

Planning Committee

Thursday, 22nd August, 2019

6.00 - 8.25 pm

Attendees	
Councillors:	Councillor Roger Whyborn (Reserve), Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Karl Hoble, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor Simon Wheeler and Councillor Chris Mason (Reserve)
Officers in Attendance:	Claire Donnelly (Planning Officer), Nick Jonathan (Solicitor) and Michelle Payne (Planning Officer), David Oakhill (Head of Planning), Ben Hawkes (Planning Officer), Chris Mead, (Gloucestershire County Highways Officer), Judith Baker (Planning Committee Coordinator)

1. Apologies

Cllr Seacome, Cllr Atherstone, Cllr Payne, Cllr Hay

2. Declarations of Interest

19/01296/FUL 3 Wendover Gardens

Cllr Mason: supports the residents opposing the proposal – will leave the Chamber during this debate

19/01141/FUL 2 Bethesda Street

Cllr Barrell: – is ward councillor, lives in the area, and has attended events and activities at the church, but has taken no public view and been advised that this constitutes no prejudicial interest.

Cllr Barnes: is a friend of the objector. Will leave the Chamber during this debate; Cllr Baker will take the chair.

19/01375/FUL 21 Canterbury Walk

Cllr Fisher: lives in Canterbury Walk but does not know the applicant, so no prejudicial interest.

3. Declarations of independent site visits

Cllr Mason: visited all the sites on Tuesday evening

Cllr Wheeler: has looked at all on the sites on Google, and driven past **21 Canterbury Walk** to get an idea of the scale.

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on 18th July 2019 were approved and signed as a true record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

7. 19/01141/FUL 2 Bethesda Street

Cllr Barnes left the Chamber; Cllr Baker took the chair.

Officer introduction

BH introduced the application as above. It is situated in the central conservation area, and will have frontage to Chapel Lane, similar to No.1 Bethesda Street. It is at Committee at the request of Councillor Harman, due to residents' concern about over development, loss of amenity, access issues, and the impact on Bethesda Church Hall. All of these issues have been considered, as set out in the report. The recommendation is to permit.

David Terry, on behalf of Bethesda Church members and regular hall users, in objection

Two years ago, Bethesda spent £650k on refurbishment, to create a modern, community-serving church centre, which includes the large hall opposite the proposed dwelling. On a weekly basis, this is used, amongst other things, for two mum and toddler groups, a lunch club for the elderly, cubs, scouts, brownies, a dementia support group – adding up to approximately 500 people a week. The hall has three large south-facing windows directly across to gap on Chapel Lane, and receives 90% of its natural light from those windows; there is one other small window in the hall. For 150 years, the hall has had the benefit of daylight flooding in, but now that will be blocked by a building 10 feet away. This will have a detrimental effect on all users, as sunlight has many benefits, especially on the needy. Strip lighting is not used all the time in the hall, only when needed. In addition, while the existing buildings only slightly overlook the hall, the windows of the proposed dwelling will directly overlook it, giving rise to safeguarding concerns. The report states that the proposal won't cause unacceptable loss of light, but would respectfully disagree with this, and question whether it is based on the experience of standing inside the hall and looking out. Understands that the law doesn't give the right to light, but would suggest that a 150-year-old listed building serving as a vibrant, modern community centre deserves some right to light. Church members and hall users are very concerned, and ask Planning Committee members to reject the application.

Public Speaking

Mr Otter, applicant, in support

Moved to 2 Bethesda Street two years ago with his partner, with the intention to make it into a family home. This work is now complete, but the parking space to the rear is used as a parking space for other people, by dogs, and for other anti-social behaviour. One solution would be to build a wall to alleviate the problem, but would rather do more. Parking is not an issue in the area – it is residents' parking only, and there are two big car parks nearby which are cheap by day and free at night. There are concerns that the new dwelling will overlook the church hall, but it is not true to say that the existing houses on Chapel Lane and Bethesda Street don't already have windows overlooking the hall – from No. 2 Bethesda

Street, it's possible to see right into the hall from the back windows. The hall is used by his own child, and is unaware of any complaints about overlooking; if it was a problem, suggests that more could be done by the church to prevent it. The new dwelling will be closer to the church, but the two ground floor windows will be opaque glass to reduce any worries about views into the church hall. Regarding construction techniques and disturbance, most of the houses in Chapel Street have been built in back gardens of Bethesda Street, and suggests a better construction method statement to ensure disturbance is kept to a minimum. In addition, as he owns the existing house, the new dwelling can in effect be built from the inside out

