

# Cheltenham Borough Council Planning Committee

**Meeting date:** 17 October 2024

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

Councillor Frank Allen, Councillor Glenn Andrews, Councillor Paul Baker (Vice-Chair), Councillor Adrian Bamford, Councillor Garth Barnes (Chair), Councillor Barbara Clark, Councillor Jan Foster, Councillor Andy Mutton, Councillor Tony Oliver, Councillor Simon Wheeler and Councillor Suzanne Williams

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)  
**Phone:** 01242 264 246

# Agenda

## 1 Apologies

## 2 Declarations of Interest

## 3 Declarations of independent site visits

## 4 Minutes of the last meeting (Pages 5 - 14)

To approve the minutes of the meeting held on 19<sup>th</sup> September 2024.

## 5 Public Questions

## 6 Planning Applications

### 6a 24/00435/FUL - 187 Leckhampton Road, GL53 0AD (Pages 15 - 152)

[Planning application documents](#)

### 6b 24/01344/FUL - 122A Brunswick Street, GL50 4HA (Pages 153 - 158)

[Planning application documents](#)

## 7 Appeal Update (Pages 159 - 192)

For Members to note.

## 8 Any other items the Chairman determines urgent and requires a decision

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# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 19 September 2024

**Meeting time:** 6.00 pm - 7.30 pm

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**In attendance:**

**Councillors:**

Glenn Andrews, Paul Baker (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Jan Foster, Andy Mutton, Tony Oliver, Simon Wheeler and Suzanne Williams

**Also in attendance:**

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michelle Payne (Senior Planning Officer) and Michael Ronan (Lawyer)

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## 1 Apologies

Apologies were received from Councillor Allen and Councillor Clark.

## 2 Declarations of Interest

The legal officer for the meeting explained that members had received correspondence directly from the agent in relation to application 23/01424/FUL & LBC Glenfall House. He confirmed that this did not represent a breach of planning regulation. He noted that members who had read the email had acknowledged the communication to the agent and explained that the decision has not been pre-determined and would be made with no bias and an open mind. He concluded that all members had now received the communication as it formed part of the public report on the application.

Councillor Baker declared a pre-determined position on application 23/01424/FUL & LBC Glenfall House and confirmed that he would leave the meeting during discussion and decision on this item.

### **3 Declarations of independent site visits**

Councillor Andrews visited 6c, and was familiar with 6b.

### **4 Minutes of the last meeting**

The minutes of the meeting held on 15 August were approved and signed as a correct record.

### **5 Public Questions**

There were none.

### **6 Planning Applications**

#### **7 22/01935/FUL Castle Dream Stud, Mill Lane**

The planning officer introduced the report as published.

There was one public speaker on the item; the Ward Member.

Councillor Day as Ward Member addressed the committee and made the following points:

- The proposed transformation of the temporary license granted in 2017 to a permanent license reflects the Council's failure to identify less harmful permanent sites to meet need and fulfil the Council's responsibilities.
- Located within the Cotswold Area of Outstanding Natural Beauty (AONB) the original permission considered that permanent consent would cause permanent harm to the landscape.
- The application does not meet the standards required by policy and does not include the addition of a temporary swimming pool or the 1m+ high fence on Mill Lane. Retrospectively granting planning permission would send a negative message to those who have complied with the rules.
- All public comments received object to the scheme and issues continue to be raised relating to the site in 2024.
- Overflow pipe continues to discharge into the water drain on Mill Lane, impacting those who use the lane.
- Damage carried out to mature hedgerows surrounding the site and very bright and intrusive lighting at night impact both neighbouring properties and local wildlife.

- It would be appropriate to grant a further temporary extension to permission and the council make serious efforts to identify suitable sites within the borough that do comply with planning policy.

The matter then went to Member questions and the responses were as follows:

- Granting retrospective permission would not set a precedent that further properties could be built on this land as the on-balance recommendation is based on the specifics of the case.
- The swimming pool is not included within the planning permission so granting permission would not extend to this structure.
- Permitted development allows a boundary to be erected up to 2m when it is not adjacent to highway and there is no control on the design.
- The permission limits the site to 2 pitches and a specified number of caravans so any further extension into the larger pitch would require additional planning permission.
- To meet the need identified in the Gypsy and Traveller Accommodation Assessment (GTAA) in 2022 4 pitches need to be identified in the borough in addition to the current site.

The matter then went to Member debate where the following points were made:

- Issues identified with lighting is a condition to resolve within the application and will be managed by Planning Enforcement.
- The outflow pipe has been addressed previously by Environmental Health and the water was judged to be clear.
- The Council has badly failed to identify suitable traveller sites within the borough which needs to be addressed within future planning.

The matter then went to the vote on the officer recommendation to permit subject to conditions:

For: 7

Against: 0

Abstentions: 2

Permitted subject to conditions.

### **8 23/01424/FUL & LBC Glenfall House, Mill Lane**

Councillor Baker left the chamber.

The Head of Development Management, Enforcement and Compliance introduced the report as published. He noted that a recommendation to refuse had been issued primarily due the size of the extension which would compete visually with the listed building and not be subservient to it. Two further reasons for refusal related to insufficient details regarding drainage and a lack of financial contribution towards the Cotswold Beechwoods Special Areas of Conservation (SAC). He noted that a water management proposal has been submitted but there has not been adequate time to

review this proposal, and a signed unilateral has been received for the SAC but the legal team have not had time to review and the financial contribution has not yet cleared. He explained that should members be minded to grant permission the final resolution of these two issues could be delegated to officers.

There were two public speakers on the item; the agent on behalf of the applicant and a Ward Member.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The applicants have employed a team of highly experienced individuals, including an alternative energy expert, an award-winning architect and a heritage expert, to sensitively restore Glenfall House to its original residential use and put it on a sustainable footing.
- They have worked with officers at every stage and listened to feedback but this has been a protracted and challenging process, particularly due to the changes in Conservation Officers.
- The main house improvements, garden improvements, demolition of later additions, principle of development and the garage and store have all been agreed.
- Four different versions of the proposed new outbuildings have been designed which incorporate the opinion of changing officers' but agreement has not been reached. The first two officers believed that the existing arrangement already competed with the listed building. The new design has a smaller footprint than the main house and existing outbuildings, has been reduced to one and a half storeys, and in the opinion of the heritage expert is in proportion to the main house.
- Officers were asked to consider whether the benefits of architectural and visual cohesion, enhancement of the heritage asset, sustainability, landscape, ecology and tourism gains balance out the harm of the proposal submitted as identified in the report.

Councillor Day as Ward Member addressed the committee and made the following points:

- The application will help preserve and enhance Glenfall House and the income from the holiday lets will help fund the maintaining of the listed property.
- The 5 holiday lets will have a profitable impact to Cheltenham's economy, creating jobs and tourist spending without a loss of residential properties.
- Further benefits include the addition of green measures, a 22% habitat biodiversity gain, a 264% hedgerow gain, insect -friendly lighting, and an agreed financial contribution to mitigate any impact on the Cotswold Beechwoods SAC.
- Most public comments have been supportive, including from a member of family who previously owned the property.



- The proposed use will be less disruptive to local residents than the current permitted use as a hotel.
- The applicants have worked on the application for 2 years with the input of the previous Conservation Officer before their departure, since then 2 contractors have been employed. The current Conservation Officer has not visited the site and their comments and recommendations are the result of a desktop review. Positive feedback on the proposals were received from the previous 2 Conservation Officers, which shows the subjective nature of the judgement.
- Having visited the site the proposals are far superior to the existing, dilapidated structures. The public benefits outweigh the perceived harm of the proposals.

The matter then went to Member questions and the responses were as follows:

- The conversion of the main house back into a residential property means the physical and historic fabric will be in a better state as a heritage asset. The concerns raised by the Conservation Officer relate to the entire proposed rear structure and the impact of this setting on the main house.
- The issues relating to the drainage and the unilateral undertaking are very close to being resolved, so it is suggested that these two issues be delegated to officers to resolve prior to permission being granted, if the committee is minded to approve the application.

The matter then went to Member debate where the following points were made:

- The issues raised are balanced against the benefits to the main house and there is a risk of the main building falling into a worse state of repair if permission is not granted.
- The proposals will lead to an improvement in landscaping, with the extension not visible from the better views of Glenfall House from the gardens and front courtyard.
- Strong economic and ecological reasons for approval.

The matter then went to the vote on the officer recommendation to refuse:

For: 1

Against: 7

Abstentions: 0

A motion was submitted by Councillor Wheeler that the full application and the listed building concern application be moved contrary to officer recommendation on the basis that the proposed development, including the demolition of the existing outbuildings and construction of new buildings resulting in less than substantial harm to heritage assets. This harm being outweighed by the significant public benefits, including enhancement of the main listed building, removal of harmful later additions, reinstatement of original features, creation of a more rational layout that enhances the setting of the listed building, the biodiversity net gain in habitats and hedgerows. Further that the issues raised in relation to insufficient surface water drainage strategy and lack of mitigation for recreational pressure on the Cotswold

Beechwoods SAC be delegated to officers for resolution. That subject to these resolutions permission be granted.

The motion was seconded by Councillor Bamford.

The Planning Officer confirmed that a clear direction had been recommended. He recommended that permission be granted with a set of conditions to be agreed between the case officer, the chair and the vice chair. For example, in relation to materials and holiday occupation terms.

The committee voted on the motion and the resolution to approve the application subject to the appropriate conditions to be delegated to officers in consultation with the chair and/or vice chair for the relevant matters which would include but not be limited to things such as holiday accommodation, materials, landscaping, lighting, drainage, Cotswold Beechwood SAC mitigation, and implementation of proposed sustainability measures.

The matter then went to the vote on the motion and resolution:

For: 8

Against: 0

Abstentions: 0

Permitted subject to conditions outlined in the resolution.

Councillor Baker returned to the Chamber.

### **9 24/00631/FUL 3 Pittville Crescent Lane**

The planning officer introduced the report as published.

There were three public speakers on the item; the objector, the applicant and a Ward Member.

The public speaker in objection addressed the committee and made the following points:

- The original planning consent for a fence of wooden construction with a height of 1.40m recognised the nature of the area and crescent but this has been spoilt by the overbearing erection due to the height and quality of the materials used.
- Concerns have been lodged by a number of residents who ask that the fence be replaced by domestic fencing appropriate to the area in adherence with the original planning application.

The applicant addressed the committee and made the following points:

- The material used is a wood look composite material that will not fade, rot or rust, and in appearance is similar to that of a painted fence.

- There are a range of fence types and heights on Pitville Crescent Lane, Prestbury Road and surrounding streets. The fence height matches the original height of the fence on the southern side of the garage and property which was removed to improve the line of site down Pitville Lane and reduce risk of road traffic accidents.
- The property is on a busy corner that is used to access Albert Road and Pitville School, which causes privacy issues for the downstairs areas of the home.

Councillor Tooke as Ward Member submitted a written response to the committee and made the following points:

- The original planning conditions were clear, specific and correct and specified a timber construction of 1.4m without concrete pillars. There have been no material change to the context since the application. It is important that the integrity of the planning process and the authority of the planning officer and committee are upheld.
- The previous fence was low and subservient to the existing building blending harmoniously with the property and surrounding areas.
- The height of the newly constructed fence exceeds the threshold that requires planning consent and is highly visible, disrupting the overall aesthetic harmony of the neighbourhood.
- The council has committed to enhancing biodiversity in the planning process and the Cheltenham Climate Change Supplementary Planning Document (SPD) states that all proposals need to protect existing and enhance future biodiversity value, this should be considered with due regard to proportionality and the scale of development but in all cases high quality, resilient and contextually appropriate ecological and green infrastructure should be the outcome of design. The plastic composite materials are neither environmentally friendly or sympathetic to the natural environment.
- The overwhelming consensus of public comments are opposed to the fence with 14 objections from households in the neighbourhood.

The matter then went to Member debate where the following points were made:

- On Planning View only a close inspection revealed that it wasn't wood and it was felt that the property does not offer privacy to the occupants without a tall fence.
- There is a significant difference to the previously permitted height of the fence and it is visually intrusive to the street scene and the edge of the conservation area.
- The development is not in keeping with clause 135 of National Planning Policy Framework (NPPF), policy SD4 of the Joint Core Strategy and policy D1 of the Cheltenham Plan. It was felt that contrary to these requirements this was a prominent and harmful addition and out of character for the local area.

The legal officer reminded members of the cost risk of appeal.

The matter then went to the vote on the officer recommendation to permit:

For: 1

Against: 6

Abstentions: 2

A motion was submitted by Councillor Baker that permission be refused on policy grounds SD4: Design Requirements 1.i *“New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.”* And NPPF 135 *“Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”*. And the Cheltenham Plan D1 *“Development will only be permitted where it: ... b) complements and respects neighbouring development and the character of the locality...”*

The motion was seconded by Councillor Oliver.

The matter then went to the vote on the motion:

For: 8

Against: 1

Abstentions: 0

Refused.

## **10 24/01323/FUL 1 Howell Road**

The planning officer introduced the report as published.

The matter then went to Member debate where the following points were made:

- In the future it may be beneficial to offer owner occupiers in the area of work the opportunity to buy into the work being carried out.

The matter then went to the vote on the officer recommendation to permit:

For: 9

Against: 0

Abstentions: 0

Permitted.

## **11 Appeal Update**

These were noted for information.

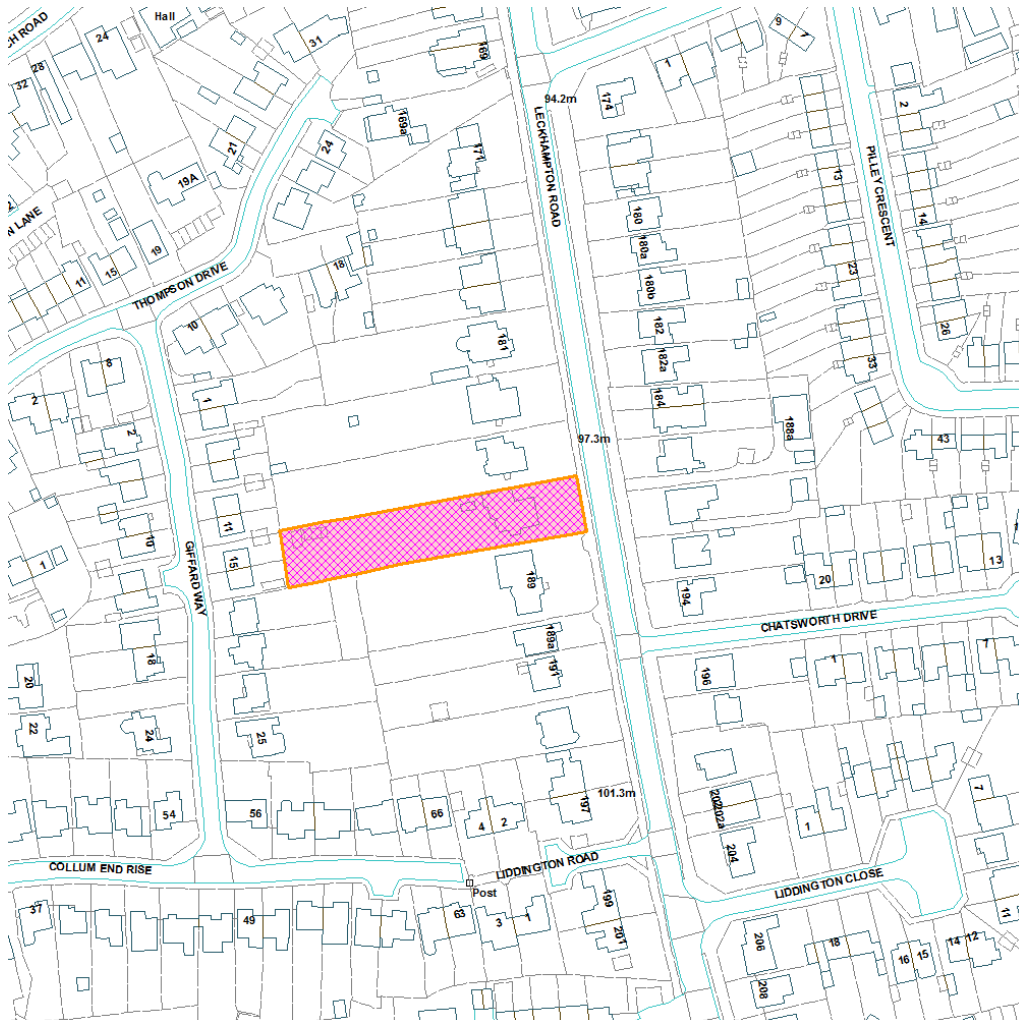
**12 Any other items the Chairman determines urgent and requires a decision**

There were none.

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<b>APPLICATION NO:</b> 24/00435/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 12th March 2024	<b>DATE OF EXPIRY:</b> 7th May 2024 <small>(extension of time agreed until 20th October 2024)</small>
<b>DATE VALIDATED:</b> 12th March 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b> Alice Costello	
<b>AGENT:</b>	
<b>LOCATION:</b> 187 Leckhampton Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Single storey rear extensions, first floor side extension, and associated alterations to include replacement windows and external wall and roof insulation

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the west side of Leckhampton Road, within Leckhampton with Warden Hill parish, and comprises a detached two storey dwelling within a sizable plot. To the rear, the site backs onto residential properties in Gifford Way.
- 1.2 The existing dwelling is multi-gable fronted with a catslide roof over the garage to the north elevation, and has also been previously extended by way of modest additions to the side and rear. Externally, the building is faced in brick at ground floor, with render above, and has a concrete tiled roof. Existing windows and doors are white uPVC.
- 1.3 The neighbouring properties to the north and south sit at a different level as the land rises from north to south.
- 1.4 Revised plans have been submitted during the course of the application, and the description of development has been amended accordingly; the revisions are discussed in the report below.
- 1.5 As revised, the application proposes the erection of single storey rear extensions, a first floor side extension, and associated alterations to include replacement windows and external wall and roof insulation.
- 1.6 The application, as revised, is before the planning committee at the request of Councillor Horwood.
- 1.7 Members will visit the site on planning view.

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area

### **Planning History:**

<b>T7991</b>	<b>PERMIT</b>	<b>21st November 1985</b>
Extension to existing dwelling to provide a private car garage and utility room		

<b>T7991/A</b>	<b>PERMIT</b>	<b>2nd June 1986</b>
Alteration and extension to existing dwelling to provide an enlarged kitchen		

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2023 (NPPF)**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 12 Achieving well-designed and beautiful places

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality



**Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)  
Cheltenham Climate Change SPD (2022)

**4. CONSULTATIONS**

**Ward Member - Councillor Horwood**

***27th March 2024***

Can I call this application in if you are minded to permit please?

I may withdraw this request if I'm reassured that the neighbours at No 185 have definitely been notified and are content but as it stands I am concerned about the scale and design – in particular a two-storey high extension with a metal roof immediately next to the neighbour's garden that will block their south-facing light just behind their house where they have a patio and potentially overlook their garden with new north-facing second storey windows. These look like ceiling windows but there is no internal plan of these rooms so that's not 100% clear and there could be some kind of mezzanine in such an oddly tall building – and it's unclear why they all face north if they are for light. I'm also rather puzzled by the proposed site plan which suggests this is just an extension whereas the front elevation makes clear there's a substantial addition to the right hand side of the whole building.

I'm copying in the parish council as they have a planning committee meeting tomorrow and I'd be interested in their view although I can't actually see it on their agenda. I assume that as a statutory consultee they have been notified.

***1st October 2024 – revised comments***

I would like to call in this application to committee please if you are minded to permit. This is because of concerns about the sheer scale of the extension and the elevated windows overlooking neighbours and threatening their family privacy with issues relating to childrens' privacy in particular. The development may also inhibit longstanding views into the AONB from neighbouring properties - views which are protected by the latest Cotswold National Landscape Management Plan to which we are in turn committed by Policy SD7 of the JCS and which are also a significant amenity for neighbours. Although the height and form of the extension are in keeping with the existing building, the very close proximity of the extension to the boundary means it would really overlook and overshadow the neighbours.

It is possible that I could withdraw this request if there are suitable modifications or conditions, e.g. frosting windows and reducing scale and proximity to the boundary of the extension.

**Former Ward Member – Councillor Nelson**

***1st April 2024***

I've been studying the plans for this huge extension.

Should you be minded to permit, then please can I "call in" to be decided by the Planning Committee?

It seems the extension is not sustainable, I can see no mention of solar panels etc. The 12-metre extension effectively increases the front to back depth of the property by a massive 71%. The proposed terrace/balcony will significantly impact neighbours amenity & privacy.

The steep pitched roof on the extension will almost reach to the level of the gutters of the property next door. All in all I believe the extension as proposed will be overbearing on both neighbours at Nos 185 and 189.

Furthermore, there will probably be a solar glare from the 9 panel bifold doors when viewed from Leckhampton Hill. And the design of the extension is not deemed sympathetic with the surroundings.

I hope this provided you with enough justification for the "call in".

### ***24th April 2024 – revised comments***

I have now studied the revised plans and yes, I would still ask that this application be considered by Committee.

The extension would still be overbearing to neighbours, have a significant impact on their amenity and is totally out of character with surrounding neighbourhood.

I believe NPPF 135 is applicable as is SD4 as well as JCS SL1 and others.

Although the plans show height of extension reduced, what they fail to demonstrate is that the ground level at no 187 is already well over a metre above that of neighbouring 185. Furthermore, the use of clear glass overlooking neighbours is surely unacceptable?

I hope these are sufficient reasons to support the call in.

### **Parish Council**

#### ***28th March 2024***

The Parish Council objects to this application due to the overbearing nature and mass of the development, the unacceptable impact on neighbours, and the impact on privacy issues for the neighbours at 189 Leckhampton Road in particular with the addition of a balcony.

The Parish Council requests that this application is called in for a Committee decision.

### ***25th April 2024 – revised comments***

The Parish Council objects on the grounds of size and proximity of the extension and its detrimental impact on the use and quiet enjoyment on the neighbouring properties, 185 and 189 Leckhampton Road. Also the long window on the side gable compromises privacy. The Parish Council requests that the application be called in.

### ***1st October 2024 – revised comments***

The Parish Council would like this application called in due to the replacement of obscured glass by clear glass, thus causing a safeguarding issue, the impact on the neighbours as a result of the increased floor level on the ground floor and the loss of outlook.

### **Building Control**

#### ***25th March 2024***

This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Gloucestershire Centre for Environmental Records**

#### ***15th March 2024***

Report available to view in documents tab.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On initial receipt of the application, letters of notification were sent to nine neighbouring properties. Additional letters were sent on receipt of the first round of revised plans.
- 5.2 In response to the original plans and earlier revisions, objections were received from, and on behalf of, four neighbouring properties. The comments have been circulated in full to Members but the main concerns were in relation to:
  - Design and size of the extensions
  - Proposed materials

- Loss of a view
- Visual impact from Leckhampton Hill
- Overbearing impact
- Overlooking/loss of privacy
- Overshadowing
- Flooding
- Noise
- Sustainability

5.3 Further consultation was carried out on receipt of the more recent revisions, and objections have been received from the same four neighbouring properties. These comments have also been circulated in full to Members; the concerns largely echo those above.

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations in determining this application relate to design, and any impact on neighbouring amenity.

### 6.2 Design

6.2.1 CP policy D1 requires alterations and extensions to existing buildings to avoid causing harm to the architectural integrity of the building; and the unacceptable erosion of open space around the existing building. All development should complement and respect neighbouring development and the character of the locality and/or landscape. The policy is generally consistent with JCS policy SD4 and advice set out within Section 12 of the NPPF. Further guidance in relation to domestic extensions is set out in the Council's adopted 'Residential alterations and extensions' SPD.

6.2.2 As originally submitted, the application proposed a first floor side extension, a first floor rear extension, and a large single storey rear extension, incorporating a terrace at first floor with external stair. The first floor side extension over the existing garage was proposed within a gable fronted addition to reflect the character of the existing property. To the rear, the first floor element would have sat above an existing single storey addition, to a depth of 2.7m; again with a gabled roof. Both of these additions would have been rendered with tiled roofs to match existing. At ground floor, a far more extensive L-shaped addition was proposed, extending to an overall depth of 14 metres from the main rear elevation of the dwelling and, whilst this extension was also proposed to have a gabled roof, it was to be faced in a mix of render and vertical timber cladding, with a metal standing seam roof; and large amounts of glazing.

6.2.3 However, in response to concerns raised by officers and neighbours, the scheme was quite significantly amended. Although the first floor side and rear extensions were largely unchanged, the overall depth of the single storey extension was reduced to 7.5 metres, and the roof form was amended to reduce the height on the boundary; albeit a contemporary design approach was maintained. The external balcony was also omitted. Officers were generally supportive of this revised scheme.

6.2.4 Notwithstanding the support of officers, due to the continuing level of concern raised by the neighbours and parish council, the applicant went away to look at making additional revisions, and engaged with a new architect/agent.

6.2.5 In this revised scheme, whilst continuing to propose a first floor addition over the garage, with gabled roof, the first floor addition to the rear has been omitted in its entirety, and the overall depth of the single storey rear extension (including existing) is now just 4.7 metres. The single storey rear extension continues to be of a contemporary design, faced

in a mix of standing seam metal cladding, vertical timber cladding, and stone; and such a contemporary design approach is considered to be wholly acceptable at the rear of the property.

6.2.6 It has been suggested by neighbours that the scheme should be revised to introduce a step or steps down within the extension; however, this would impact on accessibility and fail to futureproof the building for future occupiers. Officers are satisfied that an internal step or steps is not required in this instance.

6.2.7 In addition to the extensions, it also now proposed to install external wall insulation (200mm thickness) to the existing dwelling; upgrade the thermal performance of the existing roof (120mm thick); and install replacement triple glazed, dark grey or black windows throughout. Whilst these changes would undoubtedly alter the character and appearance of the existing building, this in itself is not considered harmful; the scale and massing of the resultant dwelling is considered to be appropriate in its context. The existing building sits between two disparate buildings, both of which are fully rendered, and although the building is one of a pair of similar properties (with no.185), the additional first floor accommodation proposed within the gable over the garage is set well back from the principal elevation, and will therefore allow the original form of building to still be read.

6.2.8 The modest increase in ridge height of approximately 280mm will not be particularly noticeable within the street scene, and officers are satisfied that no harm will be caused to the character of the wider locality. There is a wide variety of building types and styles evident in the surrounding area and officers are satisfied that the dwelling would appear as a high quality, contemporary building. It is proposed to re-use the existing concrete roof tiles where possible, with any areas of new tiling used on roof slopes not visible from adjacent properties or Leckhampton Road.

6.2.9 Overall, from a design perspective, the revised proposals are therefore wholly supported by officers.

### 6.3 Neighbouring amenity

6.3.1 CP policy SL1 states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining landowners or the locality; these requirements are reiterated in JCS policy SD14. In addition, NPPF paragraph 135 highlights the need to secure a high standard of amenity for existing and future users. CP paragraph 14.4. advises that in assessing the amenity impacts of a development, regard will be had to a number of matters; those of relevance in this case are loss of daylight, loss of outlook, and loss of privacy.

6.3.2 All of the concerns raised in the objections have been duly noted. The property that has the most potential to be affected by the proposals is no.185 Leckhampton Road to the immediate north of the site, and to a lesser extent no.189 Leckhampton Road to the south, and it is acknowledged that the proposals would undoubtedly have some impact on their amenity. Whilst the extensions would also be visible from other nearby properties, these properties would not be directly affected. Members will be aware that the loss of a distant view is not a material planning consideration. Private views into the AONB are not protected.

6.3.3 The strength of the objection to the revised scheme is disappointing given the lengths the applicants have gone to to reduce the impact of the proposals on their neighbours. Members will note that many of the comments are personal and not focused on the proposals, nor relevant to material planning considerations.

### *185 Leckhampton Road*

6.3.4 No.185 Leckhampton Road sits to the north of the site, at a lower level. This property has its principal outlook to the rear overlooking its own very large rear garden but it is acknowledged that the property has clear glazed secondary windows in its side elevation directly overlooking the site, and towards the hill beyond. That said, the fact that the extension will be visible from this neighbouring property is not reason to withhold planning permission; any impact could not be considered overbearing or oppressive, given the modest additional footprint now proposed adjacent to the boundary. The height of the eaves will be similar to existing, and any additional overshadowing of the patio will be limited in its extent.

