompatible with neighbouring industrial units;
- Impact on existing trees;
- Out of character with the locality

5.2 These matters are material planning considerations and will therefore be taken into account in the following section.

6. Officer Comments

a. Determining Issues

6.1.1 The key issues with this application are;

- The principle of development in this location;
- The design and layout of the proposed development;
- Impact on highway safety;
- Impact on neighbouring amenity;
- Impact on adjacent trees

6.1.2 These matters will therefore be considered in this section of the report.

b. The site and its context

6.2.1 The application site is located to the rear of 145 – 153 Gloucester Road and members will note on planning view that the site has already been separated and no longer reads as garden space to the existing dwellings.

6.2.2 To the north west of the application site is an existing industrial premises and to the south is residential development. Two new dwellings have recently been granted in close proximity to the application site, one to the rear of 139a Gloucester Road, and one to the rear of 143 Gloucester Road.

6.3 Principle of development

6.3.1 Whilst not currently in use as garden land, the application site has previously constituted garden land. Members will be aware of the recent amendment to PPS3 which removes garden land from the definition of previously developed land, and therefore there is no automatic presumption that this site is suitable for residential development.

6.3.2 Notwithstanding this amendment to PPS3, the proposal still has to be assessed against the provisions of Local Plan policy HS1 and the advice contained within the SPD relating to Garden Land and Infill development. Policy HS1 advises that housing development will be

PLANNING AND ADVERTISEMENT APPLICATIONS

permitted on land allocated for housing development and previously-developed land. Importantly, however, the policy does not suggest that planning permission will **only** be granted on such sites. It is the view of your officers therefore that despite the amendments to PPS3, development has to be assessed against local plan policy on a site by site basis. The report will therefore seek to assess the application in this manner.

6.3.2 An important subject identified within the Garden Land and Infill development SPD, is the character of the locality. Members will note on site that there are a number of large buildings in close proximity to the proposed new dwelling and therefore, officers consider that an additional building in this locality would not be harmful to the character of the area. Whilst the Gloucester Road frontage represents a consistent and strong building line, once beyond this strong frontage, a number of individual buildings dilute this rhythm and character. The new dwellings to the rear of 139a and 143 Gloucester Road are prominent structures and the Scout Hut is also a large building within this space. Furthermore, the factory to the north of the application site, with its series of outbuildings identified on the submitted block plan, makes it quite apparent that there is no strong case for resisting a further building in this backland location subject to it being an appropriate size and of an acceptable nature.

6.3.3 Officers consider that the application site makes little contribution to the character of the locality and that a new building within this space would sit comfortably with other large buildings which are situated beyond the strong Gloucester Road frontage, many of which can be seen within the public realm. It is therefore considered that the principle of development is acceptable; any development does, however, have to comply with the aims and objectives of other important local plan policies.

6.4 Design and layout

6.4.1 Local Plan Policy CP7 requires development to be of a high standard of architectural design. Officers consider that the location and size of the building proposed is appropriate for the site. The proposed layout allows for sufficient space for car parking and turning, but also amenity space for the residents of the new dwelling. It would certainly not appear to be a cramped form of development as the proposed density of 16 dwellings to the hectare would demonstrate.

6.4.2 The design of the proposed building is somewhat traditional in form but has design features that will provide the structure with a contemporary appearance. The choice of powder coated aluminium with a mix of brick and render will provide interest, and this is supported by the Architects Panel, who state that the building is a '*Fairly modest house with some interesting elements*'.

6.4.3 Members will note, however, that the Architects Panel have raised concern regarding the access for fire and other emergency vehicles, and have urged the authority to consult with Building Control to assess this issue. Following discussions with the Building Control team, it is apparent that the proposal does not comply with the requirements of the Building regulations. It is anticipated, however, that this could be overcome with the installation of a sprinkler system.

6.4.4 Members will also note the concerns raised by the Tree Officer which have been passed to the applicant. Whilst the comments are inaccurate relating to the Oak Tree (it is in fact within the garden of 157 Gloucester Road and not 155 and therefore over 10 metres from the site) the applicant is considering them and officers expect a response before the committee meeting. Members will be updated accordingly.

6.4.4 Notwithstanding the concerns raised by the Architects Panel and Tree Officer, it is considered the design and layout is of a good quality. Revised elevations are anticipated at

PLANNING AND ADVERTISEMENT APPLICATIONS

the request of officers to reduce the width of the proposed dormer windows, and subject to these, no objection is raised to the design of the building. Confirmation over the tree issue is awaited and until this matter is resolved, the layout cannot be recommended for approval.

6.5 Impact on neighbouring property

6.5.1 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. Members will note that some residents have objected to the proposal based on loss of privacy. Of particular concern, is the window serving the second bedroom which is located within the south east facing gable, in close proximity to the boundary with 151 Gloucester Road.

6.5.2 It is considered that this window is located too close to this boundary and would cause an unacceptable loss of privacy. The window is, however, considered to add interest to this gable elevation and therefore officers consider that a suitable compromise, given that the room benefits from a larger dormer window for outlook and natural light, would be for this window to be glazed with obscure glass and fitted with a restricted opening mechanism. Should planning permission be granted, a condition requiring this would be necessary.

6.5.3 Other than this window, the proposed dwelling will not compromise the amenity of neighbouring residential properties. The gardens serving the properties within Gloucester Road are long and therefore the building will not be overbearing on these spaces, and will certainly not give rise to an unacceptable loss of light.

6.5.4 Whilst the proposal will not cause harm to the amenity of adjacent residential properties (subject to the necessary condition outlined above), members will be aware that concern has been raised from an industrial firm to the north west of the site relating to their potential impact on incoming residents.

6.5.5 The firm, Advanced Coated Products Ltd, has suggested that they operate 24 hours a day and is concerned that their associated operations will give rise to complaint should planning permission be granted. In response to this query, officers requested that a noise survey was undertaken to establish the levels of noise generated by the site at night.

6.5.6 This survey has now taken place and no noise was recorded. The applicant has subsequently queried this with the company directly who have confirmed that whilst they have the ability to operate 24 hours a day, this currently only happens very occasionally. Furthermore, when it does happen, the noise generated would only be that associated with fork lift trucks, and not lorries or other vehicles.

6.5.7 Given that the current use is so sporadic, it is very difficult for the applicant to provide an accurate reflection of the likely noise levels. What is encouraging, however, is that the applicant has entered into a dialogue with the company in attempt to address the issues. Following these discussions, it is evident that the company have no objection to the dwelling being building but this is on the assumption that it would not fetter the future use of their site. The applicant has therefore suggested that the secondary bedroom located on the gable end facing the adjacent factory site be removed and also acoustic fencing being erected along the mutual boundary of the factory and application site. Officers consider that this is an appropriate compromise given the infrequent basis of night time activity on the adjacent site. Revised drawings are anticipated to omit the bedroom window, and the acoustic fencing can be secured by way of condition.

6.5.8 Subject to the receipt of satisfactory revised plans, no objection is raised to this application on the grounds of impact on neighbouring amenity.

PLANNING AND ADVERTISEMENT APPLICATIONS

6.6 Access and highway issues

6.6.1 The issue of access to the site is one that neighbouring residents have raised in their objections. It is stated that nothing has changed between now and the previous application for outline planning application for residential development (06/00263/OUT). This application was refused in August 2006 for the following reason;

The proposal for residential development in this backland location is considered to be unacceptable by virtue of the unsatisfactory access that serves the application site. Access is from a substandard lane in terms of width, construction and visibility and therefore redevelopment of the site would compromise highway safety at this point on Gloucester Road. Improvements to the visibility would require the removal of street trees and the application of traffic regulation orders, both of which are matters that are outside of the applicant's control and unlikely to be implemented. The lane is considered to be unsuitable to serve further development without major works towards its improvement and is therefore contrary to the aims and objectives of Planning Policy Statement 1: Delivering sustainable development; Planning Policy Guidance Note 13: Transport; and policies CP1, CP4, CP5, and TP127 of the Cheltenham Borough Local Plan (Adopted 2006).