Cllr Harman, in objection

Doesn't call applications in to Committee lightly – there are real concerns here, as Members hopefully saw on Tuesday. Mr Terry has made a lot of good points, and in the agenda pack, Members will have read many comments and objections from various users of the hall and neighbours, including a well-argued objection from a neighbour at 2 Chapel Lane who is unable to attend the meeting tonight. On planning view, they will have observed that Chapel Walk has a particular character, and is a nice area of sanctuary. Understands that the applicant wants to improve the standards of his home, but this area is special and if the proposal goes ahead, it will have a significant effect on Chapel Lane and this cannot be ignored. Bethesda Church plays a vital role in the community in that part of town, and objections from church users and residents are not frivolous; the Civic Society has also raised concerns. Hopes Members will consider the application carefully and hopes they will not approve it; if they do, however, hopes they will consider measures to soften its impact, or defer pending improvements to the scheme.

Member debate

PB: notes that the biggest issue is the loss of light to the church hall and the impact on its users.

BH, in response:

- when considering loss of light and protection of habitable spaces in residential properties, officers apply the 45 degree rule; guidelines state that this can also be applied to non-domestic buildings, including schools, hotels, hospitals, small workshops and some offices. Village halls are not specifically listed, so the decision is needed as to whether church hall use falls into one of the categories which can have reasonable expectation of daylight.

RW: drilling down on light protection, has read the officer statement and noted that the examples given don't include church halls, but these are only examples. The import is that occupants have reasonable expectation of daylight, and the Committee seems to be of the opinion that the community hall can have that expectation. Has experience of this – daylight is good for a community hall, and it is reasonable that the Committee takes it on board.

KH: thinks on this occasion we should support applicant in what feels like the creation of a mews house - looking along Chapel Lane, practically everyone else has done it. This in itself isn't a reason why this applicant should do it too, but he could feel aggrieved if all the neighbours have built structures of this kind, and he is not allowed to do it. We shouldn't deny him the opportunity in this instance.

Respects the concerns raised by objectors – neighbours and users of the church hall - but feels that if their safeguarding concerns are that strong, the onus should be on church hall to obscure their windows in some way. It seems odd to put this responsibility on the builder. Notes that the applicant has offered to consider obscure glass, and this should be done, if it works.

Doesn't agree that the proposal will have a significant impact on parking - the applicant is right to say there are large car parks in area, and we can't constantly turn down applications on parking grounds. This is a sustainable location, already densely populated, but by and large very nice area to live. Doesn't think the addition of this property will significantly impact that.

SW: agrees with RW in thinking that public halls should be included in the list of places that have a right to daylight. Another point is that looking down Chapel Street, most of the houses that have been built there are opposite houses with small gardens, while the church hall is right up against against the narrow alley-like road - to build another property directly opposite, on what from a birds-eye view is the only little piece of green land in the area, could be seen as over-development. The church hall deserves the right to some natural daylight.

CM: coming back to the list of non-domestic buildings read out by the officer, this isn't exclusive, which means other types of building can be taken into consideration. Functions and users of Bethesda Hall are entitled to expect daylight. Notes that the Civic Society expressed surprise that the drawings it viewed on 26th June were conceptual – are the final drawings available now? Would also suggest that dormer windows are not in keeping with the area.

DB: parking space will be lost, and there are major parking problems in this area, but realises that is not seen as a major concern. Also believes that church hall is entitled to expect some daylight – it is like a school, and is regularly used without electric light. Another important issue which has not yet been brought up is that the church is a Grade II-listed asset, and even if the hall is not listed, it would seem that it is part of the setting of the heritage asset, and all sorts of things should be taken into consideration when looking at a heritage asset, the impact of the proposal on its significance, and the potential harm – this requires clear and convincing justification. It is also an important and well-used community asset, and all this should be taken into consideration.

PM: is primarily concerned about the light for hall users, but DB has raised another important issue about the setting of the heritage asset. The guidance list, including hospitals and schools, is significant, and there is a difference here: domestic use means 365 days a year, hospitals all day every day, but guides, brownies and other hall users only use the hall for 2-3 hours a week – has sympathy with this argument, but this isn't a domestic property and the question of light is different.

DB: talked about the listed building and its environment – the listed status relates to the whole of the church – this application is just affecting the windows to the hall. Cannot see that one building will make that much difference in this particular setting; the buildings are much of a muchness and there are a lot of buildings just as close to it as the proposed.