6.3.5 The proposed extension will not result in any loss of privacy to this property, nor impact on habitable rooms in terms of daylight. The first floor side extension will not extend beyond the existing rear elevation and the rear facing window will overlook the applicant's own garden.

### *189 Leckhampton Road*

6.3.6 No.189 Leckhampton Road sits to the south of the site, at higher level; and has been significantly altered and extended in recent years. Given the modest scale of the rear extensions now proposed, officers are satisfied that the proposals are wholly acceptable in terms of their impact on this neighbour. Although they raise concern in relation to overlooking, any impact would be limited and could be easily mitigated, particularly from the patio. All upper floor windows in the south side elevation with the exception of the rear most window are now annotated to be obscure glazed.

6.3.7 With regard to the concern that the single, clear glazed window would allow views into the child's bedroom opposite, it should be noted that the window serving the rear most bedroom was conditioned to be obscure glazed when planning permission was granted for the demolition and reconfiguration of the first floor rooms above the garage (application ref. 17/00577/FUL); however, clear glazing has been installed and this window is therefore in breach of the imposed condition and directly overlooks the applicant's rear garden.

6.3.8 As a whole, officers are satisfied that the revised proposals are acceptable from an amenity perspective.

## 6.4 Other considerations

### *Climate change*

6.4.1 The Cheltenham Climate Change SPD provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals. In this case, as previously noted, this revised scheme proposes a number of measures including external wall insulation, a thermal upgrade of the existing roof, replacement triple glazed windows, and a new air source heat pump to replace the existing gas boiler. Such measures are welcomed and align with the SPD.

### *Flooding*

6.4.2 The comments in relation to flooding have been duly noted but the site is wholly located within Flood Zone 1, and the Environment Agency's long term flood risk summary for the area confirms that the site is at a very low risk of surface water flooding. Furthermore, given the limited amount of additional footprint now proposed, it is unlikely that the development would have any significant impact in terms of flood risk.

### *Protected species*

6.4.3 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the scale and nature of the proposals, it is not considered that the development will have any harmful impact on these species.

### *Public Sector Equality Duty (PSED)*

6.4.4 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.4.5 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.4.6 In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 With all of the above in mind, the revised scheme is considered to be in accordance with relevant national and local planning policy, and the recommendation is to grant planning permission subject to the following conditions:

## **8. CONDITIONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper windows in the side (south) facing elevation annotated to be obscure glazed on approved Drawing No. E4640-027-C shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate a restricted opening mechanism or be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

<b>APPLICATION NO:</b> 24/00435/FUL	<b>OFFICER:</b> Ms Michelle Payne
<b>DATE REGISTERED:</b> 12th March 2024	<b>DATE OF EXPIRY :</b> 7th May 2024
<b>WARD:</b> Leckhampton	<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Alice Costello
<b>LOCATION:</b>	187 Leckhampton Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Single storey rear extensions, first floor side extension and associated alterations to include replacement windows and external wall and roof insulation.

## REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Nimble Planning  
18 Blackthorn Walk,  
Kingswood,  
Bristol,  
BS15 1TZ.

**Comments:** 24th April 2024

Addendum letter attached.

**Comments:** 2nd April 2024

Letter attached.

188 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AE

**Comments:** 25th April 2024

Letter attached.

**Comments:** 2nd April 2024

We live directly opposite 187 where it is proposed to increase the current single storey garage to a two-storey building with the roof ridge height matching the existing and, to build an extension some 12 m along the fence line of the rear garden. This new two-storey roof height is not subservient to the rest of the house because its design makes it dominate the rest of the house, detracting from and overwhelming the design of the original building, consequently damaging the architectural design of the original house and the character of the neighbouring road.

## Page 24

The proposed rear extension will have a negative visual impact because of its significant floor area,

bulk and massing. The building materials chosen exacerbate this - a metal roof! The building will appear discordant and dominant to the original house. Overall, this proposal has a negative visual impact due to its significant bulk and massing.

The proposed extensions have not been designed with subservience consideration. They will overwhelm the present house's appearance, being unacceptably bulky and unsympathetic additions. This proposal will have a visually detrimental impact on the neighbouring area - standing out as a large and incongruous building.

If this planning application is approved, neighbouring properties in the road may receive approval for similar builds which, in time, would be detrimental to the community, erode the character and appearance of the area.

Leckhampton Hill, which no doubt is the reason for the applicant choosing to extend 12 m directly from the rear of the house to view them, is an 'Area of Outstanding Natural Beauty'. The very large amount of glass bi-folding doors incorporated into the applicant's rear extension faces into the southerly sun and would be visible from Leckhampton Hill. Therefore, there is potential for reflections or solar glare to adversely affect those enjoying this AONB.

I therefore, strongly object to this planning application and request that it be refused planning permission.

185 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 25th April 2024

Letter attached.

**Comments:** 24th April 2024

Letter attached.

**Comments:** 2nd April 2024

Letter attached.

189 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 2nd April 2024

Letter attached.



The Stables  
Manor Farm Courtyard  
Southam  
Cheltenham  
Gloucestershire  
GL52 3PB

**Comments:** 25th April 2024

Additional letter attached.

**Comments:** 25th April 2024

Additional letter attached.

**Comments:** 3rd April 2024

Letter attached.

**Comments:** 3rd April 2024

Letter attached.

183 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 25th April 2024

Letter attached.

Prospect House  
183 Leckhampton Road  
GL53 0AD

Planning Application 24/00435/FUL 187 Leckhampton Road, GL53 0AD

We write to OBJECT to this application for the following reasons:

Size of Building, Construction materials, Loss of view and Visual impact from Leckhampton Hill.

Size of Extension. As a consequence of 187 extending latitudinally into the garden by some 12 metres the result is a more visual impact of bulk and massing than is strictly necessary.

This proposed extension to the rear of the property has a floor level starting at 1.2 metres above ground level, presumably to give the applicants an elevated view of the hill. The resulting proposed structure is substantial with a height that cannot be justified.

Construction Materials. 187 is one of four houses (181, 183, 185, 187 ) with the same footprint, built around 1927 using similar construction materials, red brick with rendered upper elevations.

To add a large extension using timber cladding and a metal roof would not respect the character of the existing buildings. Materials are not appropriate to the site and setting.

Loss of View. Whilst we understand that Loss of View is not always a planning consideration, however, under the National Planning Policy Framework, policy SL1 states that 'development should not cause unacceptable harm in the amenity of adjoining land users and living conditions in the locality'. These 'impacts' of a development include loss of daylight, loss of outlook and loss of privacy.(14.4) Like others in our road we would completely lose the views of Leckhampton Hill from both our kitchen window and patio/decking.

Visual Impact from Leckhampton Hill. The visual impact of this huge extension with glass doors and metal roof as seen from the hill cannot be understated.

We strongly object to this proposed development and request that this application is refused.

\*\*\*\*\*

**Comments:** 1st April 2024

Prospect House  
183 Leckhampton Road  
GL53 0AD

Planning Application 24/00435/FUL 187 Leckhampton Road, GL53 0AD

We write to OBJECT to this application for the following reasons:

Size of Building, Construction materials, Loss of view and Visual impact from Leckhampton Hill.

Size of Extension. As a consequence of 187 extending latitudinally into the garden by some 12 metres the result is a more visual impact of bulk and massing than is strictly necessary.

This proposed extension to the rear of the property has a floor level starting at 1.2 metres above ground level, presumably to give the applicants an elevated view of the hill. The resulting proposed structure is substantial with a height that cannot be justified.

Construction Materials. 187 is one of four houses (181, 183, 185, 187 ) with the same footprint, built around 1927 using similar construction materials, red brick with rendered upper elevations.

To add a large extension using timber cladding and a metal roof would not respect the character of the existing buildings. Materials are not appropriate to the site and setting.

Loss of View. Whilst we understand that Loss of View is not always a planning consideration, however, under the National Planning Policy Framework, policy SL1 states that 'development should not cause unacceptable harm in the amenity of adjoining land users and living conditions in the locality'. These 'impacts' of a development include loss of daylight, loss of outlook and loss of privacy.(14.4) Like others in our road we would completely lose the views of Leckhampton Hill from both our kitchen window and patio/decking.

Visual Impact from Leckhampton Hill. The visual impact of this huge extension with glass doors and metal roof as seen from the hill cannot be understated.

We strongly object to this proposed development and request that this application is refused.

\*\*\*\*\*



Planning Application 24/00435/FUL 187 Leckhampton Road, GL53 0AD

Further to our letter of the 2<sup>nd</sup> April we write to OBJECT to this application for the following reasons:

Size of Building, Construction materials, Loss of view, Loss of Outlook and Visual impact from Leckhampton Hill.

We consider that the revised plans have no effect our original objections.

The pictures below show the impact that the proposed single storey extension will have on the outlook from our decking.



Our current outlook



Proposed new outlook looking from our decking towards Leckhampton Hill.



# CHEL TENHAM

## BOROUGH COUNCIL

Mr Tim Beardsmore  
c/o RES Architecture  
FAO Mr Harry Eamer  
RES Architecture Unit 19.4  
Highnam Business Centre  
Highnam  
Gloucester  
GL2 8DN

APPLICATION NO: 17/00577/FUL

DATE REGISTERED: 22nd March 2017

DECISION DATE: 9th May 2017

### PERMISSION FOR DEVELOPMENT

#### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **PERMITS** the following development:-

Demolition and reconfiguration of first floor rooms above garage.

AT: 189 Leckhampton Road Cheltenham Gloucestershire

in accordance with the conditions and Schedule 1 specified hereunder:-

- 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 approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the additional first floor side elevation window to serve the bedroom to the rear of the property within the new extension; shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to create an acceptable form and design of extension and to overcome a loss of privacy;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

SCHEDULE 1

**This decision relates to the following plans:**

Approved Plans

Reference	Type	Received	Notes
PL05E.	Rev Drawing	19th April 2017	

*This decision notice should be read in accordance with the Planning Officer's Report which details the material considerations relevant to the proposal and the reasons for the decision made. You can read a copy of this report online at [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) or in the Municipal Offices Promenade Cheltenham GL50 9SA (please contact Built Environment Reception to arrange this. Tel: 01242 264328)*

*A person who intends to carry out the development to which this planning permission relates is requested to give a minimum of 7 days notice to the planning authority as to the date on which it is proposed to initiate the development, and, in any event, before commencing the development. You are advised to contact the Compliance Officer at Built Environment 01242 774987.*

**Before starting work on site it is your responsibility to ascertain the position of any services such as sewers and drains, gas pipes, electricity lines, or water mains which may be affected by the works.**

### **Important Information following your Planning Permission or Planning Permission Enquiry**

Please note: most building works will require inspection by Building Control. For further information on Building Regulations and whether you will be required to make an application, please refer to our web site [www.cheltenham.gov.uk/buildingcontrol](http://www.cheltenham.gov.uk/buildingcontrol) or telephone 01242 264321.

Tracey Crews : Director of Planning

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.





# CHEL TENHAM

## BOROUGH COUNCIL

### COMMENCEMENT OF PLANNING PERMISSION NOTICE

#### IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE

**Reminder:** You will still need to separately inform building control when you intend to start works, details can be found on our website at [www.cheltenham.gov.uk/buildingcontrol](http://www.cheltenham.gov.uk/buildingcontrol).

Please read carefully the planning permission decision notice and ensure that you understand and comply with the requirements of any conditions. **Planning permission is granted subject to compliance with the conditions on your decision notice and the development is carried out in accordance with the approved drawing(s) and documents.**

It is your responsibility to comply. Failure to comply with the requirements of a condition or the commencing of works without discharging prior to commencement conditions could mean that the work you carry out is unauthorised and you will be at risk of enforcement action. We carry out a programme of site monitoring to check compliance and this notice is to proactively manage the development and to avoid any difficulty in the future. Further information, forms and fees can be found at [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning) and following the links for planning compliance and enforcement.

If you do not understand any of these requirements or require clarification please contact the planning department quoting the reference number 17/00577/FUL at the address below, by email [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk) or through our website [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning).

Please ensure that you give yourself time to meet the requirements of any conditions, a discharge of conditions application could take up to 8 weeks. Please also be aware there is a charge to discharge conditions per request/submission.

Please complete the following and return it to the compliance officer at the address below or by email to [planningcompliance@cheltenham.gov.uk](mailto:planningcompliance@cheltenham.gov.uk). Application forms and further information can be found on our website at [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning) following the links for planning compliance and enforcement.

#### Development Details

**Planning application ref:** 17/00577/FUL  
**Proposal:** Demolition and reconfiguration of first floor rooms above garage.  
**Site Location:** 189 Leckhampton Road Cheltenham Gloucestershire

**Date when work is intended to start:** .....

#### Your contact details (or attach letterhead/business card):

**Name:** .....  
**Address:** .....  
.....  
.....  
**Telephone:** ..... **Mobile:** .....  
**Email:** .....

**Delegated Officer Report**

<b>APPLICATION NO:</b> 17/00577/FUL		<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 22nd March 2017		<b>DATE OF EXPIRY:</b> 17th May 2017
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Tim Beardsmore	
<b>AGENT:</b>	RES Architecture	
<b>LOCATION:</b>	189 Leckhampton Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Demolition and reconfiguration of first floor rooms above garage.	

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on Leckhampton Road.
- 1.2 The applicant is seeking planning permission for the demolition and reconfiguration of the first floor rooms above the existing garage.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

#### Relevant Planning History:

**06/00550/FUL 5th June 2006 WDN**

Erection of ancillary leisure building

**06/01004/FUL 17th August 2006 PER**

Proposed ancillary leisure building to the rear

**14/01860/FUL 9th December 2014 PER**

Removal of existing uPVC conservatory and erection of a single storey flat roof extension to the rear

**15/00373/CLPUD 18th March 2015 CERTPU**

Installation of swimming pool ancillary to dwellinghouse in rear garden

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Gloucestershire Centre For Environmental Records - 11th April 2017**

Biodiversity report available to view in Documents Tab.

**Parish Council - 11th April 2017**

The Council has no objections to the application

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 7 letters were sent to neighbouring properties, no letters of representation have been received.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

### **6.3 Design**

- 6.4 Initial concerns were raised with regard to roof form of the proposed new addition. The proposed gable was at odds with the form of the existing building and resulted in an unacceptable addition to the property. Revisions were therefore requested.

- 6.5 The revised plans include a part hipped roof form to reflect the design and character of the existing building. The proposal now reads as a sympathetic addition to the existing building with proposed materials to match that of the existing building which is wholly appropriate and acceptable.

- 6.6 The revised plans included an additional front and rear elevation window. The front elevation window was not considered to be appropriate in terms of its size and form and did not respect the existing window design in the rest of the property. The front elevation window has been removed from the scheme.

- 6.7 The proposal in its revised form is not considered to result in any unacceptable harm to the design and character of the existing building or its surroundings and is compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)

### **6.8 Impact on neighbouring property**

- 6.9 Concerns were raised by officers regarding the proposal of an additional first floor side elevation window which would result in an unacceptable loss of privacy to the neighbouring land user of number 187 Leckhampton Road. Whilst officers acknowledged that there was an existing clear glazed window in this elevation, an additional window would intensify this situation. Revisions were therefore requested.

- 6.10 Revised plans show the additional window to be obscurely glazed and high level opening. A condition to this effect has been added.

- 6.11 The proposed extension will not result in any unacceptable loss of light to any neighbouring land user. In addition no letters of objection have been received.

- 6.12 The proposal is therefore compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

### **6.13 Environmental Impact**

- 6.14 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons discussed above it is considered that the proposal is in accordance with policy CP7 and CP4 in terms of achieving an acceptable standard of design and protecting the amenity of neighbouring land users.
- 7.2 As such, the recommendation is to permit this application subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

- 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 approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the additional first floor side elevation window to serve the bedroom to the rear of the property within the new extension; shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to create an acceptable form and design of extension and to overcome a loss of privacy;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

Approved Plans

<b>Reference</b>	<b>Type</b>	<b>Received</b>	<b>Notes</b>
PL05E.	Rev Drawing	19th April 2017	

**CASE OFFICER:** Mr Ben Hawkes

**AUTHORISING OFFICER:** CH

**DATE:** 08/05/2017







Material points of objection to Revised Plans submitted under Application 24/00435/FUL

Dated 24<sup>th</sup> April 2024

We live at 189 Leckhampton Road next to 187 Leckhampton Road on the SW boundary:-

The applicant advised 185/189 that Michelle Payne had “accepted the extension on the initial plans, as well as approved the balcony subject to the width being reduced”. As a result of these incredible statements made by 187 the neighbours contacted Michelle to confirm whether this was true or not. Michelle advised 185 that she told the Architect ‘in principle an extension at the rear of the property would be acceptable, but the balcony was not acceptable’. Even though the applicant was aware the balcony would not be acceptable they still submitted it. This confirms the revised plans were drawn at the same time as the initial ones, so the tactic of ‘shock and awe’ by the Architect to give the impression concessions have been given, must be ignored to prevent subjectivity creeping in, especially if this goes to Committee. The truth is 187 were never going to get a balcony; a 2 storey roof above a single storey extension; or a ridiculous 12m protruding barn extension from the rear elevation. Everyone we have spoken to that has seen the plans commented “it’s like seeing a house on another house!”

We have since heard another revelation from 187 explaining to 185 that their Architect has advised them that steps down into an extension are not allowed! We find the applicant dishonest, controlling and the Architect wholly unprofessional given the tactics they have played out to try and by-pass CBC, the Planning Officer, and any neighbours’ wanting to object, including their appointed planners.

Prior to the lodging of this application the applicant took down 50% of the hedge between our boundaries, which included some of our trees and hedges on our side of the fence, had we not intervened their landscaping contractor would have taken down even more. They did this to create a view of Leckhampton Hill. Once again showing the vindictive lengths the applicant will go to in order to get what they want.

The following points have been documented to give a reason behind why they are material, as well as help paint a picture for those people who haven’t visited the subject site, or 189’s garden:-

1) Overlooking/ loss of privacy/ perceived loss of privacy: the 2 storey ensuite bathroom with windows (both elevation and roof) extending 2.72m; the large 5.2m 7 bi-folding door extension; and the huge raised outdoor terrace area amounting to 65m<sup>2</sup> (700 sq.ft.) which wraps around the entire rear elevation and abuts the fence of 189 will face directly into 189 and into our outdoor garden amenity space. [REDACTED]

[REDACTED] would attract in future if this application is granted. The feeling of being ‘constantly watched’ given the applicant’s proposed rooms of a main lounge within the 5.2m extension will be the most frequently used in their household, goes some way to confirming the significant amount of overlooking, as well the unnecessary invasion of privacy it will create. We had a site visit with Michelle Payne on Tues 23<sup>rd</sup> Apr and Michelle mentioned the conservatory that looks in our direction. Firstly, the conservatory is an ancilliary building not habitable; secondly, it is thin in width and runs down the rear elevation of the property not protruding out into the garden; thirdly it is sat elevated but behind 189’s extension, Fourthly, the proposed 5.2m extension protrudes directly out at 90 degrees sitting directly on 185’s fence line, whilst looking directly at and further into 189’s garden. Finally, it has blinds drawn most of the time due to the intense heat created (as we mention

below) and the applicant has already said they don't use it. We have said all along why is all the proposed built-form sat on the fence of 185 on a raised platform of 1.21m overlooking 189? when 187 has a vast width of rear elevation stretching some 12.54m to work with to build an even larger extension that looks into 187's garden not 189's. Given the vast number of material concerns both 189 and 185 have raised surely lowering the extension and wrapping it along the 12.54m rear elevation is a far better solution for all?

Please note the enclosed images showing existing as well as the visual impact it will create from an overlooking/ loss of privacy concern should the Council grant permission.

2) Siting/ total change of aspect and outlook: there is no right to a view under planning yet this 8m protruding extension (at a FFL of 1.21m above ground level) and 2 storey ensuite is proposed in order to create a view of Leckhampton Hill - as confirmed by the applicant themselves - see minutes. The irony being that if the Council grant permission they will also obliterate any view 185 has in that direction, thus proving the selfishness of these plans. There is a total change of aspect and outlook from the existing property in turning the building 90 degrees to overlook and maximise the views across neighbouring gardens, and up the Hill, even though there wasn't a view before they cut down 189's hedges and trees.

3) Subservience: There are significant issues with the proposed FF extension above 187's existing garage. 189 had an identical application for a FF addition over their existing garage (17/00577/ FUL) where the Officer's report confirms revised plans were submitted at the request of CBC to deal with their subservience concerns. As a result 189's full height bedrooms had to incorporate sloping ceilings, as well as 2 internal steps leading down into the bedrooms at FF level. Must be 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 that CBC identified on app 17/0577/ FUL will be far more severe on 185 if CBC allow 187's plans to go through". All we are looking for here is fairness and to treat each resident with the same outcome.

4) Overbearing/Scaling: the 14.5m mass of built form stretches from the front of 187's garage to the end of the single storey extension, it will run at an average height of 8.8m to ridge until the end of the two-storey addition and then for a further 5.2m at a height of 4.62m, coupled with it sat on a raised platform of 1.21m. The '7' steps it takes from the utility room FFL to get into 187's garden goes some way to explaining that – as evidenced on the Architect's Existing Plans. It will also give the premise to go higher in the future using ridge height precedent should you grant this permission, whether that is the intention later on or not. This in turn will grant enticement to others further down the road to 'jack up' their extensions even higher, thus creating viewing towers in order to generate a view of the hill, as well attempting to rise above the extensions in front of them. In turn leading to longer protruding extensions into gardens as a result, meaning more loss of garden/ wildlife space which the Council is trying to protect, and of course more flooding as a result of water run-off and funnelling from the hill due to the high water table that exists in this location. You only have to realise the staggering amount of fill required to create the raised outdoor terrace, given the land drops in level from 0.75m at our boundary fence to 1.21m across the rear elevation to 185's fence, and that's before you add the drop in land level which slopes into 187's garden. As a result it will create the same land level as our garden and we'll be able to see people at the same head height despite the land being 0.75m lower at our fence and 1.21m at 185's fence.

Please note the enclosed images showing existing as well as the visual impact it will create from an overbearing/ scaling concern should the Council grant permission.

5) Overmassing: as a result of coming out further into the subject's garden it gives the result of more visual impact and massing than is strictly necessary. Most if not all extensions maximise their space by extending longitudinally across the back elevation which will provide far less impact concerning massing, as well as providing more daylight and functionality for the applicant. It will also mean less confrontation with neighbouring properties and less material objections as a result. Most extensions if not all are single storey and look into the applicants' own garden, not their neighbours! Only summer houses or sheds are usually afforded that luxury under permissible development rights.

Please note the enclosed images showing existing as well as the visual impact it will create from an overmassing concern should the Council grant permission.

6) Noise: - is a material objection as long as it can be proven that the proposed plans seek to create it. The applicant's children are incredibly noisy when playing in their house and garden, so allowing them to have a 5.2m extension facing us, with the ability to open up the whole building using 7 bi-folding doors, will just amplify that noise like a resounding cave straight back into our garden amenity space, as well as our house when we have our bi-folds open - rather than down into their own garden. Especially given that room will be used as the main lounge area where they will socialise a lot. Add the extra noise from BBQ's and paddling pools given the 0.75m raised patio (which will be at the same garden level as ours) then you can start to see the impact this single storey extension will create.

7) Appearance, design and materials proposed: in relation to pts 2,3,4,5 the proposed appearance is out of character with the existing building as well as its neighbouring extensions. Most if not all extensions are single storey, often flat roofed, for that reason to help delineate between old and new parts. The proposed roof materials as well as the glazing of 7 bi-folding doors will reflect solar glare (during both winter and summer) thereby reflecting back into our garden, but more importantly up Leckhampton Hill being in the designated AONB. They are proposing to keep the 1970 brown Marley ridgeback tiles (which the previous owner put on before they sold) which don't complement or go with the new modern metal seem roof/ powder coated windows or architectural pergola which looks clumsy and industrial

8) Precedent/ Others:

189 has 2 steps down in the middle of our single storey extension due to the natural lie of the land so creating a finished floor level 2 steps 'down' into the applicants' garden will help prevent a precedent of towering extensions in the future. 189's extension wraps around the rear of our elevation about 50% and only projects out 4m. 189 also has x4 internal steps twice (8 in total) at the point the land drops off in that location in order to access the drop in gradient from its kitchen into its downstairs toilet and garage. Taking that into consideration and allowing a resident to by-pass the need for steps down in a new extension (187), despite having the same lie of the land issues, does not suggest fair consideration will have been given to both residents.

191 has a wraparound extension at the rear with a side patio door looking onto their neighbour's fence, given the plot is so small compared to others. It also doesn't have the gradient or drop in land level there is between 185 and 189.

181 has a long brick garage/ store under a separate planning consent which is classed as 'ancillary buildings' under planning and therefore not habitable, and neither are they connected to the main house. They also return into their garden not up the Hill and are screened by large trees both sides of the fence, especially the return side into 179 Leckhampton Rd where the building has been split

into 2 dwellings (177) meaning the garden is 50% smaller and screened further, with a double fence layer of trees and hedging.

9) Side elevation/ Master ensuite: 187 have removed the existing privacy/ obscure glass across the entire length of this West elevation between 187 & 189 in their application, which means they can see straight into the Children's bedrooms of 189 – must be restored to obscure. The large rear window and floor to roof window on the master ensuite bathroom (two-storey addition) needs obscure glazing to prevent loss of privacy and overlooking into 189. Neighbour's will also be able to see directly in from their front and rear gardens. 189 has a rear elevation bathroom with obscure glazing but you can still see everything when the lights are on, blinds are a must!

10) Flooding concerns - 189 has a 'wet cellar' with an automatic sump pump due to the high water table in this location, which is as a result of rain coming off Leckhampton Hill. Putting a 13m hard standing barrier in the way which also runs the full length of 187's rear elevation (outdoor terrace) will surely create more run off, funnelling and increase velocity into more congested built-up areas, thus potentially creating more flooding elsewhere. Does the applicant have a wet cellar? Will they be compounding the problem? or pushing this onto 185? We are not looking to refuse on this point merely to protect neighbours from any unnecessary claims. Building Regulations will not deal with flooding concerns, especially if these plans are built during the summer. A SUDS report or a review on strategy report is a sensible way forward.

Please note the enclosed images taken of 187's garden confirming ground saturation

12) Sustainability – Councillor Nelson visited our garden on 27<sup>th</sup> Mar and 22<sup>nd</sup> April and was still appalled as well as disgusted at the submission of these revised plans – she added that these were hideous and clearly designed to maximise size rather than create and acceptance form and design. She asked whether there were any solar panels? and we mentioned that it got to 50 degrees in our extension during record temps and we only have 3 bi-folding doors, so you can imagine the solar gain of 7 glass doors plus the other 4 across the rear. It's like building a greenhouse and worrying about it later. You can guarantee they'll be installing air conditioning as a result which is the total opposite of sustainability. All the gardens West facing and get the full exposure of the SW effect which explains a lot. The Architect's sustainability statement is a joke and should be chucked out.

Summary:-

It's as though 187 aren't happy with the plot they bought, or the view into their own garden, so now want to change the aspect, outlook, and the direction the house sits in by turning it 90 degrees.

A 6.8m x 8.9m high FF addition above the existing garage, A 2.72m x 8.7m high two-storey ensuite master bathroom with windows (both elevation and roof); a large 5.2m x 4.62m 7 Nr bi-folding door single storey extension; and a huge raised outdoor terrace area amounting to 65m<sup>2</sup> (700 sq.ft.) which wraps around the entire rear elevation, will look directly into 189's outdoor garden amenity space thus causing significant impacts of overlooking, significant impacts of loss of privacy, significant impacts of perceived loss of privacy as well as a significant increase in noise disturbance.

Major subservience issues given the restrictions CBC applied to 189 on their application for a FF addition above their garage (App 17/00577/FUL). The same restrictions implied must also be applied to 187 given there is even less distance between 185 and 187 as a result of 187 building up to and on their boundary line. We are reviewing these concerns with our QC to ensure fairness is applied on this particular issue.

