CHELTENHAM
BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 19 December 2019
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Paul McCloskey, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

Important Notice

This meeting will be filmed by the council for training purposes. At the start of the meeting the Chair will confirm if all or part of the meeting will be filmed. The recording will not be broadcast to the council's website or on any other online platform but will be retained by the council for a period of six months.

If you make a representation to the meeting you will be deemed to have consented to be filmed. By entering the Chamber you are also consenting to be filmed and to the possible use of those images and sound recordings for training purposes.

Agenda

b) **19/02213/FUL 1 Bath Mews Commercial Street Cheltenham** (Pages 5 - 12)
Planning Application Documents

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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APPLICATION NO: 19/02213/FUL	**OFFICER: Miss Michelle Payne**
DATE REGISTERED: 7th November 2019	**DATE OF EXPIRY** : 2nd January 2020
WARD: Park	**PARISH:**
APPLICANT:	Mr D Richardson
LOCATION:	1 Bath Mews, Commercial Street, Cheltenham
PROPOSAL:	Rooftop extensions to 1 and 2 Bath Mews (revised scheme)

ADDITIONAL REPRESENTATIONS

40 Pilley Lane
Cheltenham
Gloucestershire
GL53 9ER

Comments: 11th December 2019
I can certainly see the benefit of extending in an urban space over building a new property in the countryside

119B Bath Road
Cheltenham
Gloucestershire
GL53 7LS

Comments: 11th December 2019
This addition to an existing building provides much needed living space in a very popular area in the centre of cheltenham.

it would seem the owner has listened to objections and accordingly revised the existing scheme to combat potential overlooking.

The new design compliments the existing house.

29 Bath Street
Cheltenham
Gloucestershire
GL50 1YA

Comments: 16th December 2019
Letter available to view in documents tab

3A Chapel Lane
Cheltenham
Gloucestershire
GL50 2AR

Comments: 11th December 2019
The designs of the extensions are current and in keeping with what is already there. The revised scheme is a big improvement and a great use of space, space for additional people to live without damaging the environment.

Larchlands
Daisy Bank Road
Cheltenham
Gloucestershire
GL53 9QQ

Comments: 11th December 2019
Great design. A real uplift to the area.

The Garden House
Bath Terrace
Cheltenham
Gloucestershire
GL50 2AL

Comments: 11th December 2019
I live immediately adjacent to this property. I fully support this application. It's sensible to build in this location and follows advice in the current National Planning Policy Framework regarding upwards extensions. The more building in sustainable, built up locations the less pressure there is on our precious countryside.

Sunnyhill
Stanley Road
Cheltenham
Gloucestershire
GL52 6QD

Comments: 11th December 2019
It's a fantastic design and would make sense to build in the town centre.

Miss Michael Payne
Cheltenham Planning

[redacted]
29 Bath Street
Cheltenham
GL50 1YA

19/02213/FUL Objection re: belated revised elevations 11 December

15th December 2019

Dear Councillors and Planning

We have some belated revised elevations from the Applicant at the eleventh hour and, as a consequence, "superseded elevations". This is an abnormal procedure, just some eight days from Planning Committee. We can only conclude that the revised elevation is a belated attempt at clouding the issue of the damaging magnitude of the new overshadowing, as such, it is also a tacit admission there will be an unacceptable loss of daylight through clear glass into habitable rooms to some houses in Victoria Retreat.

The proposal is not consistent "with the immediately adjacent buildings", that building also having a flat roof [The Garden House]. The claim is stretching credulity. The existing pitched roofs in the locality significantly predate the Flat roofed buildings in and around the old Fountain Cottage garden site.

What is lost here is the fact these Flat Roofs *are consistent* with attempts at mitigating harm to neighbour amenity by limiting elevation, notwithstanding the Report for the existing build in 2006 [06/01557/FUL] acknowledging there was a "slight breach" [sic] of the 25^0 light rule.

This loss of light in 2006 was excessive. This proposal wants to take more, simply by evoking some imaginary "presumption" that upward extension is to be permitted in any circumstance, so trumping normal amenity protections afforded by CP4. The Report for the new proposal [19/02213/FUL] selectively quotes from NPPF. Section 118 [e] actually says decisions should:

"support opportunities to use the airspace above existing residential and commercial premises ***for new homes."***

The proposal is not a new home. The proposal is not a maisonette. It is an upward extension on an existing site that was constrained by its location to have a flat roof of a defined elevation.

The Report for 19/02213/FUL acknowledges Victoria Retreat will be adversely affected. There is no "potential" for this, it is either the case or it is not the case.