6.6.2 The outline application referred to above was submitted at a similar time to a proposed development to the rear of 143 Gloucester Road (06/00122/FUL). This application was withdrawn because, based on the same reasons as set out above, the County Council were not satisfied with the proposed access. To overcome this issue however, a subsequent planning application (06/00866/FUL) for a dwelling to the rear of 143 was submitted with a legal agreement, transferring the rights of access along the lane from the occupant of 143, to the incoming resident. In light of this agreement, which ensured that the use of the lane would not be intensified, planning permission was granted and members will see this dwelling on site.

6.6.3 The applicant is proposing the same approach with this current application. A legal agreement, in line with that accepted at 143 Gloucester Road, has been provided to transfer the access rights from 147 Gloucester Road, to the incoming residents and this is currently being reviewed by the Council's solicitors.

6.6.4 The agreement is based on that previously accepted and therefore officers see no reason why the document will not be acceptable in this instance. Members will note that in light of this agreement, the County Council have raised no objection to the proposal and officers consider this to be a reasonable and consistent approach.

6.6.5 Residents have suggested that no circumstances have changed since the refusal of outline permission in 2006, and that that decision was made after the approval of the two dwellings that have now been built. They therefore argue that to approve this application would be inconsistent, but importantly, this analysis is not correct. The approved dwelling to the rear of 139a Gloucester Road was approved in October 2005 but the dwelling to the rear of 143 was not approved until December 2006, four months after the refusal on the current application site.

6.6.6 This report has outlined the reasons why the subsequent application to the rear of 143 was supported, and the application that is now before members utilises the same approach (legal agreement to transfer access rights). In light of this, it is considered that the proposed development overcomes the refusal reason previously given and therefore no objection should be raised based on highway safety.

PLANNING AND ADVERTISEMENT APPLICATIONS

7 Conclusion and recommendation

7.1 To conclude, it is considered that the proposed S106 legal agreement to transfer the access rights from 147 Gloucester Road to the proposed dwelling satisfies the reason for refusal given in 2006. This approach is consistent with the approval to the rear of 143 Gloucester Road and the legal agreement provided by the applicant is broadly the same. On the assumption that the agreement is acceptable, officers consider that no objection should be raised to the proposed access.

7.2 Officers are awaiting comments from the applicant relating to the tree officer comments. Until these are received, a full recommendation cannot be formulated. Members will be fully updated when these comments are received.

RECOMMENDATION

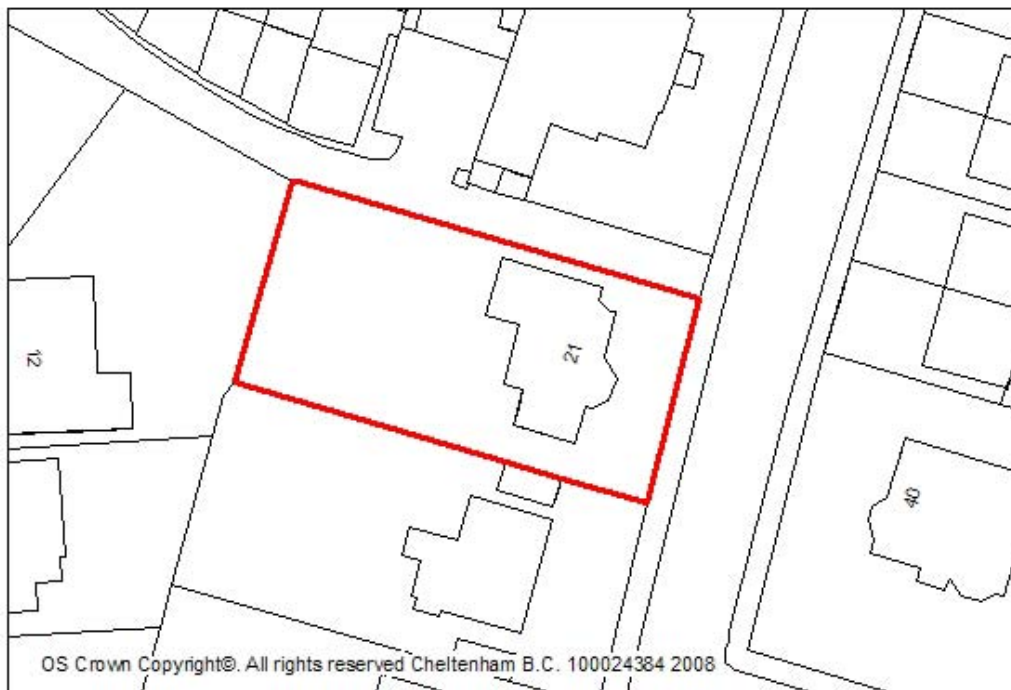
Recommendation at Committee

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00507/FUL DC_RA
DATE REGISTERED 20th April 2010
PROPOSAL Two storey rear extension and single storey side extension with basement and new rooflights
LOCATION 21 St Stephens Road, Cheltenham
APPLICANT Mr & Mrs P Johnston
AGENT MM3 Design Ltd
EXPIRY 15th June 2010
RECOMMENDATION Refuse

REPRESENTATIONS

No. of Letters Sent Out 63
No. of Letters Received 0



REPORT

1. The proposal

- a. The application relates to a detached villa located in St. Stephens Road which is within the central conservation area. The property is late 19th century and is shown on the 1903 historic maps.
- b. The site is not statutorily listed or identified on the local index, although the building is recognised as a positive building within the Tivoli Character Area Appraisal and

PLANNING AND ADVERTISEMENT APPLICATIONS

Management Plan. The site is within the central conservation area, so any development should preserve or enhance the character and appearance of this area.

- c. This application proposes to replace the existing garage to the side of the property with a pitched roof side extension and build a two storey flat roof extension to the rear of the property.
- d. The application has been requested as a committee decision by Cllr Rob Garnham due to the associated planning history.

2. History

08/01358/FUL	Ground and first floor side extension, new attic room with rooflights	Refused	20.02.2009
		Dismissed at appeal	30.06.2009
04/01582/FUL	Re-build existing front wall with piers and wrought iron gates (retrospective)	Refused	12.11.2004

- 2.1 Application 08/01358/FUL was recommended for refusal by officers and was refused by members of the planning committee in February 2009. The application proposed a large two storey side extension which would replace the existing garage. No extensions were proposed to the rear of the property.
- 2.2 The application was refused due to its overall form, mass and excessive width which would unbalance the proportions of the front elevation and would not appear as a subservient addition to the parent building.
- 2.3 The planning inspector agreed that the extension due to its *height, mass and depth, and the increase in length and overall size of the roof would unbalance the proportions of the existing house and erode its distinctive villa form.* The inspector concluded that the development would harm the character and appearance of the conservation area and is contrary to policy CP7.

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development
 CP 3 Sustainable environment
 CP 4 Safe and sustainable living
 CP 5 Sustainable transport
 CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
 Central Conservation Area Tivoli character appraisal and management plan SDP (2008)

Planning Policy Guidance/Statements

PPS 1: Delivering Sustainable Development
 PPS 5: Planning and the historic environment

PLANNING AND ADVERTISEMENT APPLICATIONS

4. Consultation responses

a. Heritage and Conservation Officer:

1. The current house is certainly late 19th century although the existing garage looks as if it is possibly 1930s.

2. The detached villa properties immediately to the south of the application site are all shown on the 1884 map. These properties to the south together with the application site, all have a similar plot size, relationship of building to road and architectural unity to their style.

3. The current house has pleasing proportions at the front and the front elevation is well balanced and well designed. There is a single storey traditionally styled garage located on the south side of the property, which is attached to the property. The existing garage is of no great architectural merit however neither is it offensive nor detracts from the qualities of the front of the house.