## Page 45

Lack of any obscure glazing on the ensuite master bathroom, the fact they've removed all the existing obscure glazing along the side elevation between 189 and 185.

The additional noise created as a result of the proposed single storey extension facing 189 and overlooking 189's garden. When the 7 bi-folding doors are peeled back in the spring to autumn coupled with the raised patio to socialise on, the additional noise will re-bounce back into 189's garden (as well as their house once 189 open their bi-folds) using the back of the extension as a reverberating cave.

With a FFL of 1.21m and a raised outdoor terrace at the same level above ground level meaning it will require 5 steps in order to access 187's garden, confirms how imposing and overlooking the extensions will be.

With an average ridge height of 8.8m above the garage and two-storey addition, you begin to realise the mass of built form as well as the significant impact concerning overbearing, overshadowing, loss of daylight this will cause to 185, as well as 183 and the neighbours below them.

7 bi-folding glazing panels protruding 5.2m into the garden on top of the 4 they have at the rear elevation, reflecting solar glare into 189, and potentially up Leckhampton Hill. The solar gain alone will be incredible yet no mention of this in the sustainability report as a consequence of a West facing garden, and the new proposed extensions facing directly into the SW sun.

The private garage they have coupled with the utility room are classed as ancillary buildings so are not habitable or conform to domestic building regulations.

### Compromise & Resolution

The applicant will no doubt refresh and re-submit their application in due course, and no-one begrudges them a reasonably sized extension which looks into their own garden, but that has to run down the back of their rear elevation like everyone else on this side of the road; in gradient with the lie of their land (2/3 steps down not 6 steps up); be single storey; and therefore have no right to overlook or cause a loss of privacy to neighbours - this will help overcome all issues mentioned above, and in 185's objection as well.

You will see enclosed minutes of a meeting held with the applicant in our garden on 20th Mar which give a very distinct flavour of their attitude and desires but also that they are clearly open to compromise and resolution given the ultimatum 189 gave 187, especially if they continue to remain wholly unreasonable and obtuse to the concerns of their neighbour's. Please read these minutes as we want to portray to the Planning Officer that we believe this can be negotiated between neighbours, planners and their Architect rather than having numerous expensive re-submissions, and objections down the line, which of course will be a complete waste of time and money for everyone concerned.

### Site Visits:-

Site visits to the subject site, as well as neighbouring gardens, are imperative to ensure the full impact of these proposals can be fully visualised. Everyone that has attended so far have been flabbergasted by how overbearing and monstrous these plans are, so we would welcome the Planning Officer to re-attend, as well as any Committee Members in due course in the event this application is called in.

Enclosures:-

Images of existing views taken from our garden

Images of visual impact as a result of granting permission

Copy of Officer's report concerning App 17/00577/FUL

Minutes of a meeting held in our garden with the Applicant

Cheltenham Borough Council – Planning Office  
P.O.Box 12  
Municipal Offices  
Cheltenham  
Glos  
GL53 0AE

188 Leckhampton Road  
Cheltenham  
Glos  
GL53 0AD

23.4.2024

To whom it may concern

**Planning application 24/00435/FUL**

Wish to uphold my objection to the plans submitted for no 187 Leckhampton Road.  
The alterations which have been suggested do not alter any of my original comments and still go against the policies which I have drawn attention to in my original objection.

**I therefore, strongly object to this planning application and request that it be refused planning permission.**

Yours sincerely



24.4.2024

**Planning Application 24/00435/FUL - 187 Leckhampton Road, Cheltenham, GL53 0AD**  
**Planning Officer: Miss Michelle Payne**

We write to confirm that we still object to the plans submitted in this application. Although there have been some alterations made, the proposed plans still fail in several areas:

Overshadowing and loss of light, overbearing impact due to its' height and scale, use of materials which do not compliment the original dwelling, and detrimental impact on our living conditions.

**Scale and Dominance**

The extensions are intended to sit right on the boundary line between no 185 and 187. There will still be an overbearing effect caused by the height of both the single and the two storey extensions and their proximity to no 185.

The ground floor of No 187 is already higher than no 185, because the houses are built on a hill.

No 187 is proposing to raise its' ground floor up **by another 1.2 metres above this** which gives a totally unreasonable height for the single storey extension.

The change in roof line on the double extension and its' closeness to no 185 mean that we will be overshadowed and lose light to our South facing widows. It will have an overbearing effect.

The resultant building would still be contrary to Policy SD14 of the 'Joint Core Strategy', Policy SL1 of the 'Cheltenham Plan' and the guidance set out withing paragraph 135 of the 'NPPF'.

**Residential Amenity (overshadowing and overlooking)**

The alterations which have been made to the original plans still do not alter any of our original objections.

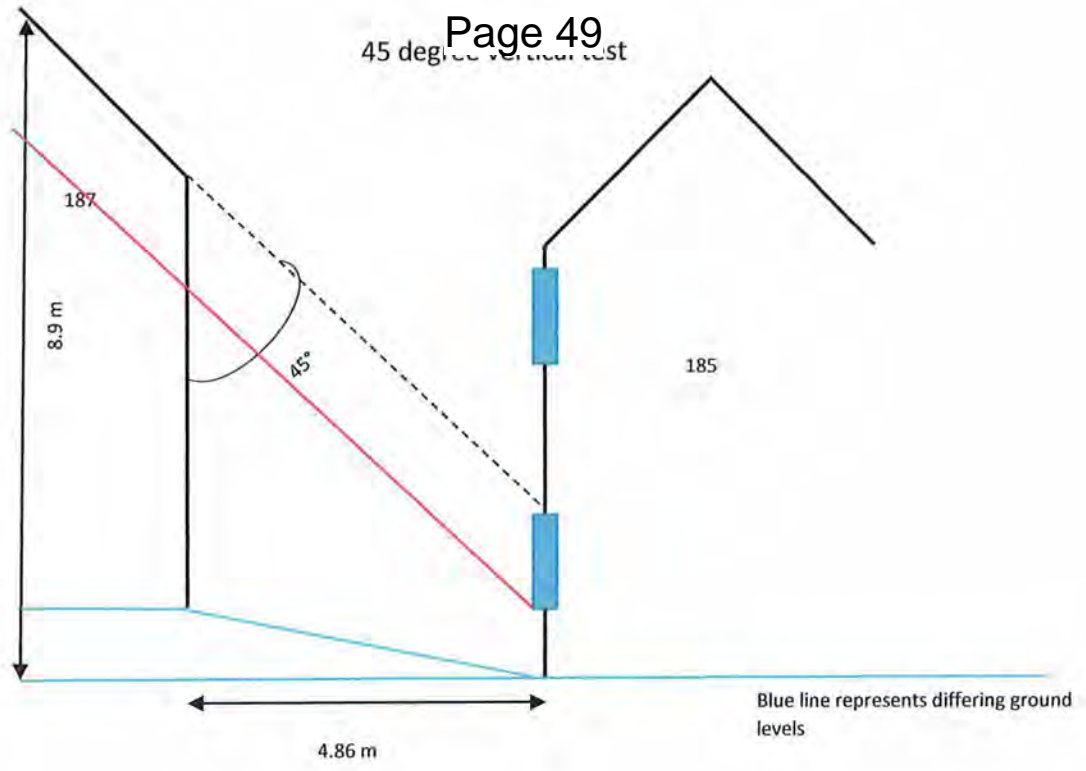
The height of the extensions will mean that our amenity will be severely impacted as they will have an overbearing effect. We will lose both light and outlook from our South facing windows and our outside seating areas.

The extensions will dominate due to their size and height. Things will be made worse by the fact that the walls will be solid render with only one window across the whole expanse.

We believe that both the vertical and lateral 45% rule will be breached by the extensions (**see below diagrams**).

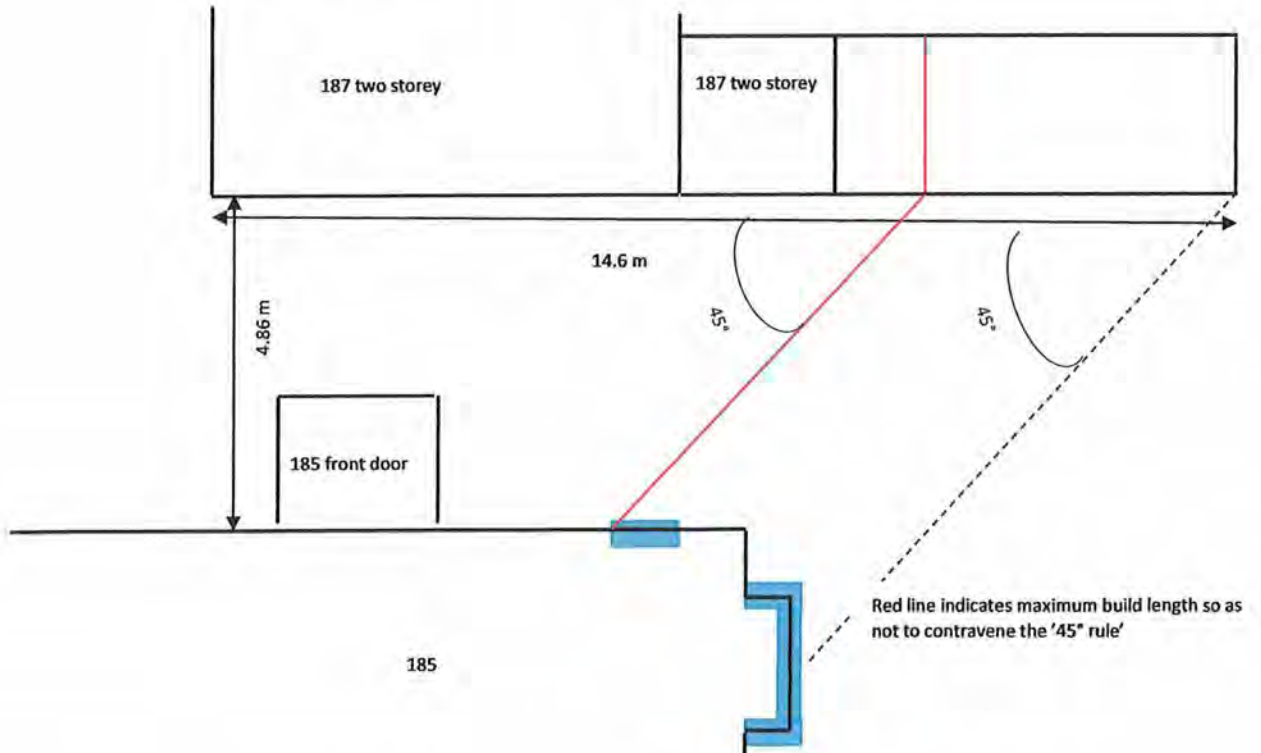
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Red line indicates maximum build height so as not to contravene the '45° rule'

45 degree lateral test



The 'Joint Core Strategy' states that the Council will give regards to matters such as lost daylight. It will also give regard to loss of outlook.

**Appearance (design and materials)**

Our original objections towards the proposed materials remain. Although plans for the roof include lowering its' original projection, the suggested metal material is totally out of keeping with the character of other houses in the area, as is the pergola running along much of the rear of the house and overpowering its' existing features.

Both the single and two storey extensions lack subservience to the original house and will change its' essential characteristics.

Should the plans be given approval, we will see a huge mass of render and metal, both from all our south facing side windows, our main rear windows and our patio and outside seating areas.

The appearance contradicts NPPF paragraph 135, section b

Planning Practice guidance states that achieving good design should work well for everyone – this will not be the case.

Policy D1 requires that new development should respect neighbouring development – it will not.

Policy SD4 states that new development should be of a scale, type, and density appropriate to the site and its setting. Massing and overbearing are in contradiction of this policy.

**As a conclusion, there are still multiple examples of the suggested plans being contrary to current planning policies and strategies.**

**As stated in the 'NPPF' - "Development that is not well designed should be refused"**


Our other points for consideration have not changed from our original objection and we remain very concerned over the effects of such a large area of earth being removed in a flood plain.

**Summary**

In consideration of all the above, this planned design is still of unacceptable scale, mass, form, and design. The loss of light and overshadowing to 185 will have a severe impact on 185's living conditions.

The negative impact on 185 and its neighbours' amenity due to visual impact, massing and being overbearing makes this planning application unacceptable. We therefore, strongly object and respectfully request that this application is refused planning permission.

In the event this application is referred to the 'Planning Committee', we kindly request that we are given notice so that we are able to address the Planning Committee directly.

Signed: 





The raising of the floor level, the height of the two-storey extension and the re-pitching of the roof provide an example of over massing and will be overbearing to no 185.



Our patio and external seating areas would be dominated by the single storey extension. Its' **ground floor level would be raised by 1.2 metres over and above 185's ground floor level.** In essence, this extension would be built on top of a 1.2 m high platform and will be right against the boundary fence!



This design is not in keeping with the character of the existing houses.



Wednesday, 24 April 2024

**Objection to Application 24/00435/FUL**

**Site Address: 187 Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AD**

**Description: Part two storey/part single storey side/rear extension**

**Introduction:**

This objection letter relates to application 24/00435/FUL, which is a householder planning application for a part two storey/part single storey side/rear extension to 187 Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AD.

This comment is an addendum to the objection previously submitted on 2<sup>nd</sup> April 2024, in response to revised plans which were uploaded to the Council's website on the same day. Both objections should be read in conjunction.

**Relevant Planning History:**

<b>Reference Number:</b>	<b>Description:</b>	<b>Decision:</b>
85/01473/PF	Extension to existing dwelling to provide a private car garage and utility room	Permitted 21 November 1985
86/01621/PF	Alteration and extension to existing dwelling to provide an enlarged kitchen	Permitted 2 <sup>nd</sup> June 1986

**Relevant Planning Policy:**

**National Planning Policy:**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

**Local Planning Policy:**

**Adopted Cheltenham Plan 2020 (CP)**

D1 Design

SL1 Safe and Sustainable Living

**Adopted Joint Core Strategy 2017 (JCS)**

SD4 Design Requirements

SD14 Health and Environmental Quality

**Supplementary Planning Guidance:**

Residential Alterations and Extensions (2008)

## Discussion of Scheme:

### Procedural Issues:

The accuracy of the provided plans are questions; due to the topography of the site, the finished floor level to the end of the extension would sit significantly above ground level; it is questioned whether a topographical survey of the site was undertaken, and how accurate the provided measurements are.

There are concerns that the distance between 189's boundary fence and 187's side porch is wrong, and it is believed that the plans show it to be about 600mm wider than it is.

Furthermore, the provided block plan fails to show the first-floor extension above the existing garage; this should be added to the proposed plans to ensure accuracy.

Finally, the existing plans do not show the upper floor side windows as being obscure glazed; this should also be rectified.

### Design and Visual Amenity:

Paragraph 135 of the NPPF states that planning decisions should ensure that all developments will add to the overall quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish and maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused.

Planning Practice Guidance (PPG) states that achieving good design "is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations."

Policy D1 requires alterations and extensions to existing buildings to avoid causing harm to the architectural integrity of the building; and the unacceptable erosion of open space around the existing building. All development is required to complement and respect neighbouring development and the character of the locality.

Policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form. It should be of a scale, type, density, and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live and having appropriate regard to the historic environment.

The existing dwelling is a characterful dwelling, with 2no. front gables, and a catslide style roof to the side, above the garage approved under application 85/01473/PF.

No alterations have been made to the proposed two-storey element, which would extend above the existing garage, with a ridge height to match the existing dwelling. Though it would be set back from the dwelling's principal elevation, it is considered that the matching ridge height lacks subservience

and would unduly dominate the original building by reason of its design and would visually overwhelm and detract from the original form and architectural detailing of the house, resulting in harm to the character of the dwelling and the surrounding street scene.

It should be noted that a previous application at No. 189 for a first-floor addition which was of a similar size to that proposed under the current application was required to be significantly reduced as part of application 17/00577, due to concerns relating to the unacceptability of the addition. The proposed addition was revised to be significantly reduced in size in response to the officer's concerns. No. 189 has two steps leading down into the bedrooms created above the garage at first-floor level along with two sloping ceilings in order to deal with the subservience issues by identified by the case officer.

It should also be 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; this worsens the impacts relating to subservience identified on application 17/0577/FUL; the first-floor extension will clearly be more severe than the extension originally proposed above No. 189.

Although reduced in depth, the proposed rear extension would still result in negative visual impacts due to its significant footprint, bulk and massing; it is overly tall at 8.9m to the ridge, and when viewed in conjunction with the proposed two-storey addition, would result in a loss of the dwelling's original character and would cause visual harm. Furthermore, it sits in extremely close proximity to the boundary line of 185, where in the case of the two-storey extension above the garage it sits on the boundary line.

This harm would be worsened by the proposed use of materials; the amount of Cotswold Stone proposed around the rear elevation wraps around the single-storey kitchen nib and onto the single-storey extension; it is considered that this would jar visually with the existing materials, especially the 1980's Marley Roof Tile. In addition, the proposed pergola is out of keeping with the period property, not only does it extend a significant distance across the terrace, but it also looks clumsy and industrial compared to the softness of Cotswold stone. This amount of ranging will darken the internal feel of the property despite the huge amount of new glazing proposed. It would also appear incongruous when viewed with the flat roof canopy detail of the kitchen nib; this detail requires further explanation to justify its design.

In conclusion, the juxtaposition of the design, bulk, scale, massing, and materials of the proposal with the existing property would result in visual harm to the character of the existing dwelling and the surrounding area. The proposal fails to comply with policies D1, SD4 and the advice contained within the Residential Alterations and Extensions SPD, or the relevant provisions of the NPPF. As such, the application should be refused.

### **Residential Amenity:**

Paragraph 135 of the NPPF sets out six criteria against which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to "create places ... with a high standard of amenity for existing and future users."

Planning Practice Guidance (PPG) states that achieving good design "is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations."

SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted

JCS policy SD14. Consideration will be given to matters including, but not limited to, outlook, privacy, and daylight.

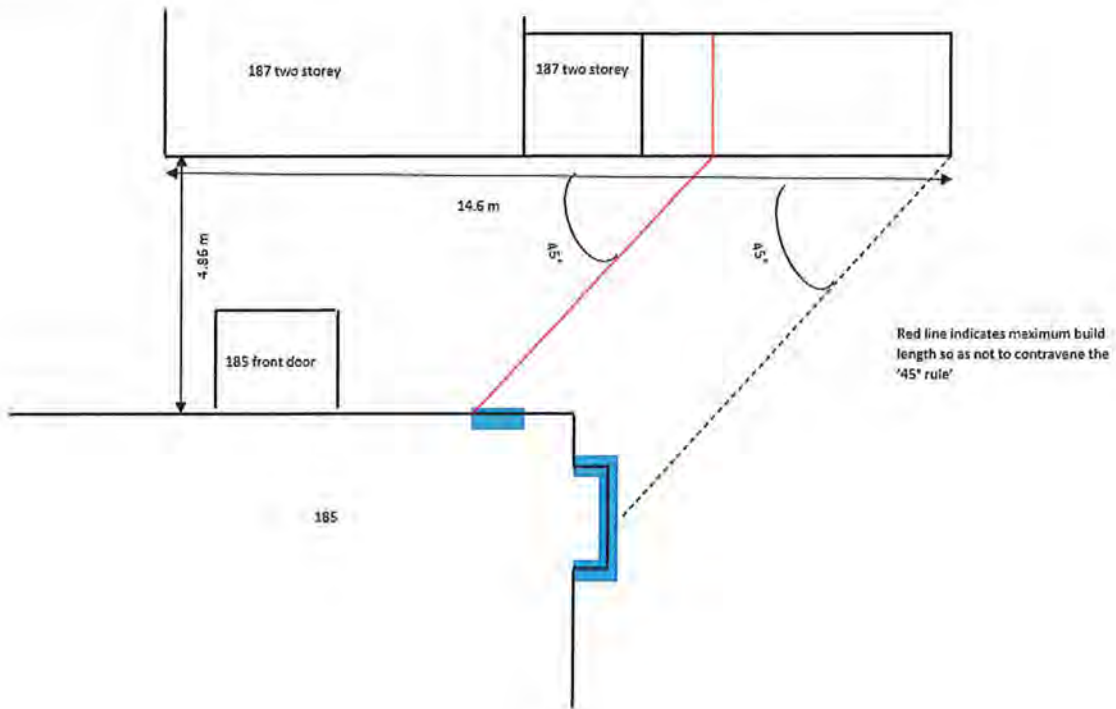
Though the single-storey extension has been reduced in depth, it would still be unduly tall, and would sit on the northern boundary, which is shared with No. 185. No. 185 has a number of rear and side facing windows at ground and first-floor levels, which sit within close proximity to the site boundary; furthermore, the patio area sits directly next to the boundary, where the proposed extension would sit. A photograph from a side facing window and showing the relationship between the application site and the patio area of No. 185 is included below.

Though not determinative, it should be noted that under permitted development rights, single-storey rear extensions are generally permitted to be 4m in height with 3m eaves; the proposed extension still significantly taller than this, which is representative of the significant levels of harm it would cause. These impacts would be brought by both the single-storey and first-floor additions to the dwelling.

BRE Guidelines (Site layout planning for daylight and sunlight: a guide to good practice' (BR209 2022)) outline that built form within 45 degrees from the centre of a window is likely to result in an unacceptable loss of daylight and outlook.

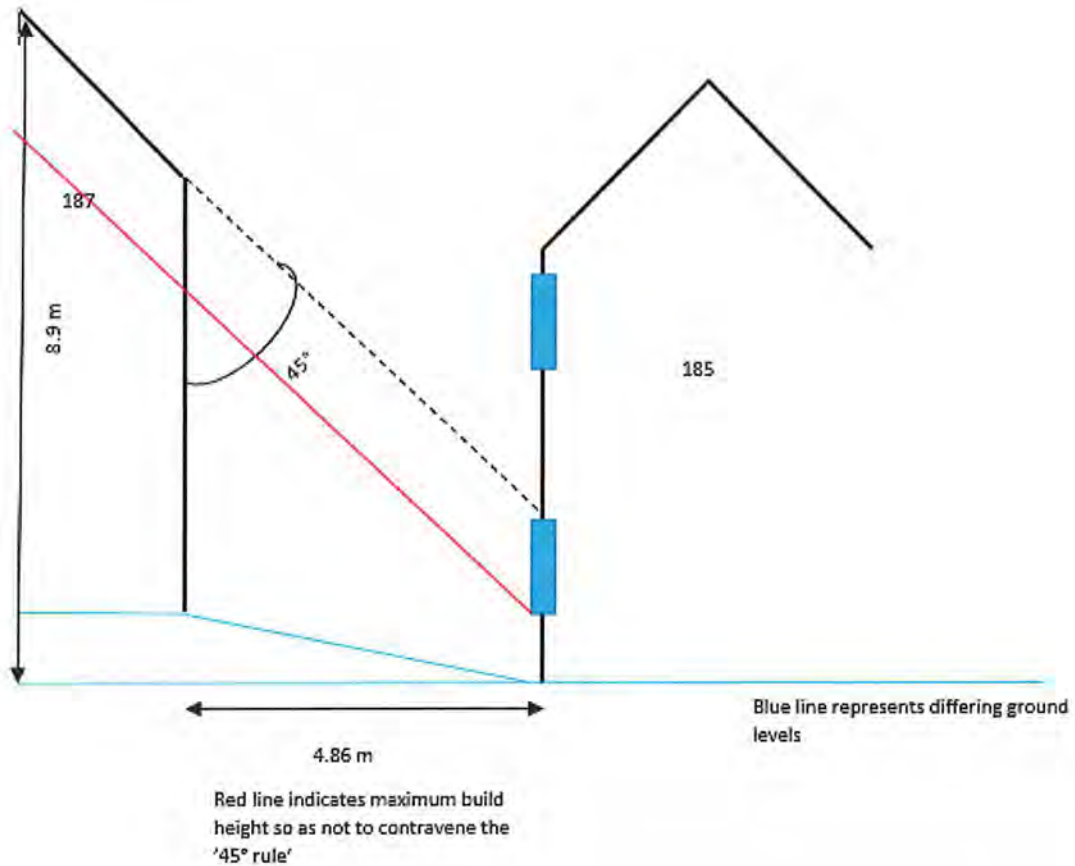
In this instance, due to the proximity of the extension to the windows of the neighbouring property, and the height of the extension above these windows, it is clear that the proposed extension would fail this test, and as such, permission should be refused. The images overleaf show the angle of the proposed extension from this side window, both horizontally and vertically; scaled versions of these images can be made available upon request:

**Horizontal 45 Degree Test:**





Vertical 45 Degree Test



The side window along 185, as well as the bedroom window above, are long vertical apertures, which provide significant amounts of light and outlook to their respective rooms. These are not ancilliary windows given that the arc of the morning sun hits the dining room through this window at breakfast time, and at lunchtime during the midday sun, as well as at dinner time during the evening sun.

As such, it is clear that there would be an unacceptable loss of light to No. 185, and the proposal would fail to comply with the BRE guidelines.

The outlook from the windows outlined on these plans are shown below:

Image from Side Facing Ground-Floor Window of No. 185:



Image from Side Facing First-Floor Window of No. 185:



Both the proposed two-storey and single-storey extension would sit within extremely close proximity of this boundary; the two-storey addition would measure around 8.9m in height, and the single-storey extension would extend almost 8m past the property's original rear elevation, measuring 4.62m in height (though this figure is questioned due to the apparent lack of a topographical survey). This would result in a significant loss of outlook and light to the side facing windows of No. 185, and significant overbearing impacts on the rooms which the windows serve.

An illustrative image of the outlook from the patio and extensions following development has been provided by the residents of No. 185; this is included below:

**Image showing relationship between application site and patio area of No. 185:**



**Image showing relationship between application site and patio area of No. 185 following development:**



Patio areas directly behind dwellings are generally understood to be the most well used area of the garden; the proposal would result in the erection of significant single-storey and two-storey

structures within extremely close proximity to the patio, resulting in unacceptable enclosing and overbearing impacts, and a loss of light to the rear garden of the property.

Further illustrative images from the garden back towards the dwellings are included below:

**Image from Garden of No. 185 back towards dwellings:**



**Image from Garden of No. 185 back towards dwellings following development:**



It is clear that this would result in a significant enclosing and overbearing impact, with a resultant loss of light to the patio and windows, and a loss of outlook from the windows of No. 185.

An illustrative image of the extension and patio from No. 189 is provided below:

**Image from Garden of No. 189:**



**Image from Garden of No. 189 following development:**

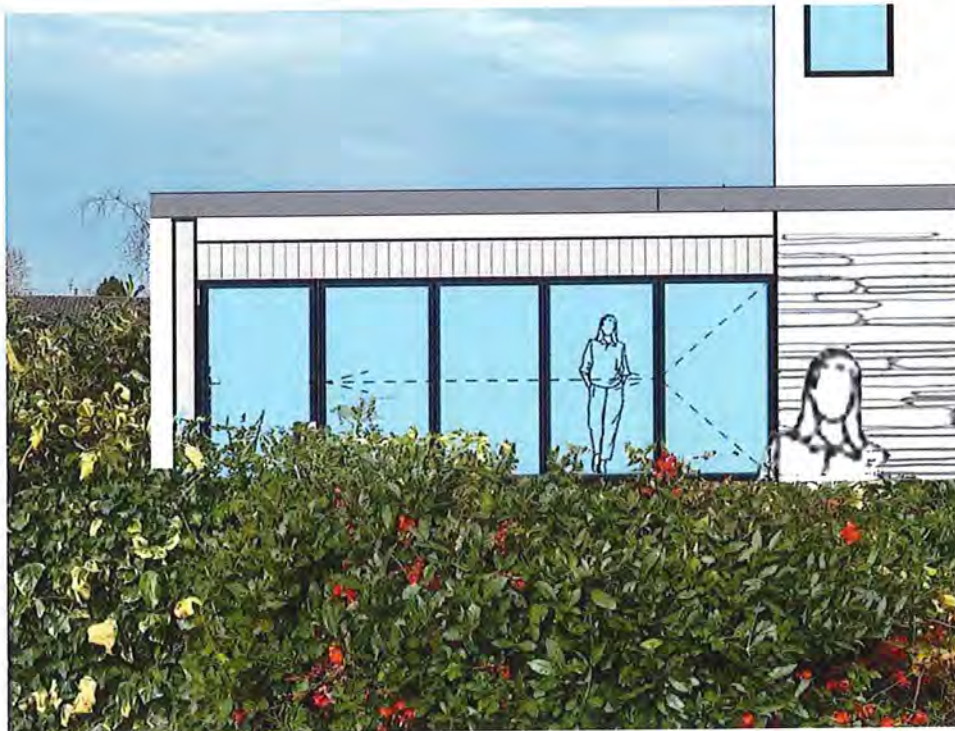


Additionally, due to the sloping nature of the site, the finished floor level of the rear extension would sit significantly above the ground level below (some 1.21m above ground); the side elevation of the rear extension would have a significant number of glazed, bifold doors facing towards the garden of No. 189, resulting in further unacceptable overlooking impacts. The below illustration shows this unacceptable level of overlooking from the extension towards No. 189:

Image from Garden of No. 189:



Image from Garden of No. 189 following development:



This floor level would be matched by the .75m tall, raised patio which would wrap around the entire rear elevation of the property and be extremely close to the neighbouring fence of 189 - in total some 65m<sup>2</sup> (700 sq. Ft.) of raised terrace; this would introduce further overlooking concerns, and result in even more loss of privacy to the occupiers of No. 189. It should be noted that under permitted development rights, a raised platform is permitted to be .3m in height; the raised platform proposed is 2.5x taller than this; permitted development rights are designed to represent a generally acceptable standard, and such an extreme deviation from this standard suggests that unacceptable impacts would occur.