SC: this building is a heritage asset with community use, in a conservation area – it is not just a church. There have been 13 objections, not just from individuals, but also from community groups; it is clear that many users will be affected, maybe for only a few hours a week but in perpetuity. Is concerned for all users of the hall; the applicant is just one individual. The hall was built with windows facing directly due south, to receive direct

sunlight at all times of day – this is a good thing. The proposed house will be just a few feet away, directly south of windows, and will block out light, having a material impact on all users.

PB: it's clear that a lot of Members feel this sympathy, but the question is whether there are any planning grounds for refusal here.

DO, in response:

- the guidance used by officers is prepared by a national lighting specialist, and lists buildings other than dwellings - the primary consideration is how intensely and how frequently the buildings are used. This can obviously range from eight hours a day to once every few days. Use of the church hall is transitory, and this makes a difference. The windows are on the south elevation because they can't be on north, west, or east, where the roof of the hall drops away;
- regarding the listed status of the church, the church hall is not included in the listing; the case officer has engaged with conservation officers who have considered the scheme and have no objections – they do not consider it causes any unacceptable harm to the setting of a listed building.

(Note: Mr Terry stated at this point that the church hall is included in the listing of the church).

PB: is there any requirement for amenity space in new properties?

BH, in response:

- the Civic Society noted that the drawings were only conceptual, but this was an oversight on agent's part; the revised plans no longer are no longer titled 'conceptual', and if approved, these will be the drawings used;
- regarding the dormers, these were changed during the process, reduced in size and location on the front elevation; they are not a common feature, but recently approved in another local application;
- regarding amenity space, there is no requirement for new development to provide amenity space for a new dwelling; bin, bike and recycling space are provided as part of development.

MC: noted on Planning View that this is a tight site, but it is sustainable development, and the applicant has said he is prepared to obscure the windows in some way. Is happy with the application as it stands; will vote in support.

PB: the church could obscure its windows if necessary.

BF: members are getting carried away with the light issue. The new dwelling will be 14 foot away, and on an average day, ambient light will be similar to what it is now. It is immaterial why the church hall windows are on the south of the building – it will receive ambient light, it is non- residential, and a lot of activities take place in the evening and rely on electric light. Another way to prevent overlooking would be to put up curtains.

PB: looking at planning policies, is unhappy about the impact the application will have on the church hall, but is struggling to find any planning reasons to support this.

DB: the NPPF talks about preserving historic environment, but the issue here is the significance of the church and the important spiritual and community support it provides. The harm that the loss of that significance will cause is clear and convincing justification; the proposal will cause substantial harm to the building, as set out in Paragraph 194 of the NPPF.

DO, in response:

- looking at the website, can confirm that the Methodist church is listed, but the hall is not. The two designated heritage assets to be taken into account are the church and the conservation area.

BF: another family will live in the new house, and this will be an asset for the church; church is about the people and the community, not the buildings. Has attended non-church events at Bethesda and realises it is a good community asset; another family in the area will be another community asset.

RW: was leaning towards refusal at start, but having listened to the debate, is not convinced that there are reasons strong enough for refusal. As DO explained the examples set out in policy guidance and how long users spend in the building, is persuaded that it isn't strong enough reason to refuse and it would therefore be better to provide another much-needed dwelling in Cheltenham. If the application is refused and goes to appeal, it would be lost if the only appeal grounds were the light issue.

PB: residents will hear Members' predicament and understand that there is a lot of unhappiness, but the Committee has to go by planning rules and the additional dwelling won't prevent church providing a community function.

Vote on officer recommendation to permit

7 in support

4 in objection

PERMIT

8. 19/01230/FUL 151 Old Bath Road

Cllr Barnes back in Chair.

BH introduced the application, seeking planning permission for a detached single garage to the front of the property. Councillor Sudbury asked for a Committee decision, as she is concerned for highway safety and about the impact the garage will have on the character of the area.

Public Speaking

Cllr Sudbury was unable to attend the meeting to speak on traffic implications of the application, but had submitted comments for Members to read.

Member Debate

SC: Cllr Sudbury makes good points - hadn't appreciated how difficult it might be to get in and out of the garage and into road. In a different application in Leckhampton, where there was a similar issue, the applicant provided a sweep view to show how to get in and out safely. Here, the residents may have to reverse into the road, on a bend, with trees obscuring the view and traffic travelling at 30mph. Is there evidence of a sweep view or analysis to confirm it will be safe to get in and out without having to reverse into the road?

CM: notes the tree officer's comments and condition to protect the tree roots during construction work, but has seen this sort of condition in writing many times – does anyone go back and check that it's been done properly? Can a condition be included to require an enforcement officer to visit the site once the groundwork has been started, to provide reassurance that tree has been protected?