4. The house has already had a large rear and side two storey extension, relatively recently added. The design of this extension when viewed from the rear and north side is poor. It detracts from the overall historic character and appearance of the house.

5. The historic and current position of the front door is located to the north end of the front elevation (ie the house is not symmetrical about the front door).

6. The historic character of houses in this part of the road is that of detached villas set in ample plots with space between the houses. The houses immediately to the south are of a similar age and style (see above).

7. This house is shown as a positive building, on the Analysis map in the Character Appraisal for the Tivoli Area.

The proposed scheme is for a number of different alterations, which are as follows

A) SINGLE STOREY SIDE EXTENSION WITH BASEMENT this extension is in a similar form to the existing garage, and although it is bigger than the garage it has a traditional form and mass and is an acceptable overall design. This part of the application is acceptable.

B) ATTIC ROOM the proposed access stair to the roof space is not shown on the plans, and neither is the attic floor space room layout; but on the assumption that the access can be achieved then the proposed new roof lights to the attic space acceptable

C) TWO STOREY REAR EXTENSION the form of this extension is a flat roofed rectangular shape. The architectural style of this extension is modern. The form, mass, style and overall design is in conflict with the existing form and mass of the house. In my opinion this 2 storey rear extension causes harm to the architectural integrity of the existing building. Policy HE8.1 in PPS5, states that the effect of an application is a material consideration in determining such an application. This rear extension fails to comply with Local Plan CP7 and also PPS5 HE7.5

CONCLUSION REFUSE

PLANNING AND ADVERTISEMENT APPLICATIONS

4.2 Civic Society: *No Comment*

5. Publicity and representations

- a. 63 letters of notification were sent to local households, no letters of representation have been received.
- b. The application was also advertised via a site notice and an advert within the Gloucestershire Echo.

6. Officer Comments

- a. Determining Issues.
 - i. The design and siting of the two storey rear extension and the single storey extension to the side of the property are the main considerations with this application. The site is within the central conservation area, the character and appearance of which should be preserved or enhanced.
- b. The site and its context.
 - i. The property to which this application relates is a late 19th Century building. The property has pleasing proportions on the front elevation which is considered to be well balanced and well designed. A single storey pitched roof garage which is attached to the dwelling stands on the south side of the property. The garage is of no great architectural merit; neither is it offensive nor detracts from the qualities of the front of the house. It is considered that the property has previously been extended to the side and rear in the form of a two storey extension. The historic maps of 1886, 1897, 1927 and 1936 do not illustrate the footprint of the rear and north side extension, although on the 1984 and 1932 maps the footprint of a rear and north side elevation is shown. However, it is not known whether this footprint of an extension was of a single or two storey rear side extension, or whether part of the extension was single storey and part two storeys.
 - ii. When comparing the aerial photographs from 2002 and 2007, it appears that extensive works including roofing works have taken place at this property between these years. These roofing works include: the removal of a chimney stack on the north side of the main roof, the insertion of a roof light on the north roof slope, the re-roofing of the main roof, the in-filling of a central valley to the main roof, carrying out some roofing works to the rear extension, re-roofing the garage, laying extensive areas of hard landscaping both at the front and at the rear of the property and building a new front boundary wall and piers.
 - iii. From considering the 2002 aerial photograph it appears that the north side extension may have been two storeys and the rear extension may have been single storey. The architectural form of the rear and north extension as it exists today does not appear to be historic.
 - iv. South of the application site are detached villas which are shown on the 1884 map. These properties are similar to the application site, in that they have similar plot sizes, similar relationship of building to road and architectural unity of style.

PLANNING AND ADVERTISEMENT APPLICATIONS

- v. North of the application site is Pegasus Court which comprises two large 1980's "villas" (with subservient buildings behind) which follow the same building line as the application site. Each of the villas and other buildings in the vicinity of the application site, have open space around allowing them to sit comfortably within their own grounds.

c. Design.

- i. Local Plan Policy CP7 requires development to be of a high standard of architectural design.

Single storey side extension

- ii. The existing garage measures 3.4m wide and is set back from the front bay window by 700mm. The garage is proposed to be replaced with a single storey extension which would be set back 1.3m from the front of the bay window. The extension would have a basement with access via the side elevation. The extension would be 1.0m wider than the existing structure and 2.5m longer.
- iii. The height of the extension has been substantially reduced following the previous application which proposed a two storey side extension. The reduced height retains the open space around the villa thereby preserving the character and appearance of the front elevation. The extension would have a pitched roof with three roof lights within the roof slope facing the house.
- iv. One window is proposed within the front elevation with similar window proportions as the windows within the main house. To the rear of the extension, full height glazed doors are proposed with a triple window above. The rear elevation has a contemporary feel and allows the extension to appear subservient to the parent building.
- v. The design of the proposed side extension is of a traditional form and mass and is an acceptable design considered in accordance with policy CP7.

Two storey rear extension

- vi. A two storey flat roof extension is proposed to the rear of the house. This was not proposed on the previous application. The extension would accommodate a family room at ground floor and a bedroom at first floor. This addition would have a slightly lower eaves height than the main building. The extension would be 3.3m deep and would be marginally stepped in from the corner of the house by 300mm.
- vii. Full height bi-folding doors are proposed at ground floor with three windows at first floor. The extension is proposed to have a render finish with a parapet roof detail.
- viii. As explained above, the property has previously been extended in the form of a two storey side and rear extension. The agent acting on behalf of the applicant believes that this structure was built before 1st July 1948 and therefore forms part of the 'original house'. Although OS maps illustrate a footprint of an extension to this property, it is not clear whether this was a single storey or two storey structure. Officers accept that these additions are not recent extensions to the property, but it seems clear that they were constructed some time after the completion of the main house and the north side extension is of an unsympathetic style. The position remains that this villa has already

PLANNING AND ADVERTISEMENT APPLICATIONS

been extended – any proposal to extend it further must therefore pay regard to the cumulative impact on the original house.

- ix. Supplementary Planning Document: Residential Alterations and Extensions was adopted by the council in 2008. The document sets out five design principles which should be considered when extending and altering a dwelling. One of the design principles is that an extension should appear subservient to the parent building and should not dominate or detract from the original building but play a supporting role. The extension would be slightly lower than the existing eaves height and the marginal step within the extension would offer a small glimpse of the original rear elevation. It is officer opinion that the property has already been extended to the side and rear and although the side extension is acceptable, an extension of this mass and scale to the rear would dominate the rear elevation.
 - x. The agent has provided a planning statement to accompany this application, which has argued that the council would be unreasonable to consider the flat roof elements as extensions to the property due to their age. Regardless of their age, it is clear that these are later additions and should be taken into account when considering further extensions to the property. It is officer opinion that a further two storey extension to the rear of the property would not appear subservient to the parent building due to its height and scale which would screen the majority of the rear elevation. Policy HE7.5 of PPS5 states that the design of development in conservation areas should include scale, height, massing, alignment, materials and use. The scale of the proposed extension results in a poor design in relation to the existing extensions to the property which would dominate the parent building. The design of the extension with a heavy masonry first floor and a light weight appearance at ground floor would contrast negatively with one another creating an awkward relationship in relation to the parent building, contrary to policy CP7.
 - xi. Officers are of the opinion that a single storey light weight structure could be acceptable subject to appropriate design and scale.
- d. Impact on neighbouring property.
- i. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
 - ii. No first floor windows are proposed within the side elevation of the extension, therefore there would be no impact to neighbouring amenity as a result of this application.
- e. Access and highway issues.
- i. To the front of the property is an area of hard standing which is used for parking of cars. Although the garage space would be removed there is still sufficient space within the curtilage of the site to prevent cars from parking on the highway.

7. Conclusion and recommendation.

- a. The proposed single storey side extension is considered to be a suitable design and scale which would sit well beside the parent building. The single storey extension is of a contemporary design and would be a subservient addition to the parent building.