The orientation of the extension would also lead to unacceptable levels of noise pollution on the occupiers of No. 189; as outlined above, the extension would have a significant set of bifold doors, which would be able to fully open; this would leave the entire inside space facing directly towards the boundary of No. 189, and given the social nature of the rooms within the extension, would almost certainly lead to noise impacts on these neighbours.

It is also noted that there are upper floor, side facing windows which face directly towards both neighbouring gardens; it is not noted whether these would be fixed shut and obscurely glazed, and as such, they would result in unacceptable overlooking impacts on neighbouring occupiers. The plans also do not outline whether the large rear window serving the en-suite would be non-opening and obscure glazed; given that this serves a bathroom, the non-obscuring of the window would be unacceptable. Without prejudice, these should remain obscure glazed to their current level, and any new windows should be obscure glazed to Pilkington Standards 3 or above, and non-opening.

Furthermore, a number of the side elevation windows to the upper floor are not shown as obscure glazed and non-opening; this would result in a loss of privacy for the occupiers of No. 189.

The proposal would have significant and unacceptable impacts on the residential amenity of both neighbouring occupiers; the development fails to comply with Policies SL1 and SD14 of the Local Plan, or the relevant provisions of the NPPF, and as such, the application should be refused.

### **Conclusion:**

It is considered that the proposal would result in significant negative visual impacts on the character of the existing dwelling and would result in extreme and unacceptable impacts on the residential amenity of neighbouring occupiers; as such, the application should be refused.

There is no objection to an extension on the site; however, this would need to be significantly reduced from the current submission, in order to ensure that the proposal is acceptable in terms of residential and visual amenity; a number of nearby dwellings have had modest extensions erected, which are significantly smaller in size, feature low pitched roofs which have been designed with the sloping ground levels in mind, and do not result in significant overlooking impacts on neighbouring occupiers. In this instance, due to the specific topography of the site, as well as the raised platforms they will sit upon ranging from 0.75m at 189's boundary to 1.21m at 185's, the only acceptable way forward is:

1. The removal of the proposed 2 storey extension above the garage - due to overbearing/ loss of daylight/ impact on garden amenity space/ subservience issues;
2. The removal of the proposed 2 storey addition - due to overbearing/ loss of daylight/ overlooking/ loss of privacy/ impact on garden amenity space/ subservience issues;

3. Lowering of the proposed single storey extension including re-positioning to face into 187's garden. There is ample space to wrap this single storey around the existing rear elevation - due to overlooking/ loss of privacy/ impact on garden amenity space/ creation of additional noise, and the adherence to the criteria set out within the GPDO;
4. Any glazing on the side elevation facing 189 needs to remain obscure - due to overlooking/ loss of privacy;
5. Any proposed additional bathrooms/ en-suites (whether at higher level or not) must have a minimum Pilkington Grade 3 obscured glazing.



Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

BPA Ref: 3197B

24<sup>th</sup> April 2024

**RE: Representation to application ref: 24/00435/FUL: Revised Plans for two storey and single storey side/rear extensions at 187 Leckhampton Road, Cheltenham, GL53 0AD**

Dear Miss Payne,

We have been instructed by [REDACTED] of 189 Leckhampton Road to review the above referenced application with revised plans submitted on the 2<sup>nd</sup> April 2024 and to consider whether they should submit any further representations in connection with the proposed development.

Having reviewed the submitted revised plans and documentation, we have reached the conclusion that the proposals are not acceptable in planning terms and have advised our clients to lodge a formal objection on the following grounds:

**Proposed Site Block Plans 851-06A – missing proposed first floor side extension.**

The proposed block plan only shows the proposed two storey and single storey rear extensions. The proposal includes a first-floor side extension above the existing garage which does not appear on the proposed block plan. Given the immediate proximity to the boundary of 185, it is important that this extension is included to allow for its impact to be understood and considered as part of the overall application.

There are also concerns that the distance between 189's boundary fence and 187's side porch is inaccurate, and it is believed that the plans show it to be about 600mm wider than it is.

### 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, the Council should consider matters including, 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, the National Planning Policy Framework (NPPF) at paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

The applicant is proposing a revised scheme, the proposed first-floor side extension and two-storey rear extension are unchanged, with the single storey element which now proposed to extend 5.2m to the rear of the proposed two-storey extension, which is some 8m from the existing rear elevation. The proposal also includes a raised patio area to the rear which wraps to the side of 187 and between 187 and 189. This raised patio is extensive and is located immediately adjacent to and extends along approximately 10m of the boundary with 189. The raised patio measures approx. 65 m<sup>2</sup> (700 sq.ft. which is akin to 3 bedroom new build apartment) and is shown on plan to be set 0.7m above the existing garden level. The raised patio will therefore provide an extensive raised platform and provide a large vantage point which would provide for significant overlooking and loss of privacy of the private amenity space and property of 189. To allow for an understanding of this impact it is beneficial for the decision maker view and consider the proposal from the rear garden and property of 189.

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 of 189. Additionally, the proposals include a floor to ceiling en-suite window and seek to replace all frosted windows along the southern elevation to larger, transparent openings. The proposed openings would face directly into no.189's first floor children's bedrooms and therefore result in both a real and perceived loss of privacy for those occupiers. All windows on this elevation must remain obscure glazing to protect amenity. The proposed two-storey addition housing the en-suite master bathroom must also have obscure glazing (Pilkington Level 5) given this will be a further issue concerning overlooking and loss of privacy. Especially when viewed from the rear gardens of neighbouring properties both during the day and at night.

In respect of the rear single storey extension, the applicant proposes 5-panel bifold doors on the southern elevation, which again gives rise to amenity concerns due to its excessive size and positioning and that the ground floor of the extension is to be set 1.21m above the existing garden level. This extension and its outlook will face 189 directly rather than onto the applicants' own rear garden, with the elevated floor level of the extension it would provide outlook towards and result in a harmful impact on the private amenity of the garden and property of 189 by way of overlooking. It is also understood that the occupiers of no.187 recently cleared boundary vegetation between the properties which further intensifies the harmful overlooking impact. They did this in order to create a view of Leckhampton Hill. When proposals seek to create additional noise as a result of turning an extension to face a neighbour's garden (rather than looking down into their own garden) then these also need to be taken into account. The single storey re-positioning in facing 189 when the 5 bi-fold doors are open, from Spring to Autumn, will use the space to reverberate sound back into 189's garden, like a cave. Especially given the nature of the room proposed being the main lounge coupled with the huge raised terrace to socialise on will only add to the impact and enjoyment of 189's garden amenity space. It will also cause further distress once 189 open their bi-folding doors to hear the noise inside their house. Add the noise of BBQ's and paddling pools on the terrace which will be at the same height as 189, then you start to appreciate the impact these proposed plans create.

*Current outlook from the garden of no. 189*



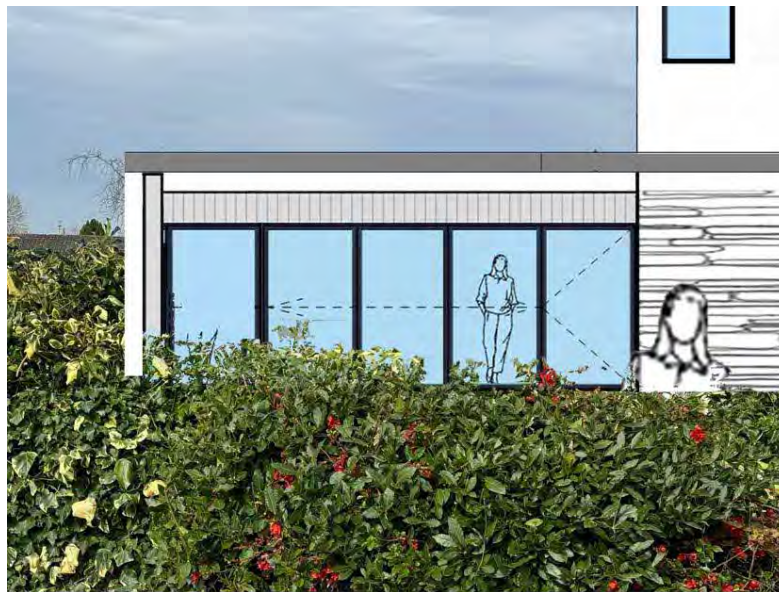
*Proposed overlooking of no. 187 towards no. 189.*



*Current outlook from the garden of no.189*



*Proposed overlooking of no. 187 towards no. 189.*



Overall, the proposed development by virtue of its scale, height and superfluous openings 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. They are unduly dominant and would overwhelm and swamp the original dwelling appearance to the extent that its original form would be largely unrecognisable.

The proposed first floor side extension and two storey rear extension are not 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 the existing property. 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 additions that would detract from the character and appearance of the host property and surrounding area and lacks the necessary subservience all required by policies D1, SD4 and the SPD.

Moreover, the proposals would have a detrimental visual impact on its surroundings as it would stand out as a large and incongruous feature within the surrounding area. The combination of concrete tiles, metal roofing, architectural pergola, render and timber cladding, together with the oddly chosen fenestration details, would also appear anomalous, and not in keeping with the character of the property.

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 rules identified by CBC. 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 that CBC identified on app 17/0577/ FUL.

Additionally, the proposals include an extensive amount of glazing which may have implications for light spill and light pollution, especially as the property is located within a short distance of the Cotswolds National Landscape (formerly known as an AONB). In terms of other times of the day, outside of darkness, the large areas of glazing to the south would be visible from Leckhampton Hill, as such, there is potential for reflections or a polarising light issue that would adversely affect the setting of the wider landscape. In such areas, development must be guided by Paras. 182 and 183 of the NPPF, Policy SD7 of the JCS and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswold AONB Management Plan. Together, these policies seek development proposals in, or within the setting of the National Landscape, to protect scenic views and to conserve dark skies by minimising light pollution.

In light of the above, the proposals conflict with section 12 and 15 of the NPPF, 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 of 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

Having considered all of the above, the proposed development is considered to represent an unacceptable scale, form and design, which fails to respond to the existing pattern of development and 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 space and noise disturbance.

Overall, the planning application proposes a form of development that is in clear conflict of the adopted development plan and national planning policy and guidance. I therefore raise strong objections on behalf of the adjacent neighbour and respectfully request that the application is refused planning permission.



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. If the applicant was minded to make further amendments to the application, it is suggested the following points are considered:

1. Removal of the proposed 2 storey extension above the garage - due to overbearing/ loss of daylight/ impact on garden amenity space/ subservience issues
2. Removal of the proposed 2 storey addition - due to overbearing/ loss of daylight/ overlooking/ loss of privacy/ impact on garden amenity space/ subservience issues
3. Lowering of the proposed single storey extension and patio area including re-positioning to face down 187's garden. There is ample space to wrap this single storey around the existing rear elevation - due to overlooking/ loss of privacy/ impact on garden amenity space/ creation of additional noise.
4. Any glazing on the side elevation facing 189 needs to remain obscure - due to overlooking/ loss of privacy
5. Any proposed additional bathrooms/ en-suites (whether at higher level or not) must have a minimum level 5 obscure glazing.

Should any further information be received relating to this application, I would like to be notified on behalf of my clients in order to provide additional representation, where necessary.

Yours faithfully,

**Craig Hemphill | MRTPI**  
Senior Planning Consultant

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

BPA Ref: 3197A

24<sup>th</sup> April 2024

**RE: Representation to application ref: 24/00435/FUL: Revised plans for two storey and single storey side/rear extensions at 187 Leckhampton Road, Cheltenham, GL53 0AD**

Dear Miss Payne,

We have been instructed by [REDACTED] of 185 Leckhampton Road (185) to review the above referenced application with revised plans submitted on the 2<sup>nd</sup> April 2024 and to consider whether they should submit any representations in connection with the proposed development.

Having reviewed the submitted plans and documentation, we have reached the conclusion that the proposals are not acceptable in planning terms and have advised our clients to lodge a formal objection on the following grounds:

**Proposed Site Block Plans 851-06A – missing proposed first floor side extension.**

The proposed block plan only shows the proposed two storey and single storey rear extensions. The proposal includes a first-floor side extension above the existing garage which does not appear on the proposed block plan. Given the immediate proximity to the boundary of 185, it is important that this extension is included to allow for its impact to be understood and considered as part of the overall application.

### 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, the Council should consider matters including, 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, the National Planning Policy Framework (NPPF) at paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

The combination of the proposed first floor side and two storey rear extension remain unchanged from the original proposal which will result in significant harm to the living conditions and amenity of the occupiers of no. 185 through considerable overbearing, overshadowing and a loss of natural light as a result of it sitting 1.21m above ground level. The proposed single storey rear extension, as revised, will also have a harmful impact. The proposed extensions would be at odds and fail to comply with policy requirements of SL1 of the Local Plan and SD14 of the JCS.

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 levels drop from 189 to 187 by 0.75m and then gradually to 1.21m at the far width of the garden next to 185's fence. This is evidenced by the 7 downhill steps it takes to get from the utility room floor into the garden of 187 - as confirmed by their Architect under the Existing Plans

With the different site levels the missing information on the proposed block plan, as set out above, becomes even more important and is necessary to allow for a greater understanding of the impact of the combination of first floor side extension, two storey rear and single storey rear extension on 185. To fully allow for an understanding to this relationship and resulting harmful impacts a site visit to the garden and property of 185 would be beneficial to allow the decision maker to consider the impacts in the context of policy SL1 and SD14.

To assist the photograph below shows the changing levels between 187 and 185 (note the single storey eaves of each property which reflects the change in ground levels):



The application, as revised, would introduce a first-floor side extension with a height to ridge of 8.9m and which would run along the boundary with 185 some 6.8m. A further two storey extension with a height of 8.7m to ridge and would also run a further 2.72m along the boundary of 185. In combination this would create a built form of 8.8m in height to ridge (two-storey) running 9.5m along and immediately adjacent to the boundary of 185. In addition, a further 5.2m single storey extension of 4.62m to ridge is proposed. This will create a total expanse of 14.5m 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. 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 significantly reduce the level of natural light and cast shadows during most of the day to the detriment of the amenity of 185. At the scale proposed the extension would result in harm to the amenity of 185 on the grounds of being overbearing and loss of light.

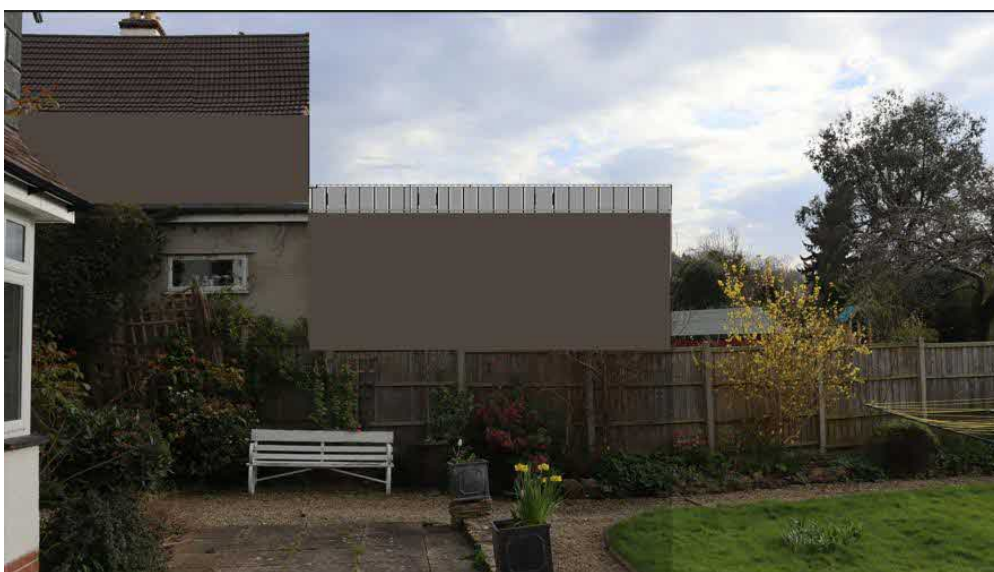
It would also appear that the proposed extension, with the changing site levels would fail to comply with the 45-degree light tests both in plan and elevation in respect of existing windows of 185 which serve the lounge and first floor bedroom windows. The plan and elevation 45 degree standards are set out in section 2 and figure 17 and 18 of the third and most recent version (2022) of the Bre Site Layout Planning for Daylight and Sunlight – A guide to Good Practice.

It is considered that the proposed development, as revised, by virtue of its scale, height and proximity to the boundary would have a detrimental impact on the living condition 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 and

*Current outlook from the garden of no.185*



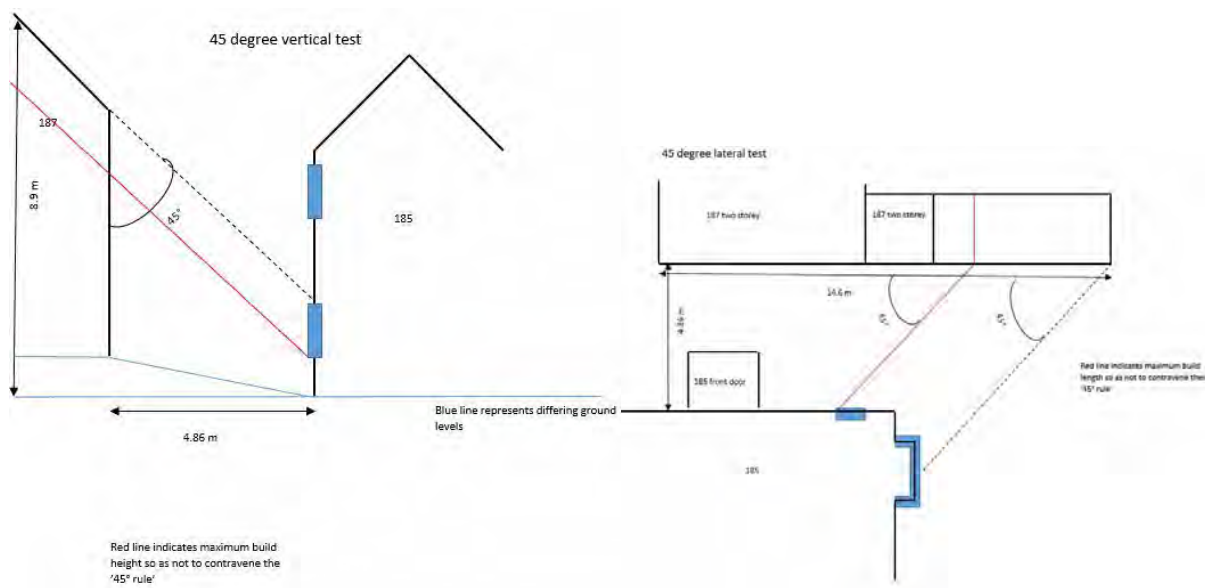
*Proposed outlook from garden of no. 185*



185 view today plus proposed building height marker.



45 degree line: vertical and lateral



*Front door of 185 facing 187 and existing boundary relationship*



*Front door of 185 facing 187 with proposed first floor side extension and two storey and single storey rear extension*



## 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. They are unduly dominant and would overwhelm and swamp the original dwelling appearance to the extent that its original form would be largely unrecognisable.

The proposed first floor side extension and two storey rear extension are not 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. 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 additions that would detract from the character and appearance of the host property and surrounding area and lacks the necessary subservience all required by policies D1, SD4 and the SPD.

Moreover, the proposals would have a detrimental visual impact on its surroundings as it would stand out as a large and incongruous feature within the surrounding area. The combination of concrete tiles, metal roofing, architectural pergola, render and timber cladding, together with the oddly chosen fenestration details, would also appear anomalous, and not in keeping with the character of the property.



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 rules identified by CBC

Additionally, the proposals include an extensive amount of glazing which may have implications for light spill and light pollution, especially as the property is located within a short distance of the Cotswolds National Landscape (formerly known as an AONB). In terms of other times of the day, outside of darkness, the large areas of glazing to the south would be visible from Leckhampton Hill, as such, there is potential for reflections or a polarising light issue that would adversely affect the setting of the wider landscape. In such areas, development must be guided by Paras. 182 and 183 of the NPPF, Policy SD7 of the JCS and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswold AONB Management Plan. Together, these policies seek development proposals in, or within the setting of the National Landscape, to protect scenic views and to conserve dark skies by minimising light pollution.

In light of the above, the proposals conflict with section 12 and 15 of the NPPF, 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 of 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

Having considered all of the above, the proposed development is considered to represent an unacceptable scale, form and design, that is not subservient to the original dwelling and fails to respond to the existing pattern of development and 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, overshadowing impact; loss of daylight; impact on the enjoyment of garden amenity space.

Overall, the planning application proposes a form of development that is in clear conflict of the adopted development plan and national planning policy and guidance. I therefore raise strong objections on behalf of the adjacent neighbour and respectfully request that the application is refused planning permission.

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. If the applicant was minded to make further amendments to the application, it is suggested the following points are considered:

1. Removal of the proposed 2 storey extension above the garage - due to overbearing / overshadowing / loss of daylight/ impact on garden amenity space/ subservience issues
2. Removal of the proposed 2 storey addition - due to overbearing/ overshadowing/ loss of daylight/ overlooking/ loss of privacy/ impact on garden amenity space/ subservience issues
3. Lowering of the proposed single storey extension and patio area including re-positioning to face down 187's garden. There is ample space to wrap this single storey around the

existing rear elevation - due to overlooking/ loss of privacy/ impact on garden amenity space/ creation of additional noise.

4. Any glazing on the side elevation facing 189 needs to remain obscure - due to overlooking/ loss of privacy
5. Any proposed additional bathrooms/ en-suites (whether at higher level or not) must have a minimum level 5 obscure glazing.

Should any further information be received relating to this application, I would like to be notified on behalf of my clients in order to provide additional representation, where necessary.

Yours faithfully,

**Craig Hemphill | MRTPI**  
Senior Planning Consultant

24.4.2024

Planning Application 24/00435/FUL - 187 Leckhampton Road, Cheltenham, GL53 0AD  
Planning Officer: Miss Michelle Payne

We write to confirm that we still object to the plans submitted in this application.  
Although there have been some alterations made, the proposed plans still fail in several areas:

Overshadowing and loss of light, overbearing impact due to its' height and scale, use of materials which do not compliment the original dwelling, and detrimental impact on our living conditions.

#### Scale and Dominance

The extensions are intended to sit right on the boundary line between no 185 and 187. There will still be an overbearing effect caused by the height of both the single and the two storey extensions and their proximity to no 185.

The ground floor of No 187 is already higher than no 185, because the houses are built on a hill.

No 187 is proposing to raise its' ground floor up by another 1.2 metres above this which gives a totally unreasonable height for the single storey extension.

The change in roof line on the double extension and its' closeness to no 185 mean that we will be overshadowed and lose light to our South facing windows. It will have an overbearing effect.

The resultant building would still be contrary to Policy SD14 of the 'Joint Core Strategy', Policy SL1 of the 'Cheltenham Plan' and the guidance set out withing paragraph 135 of the 'NPPF'.

#### Residential Amenity (overshadowing and overlooking)

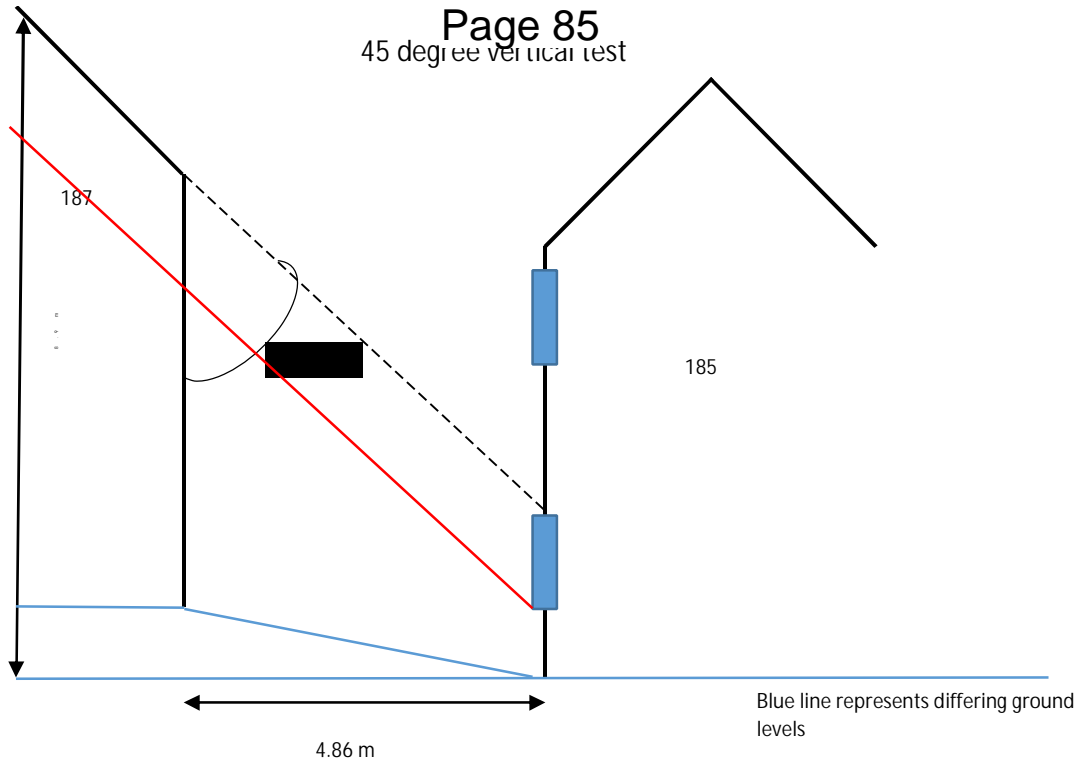
The alterations which have been made to the original plans still do not alter any of our original objections.

The height of the extensions will mean that our amenity will be severely impacted as they will have an overbearing effect. We will lose both light and outlook from our South facing windows and our outside seating areas.

The extensions will dominate due to their size and height. Things will be made worse by the fact that the walls will be solid render with only one window across the whole expanse.