SW: looking at the paperwork, can see these are big houses with big frontages. Currently the owner can drive in and park with or without a garage. Shares SC's concerns, and would add that technically it would be illegal to reverse onto the road. Would like to see something in a drawing to show the sweep and turning point, making it quite clear that a car can reverse into garage and come out forwards. It needs to be made clear to the applicant that reversing onto the road is criminal and stupid – this is a very fast stretch of road. Provided that the applicant drives out forwards, there is no problem as the residents could park there with or without a garage building.

PM: having seen the garage, cannot think it would be possible to drive straight into, and if driving in off the road, it would be very difficult to reverse into the garage without taking the gate post off. Would also welcome schematics to show how it will work. Noted more than one car at the property on planning view, including one very large one.

BF: the highway code is advisory – it is not a criminal offence to back onto the main road. If the owners want to build a garage, we need to check it complies with planning rules and that that they want it to put their car away at night – garages are not always used for cars.

PB: the highways officer can advise on this.

RW: it might be question for the highways officer if the designation of 'garage' is important. There is no reason to believe the applicant will put a car in it – most people don't. If the applicant was to change the name of the building to shed or store, would we have grounds to it turn down? Is it a garage or a building? If it is a garage, is it practical and safe?

CM, in response:

- it would be daft to reverse onto the road but not illegal;
- is confident that turning can be achieved, and satisfied that if the garage is for its intended use, the owners will be more worried about scratching their car – it may be tricky, but there is enough room to turn so this is their issue and their choice. There is no highways reason why this is not acceptable.

BH, in response:

- the description of the development is 'garage' – whether it is used for a vehicle is up to the applicants. Ultimately, as the highways officer has said, it would be silly to build a garage that they can't get a car into, but permitting the garage isn't in itself giving permission to enter and exit the driveway via main road;

- to CM, re the suggested condition regarding groundworks from the tree officer, this is a standard and typical condition, and wouldn't require a follow-up visit. If there is any suggestion that works aren't being carried out in accordance with the condition, and officers are made aware, the matter could be followed up from an enforcement point of view.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

9. 19/01237/FUL 1 Hamilton Street

MP introduced the application for a new single-storey, one-bedroomed dwelling at 1 Hamilton Street, situated just outside but adjacent to the conservation area and opposite a GII-listed building. It is sustainably located in the area. The application is at Planning Committee because of parish council objection, and a number of objections from local residents. These have been taken into account, but when considered against local and national planning policy, the recommendation to permit.

Public Speaking

Mr Munro, on behalf of neighbours, in objection

Neighbours are strongly opposed to the splitting of this site for any kind of dwelling. Members will have read their letters and visited the site, and the key points can be summarised as follows: the sole purpose of the application is to build a house and sell it as a separate dwelling, and as such it will become part of the conservation area and should be treated as such; the site is too obtrusive and constrained for a new dwelling – it was designed as a garden, to protect Cudnall Street and match the open plan of the junction. Building here will breach the building line which has been retained by architects and planners for all infill development in Cudnall Street until now, protecting the unique period mix that defines the area and merits its conservation area status. Its poor design will not enhance Cudnall Street or Hamilton Street – it looks like a shipping container and could not be in less sympathy with the period properties around it; it will disrupt the views of one of the finest Elizabethan houses in Cheltenham as well as other period properties in Cudnall Street. All these objections are fully supported by the Parish Council, which has unanimously rejected all three proposals at this site. In addition to the above, the proposal does not conform with relevant planning frameworks and serves no wider social purpose. Urges Members to reject the proposal.

Member debate

CM: looking at the design of the building, and the requirement that new building makes a positive contribution to an area, considers this to be the wrong design for the area and completely out of character. Will not support the application.

PB: has serious concerns about the application. Looked at it again today to refresh his memory of the frontages, noting that no houses currently stick out – all respect building line, and if a precedent is set, there could be opportunities for similar proposals along Cudnall Street. Struggles to see why this site is outside the Cudnall Street conservation area when it is so very near and development on the site will impact significantly. The architects say that the site is a mess now and this proposal will tidy it up – but they don't need to build this

house to make it acceptable. Cannot support the design or location, and it is wrong to say it has the support and endorsement of the Civic Society and Architects' Panel. Members need to look at grounds for refusal, and for the impact on the conservation area would suggest would suggest NPPF Paragraph 105c and JCS SD8. Will move to refuse if no-one else does.