PLANNING AND ADVERTISEMENT APPLICATIONS

- b.** The two storey rear extension due to its form, mass, style and overall design conflicts with the existing form and mass of the house. For this reason the extension does not appear as a subservient addition to the parent building and is contrary to the guidance within the council's adopted SPD: Residential, Alterations and Extensions, local plan policy CP7 and policy HE7.5 of PPS5.
- c.** The agent in their summary of the design and access statement states that the applicant has addressed all of the concerns raised by the planning inspector. Members are reminded that the two storey rear extension was not proposed on the previous application and has therefore never been considered by the appeal inspector.
- d.** The recommendation is to refuse this application for the reason stated below.

The proposed two storey rear extension by virtue of its mass and scale would not be proportionate in scale to the parent building. The extension would thereby dominate the rear elevation rather than appearing as a subservient addition in accordance with the council's Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008).

In addition, it is the opinion of the local planning authority that the architectural style and overall design of the rear extension conflicts with the design of the existing form of the house and would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy HE7.5 of PPS 5 and Local Plan Policy CP7.

RECOMMENDATION

Refuse

- 1 The proposed two storey rear extension by virtue of its mass and scale would not be proportionate in scale to the parent building. The extension would thereby dominate the rear elevation rather than appearing as a subservient addition in accordance with the council's Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008).

In addition, it is the opinion of the local planning authority that the architectural style and overall design of the rear extension conflicts with the design of the existing form of the house and would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy HE7.5 of PPS 5 and Local Plan Policy CP7.

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00591/FUL DC_MP
DATE REGISTERED 23rd April 2010
PROPOSAL Erection of a detached dwelling with integral garage on land to rear of 79 Queens Road
LOCATION 79 Queens Road, Cheltenham
APPLICANT Mr J Izamis
AGENT -
EXPIRY 18th June 2010
RECOMMENDATION Permit

REPRESENTATIONS

No. of Letters Sent Out 20
No. of Letters Received 0



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REPORT

1. The proposal

1.1 This is a full application for the erection of a detached dwelling with integral garage on land to the rear of 79 Queens Road.

PLANNING AND ADVERTISEMENT APPLICATIONS

1.2 The application site is rectangular in shape and currently forms part of the curtilage to 79 Queens Road. The site is approximately 8 metres wide and 14 metres deep and is currently occupied by a large pitched roof garage.

1.3 79 Queens Road is located just outside the Central Conservation Area opposite Cheltenham Spa Railway Station. The property is a two storey mid-terrace dwelling.

1.4 Access to the proposed development site would be provided via an access lane which runs alongside 77 Queens Road adjacent to the former Alpha Filling Station redevelopment site.

1.5 The application is before planning committee as it involves residential development on garden land.

2. Relevant Planning history

2.1 08/01707/FUL - Erection of a detached dwelling on land to the rear of 83 Queens Road - Approved by Members at Committee - Decision issued 20.02.2009.

2.2 09/00346/FUL - Erection of detached dwelling on land to the rear of 77 Queens Road Approved by Members at Committee - Decision issued 05.05.2009.

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 2 Private green space
HS 1 Housing development
HS 2 Housing density
RC 6 Play space in residential development
UI 3 Sustainable drainage systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Play space in residential development (2004)
Development on garden land and infill sites in Cheltenham (2009)

Planning Policy Guidance/Statements

PPS 1: Delivering sustainable development
PPS 3: Housing
PPG 13: Transport

4. Consultation responses

4.1 Environment Agency - *Development (less than 1ha) within Flood Zone 1 Surface Water Management Advice.*

4.2 GCC Highways Planning Liaison - *There have been a number of recent applications for dwellings in and around this location, with dwellings permitted to the rear of 77 and 83 Queens Road. I note that the access driveway is not included within the red or blue line,*

PLANNING AND ADVERTISEMENT APPLICATIONS

therefore the parking as proposed can not be secured by way of condition. This is also the case as regards construction vehicle parking and access improvements. Although off street parking for new development and the retention of parking for existing development is desirable it would be difficult to sustain a refusal on the basis of a lack of off street parking at this location, owing to the maximum parking standards currently in place. Therefore, I recommend that no highway objection be raised to this application.

4.3 Civic Society - *We consider the proposal generally satisfactory, though the boarding is over elaborate and we would prefer the whole building to be rendered. As drawn the roof detail is unachievable.*

4.4 Housing Standards Officer - *No fundamental objection to this proposal.*

4.5 Gloucestershire Centre for Environmental Records - *The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250/500m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or not affected by the development.*

5. Publicity and representations

5.1 A total of 20 letters of notification were sent out to local residents; the overall 21 day consultation period expired on 21 May 2010.

5.2 No representations have been received in response to the publicity.

6. Officer Comments

6.1 Determining issues

6.1.1 The main issues when considering this application are the principle of development, the design and siting of the proposed dwelling, impact on neighbouring amenity, parking and highway safety.

6.2 Principle of development

6.2.1 Local plan policy HS1 advises that housing development will be permitted on land allocated for housing development and previously-developed land but does not suggest that planning permission will **only** be granted on such sites. In all cases, development should make the most efficient and effective use of the site.

6.2.2 Planning policy statement 3 originally stated "*previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land*".

6.2.3 During the consideration of this application PPS3 has been amended, excluding private residential gardens from the definition of 'previously-developed land'.

6.2.4 The application site which currently forms part of the garden land to 79 Queens Road is therefore no longer recognised as being 'previously developed'.

6.2.5 There is therefore no automatic presumption that this site is necessarily suitable for housing development; the application still needs to be tested against other relevant local plan policies and the provisions of the SPD on garden land and infill sites.

PLANNING AND ADVERTISEMENT APPLICATIONS

6.2.6 This newly adopted supplementary planning document relating to the development of garden land and infill sites seeks to assist applicants in the design and layout of developments proposed on garden land, to improve the quality of proposals and to resist inappropriate applications. The document advises that any new development on garden land should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block surrounding the development site.

6.3 Design and siting

6.3.1 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to respect neighbouring development.

6.3.2 The proposed dwelling has been designed to address the constraints of the site with a limited amount of accommodation provided at first floor. The building would be flat-roofed to minimise its height, and would adopt a similar, albeit larger, footprint to the existing garage. The single storey element would be 2.9 metres with the height of the two storey element being 5.9 metres.

6.3.3 At ground floor, the dwelling would be red brick whilst at first floor the external walls would be white painted render and timber cladding. A green roof is proposed to the lower section of roof which the Design and Access Statement suggests *“will serve to ensure that the outlook of the surrounding properties is one of a softer landscaped area rather than an expanse of flat roofing”*.

6.3.4 The dwelling has been located to the rear of the site to allow the retention of an adequately sized garden for no.79 whilst at the same time providing an element of outdoor amenity space for the occupants of the proposed dwelling.

6.3.5 The palette of materials proposed would result in a quality building, that would sit well within its context, if the building were constructed to a sufficiently high standard. Therefore, should Members be minded to permit the application, conditions are suggested to ensure that design details are submitted for due consideration, prior to the commencement of development, to ensure that the execution of the development is worthy of the design.

6.4 Impact on neighbouring amenity

6.4.1 Local Plan Policy CP4 advises that development will be permitted only where it will not cause unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 At first floor only high level obscure windows are proposed to the rear elevation, with additional natural light to the bedroom being provided by way of a flat roof velux; this will prevent any unacceptable overlooking of neighbouring properties.

6.4.3 It should be noted that no objection has been raised to the proposal with regard to neighbouring amenity; indeed no letters of representation have been received.

6.5 Parking and highway safety

6.5.1 Local Plan Policy TP6 advises that development will be permitted where it makes provision for parking in accordance with the standards in Table 16, taking account of design considerations.

PLANNING AND ADVERTISEMENT APPLICATIONS

6.5.2 Table 16 suggests only **maximum** car parking standards in order to promote sustainable transport choices.

6.5.3 The site is in a sustainable location in close proximity to a neighbourhood centre, with the town centre easily accessible by bus, cycle or foot.