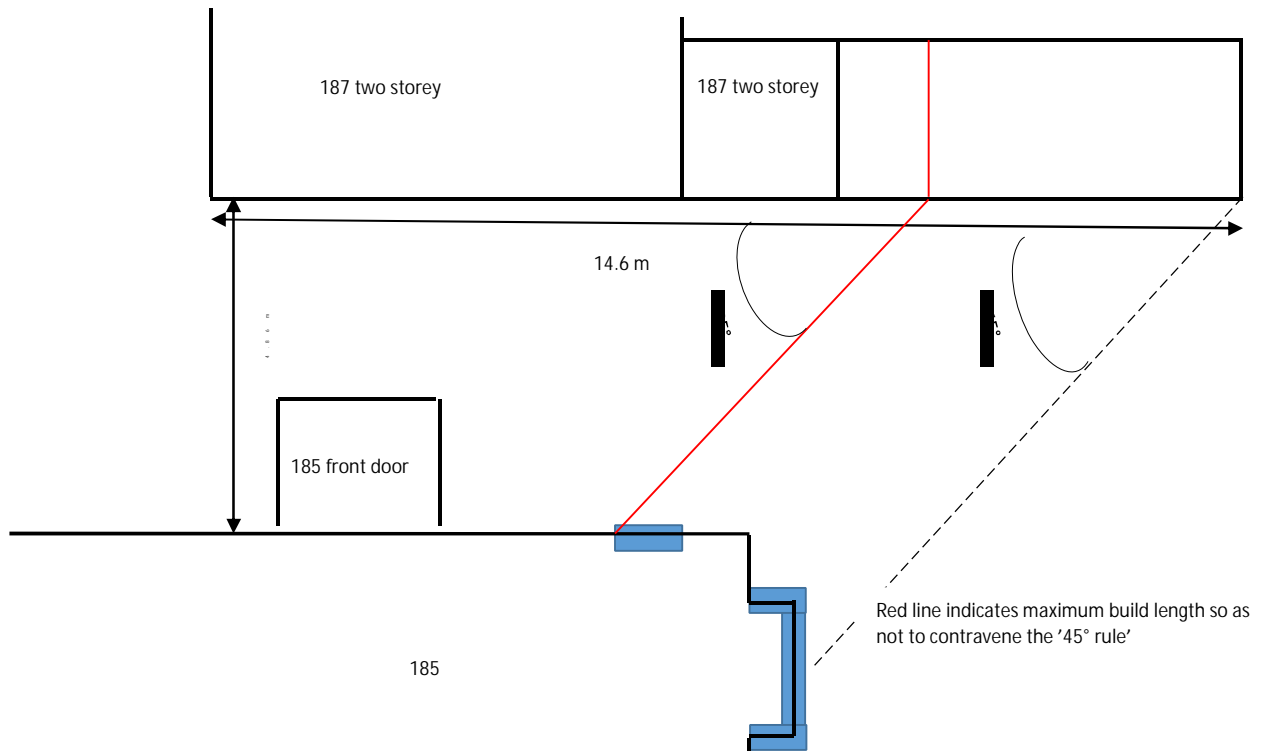
We believe that both the vertical and lateral 45% rule will be breached by the extensions (see below diagrams).

Continued.....



Red line indicates maximum build height so as not to contravene the '45° rule'

45 degree lateral test



The 'Joint Core Strategy' states that the Council will give regards to matters such as lost daylight. It will also give regard to loss of outlook.

It also states that development will only be permitted when it will not cause unacceptable harm to the amenity of adjoining land users.

#### Appearance (design and materials)

Our original objections towards the proposed materials remain. Although plans for the roof include lowering its' original projection, the suggested metal material is totally out of keeping with the character of other houses in the area, as is the pergola running along much of the rear of the house and overpowering its' existing features.

Both the single and two storey extensions lack subservience to the original house and will change its' essential characteristics.

Should the plans be given approval, we will see a huge mass of render and metal, both from all our south facing side windows, our main rear windows and our patio and outside seating areas.

The appearance contradicts NPPF paragraph 135, section b

Planning Practice guidance states that achieving good design should work well for everyone – this will not be the case.

Policy D1 requires that new development should respect neighbouring development – it will not.

Policy SD4 states that new development should be of a scale, type, and density appropriate to the site and its setting. Massing and overbearing are in contradiction of this policy.

As a conclusion, there are still multiple examples of the suggested plans being contrary to current planning policies and strategies.

As stated in the 'NPPF' - "Development that is not well designed should be refused"

Our other points for consideration have not changed from our original objection and we remain very concerned over the effects of such a large area of earth being removed in a flood plain.

#### Summary

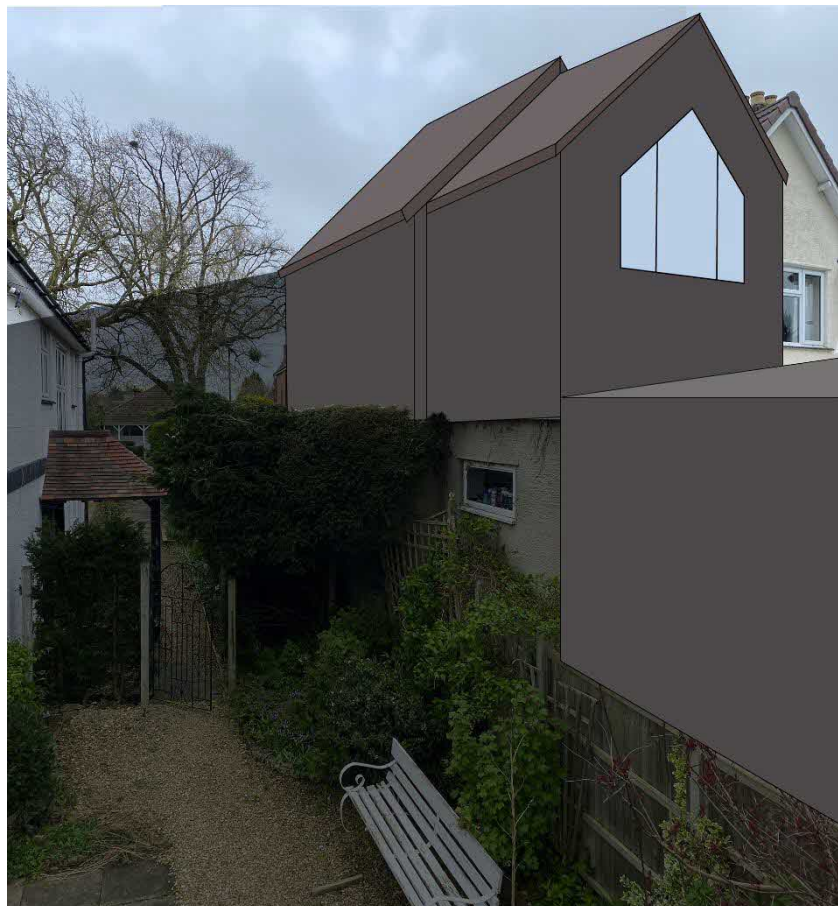
In consideration of all the above, this planned design is still of unacceptable scale, mass, form, and design. The loss of light and overshadowing to 185 will have a severe impact on 185's living conditions.

The negative impact on 185 and its neighbours' amenity due to visual impact, massing and being overbearing makes this planning application unacceptable. We therefore, strongly object and respectfully request that this application is refused planning permission.

In the event this application is referred to the 'Planning Committee', we kindly request that we are given notice so that we are able to address the Planning Committee directly.

Signed:

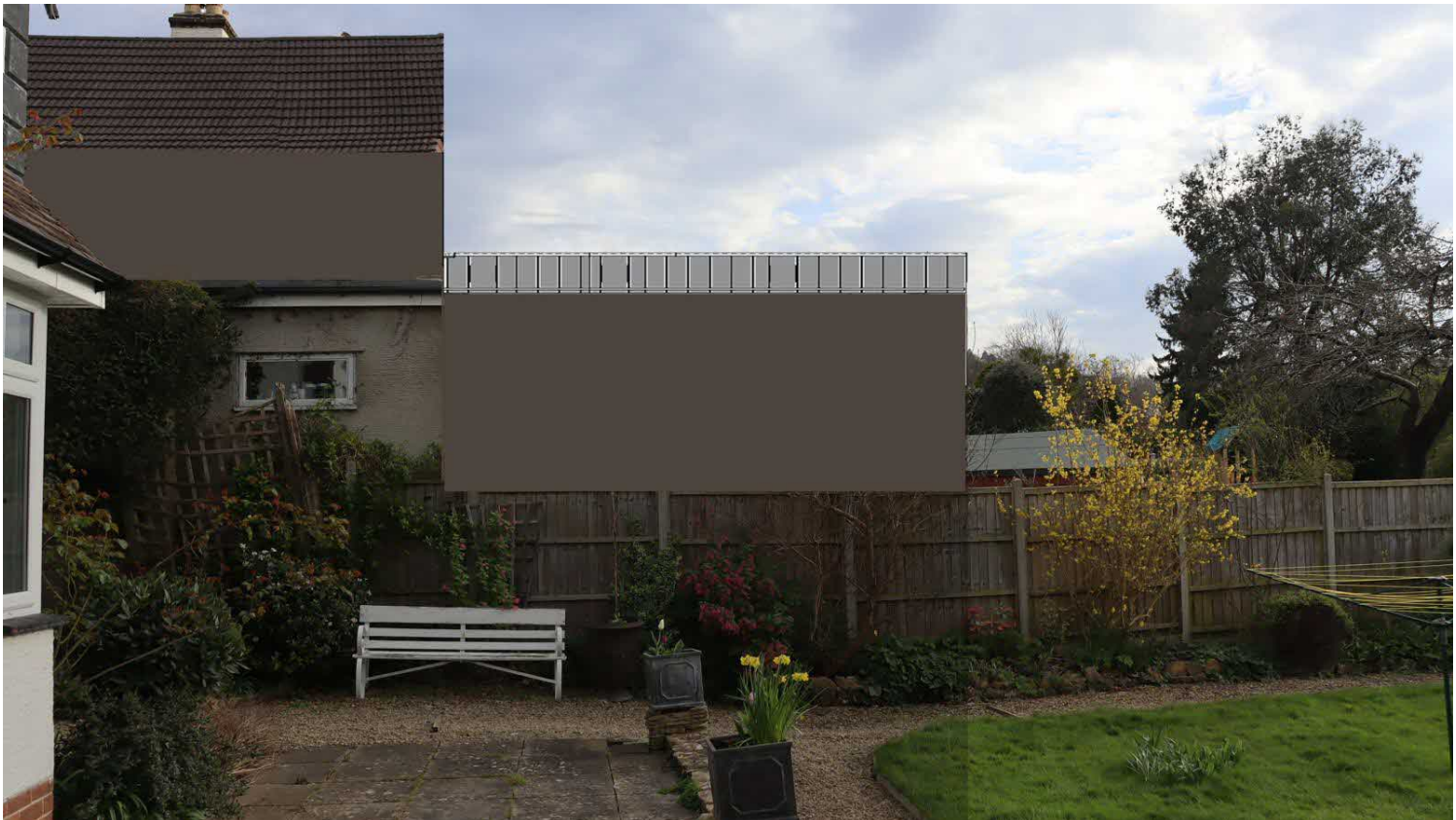




The raising of the floor level, the height of the two-storey extension and the re-pitching of the roof provide an example of over massing and will be overbearing to no 185.



Our patio and external seating areas would be dominated by the single storey extension. Its' ground floor level would be raised by 1.2 metres over and above 185's ground floor level. In essence, this extension would be built on top of a 1.2 m high platform and will be right against the boundary fence!



This design is not in keeping with the character of the existing houses.



AC started off by saying that the plans which had been submitted would be adjusted as both she and KC were aware of the upset that both neighbours were feeling.

She also said that she had been given an indication from the planners that, apart from the width of their proposed balcony, planning permission would be granted.

(AH later followed this up with a phone call to the planning office who said that they had contacted the architects and advised them that CBC supported the idea of extending but that the balcony was unacceptable).

AC commented at a later stage that she was prepared to abandon the idea of a balcony. It was going to be very expensive and she doubted if it would be used that much anyway.

We looked at proposed building height and scale from the patio of 185.

Both AC and KC agreed that the proposed extension would impact us greatly and that we would lose all sight of the hill.

AC then confirmed that the idea of extending was for herself and KC to have a view of the hill from their sitting room.

They stated that they would like to find a happy medium. They definitely want to build so that they have a view of the hill but know that we will be unhappy about the idea of them building anything. AH stressed that everyone has a right to alter their property and although we would ideally not like the extension built, it would be far better if compromises were made all round and good relations with neighbours and the community could be maintained.

AC discussed how the extension at no 191 had been done and noted that they had built out into their garden but on a smaller scale than the proposed works.

We discussed extending only across the back of the house. AH asked if AC and KC had a view of the hill from the existing conservatory. AC replied that she wasn't sure as they hardly ever went in there. It was either too hot or too cold and there were blinds pulled over the windows!

Discussions were had about the possibility of stepping down into the proposed side extension but AC said that she would not be prepared to do that.

She also commented that they were worried that they might spend a great deal of money on the extension only to find that no 189 might copy this idea and then similarly build down the side of their garden. This would then block the view of the hill that AC and KC had paid so much to create.

AC talked about changing the roof style on the planned extension to one with a far lesser pitch so that we might still be able to see the hills.

AC and KC both agreed that they would probably scale back to length of the side extension to about 4metres from the existing rear elevation (laundry room).

Both AC and KC agreed that they had submitted the plans knowing that they would probably have to scale them back and re submit.

When asked if it might have been better to discuss their ideas before submitting the planning application, AC responded that it would be too complicated trying to take everyone's' views into account.

We talked about them doing the work in **Page 90**ause of costs. HH discussed the fact that this could, effectively, lead to approximately 3 years of having disruptive building work being done.

As a conclusion we asked if they would withdraw planning permission, knowing that the plans that have been submitted are not the actual intended plans. AC was unwilling to do that.

We asked about putting the plans on hold whilst new drawings were submitted but AC was not sure if you could do that.

AC then commented that “it could be worse – you could have ended up with developers buying the land and building 3 houses on it.”

It was agreed that communications would be left open and any ideas for altering the plans would be shared with us.



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Southam Lane, Southam  
Cheltenham, Gloucestershire  
GL52 3PB

Planning • Design • Development

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

BPA Ref: 3197B

2<sup>nd</sup> April 2024

**RE: representation to application ref: 24/00435/FUL for two storey and single storey side/rear extensions at 187 Leckhampton Road, Cheltenham, GL53 0AD**

Dear Miss Payne,

I have been instructed by [REDACTED] of 189 Leckhampton Road to review the above referenced application and to consider whether they should submit any representations in connection with the proposed development.

Having reviewed the submitted plans and documentation, I have reached the conclusion that the proposals are not acceptable in planning terms and have advised my clients to lodge a formal objection on the following grounds:

**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, the Council should consider matters including, 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, the National Planning Policy Framework (NPPF) at paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

The applicant is proposing to build a two-storey rear extension with a balcony and external staircase, as well as a single storey element which extends 12-metres to the rear. Turning firstly to the first-floor element, the balcony would provide occupiers with views towards the south and west, which includes Leckhampton Hill. However, this would also introduce an elevated and

projecting vantage point over neighbouring gardens, particularly over that of no. 189 Leckhampton Road. As demonstrated by figures 1 and 2 below

*Figure 1 - current outlook from the garden of no.189*



*Figure 2 - proposed outlook from the garden of no.189*



The implications for the privacy of the occupants of no. 189 would be severe, as the proposal would result in excessive overlooking and inadequate levels of privacy. The balcony would also increase external activities and usage and would inevitably result in noise disturbance for surrounding occupants. Additionally, the proposals include a floor to ceiling en-suite window and seek to replace all frosted windows along the southern elevation to larger, transparent openings. The proposed openings would face directly into no.189's first floor children's bedrooms and therefore result in both a real and perceived loss of privacy for those occupiers. All windows on this elevation must remain obscure glazing to protect amenity.

In respect of the rear single storey extension, the applicant proposes 9-panel bifold doors on the southern elevation, which again gives rise to amenity concerns due to its excessive size and positioning. The doors will face no. 189 directly, rather than onto the applicants' own rear garden. Accordingly, when opened during the spring and summer months, the noise from the proposed sitting room and gym will amplify straight into no. 189's garden. It's understood that the occupiers of no.187 recently cleared boundary vegetation between the properties so noise and privacy issues cannot even be softened by landscaping.

*Figure 3 - current outlook from the garden of no.189*



*Figure 4 - proposed outlook from the garden of no.189*



The single storey rear extension measures 12-metres in length with a pitched roof and a maximum ridge height of 6.9-metres. The scale of this proposed extension is substantial, and the height cannot be justified. Thus, its height coupled with its rear-ward projection will have an oppressive and overbearing effect when viewed from the rear gardens of the adjoining properties, particularly so in the case of no. 185 and those properties further down the hill, due to the drop in land levels. The development would therefore have an adverse overbearing effect that would result in unduly oppressive living environment for surrounding neighbours.

Overall, the proposed development by virtue of its scale, height and superfluous openings will have a detrimental impact on the living conditions of the occupiers of the neighbouring properties, in terms of overlooking, a loss of privacy, noise disturbance 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. They are unduly dominant and would overwhelm and swamp the host dwellings appearance to the extent that its original form would be largely unrecognisable. Especially as the applicants' seek to turn the building 90-degrees, in order to maximise views across neighbouring gardens and up to Leckhampton Hill. Thus, they would be appreciated as unacceptably bulky and unsympathetic additions that would seriously detract from the character and appearance of the host property. Moreover, the proposals would have a detrimental visual impact on its surroundings as it would stand out as a large and incongruous feature within the landscape setting. The combination of concrete tiles, metal roofing, render and timber cladding, together with the oddly chosen fenestration details, would also appear anomalous, and not in keeping with the character of the property.

It's important to highlight that the finished floor levels of the extension range from 1.21-metres to 1.66-metres above ground level, meaning the applicants' will require 6-steps just to access their own garden. While it's assumed the applicant has pursued this layout in order to achieve views of Leckhampton Hill, this will further exacerbate harm as it will create a 'towering' effect. Consequently, the proposals would be hugely prominent in views from surrounding neighbours, especially to those further down the hill due to the change in land levels. 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. If the proposals are approved in its current form, it could set a precedent that may make it more likely for similar proposals to be approved in the future which, in time, would erode the character and appearance of the area.

Additionally, the proposals include an extensive amount of glazing which may have implications for light spill and light pollution, especially as the property is located within a short distance of the Cotswolds National Landscape (formerly known as an AONB). In terms of other times of the day, outside of darkness, the large areas of glazing to the south would be visible from Leckhampton Hill. As such, there is potential for reflections or a polarising light issue that would adversely affect the setting of the wider landscape. In such areas, development must be guided by Paras. 182 and 183 of the NPPF, Policy SD7 of the JCS and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswold AONB Management Plan. Together, these policies seek development proposals in, or within the setting of the National Landscape, to protect scenic views and to conserve dark skies by minimising light pollution.

In light of the above, the proposals conflict with section 12 and 15 of the NPPF, 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 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

Having considered all of the above, the proposed development is considered to represent an unacceptable scale, form and design, which fails to respond to the existing pattern of development and 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, noise disturbance and a loss of privacy.

Overall, the planning application proposes a form of development that is in clear conflict of the adopted development plan and national planning policy and guidance. I therefore raise strong objections on behalf of the adjacent neighbour and respectfully request that the application is refused planning permission.

### Concluding remarks

It appears that the applicants' have presented a scheme without giving any thought to the amenity of neighbouring properties. This is hugely disappointing and emphasises the importance of pre-application consultation. The neighbours do not oppose the principle of a householder extension, and therefore, it is likely that such issues could have been openly discussed and resolved prior to submission of this application. Instead, time and money has been wasted by all parties through the submission of ill-advised and poorly designed plans.

Following notification of this application from the Council, the occupiers of no.'s 185 and 189 met with the applicants' to voice their concerns. The minutes of these meetings have been submitted alongside this letter for consideration. It appears that the applicants' are open to amending the proposals and so it is recommended that an alternative scheme is progressed which is more in line with other properties along Leckhampton Road - for example, an extension should be:

1. single storey;



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Southam Lane, Southam  
Cheltenham, Gloucestershire  
GL52 3PB

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2. run the length of rear elevation rather than protruding 12-metres to the rear;
3. in gradient with the lie of the land;
4. significantly reduced in height (flat roof recommended);
5. omission of balcony;
6. significant reduction in glazing/bi-folding doors; and
7. obscure glazing to be retained on side elevations.

Should any further information be received relating to this application, I would like to be notified on behalf of my clients in order to provide additional representation, where necessary.

Yours faithfully,



**Lorelie Davies | MRTPI**  
Associate Director







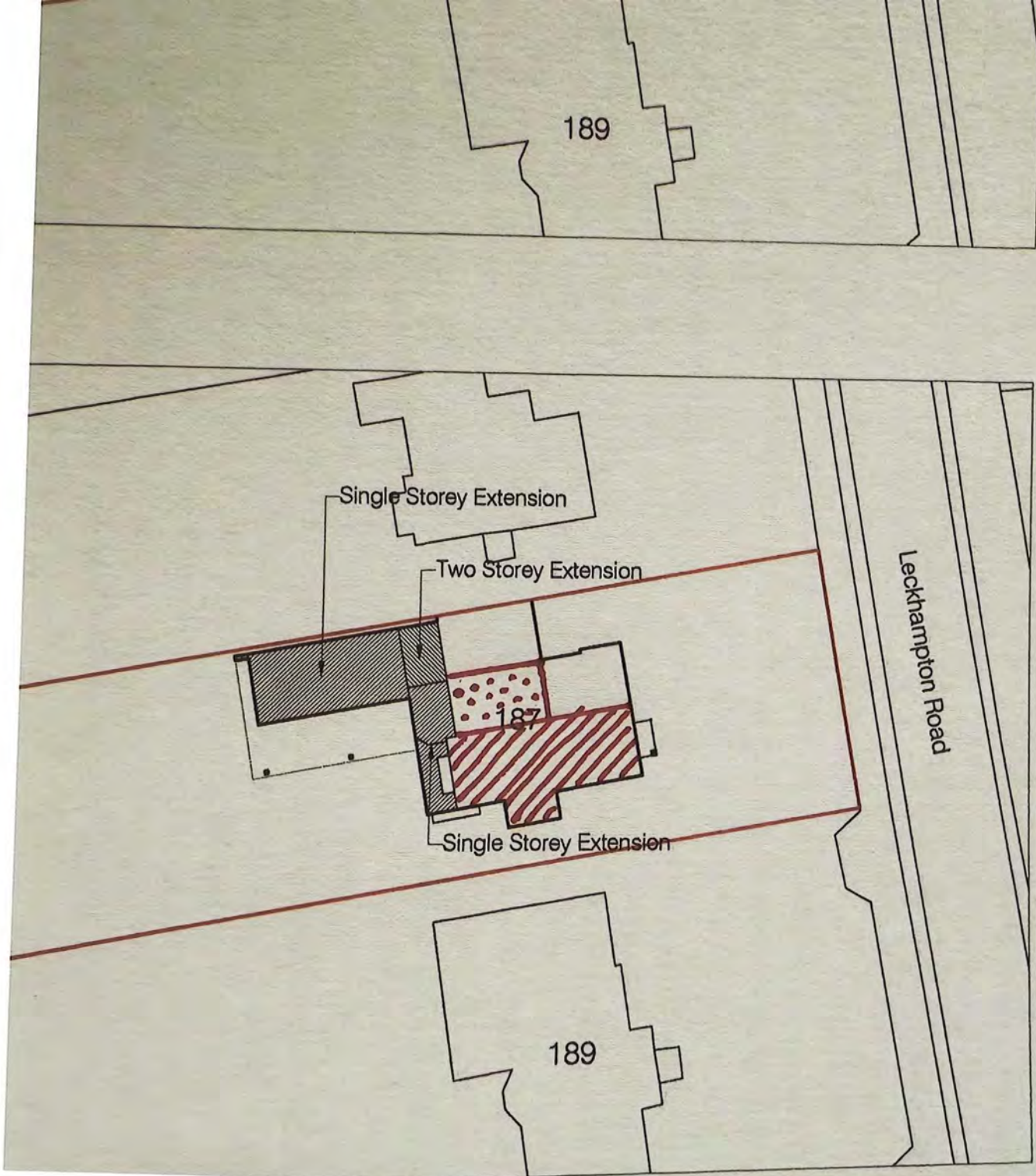












2 storey mass  
Gnd flr mass

Rev.	Date	Revisions
-	-	-

**PSK**  
architect

*Home Extension Specialists*

PSK Cheltenham Ltd  
41 Bath Road  
Cheltenham  
GL53 7HQ  
Tel. 01242 304477

TITLE

Mrs. Alice Costello  
187 Leckhampton Road  
Cheltenham  
GL53 0AD

DESCRIPTION

Two Storey Extension

Site Plan & Block Plans  
As Existing & Proposed

DATE	SCALE
08.03.24	1:500 @ A3

DRAWN	CHECKED
	DSK



Tuesday, 02 April 2024

**Objection to Application 24/00435/FUL**

**Site Address: 187 Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AD**

**Description: Part two storey/part single storey side/rear extension**

**Introduction:**

This objection letter relates to application 24/00435/FUL, which is a householder planning application for a part two storey/part single storey side/rear extension to 187 Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AD.

**Relevant Planning History:**

<b>Reference Number:</b>	<b>Description:</b>	<b>Decision:</b>
85/01473/PF	Extension to existing dwelling to provide a private car garage and utility room	Permitted 21 November 1985
86/01621/PF	Alteration and extension to existing dwelling to provide an enlarged kitchen	Permitted 2 <sup>nd</sup> June 1986

**Relevant Planning Policy:**

**National Planning Policy:**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

**Local Planning Policy:**

**Adopted Cheltenham Plan 2020 (CP)**

D1 Design

SL1 Safe and Sustainable Living

**Adopted Joint Core Strategy 2017 (JCS)**

SD4 Design Requirements

SD14 Health and Environmental Quality

**Supplementary Planning Guidance:**

Residential Alterations and Extensions (2008)

**Discussion of Scheme:**

**Procedural Issues:**

It should be noted that the provided plans include a terrace/balcony area; this has not been included within the description of the development. It is considered that the description should be revised, to ensure accuracy.

Furthermore, the accuracy of the provided plans are questions; due to the topography of the site, the finished floor level to the end of the extension would sit significantly above ground level; it is questioned whether a topographical survey of the site was undertaken, and how accurate the provided measurements are.

### **Design and Visual Amenity:**

Paragraph 135 of the NPPF states that planning decisions should ensure that all developments will add to the overall quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish and maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused.

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

Policy D1 requires alterations and extensions to existing buildings to avoid causing harm to the architectural integrity of the building; and the unacceptable erosion of open space around the existing building. All development is required to complement and respect neighbouring development and the character of the locality.

Policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form. It should be of a scale, type, density, and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live and having appropriate regard to the historic environment.

The existing dwelling is a characterful dwelling, with 2no. front gables, and a catslide style roof to the side, above the garage approved under application 85/01473/PF.

The two-storey element would extend above the existing garage, with a ridge height to match the existing dwelling. Though it would be set back from the dwelling’s principal elevation, it is considered that the matching ridge height lacks subservience, and would unduly dominate the original building by reason of its design and would visually overwhelm and detract from the original form and architectural detailing of the house, resulting in harm to the character of the dwelling and the surrounding street scene.

The proposed rear extension would result in negative visual impacts due to its significant footprint, bulk and massing; at its largest point, the single-storey extension would extend around 13.2m from the original rear elevation of No. 187, with another section of single-storey extension spanning the entirety of the rear extension, with a depth of 2.72m; the proposal would result in a 71% increase

compared to the existing depth of the property and a 67% increase in mass, when taken into account with the historic extensions to the property.

The photographs below show the rear of the dwellings along Leckhampton Road; it should be noted that none of these dwellings have extensions of the depth and mass proposed.



This photograph shows the same view, with the proposed extension superimposed:



Due to the sloping nature of the site, the extension would also be extremely tall, measuring 6.36m from ground level at its tallest point (though this figure is questioned due to the apparent lack of a topographical survey). As such, similarly to the first-floor extension, it lacks subservience, and appears as a dominant addition to the dwelling, designed to maximise space rather than being design led. This impact is exacerbated by the choice of materials, comprising timber cladding with a metal roof. The resultant development would appear as a discordant, dominant, and alien addition to the original dwelling.

Furthermore, terraces/balconies are not common features within the locality; and would further the visual harm of the proposed development.

In conclusion, the juxtaposition of the design, bulk, scale, and massing of the proposal with the existing property would result in visual harm to the character of the existing dwelling and the surrounding area. The proposal fails to comply with policies D1, SD4 and the advice contained within the Residential Alterations and Extensions SPD, or the relevant provisions of the NPPF. As such, the application should be refused.