BF: the application is on Hamilton Street, not Cudnall Street. Its front door is on Hamilton Street, and although it is visible from Cudnall street, it is sunk down, with a very low profile. The existing wall there will be replaced. Opposite in Cudnall Street is a very interesting house, possibly a Tudor building, with leaded windows etc, but there is no set pattern of architecture - Hamilton Street is largely 70s semis, of no great architectural value. This design won't win prizes, but it's not that bad – it will a good home for someone, small but useful. Will vote in support.

RW: takes a different view. There has been a lot of discussion about the site being on the edge of the conservation area, but the design so poor and will have such an impact on the street scene, would object wherever it is. It wouldn't be that difficult to come up with a better-looking design with the same footprint. Is all for using small sites for much-needed housing, but this not good enough. Will support PB's move to refuse.

PM: Understands that the principle of developing this site was agreed, though there has been no outline planning permission granted, where the suitability of the site for a new dwelling could be considered. Bearing in mind the earlier discussion about the chapel and house opposite, was not so bothered about that proposal as it is a mirror image of the one next door; would have objected if it was like a shipping container. Cudnall Street has evolved over the years but not to the point of needing to install a shipping container as a house. Looked again at the site today – the building line and flow through to the development, from the 1970s dwellings to the shipping container. The proposed dwelling is larger than a shipping container – it is 52 sq metres; looked a minimum space standards on the internet which suggests a one-bed dwelling for two people should be a minimum 50 sq metres. This proposal at 52 sq metres is trying to get the maximum building possible into a very small plot. One of the core principles of the NPPF is high-quality design, providing a good standard of amenity for occupants. This proposal is small and over-development of plot – there is not much dwelling within it. Is very supportive of comments about Cudnall Street, the conservation area, building line – coming from Cirencester Road, this shipping container is right in the eye-line. Supports PB, and suggests local policies CP7 and CP3 may be included as refusal reasons.

BF: PM talks about size and height, but this proposal does comply. The application is in Hamilton Street, not Cudnall Street, and car parking space needn't have been provided at all at this location. The proposal could have been for two shipping containers, one on top of the other, with the profile lowered so little or none of it could be seen from Cudnall Street. Is not a fan of pastiche, and this is a modern design for the 21st century. People are making fun of shipping containers, but this may be the size of house people will be happy to have in future. We can't keep building on greenbelt or in the AONB; people need homes like this, somewhere to start life.

MP, in response:

- this is an application for a new house, and without a 5-year supply at the moment, paragraph 11 of the NPPF states that new development must be approved without delay unless the impact outweighs the benefit;

- officers don't feel the dwelling will have adverse effects, and the conservation officer has no concerns. Regarding the design approach, it is not to everyone's taste, but there is a diverse mix of buildings in the area, and this proposal actually acknowledges the variety of buildings to add to the special interest of the conservation area. Where there is variety, the garden land SPD identifies there is scope for creativity. This is the work of a well-known and respected architect, and members need to be certain that the harm is significant if they vote to refuse;
- to PM, regarding space standards, as an authority CBC has no minimum space standards that the developer needs to adhere to.

PM: been in the Chamber during the week at enquiry for 69 houses at Oakhurst Rise, where the opening statements talked about the 5-year housing supply and that development tipping the balance; this is one house and therefore doesn't feel too much consideration needs to be given to that argument regarding this.

Vote on recommendation to permit

3 in support

9 in objection

NOT CARRIED

GB: Members now need to propose specific reasons to refuse the application.

PB: the application site may be in Hamilton Street but there is no question that it will impact more on Cudnall Street. Members need to take a view on the pressure from government to build more houses: this proposal represents just one more dwelling towards our supply; this area cannot support it - the location is not appropriate. There is a mix of dwellings in the area, but Cudnall Street is traditional old houses all through. Suggests JCS SD8 paragraph 2, NPPF paragraph 16c, and local plan policies CP3c and CP7c. Some members would like to refuse on design, but this is subjective, so wouldn't want to include that specifically.

RW: would suggest the design would be detrimental to the street scene, but defers to PB as to whether relevant or not.

PB: is streetscene covered by NPPF 16c?

DO, in response:

- Chapter 16 of NPPF paragraphs 184-202 relate to historical environment, with paragraph 192 talking about the desirability for new development to make a contribution to an area. Would urge caution here – the paragraph refers to proposals affecting heritage asset, which could be the listed building opposite or the conservation area as a whole, and Members need to consider is it both or just one of those heritage assets;
- they should bear in mind that the NPPF talks about how to weigh up harm – if they consider the proposal will cause significant and substantial harm, they should refuse on those grounds. If they consider the harm to be less than substantial, this must be weighed against public benefit;

- comments from the conservation officers are included in the officer report, and their conclusion is that it won't detract from the setting and that the significance of the heritage assets is not harmed. This is their expert advice.