The Report states:

"6.3.2 ***It is acknowledged that there are a number of residential properties in Victoria Retreat that have the potential to be adversely affected*** *by the proposed development; however, officers are satisfied that any impact on these properties would not be so great as to warrant a refusal on amenity grounds that could be* ***reasonably upheld at appeal****. All development in densely built up areas such as this is* ***likely to have some impact on neighbouring land*** *users."*

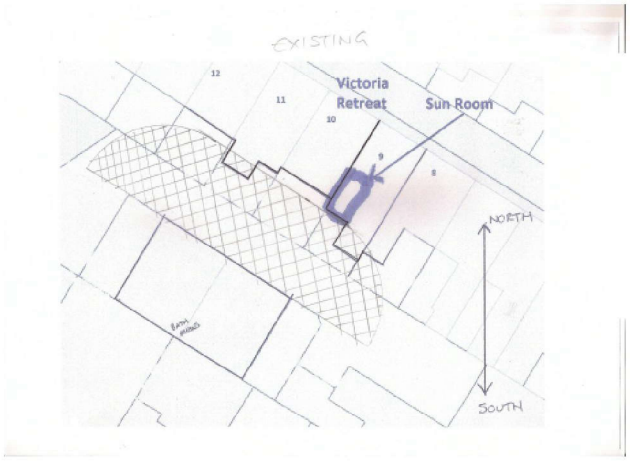
The use of certain words in the above statement is informative. The reasoning for approval is a latent threat of Appeal. The use of *reasonably,* in particular, infers it would likely require some effort to uphold CP4, but does not state, unequivocally, that CP4 could not be upheld as a refusal reason. That is obvious as the magnitude of harm is excessive. It should not be forgotten the original building causes harm and the houses had to re-arrange the use of land and rooms to harvest what sunlight remained, post 2006. It is grossly damaging to remove the remaining Amenity of Victoria Retreat.

Of course, development does have impact on neighbouring land, however that does not mean the impact should, or needs, to be harmful.

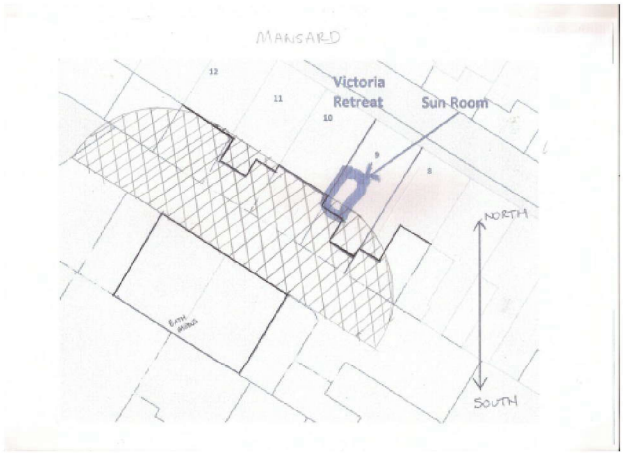
Previous representations have demonstrated the magnitude of the overshadowing of light into windows of Victoria Retreat. In particular, site plan diagrams illustrated this clearly, however, these being coloured, are not represented well in greyscale in the Report Package sent out to Members. Further, these diagrams absolutely reflected the positioning of the parapet gable walls [3]. As such there was no reason for the belated posting of revised elevations, as the overshadowing by what form at what angle was already clear.

So for some clarity these are now reproduced in greyscale on an up to date site plan that accurately reflects building form on the site. As previously stated in past representations, the site plan produced by the Applicant is many years out of date. Further, a 3D "Satellite" type representation further supports the present positioning of buildings on the site. This can be confirmed by cross referencing images on other platforms, such as Google Maps, if necessary.

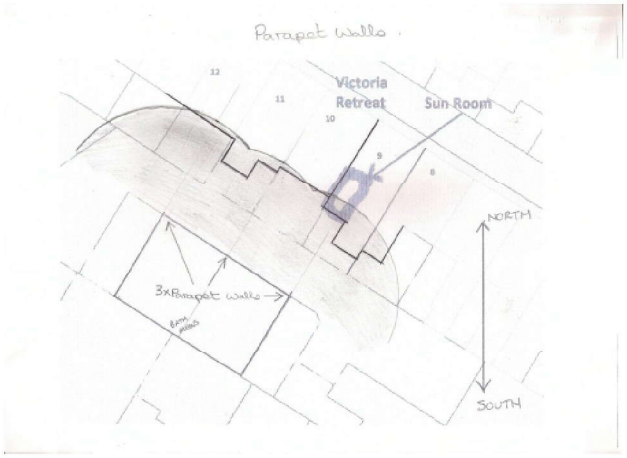
As previously, the lines show a position of the maximum obstruction of 25^0 angle, 2 metre elevated off the ground, clearly demonstrating the shadow of the existing building and the shadow from the proposal.