6.5.4 This application proposes one car parking space within the integral garage. Secure, covered cycle parking could also be provided within the site without difficulty.

6.5.5 The proposed dwelling would be accessed via an access lane which runs between 77 Queens Road and the former Alpha Filling Station redevelopment site.

6.5.6 No objection has been raised by the GCC Highways Planning Liaison Team.

6.6 Other issues

6.6.1 Local Plan Policy RC6 requires the provision of play space in all new residential development. As on-site play space provision is not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements; it is considered that this matter can be adequately dealt with by way of a condition. In this case, the sum required for play space would be £216.

6.7 Conclusion and recommendation

6.7.1 The proposed dwelling is modest in size, and could be comfortably accommodated within the site. The dwelling has been designed to address the constraints of the application site and would not cause unacceptable harm to the amenity of adjoining land users or the locality. No letters of objection have been received and it should be borne in mind that two similar schemes on neighbouring sites have already been granted planning permission, by Members at Committee, so the development proposed under this current application will not stand in isolation.

6.7.4 The recommendation is to permit the application subject to conditions.

RECOMMENDATION

Permit

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the revised drawings received on unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.

PLANNING AND ADVERTISEMENT APPLICATIONS

- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 4 Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
a) Flat roof;
b) Rainwater goods;
c) Reveals;
d) All external doors and windows (including furniture & fittings);
e) Extract vents and flues.
The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 regarding design.
- 5 Notwithstanding previously submitted details, prior to the commencement of development, a sample panel of new facing brickwork of at least one square metre shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the scheme to provide consistency.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 regarding design.
- 6 Notwithstanding previously submitted details, prior to the commencement of development, a sample panel of new renderwork of at least one square metre shall be constructed on site to illustrate the proposed colour and texture of renderwork. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the scheme to provide consistency.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 regarding design.
- 7 Notwithstanding previously submitted details, prior to the commencement of development, a sample of proposed timber cladding shall be submitted to and approved in writing by the Local Planning Authority, and the timber cladding used in the development shall be in accordance with the sample so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 regarding design.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

PLANNING AND ADVERTISEMENT APPLICATIONS

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

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

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

- 10 Notwithstanding previously submitted details, prior to the commencement of development, details of permeable hard surfaced areas within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the proposed development, the permeable surfaces shall be completed in all respects in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure a satisfactory form of development.

- 11 Notwithstanding previously submitted details, prior to the commencement of development, details of the maintenance regime for the green roof shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the green roof shall be retained as such and maintained in accordance with the maintenance regime so approved.

Reason: To ensure that the external appearance of the dwelling is maintained as proposed in accordance with Local Plan Policy CP7 regarding design.

- 12 The integral garage identified on the site layout plan shall be kept available for the parking of a vehicle at all times in perpetuity.

Reason: To ensure that adequate off-road car parking continues to be available within the curtilage of the site in accordance with Local Plan Policy TP6 regarding parking provision in development.

- 13 Prior to the commencement of works on site, provision shall be made for the parking and loading/unloading of construction vehicles, the storage of plant, machinery and materials, and parking of site operatives vehicles. Such provision shall be maintained available for use for the duration of building works.

Reason: To minimize disruption, congestion and hazards on the public highway, in the interests of public safety.

- 14 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

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

PLANNING AND ADVERTISEMENT APPLICATIONS

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

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

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00656/FUL DC_LW

DATE REGISTERED 23rd April 2010

PROPOSAL Erection of a two-storey side and rear extension, a single storey rear extension and replacement front porch.

LOCATION 28 Pilford Avenue, Cheltenham

APPLICANT Mr S Earl

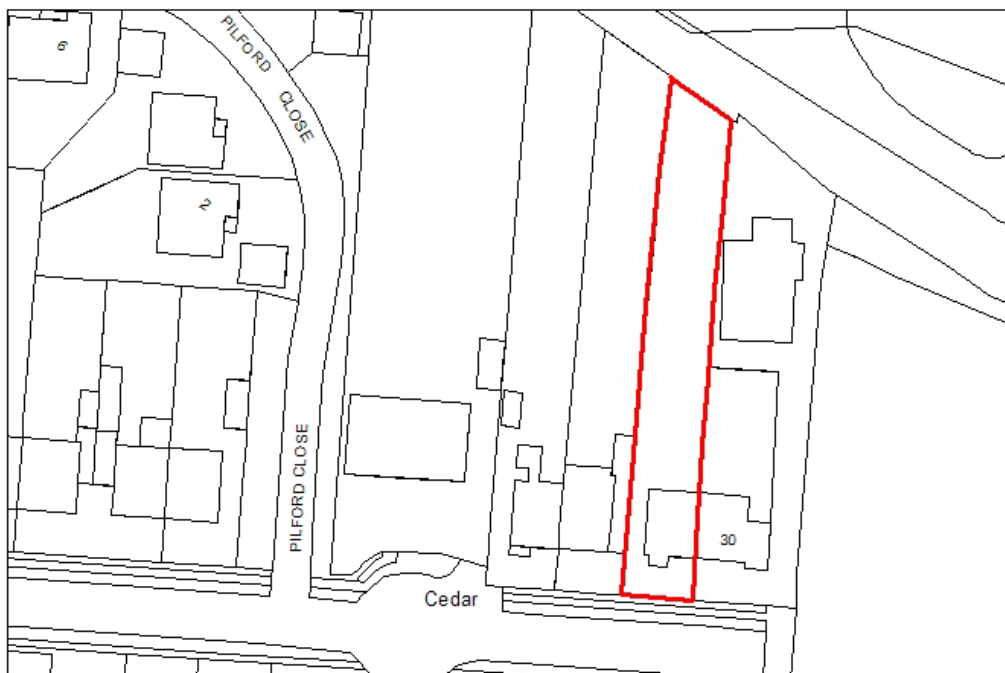
AGENT Mr Keith Browning

EXPIRY 18th June 2010

RECOMMENDATION Refuse

REPRESENTATIONS

No. of Letters Sent Out 17
No. of Letters Received 0



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REPORT

1. The proposal

1.1 This application has been brought to Planning Committee at the request of Councillor Penny Hall.

PLANNING AND ADVERTISEMENT APPLICATIONS

1.2 The applicant proposes the erection of a two storey side and rear extension, a single storey rear extension and a replacement front porch.

2. History

09/01553/CACN T1 Cherry – fell No objection 23.11.09

09/01636/FUL Erection of single storey side and rear extensions. Refused 23.12.09

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Planning Policy Guidance/Statements

PPS 1: Delivering Sustainable Development

4. Consultation responses

N/A

5. Publicity and representations

Letters were sent to all neighbouring properties considered to be affected by the proposed development. Three letters of representation have been received following the public consultation exercise and the issues raised are summarised as follows:-

- Large extension which will result in a 5 bedroom house and resultant parking problems
- Increase in traffic in cul-de-sac and potential for blocking access to other properties.
- Overbearing impact upon bungalow to rear of No 30 Pilford Avenue
- Development encroaches too far into garden with decking close to bedroom window of adjoining bungalow
- Eaves height of single storey extension is the same height as the original house
- Extension would be visible from kitchen window of adjacent semi and would result in loss of light
- General loss of privacy in garden of neighbouring property.

6. Officer Comments

- a. The main issues to be considered in the determination of this application are the impact of the proposed extensions upon the character and appearance of the existing building, the character of the street scene and locality in general and the affect upon the amenity of the occupiers of adjacent properties in terms of loss of light and privacy.

PLANNING AND ADVERTISEMENT APPLICATIONS

Application Site and Context

- b. The application site is a two storey, semi-detached dwelling with rendered facing walls and a tiled hipped roof. The property is located towards the end of a cul-de-sac within an established residential area of Leckhampton. Pilford Avenue is predominantly characterised by semi detached dwellings of similar age and architectural style, although there some modern additions, notably a bungalow erected at the rear of the adjacent property, No30 Pilford Avenue. There is an existing, small single storey extension at the rear and off road parking.
- c. The neighbouring property, No 26 Pilford Avenue, has a recently built two storey side extension which extends to the boundary.