PM: the NPPF requires that new development is always high-quality design with a good standard of amenity, and how this translates to policy is that this plot is not big enough to sustain a dwelling which will provide good standard of amenity for future occupants. Would also beg to differ with the conservation officer – it is a matter of opinion.

GB: understands that Members may disagree but this would be a consideration at any future appeal. If refused, it would be beneficial to use reasons we can establish at appeal which won't be countermanded by officer recommendations.

PB: it is difficult when Members disagree with officers, but planning is subjective and it is a question of how policies are interpreted. This proposal is a carbuncle on a valued, prominent conservation area and doesn't feel right. Paragraph 192 refers to heritage assets – local character and distinctiveness – and would therefore like to keep this as a refusal reason. The local community doesn't like it and there is strong feeling against it in the Chamber. It may be necessary for the Chair and Vice to work later with officers for defensible refusal reasons.

DO, in response:

- understands that Members are concerned with two main issues – heritage and design. Regarding design, two policies have been mentioned: CP7 and SD4. CP7 requires that development is high standard, reflects the principles of urban design and complements the character of the locality;
- regarding heritage, this has been talked about, and the conservation officer found no harm;
- these are two distinct matters, and it may be better if Members focus their minds on design – this is the crux - rather than heritage.

PB: would like to continue with heritage – the applicant will keep coming back with different designs. The bigger issue is impact on the conservation area and heritage asset opposite.

GB: if Members choose to use this as a refusal reason, which officers have advised is a weak one, it could cause issues, but if they are adamant, will put it to the vote.

NJ, in response:

- as the conservation officer has no objection, there would be a risk of costs against the council at appeal.

GB: is always reluctant to allow this possibility to affect voting, but it is an issue that affects us. Is PB happy to go continue down that route?

PB: it wouldn't be the first time Members have gone against officer recommendation and won. At an appeal, CBC would need a consultant conservation officer to support Members' opinion. Sometimes the principle is at stake; this is important, and will therefore move to refuse on grounds as before.

GB: is just making sure that all are clear about what they are voting for.

SC: is it possible to vote on the refusal reasons separately? Regarding design, thinks the proposal looks like static caravan.

GB: on advice from NJ, Members can vote on design and heritage separately.

VOTE in favour of design as a refusal reason

9 in support

1 in objection

2 abstentions

CARRIED

VOTE on heritage impact as a refusal reason

6 in support

1 against

5 abstentions

CARRIED

Vote on PB's move to refuse on design and heritage

8 in support

2 in objection

2 abstentions

REFUSE

10. 19/01296/FUL 3 Wendover Gardens

Councillor Mason left the Chamber.

MP introduced the application for a replacement dwelling, situated in Wendover Gardens, a cul-de-sac off Christ Church Road, in the central conservation area. Planning permission for remodelling and extension of the existing house was granted in 2016 – this is extant and a material consideration. During the course of the application, revised plans have been submitted, including a reduction of the first-floor balcony. The application at Committee at the request of Councillor Mason, on behalf of local residents. The recommendation is to permit, subject to conditions.

Public Speaking

Mr Ireland, neighbour, in objection

Represents seven neighbours, all of whom consider the proposal is too large a building for the plot. These concerns are shared by the Civic Society. Neighbours welcome the planning officer report - the reduction in the size of the balcony, and the conditions, should the application be permitted. Neighbours have three main worries: the proposal will reduce the distance between the dwelling and the boundary fence, bringing it right up to the fence, 2.5m closer than previously. It will be 3m high, so clearly visible above the garden fence,

dominating the neighbours' view and changing the character of their garden – the owners are very upset.

The first floor windows are higher than those previously approved though this was not initially clear. The applicant says they are 60cm higher, which might not seem much but will allow a less obstructed view into gardens, as well as making people inside more visible. These are two bathroom windows and loss of privacy is a concern.

The bedroom balcony has a sightline directly into the main bedroom of the neighbours, and these residents are worried about overlooking.

Neighbours are very worried about these three aspects, all of which could be addressed in ways that won't affect amenity: the rear corner edge of new dwelling could be maintained, the height of the first floor windows reduced – as in the previous plans profile – and the main bedroom balcony reduced to a Juliet balcony or taken away altogether. These minor changes will help maintain current levels of privacy and amenity.

Member debate

PM: just a quick question on the subject of windows – has floor of bedrooms gone up or are windows getting taller?

