



Planning ■ Design ■ Development

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Planning Department
Cheltenham Borough Council
Municipal Offices
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BPA Ref: 3197

09th October 2024

RE: Representation to application ref: 24/00435/FUL: Second set of revised plans for single storey rear extension, first floor side extension and associated alterations at 187 Leckhampton Road, Cheltenham, GL53 0AD

Dear Miss Payne,

We have been instructed by [REDACTED] of 189 Leckhampton Road and [REDACTED] of 185 Leckhampton Road, to review the revised plans submitted on the 16th September 2024, with further revisions submitted on the 4th October 2024. In addition to the comments, photographs and images provided in their letters of objection dated 08th October 2024, the following points are provided to support the strong concerns and objections set out.

Existing and proposed block plans E4640 002 – missing the proposed elevated patio area.

The proposed block plan does not include the elevated patio area, which is at a level which appears to require planning permission. As part of the associated alterations, it is not identified on the proposed block plan. This is a missing important consideration which is amplified by the raised patios position immediately adjacent to the boundary with 189, in conjunction with the length it runs along the boundary and the loss of boundary vegetation between 187 and 189 which further opens views across the rear garden of 189.

Neighbouring Amenity

Adopted Cheltenham Plan Policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining landowners or the locality. In assessing impact on amenity, matters of consideration include, but not limited to, loss of privacy, loss of light, and overbearing impacts. These requirements are reiterated in adopted Joint Core Strategy (JCS) Policy SD14 in addition to the details of the National Planning Policy Framework (NPPF).

Direct Impact on No. 189:

The application proposes a new first floor window, to serve a bedroom, in the side elevation facing 189, the details submitted on the 4th October do not detail this window to be obscure or fixed. The proposed window would provide for outlook directly to the side boundary and would create overlooking and loss of privacy which would be in conflict with policy SL1.

Although not included on the submitted proposed block plan the application proposes a large area of raised patio which runs immediately adjacent to and along a significant length of the boundary with 189. In considering the existing boundary arrangement and site levels, the raised patio would provide an extensive raised platform area which would provide a large vantage point towards 189. This would create harmful overlooking and result in the loss of privacy to the existing private amenity space to the rear of 189. Section details of the proposed raised patio, in the context of the application site and the neighbouring properties, would provide for a better understanding of these impacts.

The implications for the privacy of the occupants of 189 would therefore still be severe, as the proposal would result in excessive overlooking and have harmful impact on the private amenity and the living conditions of the occupiers of neighbouring properties in terms of loss of privacy and therefore does not follow the requirements of policies SL1 of the Local Plan, SD14 of the JCS.

Obscure window detailing should be to Pilkington Level 5.

Direct Impact on No 185:

The site context and topography of this part of Leckhampton Road incorporates a slope which falls towards the north. This results in different ground floor and garden levels for individual properties,

subsequently 185 is set at a significantly lower ground level than 187 which is an important site constraint to factor in. The fall in levels therefore significantly increases the impact of any extensions to the side and rear of 187 on the amenity and living conditions of the occupiers of 185.

The application would introduce a first-floor side extension with a height to ridge of 8.9m and which would run immediately along the boundary with 185 as shown on the proposed block plan, in addition a further single storey rear extension is proposed on the boundary. This will create an expanse of new built mass directly on the boundary. As set out above the impact is further exacerbated due to the reduced ground level of 185 being some 1.21m lower than 187. In addition, due to the site's aspect (187 is located to the south of 185) the scale of the proposal would also be likely to reduce the level of light and cast shadows during most of the day to the detriment of the amenity of 185. At the scale proposed and with the extensions located immediately adjacent to the boundary the proposal would result in harm to the amenity of 185.

By virtue of its scale, height and proximity to the boundary the extensions would have a detrimental impact on the living conditions of the occupiers of neighbouring properties in terms of being overbearing, loss of privacy and loss of light and therefore does not follow the requirements of policies SL1 of the Local Plan, SD14 of the JCS.

Overall, the proposed development will have a detrimental impact on the living conditions of the occupiers of the neighbouring properties, in terms of overlooking, a loss of privacy and overbearing impacts. The proposal is therefore contrary to Policy SD14 of the JCS and Policy SL1 of the Cheltenham Plan, as well as the guidance set out within paragraph 135(f) of the NPPF.