Planning History

- d. This application is similar to a previous submission (ref 09/01636/FUL) where the applicant originally proposed the erection of two storey side and rear and single storey rear extensions. Although the two storey element was set back a good distance from the front elevation, it extended too far into the rear garden in relation to the existing house. Similarly, the single storey element was considered too deep, measuring 9 metres. The two storey side extension left a gap of only 600mm between the side wall and the property boundary, thus closing the gap between the pairs of semi-detached houses. Overall, this resulted in a footprint more than double the size of the original house and in terms of scale and mass did not achieve the required level of subservience and was considered overdevelopment. Following Officer advice, the two storey element was deleted from the scheme and a revised proposal for single storey side and rear extensions was submitted but the application was subsequently refused. The revised scheme again doubled the footprint of the existing dwelling, was not considered subservient and there were concerns about the mix of roof types and design of the proposed development.

Design and Layout

- e. The proposed rear extensions extend up to 6 metres in depth and occupy the full width of the ground floor elevation. The proposed development extends further to the west boundary to include a 1.4 metres wide two storey side extension with a hipped roof. The resultant five bedroom property would be more than double the footprint of the existing dwelling and therefore, by virtue of its overall scale, mass and layout could not be considered subservient to the parent two bedroom dwelling.
- f. The proposed 10.2 metre long, two storey side extension would leave a gap of only 1 metre between the extension and the flank wall of the neighbouring property, No 26 Pilford Avenue, and is set back only 1.7 metres from the front elevation of the original dwelling. This would result in a 'terracing effect' and a loss of space about the building, to the detriment of the character of the semi-detached dwellings and the locality in general. The Council's guidance on residential extensions makes it clear that creating a terracing effect in a row of semis is undesirable. Page 4, paragraph 3 of the SPD Residential Alterations and Extensions (2008) states:-

"3. Maintain spaces between buildings

Cheltenham has a reputation as a spacious town. This spaciousness derives from the spaces at the front, back and at the sides of buildings. Glimpses of trees, gardens and surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses. This may mean that a gap can only be partially closed"

PLANNING AND ADVERTISEMENT APPLICATIONS

Paragraph 3.1 states further that:-

"Side extensions to semi-detached houses

The space between semi-detached houses is essential to the character of streets with this form of development. But the sense of space can be completely lost when adjacent owners decide to create two storey extensions. This produces a terraced appearance, closing off the important space between buildings and giving formerly symmetrical houses a lopsided appearance.....The Council may refuse permission for a proposed extension if an existing adjacent extension would make it impossible to achieve a visual gap between houses."

- g. The two storey rear/side extension extends some 4 metres into the garden and beyond the rear elevation of the adjacent property, No 26. This property has a recently built two storey side extension and a first floor bathroom window nearest to the east boundary. Although there is potential for loss of light, this is a bathroom window and the light test is not applicable in this instance. There are no other windows on the side elevation of No 26 with the exception of a small shower room window at ground level. Again, light would be lost but this is not a habitable room. There would be a degree of harm to the amenity of the neighbour but not enough to justify refusal.
- h. The mix of roof types (a hipped roof and pitched roof) at the rear and side of the property would appear awkward and would detract from the character and architectural integrity of the main dwelling. The proposed porch, although 1.1 metre deeper than the existing structure, is considered acceptable.
- i. Two local residents have concerns about the potential for increased parking and congestion in relation to the proposed development. There is currently off road parking for one vehicle and there are no restrictions preventing parking on the road. It is Officers' opinion that an increase from a two to four/five bedroom property, in this location, should not cause significant traffic or parking problems.

7. Conclusion and recommendation.

6.6 The proposed development, by virtue of its overall design, size and layout would not be subservient and would detract from the character and appearance of the parent dwelling. The two storey side extension would leave only a 1 metre gap between the proposed development and the flank wall of the adjacent property, closing the gap between the two houses and creating an undesirable terracing effect.

7.2 The proposed development would thus be contrary to the provisions of Policy CP7 (design) of the Local Plan and it is therefore recommended that planning permission be refused for the following reasons.

RECOMMENDATION

Refuse

1 The proposed rear extensions extend up to 6 metres in depth, occupy the full width of the rear elevation and extend further to include a 1.4 metre wide, 10.3 metre long two storey side extension with a hipped roof. As such, the footprint of the resultant building would be

PLANNING AND ADVERTISEMENT APPLICATIONS

more than double that of the existing dwelling. In terms of overall mass and scale, the proposed development is therefore not subservient to the parent dwelling. Further, the proposed two storey side extension will leave a gap of only 1metre between the flank wall of the adjacent property, No 26 Pilford Avenue. This would create a terracing affect, close the gap and reduce the sense of space between the two properties to the detriment of the character of the semi-detached pairs of dwellings and the locality in general. Therefore, the proposed development, by virtue of its overall design, size and layout, does not satisfy the criteria of Policy CP7 of the Local Plan.

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00687/FUL DC_WH
DATE REGISTERED 13th May 2010
PROPOSAL Conversion of existing garage/storage building and first floor and rear extensions to form a new single dwelling unit
LOCATION 2 Dunalley Parade, Cheltenham
APPLICANT Mr C Honor
AGENT Steve Mitchell Building Design
EXPIRY 8th July 2010
RECOMMENDATION Permit

REPRESENTATIONS

No. of Letters Sent Out 63
No. of Letters Received 5



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REPORT

The report will be circulated separately.

RECOMMENDATION

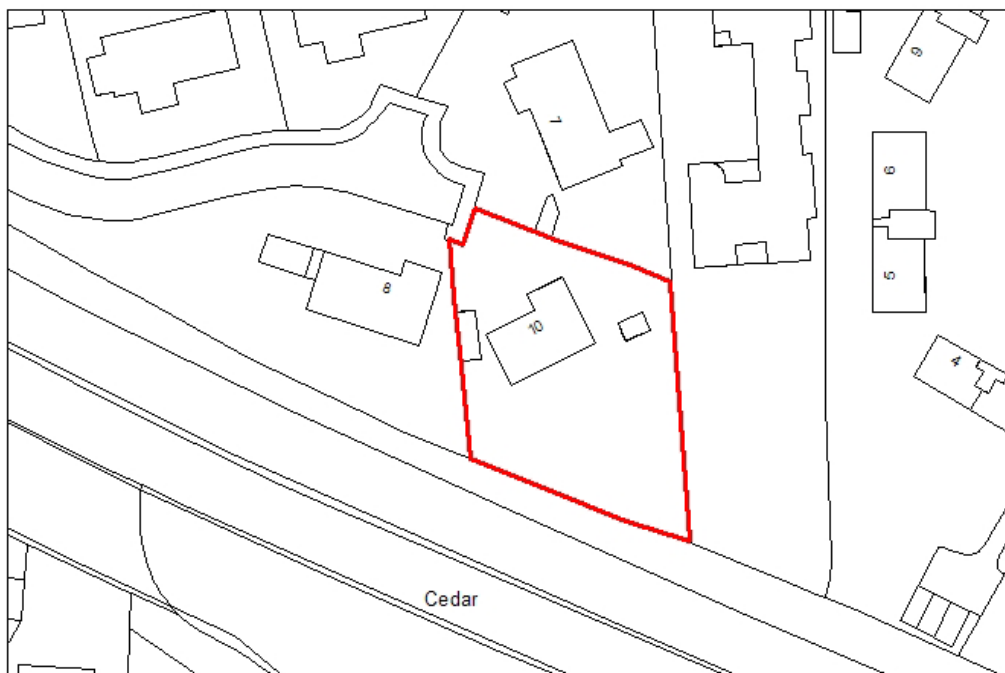
Permit

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00777/FUL DC_WH
DATE REGISTERED 15th May 2010
PROPOSAL Erection of single storey side extension
LOCATION 10 Greenhills Close, Cheltenham
APPLICANT Mr Roger Hammond
AGENT Keith Browning
EXPIRY 10th July 2010
RECOMMENDATION Permit

REPRESENTATIONS

No. of Letters Sent Out 31
No. of Letters Received 2



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REPORT

PROPOSAL

The proposal involves the erection of a single storey side extension to provide an additional bedroom with en-suite and bathroom. The proposed development measures 4.5 metres in length with a gable width of 7.2 metres. The proposed would have an overall ridge height of 4.9 metres with height of 2.4 metres to the eaves.