SC: the difficulty with this is that the red outline of the previously accepted plan shows that the elevation and footprint is not much different. Considers the building to be too large for the plot but it is not hugely different from what is already approved. In the report, there is a comment about a covenant requiring that development should be agreed by all neighbours. Has sympathy with this, but there is no basis for it in planning law and it can't be taken into consideration.

DB: hadn't realised all neighbour concerns about overlooking – can officers confirm that is has been considered?

MP, in response:

- to PM, floor levels and sill height are the same as approved previously; the windows are taller and there is an increased eaves height. They will not allow more view out, although the windows may seem bigger;
- SC is correct – a covenant is not a planning issue;
- to DB, overlooking has been considered, as it always is – it is covered at paragraph 6.2 in the officer report – and the view taken that this proposal will have no greater impact on amenity than the approved scheme.

SW: on the overlooking business, has concerns about the balcony – can't see how it won't affect neighbours, though there is no issue from officer point of view. The siting of the balcony and the view from it in respect of neighbours is disconcerting – it will raise people to a greater height from which they can look down.

BF: the design is acceptable though not very good - not 21st century, but not replacing something of great design. People buy an address now, not a house, because of the lack of land to build new houses; this design doesn't reflect our time - there will be a minimum of building regs and nothing to improve carbon footprint, but can't vote against it. It is a pleasant house in a pleasant area.

MP, in response:

- regarding the balcony, there is an approved balcony in the same location on extant scheme, where it was considered that, given its access is via the master bedroom only and doesn't extend beyond the doors, its use will be limited – the residents are unlikely to hold parties or invite guests to use it. It is not directed towards the boundary and is a similar footprint and size, and there were no objections to the previous scheme from neighbours.

Vote on officer recommendation to permit

10 in support

1 abstention

PERMIT**11. 19/01298/FUL 26 Hatherley Court Road**

Cllr Hopley leaves

Cllr Mason back

CD introduced the application, to extend a 2-storey detached house into the central conservation area. The proposal is to remove the conservatory, and construct front and rear extensions, and a loft conversion. It is at Committee at the request of Cllrs Barrell and Harman, and the recommendation is to permit.

Public Speaking**Mr Seymour, agent, in support**

Is speaking on behalf of the applicants to support the officer recommendation to permit. Determination centres on two main issues: the design of the extension and how it affects the conservation area, and the impact on neighbours. These four houses were built in the 1990s, are not historic, and therefore contribute less to the character and nature of the conservation area; the other side of Hatherley Court Road is not in the conservation area. The house is set back, and the proposals to the rear of the property will have limited visibility, protected by trees and hedges, which screen views from Court Gardens and the flats in Hatherley Court. Even if it were more visible, it is only a 2.3m projection from the original house, typical in size of similar extensions, and subservient to the main house. It is simple and modern in design, and will match the existing dwelling. The changes to the front of the house will be more visible, but as the officer report sets out at paragraph 6.9, will have no significant impact on the street scene, and give the house a greater symmetry.

Of the neighbouring properties, 27 Hatherley Court Road is the only one to be affected; the Hatherley Court flats are 40m away, at an angle and with mature hedges in between. The case officer does not consider the proposal will have any impact on these properties. The roof terrace has been removed from the plans, so is no longer an issue. The applicant has worked in collaboration with the case officer to work out extensions appropriate to this type of house in a conservation area, without causing any harm to neighbouring residential amenity. Hopes that Members will vote in favour and permit the scheme.

Cllr Harman, in objection

There have been several objections from Hatherley Court Road residents who do not agree with the view that this proposal will not have a significant impact. No. 23 considers it to be excessive, almost doubling the size of the existing house, which cannot be regarded as subservient. No. 25 states that the houses were originally planned carefully in respect of their relationship to Hatherley Court itself, and this extension will make No. 26 stand out awkwardly. A letter from Foxley Tagg on behalf of No. 27 states that the extensions are much too large and will have an adverse impact on No. 27. The proposal fails to respect the character and scale, and causes unacceptable harm to dwelling itself, the conservation area, and the adjacent heritage asset.

Member debate

MC: on site visit, thought the existing property is quite ugly, though realises this is a matter of opinion. Has had a good look at sight lines, some of which were highlighted in the objections, and couldn't see much issue. Thinks the proposal is an improvement, and will vote in support.

SW: the main objection seems to be that the house will be oversized. Can see that it will be bigger than the current building but no bigger than Nos. 27, 28 and 29, looking at the indicative on the street plan. We can't use the size of the proposal as a reason to refuse. It will be squarer but imagines the square footage is about the same. Will support officer recommendation.