Design and layout

Policy SD4 of the JCS indicates how high-quality and well-thought-out design is a key element in producing sustainable development. The policy goes on to emphasise that development should positively respond to and respect the character and scale of the site and its surroundings. This is supported in Policy D1 of the Cheltenham Plan.

Further guidance is contained within the 'Residential Alterations and Extensions' Supplementary Planning Document (SPD). It is stated within the introduction to the guide that its purpose is "to ensure that the character of each of the residential areas within the Borough is not eroded through un-neighbourly, poorly-designed extensions and alterations to residential properties". One of the

five basic design principles set out within this SPD is subservience. The document advises that an “extension should not dominate or detract from the original building but play a ‘supporting role’”. It goes on to state that extensions to the rear “should be subservient to the original building in height and width”.

The proposed extensions have not been designed with subservience in mind. The first-floor side extension is unduly dominant and would overwhelm the original dwelling appearance to the extent that its original form would be diminished.

The proposed first floor side extension therefore does not read as being subservient in appearance to the original dwelling, with the width of the gable along with the ridge height and eaves all being set to proportions of the existing property rather than playing a ‘supporting role’. The design seeks to maximise the size of the extension rather than consider the design impacts on the existing property and the surrounding area. This approach creates bulky and unsympathetic addition that would detract from the character and appearance of the host property and surrounding area and lacks the necessary subservience as required by policies D1, SD4 and the SPD.

Other rear extensions within the area step-down in order to create a sufficient visual gap, and also include flat or low-pitched roofs so that they are seen as subservient additions. Of note planning permission for 189 (17/00577/FUL) for a first-floor side extension required the submission revised plans to provide a hipped roof detail on the boundary with 187, with a 1 ½ storey design approach taken to ensure that the extension reads as subservient to the original dwelling. 189 have 2 steps leading down into the bedrooms created above the garage at FF level along with 2 sloping ceilings in order to deal with the subservience requirements identified during the consideration of that application. It is noted that there is almost twice the distance between 187 and 189’s side elevations when compared to the distance between 185 & 187’s side elevations, thus proving the subservient impact identified during application 17/0577/ FUL.

In light of the above, the proposals conflict with Policy D1 of the Cheltenham Plan, Policies SD4 and SD7 of the JCS, and the Residential Extensions and Alterations SPD, all of which seek to ensure extensions are well designed, subservient to the original dwelling and respond appropriately to context.

Drainage

Policy INF2 of the JCS advises that development proposals must avoid areas at risk flooding, and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Additionally, where possible, the policy requires new development to contribute to a reduction in existing flood risk; and to incorporate Sustainable Drainage Systems (SuDS) where appropriate.

This location has a high-water table as a result of the rainfall coming from Leckhampton Hill. This is evidenced by the fact no.189 has a 'wet cellar' with an automatic sump pump. Given the considerable amount of new hard surface areas proposed, the applicant needs to provide information on how surface water run-off will be managed. Damage to neighbouring properties could be caused if adequate drainage measures are not installed. As such, rather than conditioned, it is recommended that the applicant submits a Surface Water Drainage Strategy for consideration as part of this planning application. This will provide neighbours with reassurance that surface water run-off will be dealt with appropriately.

Summary

The residents of 185 and 189 are not against an extension to 187, however must object to this revised proposal for the reasons set out above and as set out in their letters. If the applicant was minded to make further amendments to the application, it is suggested the following points are considered:

Removal of the proposed 1.5 storey extension above the garage - to overcome overbearing/ loss of daylight/ impact on garden amenity space/ subservience issues.

Lowering of the proposed single storey extension and patio area with the introduction of steps down from existing floor levels – to overcome overlooking/ loss of privacy/ impact on garden amenity space.

The proposed side facing window to be obscure glazing on the side elevation facing 189 with the other windows to remain obscure - to overcome overlooking/ loss of privacy.

Any proposed additional bathrooms/ en-suites (whether at higher level or not) to have a minimum level 5 obscure glazing.