1. PLANNING HISTORY

None relevant

PLANNING AND ADVERTISEMENT APPLICATIONS

2. POLICIES AND GUIDANCE

Cheltenham Local Plan Policy
CP4 – Safe and Sustainable Living
CP7 – Design

Gloucestershire Structure Plan Policy (Second Review)
S7 – Design

National Guidance
PPS1 – Delivering Sustainable Development

3. CONSULTATIONS

Tree Officer 3rd June 2010

The tree section has no objections to this application.

4. PUBLICITY AND REPRESENTATIONS

a. Representations

Number of contributors	2
Number of objections	1
Number of representations	0
Number of supporting	1

10 Greenhills Close
Cheltenham
Gloucestershire
GL53 9EY

Reason(s)
NONE GIVEN

Comments:

Thank you for discussing your role of councillor in the planning process and in discussing the planning process in brief.

We discussed the feelings of concern which our neighbours Mr and Mrs Foster of number 7 Greenhills Close had expressed to you. At that time you had not had any written letter of opposition to the extension's development but you were considering whether to ask the planning application to be referred to committee.

We have since seen the letter of opposition to the application which was lodged by our neighbours.

As discussed with you over the telephone, we are unsure of the process but we have compiled a letter of support which we would like considering at any of the decision-making stages.

I hope that it is in order to send a copy to you as, our ward representative also, we would like you to have a balanced and accurate bank of information prior to the decision-making process.

PLANNING AND ADVERTISEMENT APPLICATIONS

We have difficulty in substantiating some of the claims made by Mr and Mrs Foster and have addressed those issues in the attached document.

The houses appear to be of the same level and not different as suggested

The extension makes our house of similar specification as all of the others and is in keeping with the neighbourhood.

There are examples of closer bathroom to neighbour's living room existing in the close

The extension is not substantially in line with their sitting / dining rooms
There will be little, if any, shadowing on their land

7 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9ED

Reason(s)
Out of keeping with area

Comments:

We live in the adjacent property and are affected by the proposed extension. We have three objections.

1. The extension is out of character with the area. Greenhills Close is designed so that no house overlooks another, a major beneficial feature for all the residents. Yet this extension brings our neighbour's house, which stands higher than ours, into full and obtrusive view of our main windows. We believe this factor alone should be sufficient for the application to be rejected. However we wish to make two further points.

2. The high roofline increases the obtrusiveness. The ridge is almost twice the height of the eaves, yet the interior roof-space, being without access, would be unused. The roof should be sloping to reduce the visual impact (see attached drawing in red). This would not affect the internal dimensions, and from the outside the angle would match those of the other gables.

3. The bathroom window, although presumably with obscure glass, looks directly into our house, and we into theirs. We were assured this would not happen. The window should be at the gable end, which can be done simply by rearranging the bathroom layout. We understand Mr and Mrs Hammond's wish to enlarge their property, and we have suggested ways to do this without extending eastwards. However they have rejected these on grounds of cost. If the Planning Committee were to permit this application we would strongly urge that points 2 and 3 be included. We would welcome a visit from Committee members so that they may see for themselves the need for these changes.

PLANNING AND ADVERTISEMENT APPLICATIONS

5. OFFICER COMMENTS

6.1 This bungalow is located within a small cul-de-sac of similar dwellings of varying designs which comfortably sit within good sized plots. Other properties within the immediate locality have been subject to later alterations and extensions.

6.2 The main considerations of this proposal are the general design approach and the protection of the amenities of the adjoining occupiers.

6.3 General Design Approach

Officers consider that the general design approach that has influenced this proposal reflects 'good' urban design principles. The addition would appear organic and not dominant or detract from the character or integrity of the parent building. As such the proposed is considered acceptable in terms of scale, form, design and appearance to the site and its surroundings - in accordance with Local Plan Policy CP7 – relating to design.

6.4 Protection of Residential Amenities

The proposed addition is single storey structure. The land levels and ridge heights of the adjoining properties, namely No.7 Greenhills Close, are relatively consistent. The boundary of the adjoining property known as No.7 Greenhills Close is defined and enclosed by a 1.8 metre close boarded fence. At the narrowest point the proposed addition would be located 2.5 metres from that boundary. For the above reasons, Officers consider that the proposed would not materially harm the residential amenities currently enjoyed by the adjoining occupiers by way of overlooking, loss of light or the addition creating an overbearing effect. The proposal therefore complies with Local Plan Policy CP4 – relating to safe and sustainable living.

6.5 For the above reasons this proposal complies with relevant development plan policy and no other material consideration suggests other than a recommendation to permit subject to the following conditions relating to the standard time limit for development and proposed materials to match existing.

6. CONDITIONS/REFUSAL REASONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

In formatives

- 1 Town and Country Planning (General Development Procedure) (Amendment) Order 2003

PLANNING AND ADVERTISEMENT APPLICATIONS

The proposed development has been considered against the following Development Plan Policies and, in the opinion of the Local Planning Authority, does not conflict with those policies:

a) The general design approach of the proposed in terms of scale, form, siting, design and materials is considered acceptable to the site and its surroundings (Local Plan Policy CP7)

b) The proposed development has taken fully account of neighbouring residential amenities and would not materially harm the amenities of occupiers of neighbouring properties by reason of loss of light or privacy (Local Plan Policy CP4)

The development is considered to be in accordance with the relevant policies and there are no other material considerations that outweigh a decision other than to permit.

- 2 This decision relates to drawing numbers 4129/4, 4129/1, 4129/2 and 4129/2/002 date stamped 14th May 2010.

RECOMMENDATION

Permit

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES :-

- 1 Town and Country Planning (General Development Procedure) (Amendment) Order 2003

The proposed development has been considered against the following Development Plan Policies and, in the opinion of the Local Planning Authority, does not conflict with those policies:

a) The general design approach of the proposed in terms of scale, form, siting, design and materials is considered acceptable to the site and its surroundings (Local Plan Policy CP7)

b) The proposed development has taken fully account of neighbouring residential amenities and would not materially harm the amenities of occupiers of neighbouring properties by reason of loss of light or privacy (Local Plan Policy CP4)

PLANNING AND ADVERTISEMENT APPLICATIONS

The development is considered to be in accordance with the relevant policies and there are no other material considerations that outweigh a decision other than to permit.