SC: obviously this is an already large house made larger, and it will be a lovely dwelling. The problem is, looking at existing and proposed site plan side by side, how much larger the proposed dwelling is to what currently exists. The footprint is much greater, and regarding subservience, it seems more like a new house. This will have an effect on the immediate neighbour to the west, but the real problem is that it will be a very large property jammed into small plot, with loss of green space around it. Is uneasy with this; is there any rule about the amount of space/garden a house should have?

DO, in response:

- there are no policies relating to size of gardens.

Vote on officer recommendation to permit

10 in support

1 abstention

PERMIT

12. 19/01375/FUL 21 Canterbury Walk

DO introduced the application, as the case officer is on leave. The proposal is a 2-storey side and single-storey rear extension, similar to many others in the area. There has been one objection from the immediate neighbour, and the parish council has requested a Committee decision. Regarding the impact on No 23 and loss of light, there will be some impact on a secondary window, but the rooms in question have primary windows; according to the Local Plan, the proposal will cause no unacceptable harm on neighbouring amenity, and the recommendation is therefore to approve.

Public speaking

Mrs Hughes, applicant, in support

Has lived at 21 Canterbury Walk with her husband and two children since 2012, and now wants to improve the house for better family life and to allow the children separate bedrooms. The family enjoys living in Warden Hill and wants to stay in the house long-term. They understand their neighbour's objection, but this is only part of the application – the loss of amenity through a reduction in available light. The careful analysis of the case officer demonstrates that this is not as great as may be thought, and not of a level to be a basis for rejecting the application. There will still be a distance of 2.4m between the neighbour's side windows and the exterior wall of No. 21, which would not result in a very substantial loss of light to the neighbour's living room and office because the side windows of these rooms are not the main source of light. Planning permission wouldn't be needed to build a single storey extension with a pitched roof along the boundary with No. 23, that would arguably have a similar effect on the available light. There is concern about a precedent being set that would be detrimental to the whole neighbourhood, but there have been no such concerns raised from other residents who have been consulted. Has submitted a number of photographs of similar two-storey extensions in the local area, which would suggest there would be no detrimental precedent set by this particular proposal. Thanks Members for their consideration, and hopes they will permit the application in accordance with the officer's clear recommendation.

Member debate

MC: knows the area well, having been born and raised nearby, and commends the applicant on her research. It is hard not to notice around the area that lots of similar properties have similar and even larger extensions than this. This house only has two bedrooms, and to be a family home it needs a third bedroom. Has no problem at all with this application, and is sorry the neighbour has objected.

TO: also has no problem with the principle of extending, but the issue is that the design of these sets of houses along Canterbury Walk has the front doors on the side. All the examples of similar extensions in the area have their front doors at the front. The effect of this on the neighbour will be the loss of amenity, being immediately faced with the extension when coming out of the front door.

BF: it is nice to hear the applicant say the officer worked well with them to make sure the scheme complies. This doesn't always happen – long may it continue.

SW: when first reading the report, and looking at the drawings, thought this extension couldn't be done, as it came right to the boundary line. Drove past this evening and noted that in fact, the space between the two houses is not great but it looks quite open. A number of photos of similar properties and extensions show we have been here before; if No. 23 wants to do what No. 21 is proposing, we could end up with a terrace effect, and would need to look at it again. As TO has said, the front door 23 is on the side, and the distance to the neighbouring boundary is no more than 3 ft, but that is how the houses were designed. Has no issues with this application, and it would be difficult to refuse, with so many similar examples throughout the town. Is surprised the house only has two bedrooms. More space is clearly needed for a family, to make this modest house more liveable.

PM: recalls similar applications at 70 and 72 Rosehill Street which fill the gap entirely. The principle is well-established, that whoever gets there first is more likely to get the permission

– that’s just the way it, and the message is that if anyone is thinking of extending in this way, they should get on and do it.

RW: there are a lot of houses in Hatherley and Warden Hill with plots this shape, and has been involved in some animated debates on planning applications that maybe shouldn’t have been permitted. The issues that have to be considered are the effect on the neighbour and their view of brick wall – is there going to be anything to break that up, such as obscure windows in side wall, to make it less oppressive to the neighbour, and reduce the sense of loss of amenity?

DO, in response:

- the simple answer to that is no. The wall will get 2m closer; it will have a brick finish and no windows are proposed.

Vote on officer recommendation to permit

10 in support - unanimous

PERMIT

13. Appeals Update

DO updated Members on appeals received and decided since the previous meeting.

14. Any other items the Chairman determines urgent and requires a decision

There were none.

The meeting ended at 8.25pm.

Chairman