### **Residential Amenity:**

Paragraph 135 of the NPPF sets out six criteria against which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to “create places ... with a high standard of amenity for existing and future users.”

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. Consideration will be given to matters including, but not limited to, outlook, privacy, and daylight.

The single-storey extension would extend around 13.2m from the original rear elevation of No. 187, and would sit on the northern boundary, which is shared with No. 185. No. 185 has a number of rear and side facing windows at ground and first-floor levels, which sit within close proximity to the site boundary; furthermore, the patio area sits directly next to the boundary, where the proposed extension would sit. A photograph from a side facing window and showing the relationship between the application site and the patio area of No. 185 is included below.

Though not determinative, it should be noted that under permitted development rights, single-storey rear extensions are generally permitted to be 4m in height with 3m eaves; the proposed extension is over 1.5x taller than this, which is representative of the significant levels of harm it would cause.

BRE Guidelines (Site layout planning for daylight and sunlight: a guide to good practice' (BR209 2022)) outline that built form within 45 degrees from the centre of a window is likely to result in an unacceptable loss of daylight and outlook.

In this instance, due to the proximity of the extension to the windows of the neighbouring property, and the height of the extension above these windows, it is clear that the proposed extension would fail this test, and as such, permission should be refused.

### **Image from Side Facing Ground-Floor Window of No. 185:**



Image from Side Facing First-Floor Window of No. 185:



Image showing relationship between application site and patio area of No. 185:



The proposed extension would sit within extremely close proximity of this boundary, sitting 6.36m in height to the end (though this figure is questioned due to the apparent lack of a topographical survey). This would result in a significant loss of outlook and light to the side facing windows of No. 185, and significant overbearing impacts on the rooms which the windows serve.

Additionally, patio areas directly behind dwellings are generally understood to be the most well used area of the garden; the proposal would result in the erection of a significant structure within extremely close proximity to the patio, resulting in unacceptable enclosing and overbearing impacts, and a loss of light to the rear garden of the property.

An illustrative image of the outlook from the patio following development has been provided by the residents of No. 185; this is included below:



It is clear that this would result in a significant enclosing and overbearing impact, with a resultant loss of light to the patio and windows, and a loss of outlook from the windows of No. 185.



Furthermore, it is considered that the proposed balcony would result in unacceptable impacts on residents of No. 189; through both direct, and perceived overlooking.

This proposed terrace would offer high level, uninterrupted and direct views over the entire rear garden of No. 189, resulting in significant harm to the residential amenity of the occupiers.

Furthermore, the use of the terrace as an outdoor space would give rise to an increased *perception* of being overlooked. The perception of overlooking is a material consideration and is wholly different from direct overlooking. Terraces and balconies result in an increased perception of overlooking as residents will be able to physically see balcony users which results in a sense of being hemmed in. This approach is confirmed in appeals APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997. Within the inspector's report for these appeals, it was stated that:

*"The overlooking from a balcony in a raised position is more intrusive than that which would be experienced from a typical upper floor window, as it involves future residents sitting out at a raised level for long periods of time."*

A photograph of the proposed location of the terrace from the garden of No. 189 is included below:



The balcony would be accessed externally via staircase, and will clearly be used for socialising, with large numbers of people using the space for extended periods of time; this would exacerbate the direct and perceived overlooking impacts outlined above. The image below shows an impression of the balcony, and the considerable overlooking impact it would bring:



Additionally, due to the sloping nature of the site, the finished floor level of the rear extension would sit significantly above the ground level below; the side elevation of the rear extension would have a significant number of glazed, bifold doors facing towards the garden of No. 189, resulting in further unacceptable overlooking impacts. The below image shows this unacceptable level of overlooking from the extension towards No. 189:



This floor level would be matched by the .75m tall, raised terrace, which would wrap around the rear of the dwelling; this would introduce further overlooking concerns, and result in even more loss of privacy to the occupiers of No. 189. It should be noted that under permitted development rights, a raised platform is permitted to be .3m in height; the raised platform proposed is 2.5x taller than this; permitted development rights are designed to represent a generally acceptable standard, and such an extreme deviation from this standard suggests that unacceptable impacts would occur.

The orientation of the extension would also lead to unacceptable levels of noise pollution on the occupiers of No. 189; as outlined above, the extension would have a significant set of bifold doors, which would be able to fully open; this would leave the entire inside space facing directly towards the boundary of No. 189, and given the social nature of the rooms within the extension, would almost certainly lead to noise impacts on these neighbours.

The proposal would have significant and unacceptable impacts on the residential amenity of both neighbouring occupiers; the development fails to comply with Policies SL1 and SD14 of the Local Plan, or the relevant provisions of the NPPF, and as such, the application should be refused.

### **Resolution:**

There is no objection to an extension on the site; however, this would need to be significantly reduced from the current submission, in order to ensure that the proposal is acceptable in terms of residential and visual amenity; a number of nearby dwellings have had modest extensions erected, which are significantly smaller in size, feature low pitched roofs which have been designed with the sloping ground levels in mind, and do not result in significant overlooking impacts on neighbouring occupiers. The depth and height of the extension must be significantly reduced to make it acceptable, in line with other extensions to nearby dwellings.

### **Conclusion:**

It is considered that the proposal would result in significant negative visual impacts on the character of the existing dwelling and would result in extremely and unacceptable impacts on the residential amenity of neighbouring occupiers; as such, the application should be refused.

## Material points of objection to Application 24/00435/FUL

We live at 189 Leckhampton Road next to 187 Leckhampton Road on the SW boundary, being [REDACTED]

Prior to the lodging of this application the applicant took down 50% of the hedge between our boundaries, which included some of our trees and hedges on our side of the fence, had we not intervened their landscaping contractor would have taken down even more. They did this to create a view of Leckhampton Hill.

The following points have been documented to give a reason behind why they are material, as well as help paint a picture for those people who haven't visited the subject site, or 189's garden:-

1) Overlooking/ loss of privacy; the large outdoor balcony with external staircase, 2 storey ensuite bathroom with windows (both elevation and roof), a monstrous 13m 9 bi-folding door extension, and a huge raised outdoor terrace area which wraps around the entire rear elevation will look directly into our garden amenity outdoor space. We have young children and, in this day and age the importance of child protection, both on and off the internet is paramount, then we need to be mindful of what individuals this place would attract in future if this application is granted. The feeling of being 'constantly watched' given the applicant's proposed rooms of a main lounge and games room (pool table) within the 13m extension will be the most frequently used in their household, goes some way to confirming the extent of overlooking, as well the unnecessary invasion of privacy it will create.

Please note the enclosed images showing existing as well as the visual impact it will create from an overlooking/ loss of privacy concern should the Council grant permission.

2) Overbearing/Scaling; it will give the impression of a 'church building' effect in reaching heights of 6.9m at the far end, in addition to the 'tiered wedding cake' platform it sits upon. The 6 steps alone into the garden itself goes some way to explaining that. It will also give the premise to go higher (2-2.5 storeys) in the future using ridge height precedent for the 13m extension should you grant this permission, whether that is the intention later on or not. This in turn will grant enticement to others further down the road to 'jack up' their extensions even higher, thus creating viewing towers in order to generate a view of the hill, as well attempting to rise above the extensions in front of them. In turn leading to longer latitudinal extensions into gardens as a result, meaning more loss of garden/ wildlife space which the Council is trying to protect, and of course more flooding as a result of water run-off and funnelling from the hill due to the high water table that exists in this location. You only have to realise the staggering amount of fill required to create the raised outdoor terrace, given the land drops in level from 0.7m at our boundary fence to 1.21m across the rear elevation to 185's fence, and that's before you add the drop in land level which slopes into the garden. As a result it will create the same land level as our garden and we'll be able to see people at the same head height despite the land being 0.7m lower.

Please note the enclosed images showing existing as well as the visual impact it will create from an overbearing/ scaling concern should the Council grant permission.

3) Overmassing; as a result of coming out further into the subject's garden it gives the result of more visual impact and massing than is strictly necessary. Most if not all extensions maximise their space by extending longitudinally across the back elevation which will provide far less impact concerning massing, as well as providing more daylight and functionality for the applicant. It will also mean less

confrontation with neighbouring properties and less material objections as a result. Most extensions if not all are single storey and look into the applicants' own garden, not their neighbours! Only summer houses or sheds are usually afforded that luxury under permissible development rights.

Please note the enclosed images showing existing as well as the visual impact it will create from an overmassing concern should the Council grant permission.

4) Siting/ total change of aspect; there is no right to a view under planning yet this 13m latitudinal extension (at a FFL of 1.21m above ground level), 2 storey ensuite, and massive ranging balcony is being proposed in order to create a view of Leckhampton Hill - as confirmed by the applicant themselves - see minutes. The irony being that if the Council grant permission they will also obliterate any view 185 has in that direction, thus proving the selfishness of these plans. There is a total change of aspect and outlook from the existing property in turning the building 90 degrees to overlook and maximise the views across neighbouring gardens, and up the Hill. Note the applicants' comments under the Minutes of 20th Mar about why they wanted an external staircase.

Please note the enclosed images showing existing as well as the visual impact it will create from a re-siting/ total change of aspect concern should the Council grant permission.

5) Appearance, design and materials proposed; in relation to pts 2,3,4,5 the proposed appearance is out of character with the existing building as well as its neighbouring extensions. Having a high-pitched roof in an attempt to marry up with the existing roof plan does not delineate between 'old' and 'new'. Most if not all extensions are single storey, often flat roofed, for that reason to help delineate between old and new parts. The proposed roof materials as well as the glazing of 9 bi-folding doors will reflect solar glare (during both winter and summer) thereby reflecting back into our garden, but more importantly up Leckhampton Hill being in the designated AONB. They are proposing to keep the 1970 brown Marley ridgeback tiles (which the previous owner put on before they sold) which don't complement or go with the new modern metal seem roof/ powder coated windows or architectural pergola.

6) Precedent/ Others;

189 has 2 steps down in the middle of our single storey extension due to the natural lie of the land so creating a finished floor level 2 or 3 steps 'down' into the applicants' garden will help prevent a precedent of towering extensions in the future. It also wraps around the rear of our elevation about 50% and only projects out 4m. We also have a 0.7m drop from our garden level to 187's garden level.

191 has a wraparound extension at the rear with a side patio door looking onto their neighbour's fence, given the plot is so small compared to others. It also doesn't have the gradient or drop in land level there is between 185 and 189.

181 has a long brick garage/ store under a separate planning consent which is classed as 'ancillary buildings' under planning and therefore not habitable, and neither are they connected to the main house. They also return into their garden not up the Hill and are screened by large trees both sides of the fence, especially the return side into 179 Leckhampton Rd where the building has been split into 2 dwellings (177) meaning the garden is 50% smaller and screened further, with a double fence layer of trees and hedging.

7) Side elevation: 187 have removed the existing privacy/ frosted glass across the entire length of this West elevation in their application which means they can see straight into the Children's bedrooms of 189.

8) Flooding concerns - 189 has a 'wet cellar' with an automatic sump pump due to the high water table in this location, which is as a result of rain coming off Leckhampton Hill. Putting a 13m hard standing barrier in the way which also runs the full length of 187's rear elevation (outdoor terrace) will surely create more run off, funnelling and increase velocity into more congested built-up areas, thus potentially creating more flooding elsewhere. Does the applicant have a wet cellar? Will they be compounding the problem? or pushing this onto 185?

Please note the enclosed images taken of 187's garden confirming ground saturation. The Council should condition any plans with a Level 2 Flood Risk Assessment given the size of extension and mass fill required to create the raised outdoor terrace area - this will help condition the building from flooding by designing a sustainable drainage system below ground.

9) Noise:- is a material objection as long as it can be proven that the proposed plans seek to create it. The applicant's children are incredibly noisy when playing in their house and garden, so allowing them to have a 13m extension facing us, with the ability to open up the whole building using 9 bi-folding doors, will just amplify that noise like a resounding cave straight back into our garden amenity space, as well as our house when we have our bi-folds open - rather than down into their own garden. Especially given those rooms will be used as the main lounge area and Games room (pool table) where they will socialise a lot. The applicant confirmed during a meeting in our garden that "I know we have very noisy children".

10) Sustainability – Councillor Nelson visited our garden on 27<sup>th</sup> Mar and was appalled as well as disgusted at the submission of this application. She asked whether there were any solar panels? and we mentioned that it got to 50 degrees in our extension during record temps and we only have 3 bi-folding doors, so you can imagine the solar gain of 9 glass doors plus the other 4 across the rear. It's like building a greenhouse and worrying about it later. You can guarantee they'll be installing air conditioning as a result which is the total opposite of sustainability. All the gardens West facing and get the full exposure of the SW effect which explains a lot. The Architect's sustainability statement is a joke and should be chucked out.

### Summary:-

It's as though they aren't happy with the plot they bought or the view into their own garden so now want to change the aspect, outlook, and the direction the house looks in by turning it 90 degrees.

An externally accessed balcony to socialise on

A large outdoor balcony with external staircase, 2 storey ensuite bathroom with windows (both elevation and roof), a monstrous 13m 9 bi-folding door extension, and a huge raised outdoor terrace area which wraps around the entire rear elevation will look directly into our garden amenity outdoor space.

Roof height extension will be c200mm higher than the existing eaves on the main roof, once again explaining the monstrous size, scaling and mass this will have on us, 185, and anyone else looking out of their gardens on this side of the road.

With a FFL of 1.21m above ground level and 1.66m at its highest point meaning it will require 6 steps in order to access their garden, confirms how imposing and overlooking the extensions will be. With a 6.4m ridge height near the utility room increasing to 6.9m at the end.

9 bi-folding glazing panels protruding 13m into the garden on top of the 4 they have at the rear elevation, 13 bi-folding doors in total reflecting noise and solar glare into 189, and potentially up Leckhampton Hill. The solar gain alone will be incredible yet no mention of this in the sustainability report as a consequence of a West facing garden.

Width of the existing property inc. the utility room is 16.75m (taken from Google Earth) so with a 13m extension after the 2-storey nib means a 71% increase in depth from the existing - like building a whole entire house on top of the one they already have. A 67% increase in mass taking into account the 2 storey additions, external staircase and front porch.

The private garage they have coupled with the utility room are classed as ancillary buildings so are not habitable or conform to domestic building regulations.

### Compromise & Resolution

The applicant will no doubt refresh and re-submit their application in due course, and no-one begrudges them a reasonably sized extension which looks into their own garden, but that has to run down the back of their rear elevation like everyone else on this side of the road; in gradient with the lie of their land (2/3 steps down not 6 steps up); be single storey; have no balcony; and therefore no right to overlook or cause a loss of privacy to neighbours - this will help overcome all issues mentioned above, and in 185's objection as well.

You will see enclosed minutes of a meeting held with the applicant in our garden on 20th Mar which give a very distinct flavour of their attitude and desires but also that they are clearly open to compromise and resolution given the ultimatum 189 gave 187, especially if they continue to remain wholly unreasonable and obtuse to the concerns of their neighbour's. Please read these minutes as we want to portray to the Planning Officer that we believe this can be negotiated between neighbours, planners and their Architect rather than having numerous expensive re-submissions, and objections down the line, which of course will be a complete waste of time and money for everyone concerned.

### Site Visits:-

Site visits to the subject site, as well as neighbouring gardens, are imperative to ensure the full impact of these proposals can be fully visualised. Everyone that has attended so far have been flabbergasted by how overbearing and monstrous these plans are, so we would welcome the Planning Officer to attend, as well as any Committee Members in due course in the event this application is called in.

### Enclosures:-

Images of existing views taken from our garden  
Images of visual impact as a result of granting permission  
Block Plan demonstrating % increase in mass from existing to proposed  
Minutes of a meeting held in our garden with the Applicant

Kind Regards

[Redacted Signature]

[Redacted Signature]

Dated:

30. 03.24

Planning Application 24/00435/FUL - 187 Leckhampton Road, Cheltenham, GL53 0AD  
Planning Officer: Miss Michelle Payne

We write to object to this application for the following reasons:

Overshadowing and loss of light, overbearing impact due to its' height and scale, use of materials which do not compliment the original dwelling, and detrimental impact on our living conditions.

#### Scale and Dominance

There would be an overbearing impact on no 185 as a consequence of the proposed planning application at no 187 due to: -

- Its' 90% protrusion angle from the rear elevation of the existing house
- Its' vast height and its 12 metre extension length from the rear elevation.

As a result of living on a hill, no 185 sits at a lower ground level to no 187. The proposed plans show the rear extension sitting 1.2 metres above the garden ground level of no 187, before ascending a further 5.5 metres to ridge. This will produce a "towering" effect which, will also visually overwhelm and over shadow 185, and detract from the form and character of the original house

This will be exaggerated further as the "single storey extension" will sit within 0.2m of 185's boundary line and the "two storey extension" is on the no 185's boundary (photos 3 and 4). It will produce an unacceptable sense of enclosure, loss of light to "living" rooms and over shadowing.

The resultant building would be contrary to Policy SD14 of the 'Joint Core Strategy', Policy SL1 of the 'Cheltenham Plan' and the guidance set out withing paragraph 135 of the 'NPPF'.

#### Residential Amenity (overshadowing and overlooking)

This application has been made by no 187, on the South East side of no 185. Therefore, the sun comes across the shared boundary line between the two houses. There are two first floor bedroom windows and one ground floor window which were installed at the time of construction of no 185. These were intended to benefit from the southerly sun light.

The proposed planning application by no 187 will greatly impact the light received by these three windows. (see photos 1 and 2)

The patio area of the garden will lose much of the sunlight it currently enjoys because of the mass and height of the proposed building works.

The 'Joint Core Strategy' states that the Council will give regards to matters such as lost daylight.



### Appearance (design and materials)

The proposed extension has a “church building” effect as a result of the tiered platform it sits upon and its’ high-pitched roof. At present there are six steps down from the house’s ground floor level to the garden ground floor level. This application proposes raising the level of the rear extension up by 1.2 metres to meet the house’s ground floor. Consequently, the overall height for this rear extension will be way above the normal height for a single storey extension.

The proposed appearance of the extension is out of character with the existing building and its’ neighbouring houses.

The proposed balcony does not fit in with any of the designs of houses in the area.

The “two-storey” part of the extension is proposed to be built on top of the existing garage to a ridge height matching the existing dwelling - thus lacking subservience and detracting from the original form of the house.

These points conflict with the ‘Residential Alterations and Extensions Supplementary planning’ document and ‘The Cheltenham Plan (5.8)’.

Contrary to policy SD4 of ‘Planning Practice Guidance’, the intended building materials do not respect the character of the existing building or its’ surroundings.

Contrary to the ‘Residential Alterations and Extensions APD (Cheltenham)’, the proposed extension will cause harm to the architectural integrity of the building due to its’ scale, mass, and materials.

In conclusion, this application clearly goes against many of the points set out in the ‘Joint Core Strategy’, ‘The Cheltenham Plan’, ‘Planning Practice Guidance’, ‘Residential Alterations and Extensions APD (Cheltenham)’.

As stated in the ‘NPPF’ “Development that is not well designed should be refused”

### Other points for consideration

About 8 years ago, heavy rainfall caused flooding of homes 200m further up the road from nos 185 and 187.

It is known that house no 189 has a ‘wet cellar’ which needs the ground water to be routinely pumped out.

appropriate checks and surveys been done in order to assess the impact of putting up a 12m hard standing barrier for the proposed rear extension at no 187?

We believe that one tree and several large shrubs will need to be cut down in order to build the side extension.

### Effect on ‘Area of Outstanding Natural Beauty’

The new extension will be viewed by walkers on Leckhampton Hill, an ‘Area of Outstanding Natural Beauty’. The proposed 9 x bifold doors of the proposed rear extension will be very light reflective, causing potential solar glare on the hill.

Planning Practice Guidance states **Page 122**ign is about creating places which work well for everyone.

The Joint Core Strategy states that development should be assessed regarding loss of outlook.

There is no “right to a view” under planning. However, extension plans for no 187 are clearly designed to maximise the view of Leckhampton Hill from all available areas. The entire view which we enjoy from no 185 will be completely obliterated from all windows and external living areas.

Would the proposed extension give cause for many others houses to follow suit and build down the side of their gardens in a tiered way so that they could all gain maximum view of the hill?

#### Site Visit

We would kindly request that a site visit should be made by the Planning Office before this proposal or any future proposals are considered. It is very hard to picture the impact the proposed extension will have on us and houses lower down the hill until viewed at site.

#### Summary

In consideration of all the above, this planned design is of unacceptable scale, mass, form, and design. The loss of light and overshadowing to 185 are unacceptable to 185’s living conditions.

The impact on 185 and its neighbours’ amenity due to visual impact, massing and being overbearing makes this planning application unacceptable.

We therefore, strongly object and respectfully request that this application is refused planning permission.

In the event this application is referred to the ‘Planning Committee’, we kindly request that we are given notice so that we are able to address the Planning Committee directly.

Signed:



Date:



1 – upstairs window



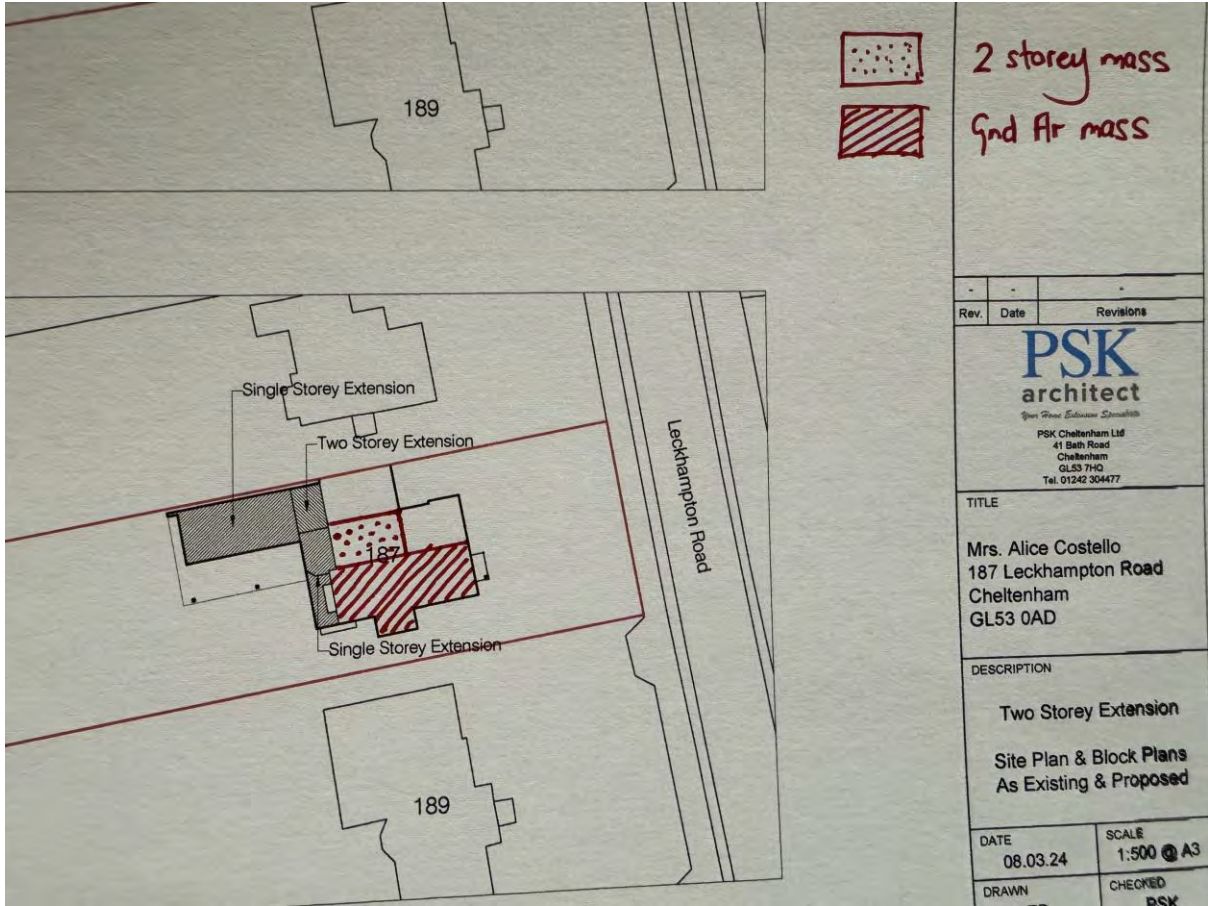
2 – dining room window



3 – outlook from patio area



4 – schematic of extensions









The Stables, Manor Farm Courtyard  
Southam Lane, Southam  
Cheltenham, Gloucestershire  
GL52 3PB

Planning • Design • Development

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

BPA Ref: 3197A

2<sup>nd</sup> April 2024

**RE: representation to application ref: 24/00435/FUL for two storey and single storey side/rear extensions at 187 Leckhampton Road, Cheltenham, GL53 0AD**

Dear Miss Payne,

I have been instructed by [REDACTED] of 185 Leckhampton Road to review the above referenced application and to consider whether they should submit any representations in connection with the proposed development.

Having reviewed the submitted plans and documentation, I have reached the conclusion that the proposals are not acceptable in planning terms and have advised my clients to lodge a formal objection on the following grounds:

**Neighbouring Amenity**

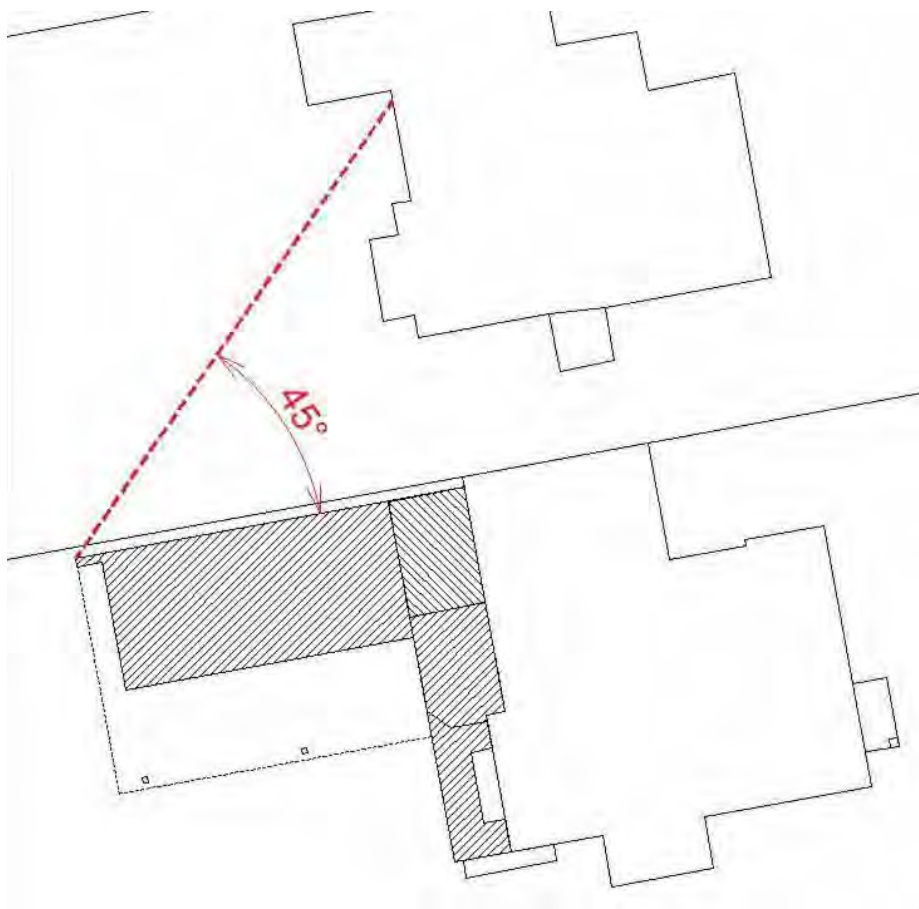
Adopted Cheltenham Plan Policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining landowners or the locality. In assessing impact on amenity, the Council should consider matters including, but not limited to, loss of privacy, loss of light, and overbearing impacts. These requirements are reiterated in adopted Joint Core Strategy (JCS) Policy SD14. In addition, the National Planning Policy Framework (NPPF) at paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

First and foremost, the proposed extensions will result in significant harm to the living conditions of the occupiers of no. 185 through considerable overshadowing and a loss of natural light. In order to demonstrate this, figure 1 below shows the proposals failing the 45-degree light test, which is a tool commonly used to ensure the amount of light reaching a neighbouring property is not reduced. Due to the height, projection and positioning of the proposals, the extensions will

Page | 1

encroach on both the living room and sitting room windows on the ground floor rear elevation, as well as the first-floor windows which serve two bedrooms. In addition, due to the extensions aspect and height, it would also be likely to deprive the eastern end of the garden of sunlight during most of the day. Accordingly, the loss of light and outlook that the proposals would cause to habitable rooms and garden space would be detrimental to the living conditions of the occupiers of no. 185.