Having considered all the above, the proposed development is considered to represent an unacceptable scale and design which lacks subservience and does not respond to the surrounding context and therefore fails to achieve an acceptable form of development. Furthermore, by virtue of its scale, its elevated position and relationship with neighbouring land users, the development will result in an unacceptable impact on neighbouring amenity in terms of visual impact, overbearing impact, overlooking impact; loss of privacy; perceived loss of privacy; impact on the enjoyment of garden amenity.

I hope the above points can be considered as part of the Councils determination of the application.

Yours faithfully,

Craig Hemphill | MRTPI
Senior Planning Consultant

Response to findings of the Planning Officer's report – App 24/00435/FUL - 187 Leckhampton Road

Dear Members,

Having reviewed the Planning Officer's report we write to express our concerns given the gaps of missing information; the incomplete assumptions made, and the lack of any reference or discussion concerning previous relevant applications which were both amended and refused by Cheltenham BC. We reside at 189 and are also writing on behalf of 185 Leckhampton Road.

Firstly, we find the report condescending towards the neighbour's objections made, thus giving the impression it has been favoured towards the applicant. Both 185 & 189 got a sense of this happening when the Officer was invited out to both gardens during the 1st submission, where at the time the Officer had little knowledge of the application, and had not yet visited the applicant's site. We found the tone of the officer overly negative towards any concerns we had, despite at that time not being in receipt of full information. There were no words of comfort or suggestions on how any of our concerns could be mitigated. At that time both 189 and 185 felt a position of injustice and bias towards the application site. However, we didn't want to raise it due to a fear of 'backlash' towards our objections thus prejudicing them before the Officer's decision, you can understand our reason for doing so.

That aside, we are writing here today to explain those gaps of missing information, shed light and clarification on the Officer's assumptions made, and provide constructive and practical solutions as to how some of the remaining objections can be overcome, compromised and therefore mitigated:-

Raised Patio/ Terrace

Given the immensity of the point and the proposed increase in ground level for the patio; over 450mm towards 189's boundary and 670mm next to 185; which will be on top of 187's already raised patio; that the only comment from the Officer is "*it can be easily mitigated*". However, an explanation was not given as to how from the applicant's site? There are many aspects that have not been addressed to support this raised patio:-

1. No mention of the raised patio under the headline proposal for the application despite it requiring permission. Under Permitted Development Rights (PDR) it requires any raised patio/terrace above 300mm to require planning permission.
2. No mention of the patio on the Drawings nor annotation on the Key description
3. No illustration of the patio on the Block Plan.
4. No mention of it on the Design Access Statement.
5. No details showing an existing cross section or a proposed cross section of raised patio and its relation to the neighbours. A topographical survey done despite both 185 & 189 calling for one.
6. No threshold details
7. No mention of the mature landscaping being removed on the Drawings; or in the Design Access Statement
8. No inclusion of the mature landscaping consisting of trees and hedges on the Existing Plans
9. No drainage details showing how rainwater will run-off or be dispersed.
10. There is no reference of the fence height between 187 and 189 being effectively reduced to 97cm as a consequence of the raised patio – enabling even a 3.5 yr child to peer over the top.

11. The Planning Officer has commented about steps inside the extension, but ***not*** steps down onto the patio, which would help with the concerns of overlooking and loss of privacy.
12. There is no mention in the report about the 2 Appeals concerning raised terraces - APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997

It is clear the raised patio has been camouflaged under the Works/ Drawings/ Design Access Statement and isn't discussed by the Planning Officer under the report, yet the height they are proposing to raise it by requires planning permission

The proposals cannot be achieved without removing ***all*** the mature landscaping in those locations; which subsequently create ***all*** the problems concerning a 97cm fence height; and all the material objections concerning a loss of privacy, loss of perceived privacy, and impact on the enjoyment of outdoor garden amenity space for 189.

Obscure glazing

App 17/00577/ FULL for 189 Leckhampton Road was carried out by the previous owner, but 189 will install obscure glazing to its LH bedroom as suggested. However, 189's RH bedroom window remains clear under planning which means 187's proposed new bedroom window will look directly into an 8 year old boy's bedroom (see image below). Therefore, being a new aperture on 187's elevation it must be obscure as well. Further what is the window for which looks directly into 189's garden?