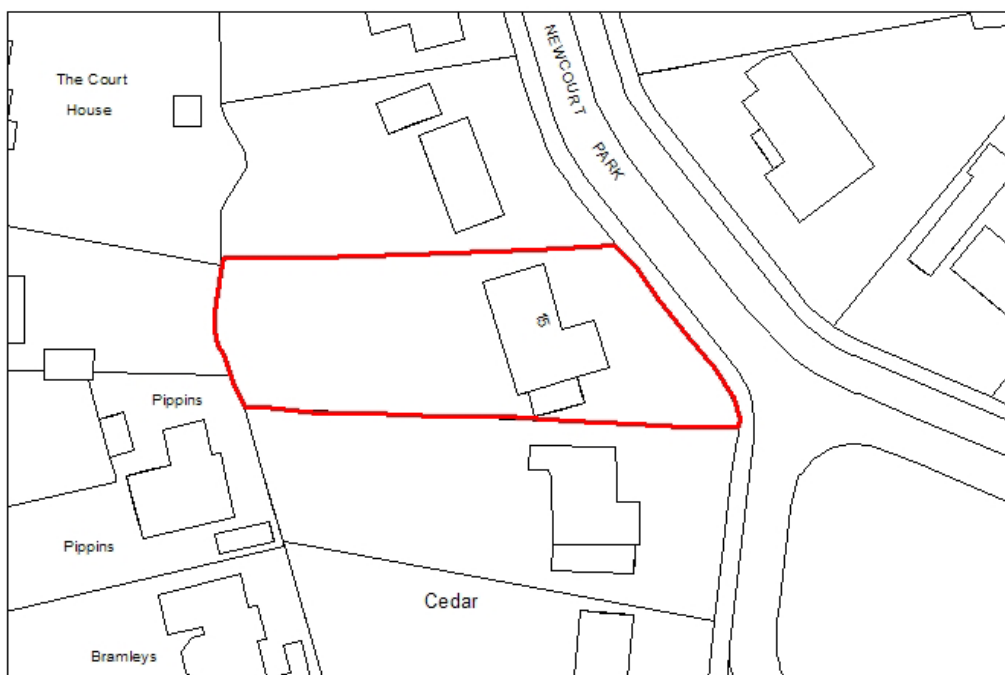
- 2 This decision relates to drawing numbers 4129/4, 4129/1, 4129/2 and 4129/2/002 date stamped 14th May 2010.

PLANNING AND ADVERTISEMENT APPLICATIONS

APPLICATION NO 10/00826/FUL DC_MP
DATE REGISTERED 22nd May 2010
PROPOSAL Rear/side extensions and alterations
LOCATION 15 Newcourt Park, Cheltenham
APPLICANT Mr & Mrs Birchmore
AGENT RRA Architects
EXPIRY 17th July 2010
RECOMMENDATION Permit

REPRESENTATIONS

No. of Letters Sent Out 9
No. of Letters Received 9



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REPORT

1. Proposal

1.1 This is a full application for extensions and alterations at 15 Newcourt Park; the proposals include a single storey side extension to provide a garage and utility, a two storey rear extension to provide a new kitchen/dining room at ground floor with two bedrooms over, and a first floor front extension to provide a guest bedroom.

1.2 Newcourt Park is a cul-de-sac on the east side of Moorend Road within Charlton Kings parish; no.15 is located on the west side of Newcourt Park and the application site backs

PLANNING AND ADVERTISEMENT APPLICATIONS

onto properties in Newcourt Road. All of the properties within the cul-de-sac were constructed in a similar style.

1.3 The existing property is facing brick with an asymmetric, pitched tiled roof and flat roofed garage projection. The application proposes a new palette of external facing materials to include white painted render and a slate roof covering.

1.4 The application is before planning committee at the request of Cllr Clara Sudbury and Cllr Penny Hall given the level of concern raised by nearby residents.

2. History

2.1 There is no planning history relevant to this application.

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential alterations and extensions (2008)

Planning Policy Guidance/Statements

PPS 1: Delivering sustainable development

4. Consultation responses

4.1 No consultation comments have been received in response to this application at the time of writing this report.

5. Publicity and representations

5.1 A total of 9 letters of notification were sent out to local residents; the 21 day period ended on 16.06.2010.

5.2 At the time of writing this report, 15 letters of representation have been received in response to the publicity; 14 letters in objection and 1 letter in support. A summary of the comments received has been circulated to Members separately.

5.3 The objections relate to:

- Poor design
- Overlooking/Loss of privacy
- Out of keeping with area
- Overbearing/Too big
- Devalue property
- Traffic implications
- Effect on listed building
- Loss of view
- Noise
- Over-development

PLANNING AND ADVERTISEMENT APPLICATIONS

- Future commercial use

5.4 Although revised plans were plans received by the Council on 11.06.2010, it was not considered necessary to re-consult neighbours as the overall scheme has not changed, however the revised plans have been available to view on-line.

6. Officer comments

6.1 Determining issues

6.1.1 The main issues when considering this application are design and the impact on neighbouring amenity.

6.2 Design

6.2.1 The proposed development is contemporary in design, and offers a new palette of external facing materials. The proposed use of render, timber cladding and slate has caused concern with local residents. However it should be noted that the external elevations of the existing building could be altered in such a way to achieve an almost identical proposal under permitted development, without the need for planning permission.

6.2.2 Whilst local plan policy CP7 requires development to complement and respect neighbouring development and the character of the locality, paragraph 38 of PPS1 states that *“local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*.

6.2.3 Policy CP7 advises that an extension *“should be to a high standard of design, and would normally be expected to use materials which match the existing building with similar forms of roofs, doors, windows, and other elements”* and therefore sets out that alternative design approaches can be acceptable.

6.2.4 It would seem that there is an issue in this case regarding matters of personal aesthetic taste. The application has been prepared by a qualified architect and whilst the design has clearly not met with universal approval, officers consider the extensions to be of an appropriate scale and design in accordance with the objectives of local plan policy CP7.

6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 advises that development will be permitted only where it will not cause unacceptable harm to the amenity of adjoining lands users and the locality.

6.3.2 Although residents in Newcourt Road, to the rear of the application site, suggest that the large first floor windows proposed in the rear extension will result in a loss of privacy, these windows will be in excess of 25 metres from the rear site boundary, over and above the minimum distances set out in policy CP4 when determining privacy for neighbours. Revised plans have however been submitted by the applicant reducing the size of the first floor openings in an attempt to address some of the objections raised by neighbours.

6.3.3 Concerns have also been raised with regard to the ‘balcony’ or ‘raised terrace’ at the rear of property. This area of sedum roof is not intended to be a balcony rather a more sustainable approach to a flat roof. The full height glazing to the bedroom and bathroom has now been amended to prevent any possible access on to the roof; and a restriction on the

PLANNING AND ADVERTISEMENT APPLICATIONS

use of this area of flat roof could be secured by way of a condition should Members be minded to approve the application.

6.3.4 Local residents have also commented that the proposals suggest that the property will be used for a commercial venture in the future. Such claims are pure speculation and cannot constitute a material planning consideration when determining this current application. A future change of use of the building may require the benefit of planning permission although planning permission is often not required to work from home provided the principle use will still be a private residence.

6.3.5 Officers consider that the proposed extensions can be comfortably accommodated within the site with only limited impact on neighbouring amenity and the scheme is therefore considered to be in accordance with the aims and objectives of local plan policy CP4.

7. Conclusion and recommendation

7.1 It is clear that a large number of local residents are not supportive of the proposals; they argue that the changes proposed to no.15 do not reflect the character of the locality and the general appearance of the houses in Newcourt Park. The question needs to be answered whether the overall character and appearance of the houses in Newcourt Park are of such distinctive merit to warrant their 'retention' at all costs, in the face of something different. The site is not within a conservation area. The proposal is for a quality contemporary design which it is argued should be supported. Furthermore it must be borne in mind that significant changes can be made to the property without the need to obtain planning permission. In conclusion, it is considered that the proposed alterations and extensions amount to a quality scheme which should be supported. Conditions are suggested to ensure that the alterations and extensions proposed are constructed to a sufficiently high standard worthy of the design.

RECOMMENDATION

Permit

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

PLANNING AND ADVERTISEMENT APPLICATIONS

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development or other external alteration made without planning permission.
Reason: Any further openings or alterations require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
 - 4 The flat roof at first floor at the rear of the building shall not be used as a balcony, roof garden or similar amenity area without planning permission. Access to this area of flat roof shall be restricted to that for maintenance purposes only.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
 - 5 Notwithstanding previously submitted details, prior to the commencement of development, details of the maintenance regime for the green roof shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the green roof shall be retained as such and maintained in accordance with the maintenance regime so approved.
Reason: To ensure that the external appearance of the dwelling is maintained as proposed in accordance with Local Plan Policy CP7 regarding design.
 - 6 The development hereby permitted shall be carried out in accordance with the revised drawings received on unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.
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