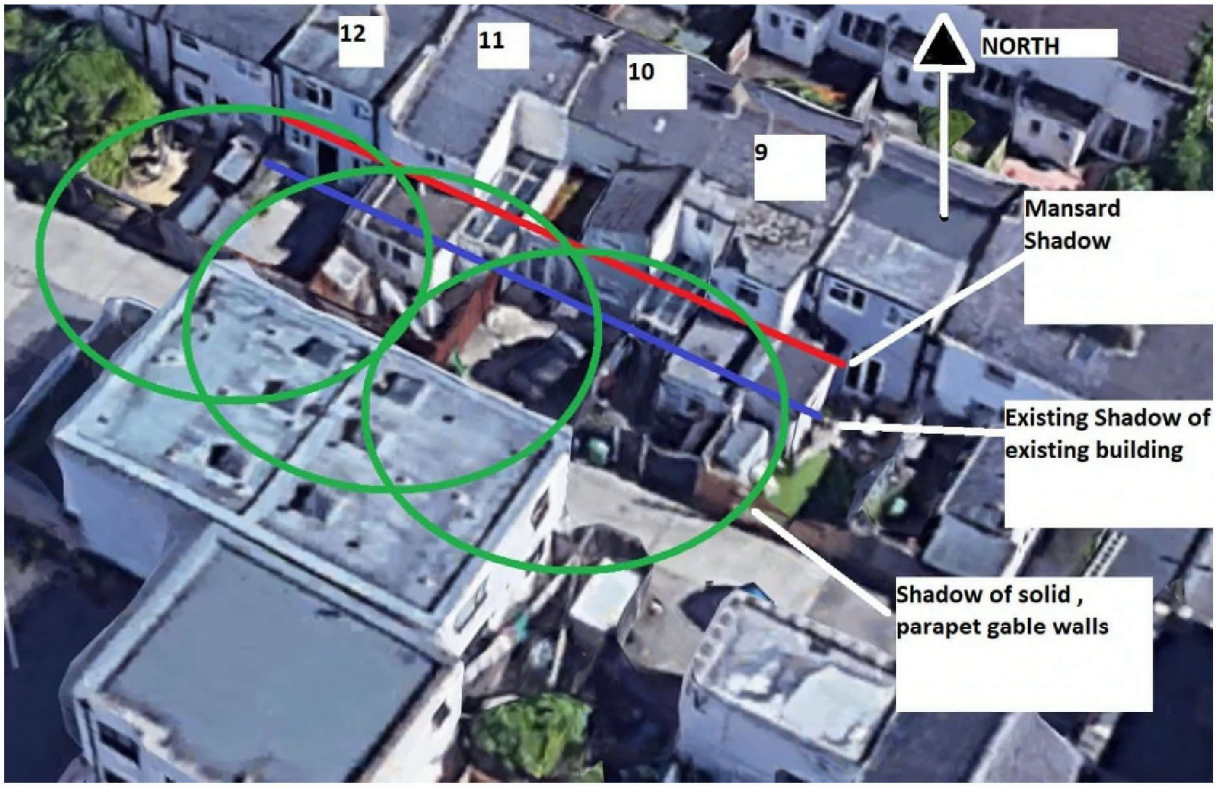
Existing Building Overshadow.



Increased Overshadowing due to Mansard Roof of Proposed Elevation. Vertical and horizontal glass of sun room of no 9 overshadowed, with >55% loss of daylight to this room. Additionally overshadow is now on "historical rear building line" where previously it was clear, overshadowing rear , ground windows of various houses, that previously were not overshadowed



Increased overshadowing due to solid parapet gable walls [x 3] of Proposed elevation.


12
11
10
9
NORTH
Mansard Shadow
Existing Shadow of existing building
Shadow of solid , parapet gable walls

In summary, the existing build is of its size and mass simply due to the constraints of the original site. That has not changed and that alone should inform that the building is not suitable for upward extension.

The proposal to increase in built form will cause harmful overshadowing and loss of light to Victoria Retreat. No more damage to Amenity should be inflicted on these homes and the proposal should be refused.

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