The planning officer has not mentioned the objection raised to the en-suite master bedroom, with a walk-in shower covering over 1/3 of the window, which will be visible from neighbouring gardens and must be obscure to maintain privacy.

Dear Members we (189) would be happy to remove all our objections if the obscure glazing condition was extended to cover those 2 windows, and that a compromise of steps down onto their patio (as per existing) in line with everyone else on this side of the road, who also have steps down onto their patios. This will help reduce the impact of overlooking, loss of privacy, loss of perceived privacy, impact on the enjoyment of outdoor garden amenity space, and reduce noise for 189, but will still give 187 the application they want. Surely that is the best way forward.

Overbearing and significant loss of outlook

The Council has recently rejected an application on 2 Silverthorn Close (App 24/00871/FUL) citing the main reason as “overbearing” and “a significant loss of outlook”. This application was referenced in 185’s latest comments and is a replica of 187’s issues. However, no reference was made to it in the Planning Officer’s report? This is of particular relevance to this Application.

Subservience

The Officer has taken into consideration the impact of subservience from the front elevation of the property but has not reviewed the impact from the side or rear of the property. There is clearly an issue as the Architect has attempted to remove the concern by increasing the height of the existing roofs in order to make it look subservient. The fact they have had to use a red line on the drawings to highlight it is lower, despite it not being obvious to the naked eye, goes a long way to proving its overly dominate position compared to the existing property. Subservient conditions were enforced on 189 Leckhampton Road under App 17/00577/ FUL despite there being twice the distance between 189 and 187’s elevations compared to 185 and 187’s. This has also been raised by Mr. Craig Hemphill (Senior Planning Consultant) for Brodie Planning Ltd - being a former CBC Planning Officer with a multitude of experience.

Steps down in the Extension

Why have steps down into the extension not been discussed? The Officer has cited Accessibility and Flexibility for future occupiers but has not explained why? Is this for DDA Compliance or perhaps protection of property value? As previously discussed, the inclusion of steps down would go a long way to mitigate the floor level elevation of 1.27m above 185’s ground level. Otherwise 185 will be impacted by loss of outlook, overbearing, loss of day light, overshadowing, and enjoyment of garden amenity space. The inclusion of steps would also reduce concerns raised by 189. This ideal compromise would provide 187 with the internal layout and additional space as specified.

It is 187 that want to build up to the boundary fence of 185, remove the existing landscaping along the boundary fence of 189 to again build right up to the fence line, so in granting these proposals as submitted is it fair to then inadvertently force the neighbours to use their lands, at their cost, to try and reduce the impacts created by 187’s application - no it is not. That is why there must be a compromise from 187 to either incorporate steps down within the extension, or worse case steps down onto their patio, like everyone else along Leckhampton Road.



Conclusion

We have been made aware of a comment made by the applicant to Cllr Horwood during a recent site visit where steps down in the extension were discussed. After Martin had enquired about steps down, having seen how high the outside steps were, and how imposing they were on 185 the applicant responded dismissing it as not being necessary in such a small extension. May we point out that it's a 5m extension from the existing rear of the property and a step down, along with the same step into the outdoor covered seating area would be more than achievable. It would also be a very small area compared to the Ground Floor layout of the rest of the house therefore the impact on Accessibility for future users would be minimum – all the main use rooms such as the Entrance, Hallway, Kitchen, Dining, Toilet, Snug and part Lounge would be fully accessible. The room this step would sit in is in fact a 2nd Lounge, given there is already a Snug allocated on the Ground Floor. Further any access to the patio could easily be mitigated by the installation of a ramp for wheelchair users.

We note the Planning Officer's surprise and disappointment at the amount and strength of objections from neighbours, yet these objections and concerns have also been raised by several other independent people, as well as professional advisors, most notably:-

Cllr Horwood – Leckhampton Ward
Cllr Nelson – Leckhampton Ward
Cllr Hutchings – Leckhampton Parish Council
Cllr Newport Black – Leckhampton Parish Council
Cllr Baillie – Leckhampton Parish Council
Cllr Cooke - Leckhampton Parish Council
Lorelle Davies – Brodie Planning Ltd
Craig Hemphill – Brodie Planning Ltd (ex CBC Planning Officer)
Owen Hoare – Nimble Planning

Therefore, our objections and the strength of them are legitimate material considerations as evidenced by other people feeling the same way. We have also discussed this application with many friends and family who also feel the same, even suggesting steps as a compromise.