*Figure 1– image demonstrating that the development breaches the 45-degree test*



The single storey rear extension measures 12-metres in length with a pitched roof and a maximum ridge height of 6.9-metres. The scale of this proposed extension is substantial, and the height cannot be justified. Thus, its height coupled with its rear-ward projection will have an oppressive and overbearing effect when viewed from the rear gardens of the adjoining properties, particularly so in the case of no. 185, as illustrated by Figures 2 and 3 below. These show the current outlook

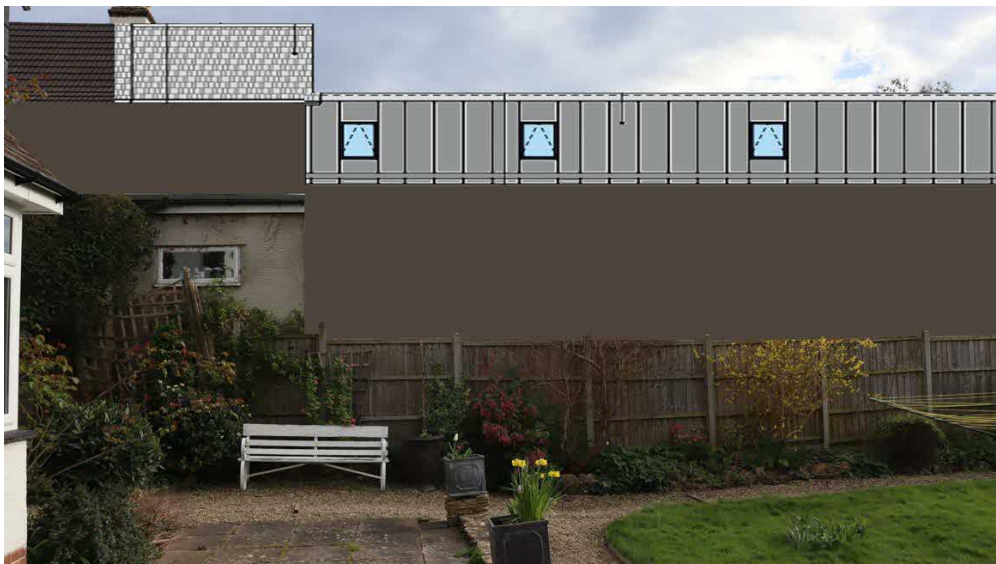


from no.185's garden and the proposed outlook (to scale). It's evident from these images alone that the development proposed would be dominating and would lead to an unacceptable sense of enclosure to the occupiers of no. 185.

*Figure 2– current outlook from the garden of no.185*



*Figure 3– proposed outlook from the garden of no. 185*



Overall, the proposed development by virtue of its scale, height and superfluous openings will have a detrimental impact on the living conditions of the occupiers of the neighbouring properties, in terms of 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. They are unduly dominant and would overwhelm and swamp the host dwellings appearance to the extent that its original form would be largely unrecognisable. Especially as the applicants' seek to turn the building 90-degrees, in order to maximise views across neighbouring gardens and up to Leckhampton Hill. Thus, they would be appreciated as unacceptably bulky and unsympathetic additions that would seriously detract from the character and appearance of the host property. Moreover, the proposals would have a detrimental visual impact on its surroundings as it would stand out as a large and incongruous feature within the landscape setting. The combination of concrete tiles, metal roofing, render and timber cladding, together with the oddly chosen fenestration details, would also appear anomalous, and not in keeping with the character of the property.

It's important to highlight that the finished floor levels of the extension range from 1.21-metres to 1.66-metres above ground level, meaning the applicants will require 6-steps just to access their own garden. While it's assumed the applicant has pursued this layout in order to achieve views of Leckhampton Hill, this will further exacerbate harm as it will create a 'towering' effect. Consequently, the proposals would be hugely prominent in views from surrounding neighbours, especially to those further down the hill due to the change in land levels. 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. If the proposals are approved in their current form, it could set a precedent that may make it more likely for similar proposals to be approved in the future which, in time, would erode the character and appearance of the area.

Additionally, the proposals include an extensive amount of glazing which may have implications for light spill and light pollution, especially as the property is located within a short distance of the Cotswolds National Landscape (formerly known as an AONB). In terms of other times of the day, outside of darkness, the large areas of glazing to the south would be visible from Leckhampton Hill. As such, there is potential for reflections or a polarising light issue that would adversely affect the setting of the wider landscape. In such areas, development must be guided by Paras. 182 and 183 of the NPPF, Policy SD7 of the JCS and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswold AONB Management Plan. Together, these policies seek development proposals in, or within the setting of the National Landscape, to protect scenic views and to conserve dark skies by minimising light pollution.

In light of the above, the proposals conflict with section 12 and 15 of the NPPF, 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 and respond appropriately to context.

### Drainage

Policy INF2 of the JCS advises that development proposals must avoid areas at risk of 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

Having considered all of the above, the proposed development is considered to represent an unacceptable scale, form and design, which fails to respond to the existing pattern of development and 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, noise disturbance and a loss of privacy.

Overall, the planning application proposes a form of development that is in clear conflict of the adopted development plan and national planning policy and guidance. I therefore raise strong objections on behalf of the adjacent neighbour and respectfully request that the application is refused planning permission.

### Concluding remarks

It appears that the applicants' have presented a scheme without giving any thought to the amenity of neighbouring properties. This is hugely disappointing and emphasises the importance of pre-application consultation. The neighbours do not oppose the principle of a householder extension, and therefore, it is likely that such issues could have been openly discussed and resolved prior to submission of this application. Instead, time and money has been wasted by all parties through the submission of ill-advised and poorly designed plans.

Following notification of this application from the Council, the occupiers of no.'s 185 and 189 met with the applicants' to voice their concerns. The minutes of these meetings have been submitted



The Stables, Manor Farm Courtyard  
Southam Lane, Southam  
Cheltenham, Gloucestershire  
GL52 3PB

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alongside this letter for consideration. It appears that the applicants' are open to amending the proposals and so it is recommended that an alternative scheme is progressed which is more in line with other properties along Leckhampton Road - for example, an extension should be:

1. single storey;
2. run the length of rear elevation rather than protruding 12-metres to the rear;
3. in gradient with the lie of the land;
4. significantly reduced in height (flat roof recommended);
5. omission of balcony;
6. significant reduction in glazing/bi-folding doors; and
7. obscure glazing to be retained on side elevations.

Should any further information be received relating to this application, I would like to be notified on behalf of my clients in order to provide additional representation, where necessary.

Yours faithfully,



**Lorelie Davies | MRTPI**  
Associate Director

Prospect House  
183 Leckhampton Road  
Cheltenham

Planning Application 24/00435/FUL 187 Leckhampton Road, GL53 0AD

Further to our previous letters we write to OBJECT to this application for the following reasons:

Size of Building, Construction materials, Loss of view, significant Loss of Outlook and Visual impact from Leckhampton Hill.

If the proposed plans were to be granted we would lose some of our views of the hill to be replaced with a wall of metal.

We consider that the revised plans have no effect our original objections.

The pictures below show the impact that the proposed single storey extension will have on the outlook from our decking. I also refer back to my previous letter and reiterate that the proposed rear extension is in fact an extension onto an existing extension.



Our current outlook



Proposed new outlook looking from our decking towards Leckhampton Hill.



Planning Offices.  
Cheltenham Borough Council  
P.O.Box 12.  
Glos Municipal Offices  
Cheltenham.  
Glos GL50 IPP

185 Leckhampton Road  
Cheltenham  
GL53 0AD

Date: 05/10/2024

**Planning Application 24/00435/FUL - 187 Leckhampton Road, Cheltenham, GL53 0AD**  
**Planning Officer: Miss Michelle Payne**

We write to confirm that we object to the plans submitted in this application. Although there have been some alterations made to the previous application, the proposed plans still fail in several areas:

Significant loss of outlook, overshadowing and loss of light, an overbearing impact due to its' height and scale, the use of materials that do not compliment the original dwelling, all have a detrimental impact on our living conditions.

No. 187 wants to improve their view of the Leckhampton hills, but in creating their view they destroy their neighbours views at 185 and 183 (see fig's.3 & 4).

**Scale and Dominance**

The ground floor of No 187 is already higher than no 185, because the houses are built on a hill. No 187 is proposing to raise its' ground floor up **by another 1.2 metres above this** which gives a totally unreasonable height for the single storey extension. Further more, the proposed extensions are to sit right up to the boundary line between no. 185 and 187. This close proximity to 185 will exacerbate the overbearing effect already caused by the height of both the single and the two storey extensions, resulting in loss of 185's enjoyment of garden and amenity space (see fig's 1 & 3).

It should be noted that the red dotted boundary lines shown on the Application do NOT represent the height of the fencing, which is lower.

The resultant building would be contrary to Policy SD14 of the 'Joint Core Strategy', Policy SII of the 'Cheltenham Plan' and the guidance set out within paragraph 135 of the 'NPPF'.

**Residential Amenity (overshadowing and overlooking)**

The cumulative height and bulk of the extensions being on a raised floor level 1.2 metres above our's will result in an overbearing building, loss of light and a significant loss of outlook when viewed from our South facing windows and outside seating area (see fig's 1 & 3).

No.187's proposed large garden facing window of the single storey extension being on the raised 1.2m ground level will create a feeling of 'perceived overlooking' into 185's garden, and a loss of privacy.

We note that reasons included in CBC's recent 'Refusal of Permission' of planning application 24/00871/FUL were because of "overbearing" and "significant loss of outlook ". The 'Officer's Report' also sites this in 8.1.



**Appearance (design and materials)**

The removal of both chimney stacks, the proposed choice of material finishes, such as Cotswold stone wall, metal and timber cladding are totally out of keeping with the character of 187 and neighbouring houses, all built around 1930. This is true also of the proposed pergola running along much of the rear of the house and overpowering its' existing features. The plans state the main roof of the property would be modified. However, the replacement roofing material to cover all three of these main apex roofs is UNKOWN?

The proposed extensions dominate and detract from the original building, and neighbouring houses, and do not achieve a level of subservience

The appearance contradicts NPPF paragraph 135, section b

Planning Practice guidance states that achieving good design should work well for everyone - this will not be the case.

Policy D1 requires that new development should respect neighbouring development - it will not.

Policy SD4 states that new development should be of a scale, type, and density appropriate to the site and its setting. Massing and overbearing are in contradiction of this policy.

**As stated in the 'NPPF' - "Development that is not well designed should be refused"**

**In conclusion, there are multiple examples of the suggested plans being contrary to current planning policies and strategies.**

**Additional concern**

We are very concerned over the effects of the removal of such a large area of earth and concrete foundations installed in a flood plain.

**Summary**

In consideration of all the above, this planned design is still of unacceptable scale, mass, form, and design. The cumulative bulk and height of the proposed additions would result in an overbearing form of development and significant loss of outlook when viewed from the windows and amenity space of 185. The loss of light and overshadowing to 185 will have a severe impact on 185's living conditions - it will have a harmful and oppressive effect on 185.

The negative impact on 185 and its neighbours' amenity due to visual impact, massing and being overbearing makes this planning application unacceptable. We therefore, strongly object and respectfully request that this application is refused planning permission.

Signed :



Date: 05/10/2024 (see below images/photos):-

Fig.1



Fig.2

The raising of the floor level, the height of the two-storey extension and the re-pitching of the roof provide an example of over massing and will be overbearing to no 185.



Fig.3



The cumulative height and bulk of the extensions being built on a raised floor level 1.2 metres above our's, will result in an overbearing building and a significant loss of outlook. Its' ground floor level would be raised by 1.2 metres over and above 185's ground floor level. In essence, this extension would be built on top of a 1.2 m high platform and will be right against the boundary fence!

Fig.4



Material points of objection to Revised Plans submitted under Application 24/00435/FUL

Dated 4<sup>th</sup> October 2024

We live at 189 Leckhampton Road next to 187 on the South boundary:-

Everyone we spoke to that saw the original plans commented *"it's like seeing a house on another house!"* and from the Parish Council *"this is obscene, quite frankly outrageous!"*. The truth is the first round of Plans were never going to see the light of day yet their new Architect (assuming they fell out with the last one) has gone to extreme lengths in his Design Access Statement to show how much concession has been made. The reality is the 2<sup>nd</sup> revision of Plans is where the original application should have started, so if we take that as the 1<sup>st</sup> submission we are now dealing with the 2<sup>nd</sup> revision – a very important statement given the application is now going to Committee and before fresh eyes of the Members who will not have had the time to review or get embroiled in the history of it. Remember CBC told the applicant that a balcony would not be acceptable in any form, yet they still chose to submit it.

Not sure if people are aware but the day 185 found out about these Plans it reduced the lady at 185 to tears at breakfast, and since the long delay from April she has not set foot in her garden the entire summer, as a result of her feeling upset, overlooked, and watched by 187. This is the dreadful truth of what people can do without any thought or care for people around them. This is not neighbourly nor is it acceptable in such a community-built area. I suppose that's London folk for you.

I am not going to repeat some of the lies, deceit and revelations thrown up by the applicant as these are listed in my last round of objections. What I will do though is update you to what the applicant promised to do with 185 after the dust settled in April, which was to draw up plans and consult 185 for changes before re-submission in Sept. Obviously this didn't happen, in fact worse, they printed off plans; gave them to 185; asked them to keep them confidential, whilst at the same time telling them they're going to submit them anyway! Isn't that like pulling the finger twice, or rubbing their faces in it? Further updates were suggested when they bumped into 185 at the post office saying *"I think we're going to do a typographical survey as suggested"* in order to give the impression they weren't anywhere near re-submission, which clearly they were. Why are we surprised as they told 189 they would sit down and consult with us before their 1st submission. We also note there has been zero consultation with CBC on the latest submission, as confirmed by Michelle Payne to 185 last week.

Just to reiterate again, prior to the lodging of this application the applicant took down 50% of the hedge between our boundaries (189/187), which included some of our trees and hedges on our side of the fence, had we not intervened their landscaping contractor would have taken down even more. They did this to create a view of Leckhampton Hill.

The following points have been documented to give a reason behind why they are material, as well as help paint a picture for those people who haven't visited the subject site, or 189's garden:-

1) Overlooking/ perceived overlooking; the 2 storey ensuite bathroom with windows; the 2m bi-folding door extension; and the huge raised outdoor terrace area amounting to 65m<sup>2</sup> (700 sq.ft.) which wraps around the entire rear elevation and abuts the fence of 189; with a large outdoor kitchen and what landscaping there is now will no longer be, which will face directly into 189 with only a fence height of 97cm! We have young children and, in this day and age the importance of child protection, both on and off the internet is paramount, then we need to be mindful of what individuals this place would attract in future if this application is granted. Perceived overlooking

which is the feeling of being '*constantly watched*'. The use of the raised outdoor terrace would give rise to an increased perception of being overlooked now that the landscaping has gone, the fence height reduced to 97cm! and the installation of an outdoor kitchen sitting proud on the boundary line meaning a child of 3.5 yrs old can look over the top without having to stand on tip toes! The perception of overlooking is a material consideration and is wholly different from direct overlooking. Terraces and balconies result in an increased perception of overlooking as residents will be able to physically see users which results in a sense of being hemmed in. This approach is confirmed in appeals APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997. Within the inspector's report for these appeals, it was stated that: "*The overlooking from a balcony or terrace in a raised position is more intrusive than that which would be experienced from a typical upper floor window, as it involves future residents sitting out at a raised level for long periods of time.*"

### **THIS IS CONTRARY TO POLICY SL1**

**Development would only be permitted where it would:-**

- a) Not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality (Notes 1&2)**
- b) Not by nature of its size, location, layout or design give rise to crime, the fear of crime, nor endanger public safety; and**
- c) Make adequate provision for security and the prevention of crime and disorder**

*Please note* the enclosed images showing existing as well as the visual impact it will create from an overlooking/ loss of privacy concern should the Council grant permission.

**Before**



After



Image showing where 187's raised patio will finish in 189's garden (note the tape measure confirming 97cm and that all the landscaping above the fence will be removed)





2) Loss/ impact on Garden Amenity Space ; the 11.5m mass of built form stretches from the front of 187's garage to the end of the single storey extension, it will run at an average height of 8.9m to ridge until the end of the two-storey addition in line with the existing rear elevation, and then extend a further 4.25m at a height of 4.62m, coupled with it sat on a raised platform of 1.21m. The '7' steps it takes from the utility room FFL to get into 187's garden goes some way to explaining that – as evidenced on the Architect's Existing Plans. You only have to realise the staggering amount of fill required to create the raised outdoor terrace, given the land drops in level from 0.75m at our boundary fence to 1.21m across the rear elevation to 185's fence, and that's before you add the drop in land level which slopes into 187's garden. **As a result it will create the same land level as 189's garden and we'll be able to see people at the same height as our garden but even worse with a fence height of only 97cm!**

Please note the enclosed images showing existing as well as the visual impact it will create from an overbearing/ scaling concern should the Council grant permission.

**Before**



After





3) Side elevation/ Master ensuite; 187 have created a new bedroom window on the South elevation which looks directly into the children's bedrooms of 189 – we note despite their late change on 4<sup>th</sup> Oct to turn the majority of windows on that elevation back to obscure that they missed the inclusion of this one, which will be worse once those trees have been felled in that location. In addition the large rear window of the master ensuite bathroom needs obscure glazing to prevent loss of privacy and overlooking into 189. **Neighbour's will be able to see directly in from their front and rear gardens. 189 has a rear elevation bathroom with obscure glazing but you can still see everything when the lights are on, blinds are a must!**

Existing obscure glazing



View from children's bedrooms



4) New Roof Height; There are significant issues with the proposed increase in roof height to house an additional 120mm of insulation on top of the existing roof rafters. What material are they proposing to seal/ cover the roofs in?! existing tiles or a new proprietary metal seam roofing system? If they are merely taking off the old ridge tiles storing them and reinstating after the new insulation is installed then what are they going to attach new felt and battens to ? as you can't fix to insulation, and if they aren't using felt and battens then what will the existing tiles sit on? Likewise if it's a new roofing system then what is it? All this expense to try and make the FF extension above the roof look subservient, when looking at the elevation you can't tell, they've had to point it out using a red line. I think this lack of detail and confusion alone requires some urgent clarification. In addition the removal of chimneys alone and the adhoc mix-match design using materials like Cotswold stone, render, zinc seamed roofs will totally detract from the 1930 period property.

6) Noise:- is a material objection as long as it can be proven that the proposed plans seek to create it. The applicant's children are incredibly noisy when playing in their house and garden, so allowing them to have a 2m extension facing us, with the ability to open up the whole building using 3 bi-folding doors, will just amplify that noise like a resounding cave straight back into our garden amenity space, as well as our house when we have our bi-folds open - rather than down into their own garden. Especially given that room will be used as a lounge where they will socialise a lot. Add the extra noise from BBQ's, paddling pools, the new outdoor kitchen, coupled with the removal of all landscaping along that boundary fence, given the 0.75m raised patio (which will be at the same garden level as ours) then you can start to see the impact their proposals will create.

### 7) Defective ECO proposals

Further I am aware some of the eco proposals on this solid brick period property will not work. I have extensive knowledge and expertise of buildings and the 2 most important things you learn about looking after old properties are 1) Natural Ventilation - the ability to allow the property to breathe as a result of there being no cavity wall, and 2) The use of traditional materials to enable that property to breathe. Being a 1930's solid brick building with slate dpc the worst thing you can do is cover it in insulation with an acrylic render as that will sweat the property even more than it already does. Note the holes they have already drilled under the eaves and above dpc which I assume was a chemically injected product to put interstitial damp at bay - another procedure that doesn't work. The issue with damp and efflorescence is you can't get rid of it unless you let the building breathe or draw out the salt using an inhibitor. That is why old buildings if covered should be covered in lime render, or any correction of jointing above and below dpc must be done using lime mortar; lime allows the property to breathe not sweat. Add in the ASHP which doesn't work for properties this size, only small extensions. We've seen the results first hand and come winter when the blades and pipe conduit start to freeze up the pumps don't work. There are no plans showing how the Mechanical Ventilation (MVHR) will fit within the ceiling void's themselves, so how do we know if minimum room heights will be maintained under building regs? or whether Legionnaire's Disease issues remain in MVHR systems, especially installed in old properties which already have damp issues, and ones that are located in an area with a high-water table. Triple glazing will also be a waste of money as you need the building to breathe so will require adding vents or venting on a regular basis. Add in the condensation of 5 breathing humans and no doubt the endless washing and drying that will ensue which will all add to the building sweating even more as a result of crammed MVHR conduits, over bent ducting and endless pipe work in restrictive ceiling voids in an attempt to get the building breathing. The irony of airtight buildings in old properties when fresh air and lots of it is the buildings only hope! I am staggered to see this kind of advice put forward by an ECO architect in order to try and wave a piece of paper saying it could possibly reach Passivhaus retrofit standard, which is an airtight design to reduce heating costs on new buildings not old. Note the Entefit standard they are trying to achieve has relaxed targets due to the existing complexities of old buildings – which are never achieved. The Committee must not be swayed by these ECO

credentials in order to grant permission as I have said above, they are highly unlikely to work. Specialist contractors are usually sold on the back of this tech to clients from Architects practices where the tech is untried and tested, or the Architect's haven't been open and honest about the risks and expense these retrofits can take. You only have to scratch the surface of this tech online to realise how fallible it is. I think before anyone believes this can be done we need to see their calculations to achieve it, rather than some plans and elevations to get a quick consent! or is that the applicant's intention all along – use the ECO credentials in order to get consent, and then make changes later once they can prove 'in principle consent' has been obtained.

7) Appearance, design and materials proposed; The appearance is out of character with the existing building as well as its neighbouring extensions. Most if not all extensions are single storey, often flat roofed, for that reason to help delineate between old and new parts. Are they proposing to keep the 1970 brown Marley ridgeback tiles (which the previous owner put on before they sold) which don't complement or go with the new modern metal seem roof/ powder coated windows or architectural pergola which look clumsy and industrial Why are they removing both chimneys?

8) Precedent/ Others;

189 has 2 steps down in the middle of our single storey extension due to the natural lie of the land so creating a finished floor level 2 steps 'down' into the applicants' garden will help prevent a precedent of towering extensions in the future. 189's extension wraps around the rear of our elevation about 50% and only projects out 4m. 189 also has x4 internal steps twice (8 in total) at the point the land drops off in that location in order to access the drop in gradient from its kitchen into its downstairs toilet and garage. **Taking that into consideration and allowing a resident to by-pass the need for steps down in a new extension (187), despite having the same lie of the land issues, does not suggest fair consideration will have been given to both residents under their separate applications.**

191 has a wraparound extension at the rear with a side patio door looking onto their neighbour's fence, given the plot is so small compared to others. It also doesn't have the gradient or drop in land level there is between 185 and 189.

181 has a long brick garage/ store under a separate planning consent which is classed as 'ancillary buildings' under planning and therefore not habitable, and neither are they connected to the main house. They also return into their garden not up the Hill and are screened by large trees both sides of the fence, especially the return side into 179 Leckhampton Rd where the building has been split into 2 dwellings (177) meaning the garden is 50% smaller and screened further, with a double fence layer of trees and hedging.

10) Flooding concerns - 189 has a 'wet cellar' with an automatic sump pump due to the high water table in this location, which is as a result of rain coming off Leckhampton Hill. Putting a raised 700 sq.ft. 730cm high to 1.27m high patio which also runs the full length of 187's rear elevation (outdoor terrace) will surely create more run off, funnelling and increase velocity. Does the applicant have a wet cellar? Will they be compounding the problem? Are they putting aco channels within their patio for direct run off into their own garden? now the proposed garden levels will be the same as 189's and 1.27m higher than 185? We are not looking to refuse on this point merely to protect neighbours from any unnecessary claims. Building Regulations will not deal with flooding concerns, especially if these plans are built during the summer. A SUDS report or a review on strategy report is a sensible way forward or at the very least a condition ensuring the Council are happy with 187's plans to disperse rain water and run-off.

Please note the enclosed images taken of 187's garden confirming ground saturation

Images of flooding





**Summary:-**

**Council Members must come to site to witness the revised ground level 187 will create, only then will they be able to decide whether a revised fence height of 97cm is acceptable. If the Council grants permission 189 will have to infill their gravel path up to the boundary fence to be able to stick a new 2m fence up, and the question is will CBC allow that to happen? or will they simply allow 187 to object and thus refuse? The irony given 187 will have elevated levels thru these proposals which will then be at the detriment of the neighbour on higher ground!**

**There has been zero consultation with neighbours to date, fact. The changes have been forced by the sheer amount of objections; as well as continued pressure from the Parish Council and Ward Councillors, as evidenced by the additional drawings submitted on 4<sup>th</sup> Oct with a swift change back to obscure glazing. It doesn't merit recognition or a respecting comment as they never intended to offer it, purely forced by the Parish Council to concede. They have ignored the fact that the new window proposed in the FF bedroom on the South elevation will still look directly into my daughter and son's bedrooms, even more so once the trees are removed to house the raised patio and outdoor kitchen. In addition, the Master Bedroom ensuite walk in shower cubicle at FF level will also require obscure glazing given it's a new aperture with direct viewing from the gardens of 185 & 189, We have expressed in our earlier objections that you can see "everything" at night with the lights on, and given a third of the shower covers that window, along with the toilet facing outwards, then how are they going to maintain privacy?**

**An 8.9m high FF addition above the existing garage housing an ensuite bathroom with plain glass windows; a 2.72m single storey x 4.5m high extension; a further 2m x 4.5m 3 Nr bi-folding single storey extension with a large window facing into 185's garden; and a huge raised outdoor terrace**

area amounting to 65m<sup>2</sup> (700 sq.ft.) which wraps around the entire rear elevation, has an outdoor kitchen right up against the boundary fence, and will require the removal of all the existing mature landscaping along that boundary to achieve; which will mean direct over-looking into 189's outdoor garden amenity space as a result of a 97cm fence, thus causing significant impacts of overlooking, significant impacts of perceived overlooking, significant impacts of loss of privacy, significant impacts in the enjoyment of 189's outdoor garden amenity space, as well as a significant increase in noise disturbance.

Urgent clarification is required to establish what roof covering they are planning on installing once the new 120mm insulation is installed, and how that will be fixed to the insulation sat on top of the existing rafters. The Planning Officer has not raised this so Members will be none the wiser as to how the building will look, or whether it detracts too much from the existing character and age of the property. They have proposed this increase in roof height to prevent a subservience issue with the FF extension above the garage hence why the Architect must clarify the applicant's intentions.

A detailed look into the proposed ECO credentials given many seem defective and could in fact worsen the state of the property as it stands. Transparent calculations from the Architect, and reports carried out on the current damp state of the property are required before any of these credentials can be taken at face value.

The additional noise created as a result of the proposed single storey extension facing 189 and overlooking 189's garden. When the 3 bi-folding doors and sliding patio doors are peeled back in the spring to autumn coupled with the raised patio to socialise on, along with the new outdoor kitchen and fence height of 97cm, along with the removed mature landscaping; the additional noise will re-bounce back into 189's garden, as well as their house once 189 open their bi-folds, meaning the back of the 187's extension will reverberate like a cave.

With a FFL of 1.21m and a raised outdoor terrace at the same level above ground level meaning it will still require 5 steps in order to access 187's garden. This alone confirms how imposing and overlooking the extension and raised patio will be.