We thank the Members for their time and consideration in this matter.

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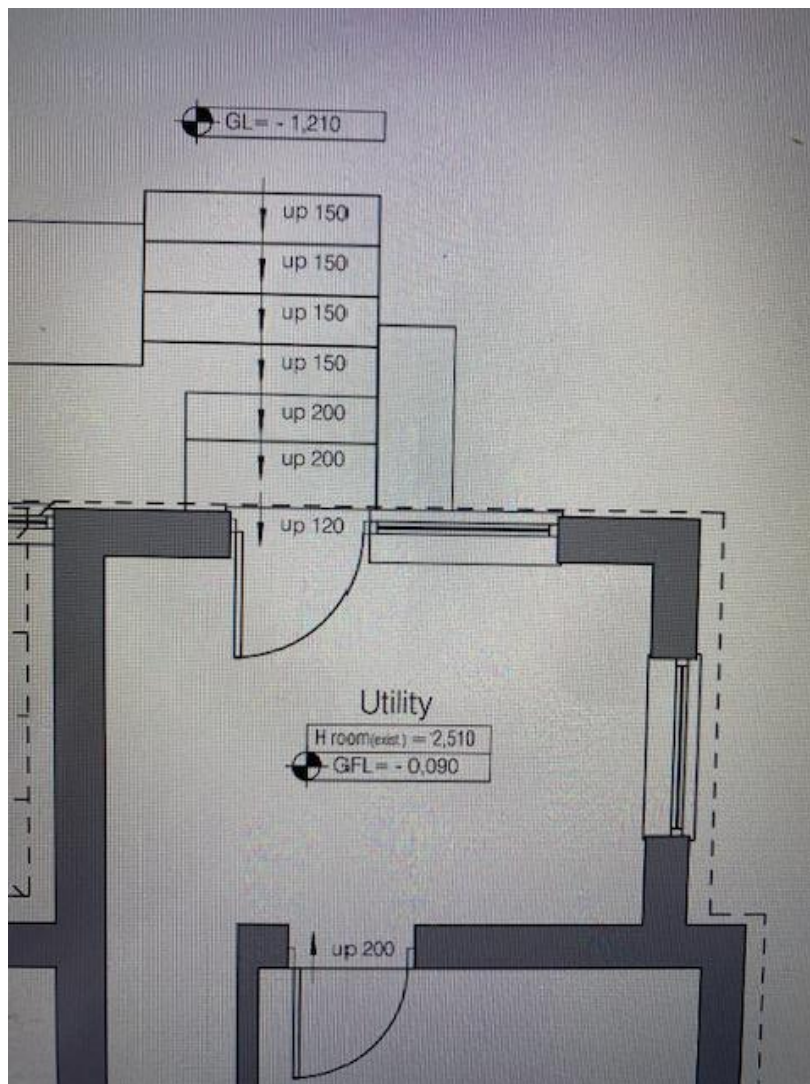
Site visit 15.10.2024 – App 24/00435/FUL - 187 Leckhampton Road

Dear Members,

We thank you for taking time to make a site visit today, although it caught me by surprise since I had been informed by at CBC Planning that a site visit was to be made 17th October. It was fortuitous that both myself and neighbour at 189 were in to give access. Consequently I omitted to show you the outlook from 185's music room, which will be lost should 187's proposed extension be granted.

I thought I was quite conversant with the 'Existing' and 'Proposed' floor plans, however I had missed an important figure - the significant difference in floor levels between 187's current patio level and that of the proposed extension floor level. The below extract from 187's 'Existing' floor plan shows the **steps rising 520 mm from the patio level to the Utility floor**, which is the level of the proposed extension. This is only appreciated when standing in 187's current Utility room and looking down into 185's patio area.

Steps rising 520 mm = 200+200+120 mm



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