### Compromise & Resolution

If they had one ounce of compassion they'd have put a step in their extensions, as well as one or two onto the patio. The proposed 2m extension (at an exorbitant cost to get a tiny view of Leckhampton Hill) is actually a 2<sup>nd</sup> lounge, not even a primary use room, which is the very room that causes 185 to lose their view, as well as enjoyment of their outdoor garden amenity space. The raised patio which abuts the boundary fence of 189 has an outdoor kitchen right up against it (with a reduced fence height of 97cm) coupled with complete removal of all landscaping which means 189 will be overlooked, have a loss of privacy, and be impacted by the use of their outdoor garden amenity space as a result of 'perceived overlooking'.

In the event the Council grant permission or the applicants refuse to compromise, they will leave us with no alternative but to proceed with our threats of returning the level of privacy we have now, as well as increasing it further given the issues 187 have created themselves. We found it incredible after April (2<sup>nd</sup> submission) that the applicants took the opportunity to stoke the embers of unhappiness between neighbours by putting a trampoline right up against our fence, and close to our patio, despite having oodles of space down the back of their garden, which projects even further than 189's. They then put a basketball hoop right up against our fence on their patio when they have oodles of space at the front of their house which has a flat tarmacked drive to play on. Just like we

have done, as well as installed an in-ground trampoline at the very back of our rear garden. This was done on purpose and out of respect for our neighbours, who at the time were both elderly.

### Site Visits:-

We note that Wendy Hopkins of Brodie Planning and Michelle Payne of CBC have agreed to arrange for the Members to visit the gardens of 189 & 185 prior to the October Planning Committee held on 17<sup>th</sup> Oct 2024.

### Enclosures:-

Images of existing views taken from our garden

Images of visual impact as a result of granting permission

Minutes of a meeting held in our garden with the Applicant



<b>APPLICATION NO:</b> 24/01344/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 9th August 2024	<b>DATE OF EXPIRY:</b> 4th October 2024 Extension of time agreed until 18 <sup>th</sup> October 2024
<b>DATE VALIDATED:</b> 9th August 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Homes
<b>AGENT:</b>	MHP Design Ltd
<b>LOCATION:</b>	122A Brunswick Street Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Proposal for new secure bin store, incorporating new paths and associated fencing for 122A-126B Brunswick Street.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to an area of amenity space to the rear of 122A to 126B Brunswick Street. The properties front Brunswick Street, however there is vehicular access to the properties from the rear via Dunalley Parade. The site is relatively prominent with Dunalley Parade running to the north of the site, and therefore the site is visible from the public realm.
- 1.2 The site falls within the St Paul's Character Area of the Central Conservation Area.
- 1.3 The application seeks planning permission for the installation of a secure bin store area, which includes the installation of 2m high fencing, and new paving to create access to the store, alterations to an existing rear picket fence and new fencing.
- 1.4 The application is at planning committee as the applicant is the Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Article 4 Directions  
Conservation Area  
Central Conservation Area  
HMO Restricted Area  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**87/00135/PC 26th March 1987 PER**

Junction Of Brunswick Street Cheltenham Gloucestershire - Erection Of 6 O.A.P. Flats, Formation Of New Access And Provision Of 2 Parking Spaces

**97/00635/OZ 22nd September 1997**

Replacement Of Existing Timber Sliding Sash Windows With Pvcu Double Glazed Top Hung Units

**16/02320/CLPUD 18th January 2017 CERTPU**

Replacement windows to the following properties, 1-6 Foster Court, 1-6 Hanna Boote House, 1-8 George Maisey House, 1-8 Norton House, 1-10 and 30 - 39 Lynworth Place, 1-21 Naseby House, 7-35 and 36-47 Popes Close, 110 (A to D) and 126 to 132 (even) Alstone Lane, 122 - 126 Brunswick Street

**18/02632/CLPUD 18th January 2019 CERTPU**

Proposed window replacement to 34 sites - see property schedule

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 8 Promoting healthy and safe communities  
Section 12 Achieving well-designed places  
Section 16 Conserving and enhancing the historic environment

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD14 Health and Environmental Quality

**Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

**Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)

Central conservation area: St. Paul's Character Area and Management Plan (July 2008)

**4. CONSULTATIONS**

**Gloucestershire Centre For Environmental Records**

*16th August 2024*

Comment available to view in documents tab.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>14</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1 The application has been publicised by way of letters sent to fourteen neighbouring addresses, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo. Following the statutory public consultation period, no responses have been received in response to the proposed development.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

- 6.2 The application proposes a new bin store and associated works; the key considerations are design, impact on the conservation area, impact on neighbouring amenity, and sustainable development.

**6.3 Design and impact on the conservation area**

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 135 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

- 6.5 The site falls within the conservation area and therefore policy SD8 of the Joint Core Strategy is relevant. Policy SD8 requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.

- 6.6 The proposed bin store would be sited to the rear of no. 126B Brunswick Street, which is the most northern part of the site. The area for the bin store would have an area of approximately 2.3 metres by 3.2 metres, and would store 4no. 360L wheelie bins and 4no. recycling boxes. The area would be enclosed by a 2 metre high Paladin fence, and include a pedestrian entrance. A Paladin fence is a rigid mesh fence, and in this instance would be finished in a black colour. The area would be accessed via a key/fob to ensure no unauthorised access into the fenced area.

- 6.7 Officers acknowledge that the fencing at a height of 2 metres is relatively high and therefore could be relatively prominent, however the area is small, and would be sited back from the site boundary. Furthermore, whilst some vegetation would be removed, a large amount would remain on the boundary, and new planting is proposed, therefore providing a screen, and lessening the impact of the fencing on the street scene and wider area. The siting of the store area would extend beyond the built form of the application properties to the north, however the store is considerably set back from Brunswick Street and therefore would not impact upon the street scene. As such, it is considered that the proposed store and fencing is acceptable and would not result in an unacceptable impact on the character of the street scene or wider conservation area.
- 6.8 Associated works including new paved walkways to the store area and the installation of replacement picket fence on the west (rear) elevation including a new gate are proposed. These works are minor and would not result in a visual change to the character of the area; as such the proposed works are considered acceptable in terms of design.
- 6.9 Taking the above into consideration, it is considered the proposed development would achieve an acceptable standard of design, and protect the character of the conservation area; complying with the relevant design and heritage planning policies.
- 6.10 Impact on neighbouring property**
- 6.11 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.12 Following the public consultation period, no responses have been received. There are no concerns that there would be an unacceptable impact on the amenity of adjoining land users, in terms of a loss of light, loss of privacy or overbearing impact as a result of the proposed development. The Design and Access Statement sets out that the owners of the properties for which the bin store would serve have been consulted by the applicant.
- 6.13 The bin store would be sited within the rear amenity space of the properties, however it has been located to minimise the loss of amenity space as a result of the proposal. It is considered that an acceptable level of amenity space would remain, and therefore no concerns are raised with regards to a loss of amenity.
- 6.14 The proposal is therefore considered to comply with policy SD14 of the JCS and SL1 of the Cheltenham Plan.
- 6.15 Sustainable development**
- 6.16 Cheltenham's Climate Change SPD sets out a requirement for development to include low carbon features and technologies. The proposal does include additional planting on site to replace removed vegetation. Given the nature of the proposal, there is little opportunity to include low carbon technologies and features.
- 6.17 Other considerations**
- 6.18 Reasons for proposal
- The submitted Design and Access Statement sets out the reasoning for the application; stating that the construction of the new store is in response to '*the requirements for recycling, building fire regulations and guidelines on the accessibility for refuse collection*'.
- 6.19 Protected Species

Whilst records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale of the proposed development will have a harmful impact on these species.

### 6.20 Public Sector Equality Duty (PSED)

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Taking the above into consideration, the proposed bin store, fencing and associated alterations are considered to be of an appropriate design that would not result in harm to the character of the property, street scene or wider area. Furthermore, there would be no impact on the amenity of the occupiers of the properties or neighbouring properties. It is therefore considered that the proposal would be in accordance with the relevant policies and guidance.
- 7.2 Officers recommendation is to therefore permit this application subject to the conditions set out below.

## 8. SUGGESTED CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
23/01678/CLEUD	24/00001/PP1	The Forge Branch Road	Written	03.01.2024	17.01.2024	06.02.2024						
22/01681/FUL	24/00002/PP1	Rotunda Tavern 3 Montpellie	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024	Dismissed	11.07.2024	n/a		
	24/00003/ENFAPP	System Error	System Error									
	24/00004/ENFAPP	System Error	System Error									
23/00230/DCUA	24/00005/ENFAPP	125 - 133 Promenade	Written	22.02.2024	07.03.2024	04.04.2024	25.04.2024					
23/00596/FUL	24/00006/PP1	Land Adj to 1 Coltham Fields	Written	05.03.2024	12.03.2024	09.04.2024	23.04.2024	Dismissed	19.07.2024			
23/01137/FUL	24/00007/PP1	Hilltop Stores, Hilltop Road	Written	13.03.2024	20.03.2024	17.04.2024	01.05.2024	dismissed	10.06.2024	Refused		
23/01566/FUL	24/00008/PP1	44 Springfield Close	Written	25.03.2024	01.04.2024			dismissed	13.05.2024			
23/02056/FUL	24/00009/PP1	278 Old Bath Road	Written	11.04.2024	18.04.2024			dismissed	18.06.2024			
23/00929/FUL	24/00010/PP1	Harwood House, 87 The Parl	Written	11.04.2024	18.04.2024			dismissed	08.05.2024	n/a		
23/02033/FUL	24/00011/PP1	21 Glebe Road, Cheltenham,	Written	12.04.2024	19.04.2024			dismissed	19.06.2024			
23/02152/CLPUD	24/00012/PP1	8 Imperial Square, Cheltenham	Written	07.05.2024	21.05.2024	18.06.2024	09.07.2024					
23/01538/FUL	24/00013/PP1	Stansby House, The Redding	Written	12.06.2024	19.06.2024	17.07.2024	31.07.2024	Dismissed	26.09.2024			
24/00271/LBC	24/00014/PP1	3 Regent Street, Cheltenham	Written	19.06.2024	26.06.2024	24.07.2024	07.08.2024					
23/00637/FUL	24/00015/PP1	22 Dinas Road, Cheltenham,	Household	08/07/2024	15/07/2024			Dismissed	25.09.2024			
24/00079/FUL	24/00016/PP1	14 Suffolk Parade	Written	21.08.2024	28.08.2024	25.09.2024	09.10.2024					
24/00440/FUL	24/00017/PP1	78 Hewlett Road	Written	19.09.2024	26.09.2024	24.10.2024	07.11.2024					
24/00440/LBC	24/00018/LISTB1	78 Hewlett Road	written	19.09.2024	26.09.2024	24.10.2024	07.11.2024					
24/00471/FUL	24/00019/PP1	Little Duncroft, Evesham Roa	Written	26.09.2024	03.10.2024	31.10.2024	14.11.2024					

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# The Planning Inspectorate

## Appeal Decision

Site visit made on 12 August 2024

**by B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

**Decision date: 26 September 2024**

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**Appeal Ref: APP/B1605/W/24/3341981**

**Stansby House, The Reddings, Cheltenham, GL51 6RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Turners Regency Parks Ltd against the decision of Cheltenham Borough Council.
  - The application Ref is 23/01538/FUL.
  - The development proposed is the erection of 2no. detached dwellings following demolition of existing buildings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:

- whether the development would be inappropriate development in the Green Belt
- the effect on the character and appearance of the area
- the effect on the living conditions of the occupiers of 'Lodge 1', with particular regard to outlook and overlooking
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### Reasons

3. The proposal is for two detached, three/four-bedroom houses with parking to the front and gardens to the rear. Two-storey Stansby House and its garden are to the immediate north. Grovefield Way bounds the site to the east, separated by a long row of very high coniferous trees. The appeal site is otherwise surrounded by recently built, one-storey lodges.

### *Interpretation of policy*

4. The site is in the Green Belt. The local development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) (JCS) and the Cheltenham Plan (adopted 2020) (CP).

5. Policy SD5 of the JCS states that development in the Green Belt will be limited to those types of development deemed appropriate in the National Planning Policy Framework (NPPF).
6. The test in Policy GB1 of the CP also refers to the NPPF but provides 'a locally distinctive response' by stating that '*limited residential infilling of built frontages on roads within the Green Belt ... will be permitted only where there is no resulting harm to the openness*'. The supporting text defines 'infilling' as the construction of a new residential building or buildings between two existing residential buildings.
7. Two exceptions for building in the Green Belt have been considered by the parties:
  - The Council has relied on Policy GB1 of the CP.
  - The appellant has argued that the proposal is '*limited infilling or the partial or complete redevelopment of previously developed land*', which is listed in paragraph 154 of the NPPF (2023).
8. The appeal site immediately abuts residential properties and meets the definition of 'infill' set out in the supporting text of Policy GB1. However, the site would share an established private access from the main road with Reddings and Stansby Touring Park. The houses would therefore not present a frontage to nor have a functional relationship with Grovefield Way, or any other road. As such, I conclude that the 'locally distinctive' section of Policy GB1, which applies when a frontage is on a road, is not applicable.
9. I conclude that the relevant Green Belt policies are Policy SD5 of the JCS and Policy GB1 of the CP so far as it requires adherence to the NPPF.
10. The dwellings would be built following demolition of several existing outbuildings, including two sheds, two garages and a workshop. The remainder of the land is covered in gravel hardstanding. I am satisfied that the site meets the definition of Previously Development Land (PDL) in the NPPF.

#### *Whether inappropriate development*

11. Paragraph 154(g) of the NPPF states that limited infilling on PDL would not be inappropriate development in the Green Belt provided it does not have a 'greater impact' on openness than the existing development.
12. The volume of built form would increase from approximately 236 m<sup>3</sup> to 884 m<sup>3</sup>. In addition, the new buildings would be two-storey rather than single storey. This is a significant increase in both volume and height, and for this reason, I conclude that the development would have a greater impact on the openness of the Green Belt than the existing development.
13. There would only be a small increase in building footprint. Hardstanding would be reduced by approximately 580 m<sup>2</sup> and landscaping increased by 680 m<sup>2</sup>. Landscaping would undoubtedly make the area more attractive, but it does not automatically follow that openness would increase. Gardens are a form of development, and the associated paraphernalia and sense of

urbanisation can reduce openness. On balance, I conclude that the introduction of landscaping would be a neutral change.

14. The visibility of the houses from the public domain, including from Grovefield Way, would be very low. They would be glimpsed through the trees when travelling along the highway in the context of the residential buildings on either side. I am satisfied that the visual effects on the openness of the Green Belt would be negligible. However, openness has both a spatial and visual aspect, and the fact that the houses would not be easily visible does not negate the harm from the significant increase in built volume.
15. The appellant has also suggested that given unsightly buildings would be replaced with two well designed modern dwellings, the volume should not be taken into consideration. This does not form part of an assessment for the impact on openness.
16. The development would constitute re-development of PDL. However, it would have a greater impact on openness and, for this reason, I conclude that it would conflict with NPPF paragraph 154(g). As such, it would be inappropriate development. The development would therefore also conflict with Policies SD5 of the JCS and GB1 of the CP.

*Effect on the character and appearance of the area*

17. The proposal would not open a new frontage on Grovefield Way. The rear of the properties would be barely visible through the screen of mature, coniferous trees and glimpses from the highway would be of two houses in a row of residential properties. For this reason, I do not find that it would be visually prominent or discordant in the street scene.
18. The appellant has provided maps that demonstrate an irregular pattern and grain of development in the area. Based on these and my observations on site, I am satisfied that the proposal does not go against the pattern or grain of surrounding development.
19. The proposed buildings would be slightly set back in comparison to Stansby House but this would not be to the extent that they would appear incongruent. They would also be within the roughly curved building line running from Stansby House through the line of lodges on the other side of the appeal site. For these reasons, I do not find that there would be harm to the character and appearance of the area from disruption to the building line.
20. Removal of the existing buildings and replacement of hardstanding with green landscaping would improve the appearance of the area. However, it is not necessary to build two detached houses to achieve this, and this therefore attracts only minor beneficial weight.
21. The Council has referenced conflict with the Supplementary Planning Document 'Development on garden land and infill sites' in its reason for refusal. However, it does not explain in detail how this is relevant to character and appearance. Notwithstanding, the appellant has analysed the document and not identified any conflict. Having considered the provisions of the SPD and its applicability to the proposal, I see no reason to come to a different conclusion.

22. There would be an improvement to the appearance of the area and no harm to the character. The proposal is therefore consistent with Policies D1 of the CP and SD4 of the JCS, which together require that development should respond positively to the character of the area.

*Living conditions of the occupants of Lodge 1*

23. Although not a reason for refusal, the Council's report suggests that there could be harm to the living conditions of residents of adjacent 'Caravan 1' (also referred to as 'Lodge 1'). The appellant has responded to the Council's concerns on this matter and I am satisfied is not disadvantaged by my addressing this matter as a main issue.

24. The Council calculated that the distance between the properties would be approximately 6 m. Based on the plans provided, the distance between the flank wall of the two-storey house on Plot 2 and the garden boundary fence of Lodge 1 would be notably less than this. I observed that the garden associated with Lodge 1 is small and narrow. The construction of a building in proximity to the boundary along much of one side would result in significant loss of outlook and be overbearing.

25. The only window overlooking Lodge 1 would be a narrow stairway window, which can be made opaque through use of a condition. I do not find that this would contribute to a perceived sense of overlooking for the residents of Lodge 1.

26. The appellant states that because the lodges are controlled by separate legislation, they are not required to meet residential requirements in terms of overlooking. I have not identified an issue with overlooking, but rather harm from the loss of outlook caused by a two-storey house in proximity to the garden boundary of a lodge.

27. There would be harm to the living conditions of the occupants of Lodge 1 through loss of outlook and I conclude that the proposal is not consistent with policies SD14 of the JCS and SL1 of the CP, which state that new development must not cause harm to the amenity of neighbouring occupants.

*Other considerations*

28. The appellant has drawn my attention to the proximity of Cheltenham, the numerous facilities and services nearby, excellent transport links and the site's location within the 'Principle Urban Area'. The Council agrees that the proposal meets the requirements of Policy SD10 because it is in a sustainable location and, in principle, suitable for residential development. I see no reason to disagree, and the location attracts beneficial weight in the planning balance.

29. The Council states that it cannot demonstrate a five-year housing land supply. The appellant suggests that following the changes to the NPPF in 2023 and housing delivery figures this is, in fact, no longer a consideration.

30. If there was a housing shortfall, paragraph 11 of the NPPF states that development should be granted unless the application of policies in the NPPF that protect areas of particular importance provide a clear reason for refusing the development proposed. The detrimental effect on the openness of the

Green Belt provides a clear reason to refuse the development. It is therefore not necessary to investigate matters of housing supply in more detail because it would make no difference to the outcome of the decision.

31. No substantive information has been provided by either party as to the scale of the shortfall. Although the provision of two new homes would be beneficial, I cannot be certain that this would have a significant effect in addressing the shortfall. As such, I attribute minor beneficial weight to their provision.
32. The proposal for two houses would also contribute positively to the local economy during construction and occupation. This is matter to which I attach minor beneficial weight given the small scale of the development.

*Other matters*

33. The site lies within a 'zone of influence' as set out in the Cotswold Beechwoods Special Area of Conservation (SAC) Recreation Mitigation Strategy (May 2022). This means that, without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure. Policy BG1 of the CP states that such development will not be permitted unless the effects can be mitigated.
34. In this case there are no reasonable opportunities for on-site mitigation and a financial contribution would be necessary. I understand that the appellant has agreed to this in principle, but I have no signed agreement to this effect before me. However, as I have found the scheme unacceptable for other reasons, there is no need for me to undertake an Appropriate Assessment or pursue the legal agreement.
35. An interested party has suggested that there are exceptional reasons for departing from the Green Belt policy in this case but does not explain in detail what these are. The same submission also suggests that approving such an application would help to resist proposals where the impact on the Green Belt is clear. This does not form part of a policy test and I am therefore unable to give this argument weight.

*Green Belt balancing exercise*

36. The proposal represents inappropriate development in the Green Belt because it is development of PDL where there would be greater impact on openness. In accordance with paragraph 153 of the NPPF this is a matter of substantial weight. There would also be harm to the living conditions of the occupants of Lodge 1 through loss of outlook from the garden.
37. On the other hand, I have found that the effect on the appearance of the area would be positive, the site is in a sustainable location with regard to facilities and transport, and the development would contribute to the local housing supply and economy. Given the small scale of the development, these are matters of minor beneficial weight.
38. The minor benefits from the development would not clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and other harm. Consequently, the very special circumstances necessary to justify development in the Green Belt do not exist.

**Conclusion**

39. For the reasons above the appeal should be dismissed.

*B Davies*

INSPECTOR



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## Appeal Decision

Site visit made on 10 September 2024

**by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 September 2024**

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**Appeal Ref: APP/B1605/D/24/3346845**

**22 Dinas Road, Cheltenham, Gloucestershire GL51 3EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Karen Miles against the decision of Cheltenham Borough Council.
  - The application Ref is 24/00637/FUL.
  - The development proposed is described as 'a static home at the rear of the property (back garden)'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are;
  - i. The effect on the character and appearance of the site and area; and
  - ii. The effect on the living conditions of neighbouring occupiers, with regards to disturbance and privacy.

### Reasons

#### *Character and Appearance*

3. Taken together Policy D1 of the Cheltenham Plan (2020) (CP), Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (2009) (SPD) and Section 12 of the National Planning Policy Framework require high quality development which respects local context, in terms of character and appearance.
4. The appeal site is located in a residential area which is characterised by predominantly semi-detached dwellings, with modest sized rear gardens. The rear garden of the appeal site borders several other properties.
5. The appeal proposal would introduce a large metal structure into the rear garden of the appellant's home. It would represent overdevelopment of the plot as it would occupy a significant proportion of the garden and unacceptably reduce the level of private amenity space available to the residents of the property. Also given its large footprint and height, in comparison to nearby outbuildings and the ones it would replace, it would appear excessively bulky.

Its overall appearance would be at odds with the residential character of the appeal site and area.

6. I acknowledge that there would only be limited views of the proposed structure from the public realm. However, due to its significant mass, there would be clear views of it from several neighbouring properties. As such, it would unacceptably harm the character and appearance of the area.
7. A number of existing outbuildings would be removed to accommodate the proposed static home. I accept that, when considered in isolation, this would improve the appearance of the garden. However, as I have described, a static home would appear incongruous within this modest garden in a residential area.
8. For the reasons above, I conclude that the appeal proposal would unduly harm the character and appearance of the site and area. It therefore fails to meet the requirements of CP Policy D1, CS Policy SD4, the principles of the SPD and Section 12 of the framework.

#### *Living Conditions*

9. Full details of the overall height of the proposed static home have not been provided by the appellant. However, from the submitted photos, it can be reasonably assumed that the proposed structure would extend above the close board perimeter fence. This would be likely to give rise to direct views from the static home into the private gardens of neighbouring occupiers, particularly to No 20 Dinas Road
10. Nonetheless, the appellants have advised that they would be willing for any windows which would give rise to unacceptable levels of overlooking to be obscured. Therefore, had the appeal scheme been acceptable in all other ways, I am satisfied that a condition could have required a scheme for this to be submitted and approved. As such, subject to a condition, the proposal would not unacceptably harm the privacy of neighbouring occupiers.
11. The appellant has confirmed that she would live in the static home with her husband. On this basis, the intensity of use would be unlikely to generate an unacceptable level of disturbance to neighbouring occupiers.
12. In view of the above, the proposal would not unacceptably harm the living conditions of neighbouring occupiers, in terms of loss of privacy and disturbance. Therefore, there is no conflict with CP Policy SL1, CS Policy SD14 and the provisions of the SPD which seek to protect the living conditions of adjoining occupiers.

#### **Other Matters**

13. I note that there are special medical circumstances associated with the proposal. I acknowledge the appellant's comments that it would be unaffordable to move to a property which better suits her household needs. I have carefully considered all information submitted in this respect.
14. Refusal of the scheme would engage Human Rights matters. Having regard to Article 8 and Article 1 of the first Protocol, there would be interference with the occupier's rights in respect of private and family life, and the peaceful enjoyment of possessions respectively. However, there is a legitimate aim in



protecting the character and appearance of the area and the scheme falls short of acceptability in this respect. The harm would be permanent and long standing. Consequently, these personal circumstances do not outweigh the significant harm I have described. Such a conclusion is proportionate and necessary in this case.

15. I have considered a number of other matters raised by the appellant in support of the proposal. I note the appellant's reference to the static home being a 'temporary solution' and that an existing patio would be removed and replaced with gravel to accommodate the static home. The appellant states that the proposal would not give rise to an increased level of on street parking.
16. I acknowledge that the appellant considers that the proposed accommodation would be an annex to the existing house. She advises that services would run from the existing dwelling to the static home and the main dwelling would be accessed for washing clothes, eating and showering.
17. I recognise that no local objections have been received and a next-door neighbour has written in support of the appeal proposal.
18. However, none of the other matters raised alter or outweigh my conclusion that the proposed static home would unacceptably harm the character and appearance of the site and area.

### **Conclusion**

19. Whilst I find the proposed static home would not be harmful to the living conditions of neighbouring occupiers, this would not be sufficient to outweigh the significant harm to the character and appearance of the site and area. Therefore, the proposal conflicts with the development plan as a whole.
20. There are no other considerations which outweigh the conflict with the development plan. I therefore conclude the appeal should be dismissed. The proposal would not unacceptably violate the family's rights under Articles 1 and 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

*Rebecca McAndrew*

INSPECTOR

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Detail	Contributions	YEAR of receipt	Balance @ 1/4/24 £	Receipts/ Refunds in year £	Amounts Applied to fund Cap expend £	Transferred to Revenue £	Grants & Contributions @ 31/7/24 £
<b>RECEIPTS IN ADVANCE</b>							
<b>Short Term</b>							
DEV114	Cotswold Beechwood SAC- s106	23/24	(27,840.00)	(27,886.00)	-	-	(55,726.00)
<b>B6261 CAPITAL</b>			(27,840.00)	(27,886.00)	-	-	(55,726.00)
<b>Long Term</b>							
DEV005	High St, Brewery phase 3 - affordable housing	17/18	(4,078.08)				(4,078.08)
DEV008	Newland Homes Prestbury Road - affordable housing	20/21	(39,637.20)				(39,637.20)
DEV009	Vistry Homes- Starvhall Farm-affordable homes	22/23	(2,184,947.30)				(2,184,947.30)
DEV010	Bromford Dev Ltd - Village Road	22/23	(5,000.00)				(5,000.00)
DEV011	Pate Court S106 Contribution	22/23	(663,917.53)				(663,917.53)
DEV012	Miller Homes re Shurdington Road	23/24	(4,000.00)				(4,000.00)
DEV013	Brookworth Homes Ltd - Parabola Rd development	23/24	(209,640.72)				(209,640.72)
<b>B7410 CAPITAL</b>			(3,111,220.83)	-	-	-	(3,111,220.83)
DEV403	Cold Pool Lane Grounds Maintenance	11/12	(53,303.83)				(53,303.83)
DEV406	Rosebay Gardens Grounds Maintenance	13/14	(41,835.83)				(41,835.83)
<b>B7420 REVENUE</b>			(95,139.66)	-	-	-	(95,139.66)
<b>TOTAL GRANTS RECEIPTS IN ADVANCE</b>			(3,234,200.49)	(27,886.00)	-	-	(3,262,086.49)
<b>CAPITAL GRANTS UNAPPLIED</b>							
<b>SECTION 106</b>							
<b>Housing Enabling (affordable housing)</b>							
DEV004	Pegasus Life - John Dower House	16/17	(470,550.00)				(470,550.00)
			(470,550.00)	-	-	-	(470,550.00)
<b>Public Art</b>							
DEV101	Dunalley St-Public Art	10/11	(4,250.00)				(4,250.00)
DEV102	Rosemullion-Public Art	07/08	(1,340.57)				(1,340.57)
DEV103	75-79 Rowanfield Road-Public Art	08/09	(5,342.50)				(5,342.50)
DEV106	12/13 Hatherley Lane (B&Q) - Public Art	12/13	(7,371.68)				(7,371.68)
DEV107	Devon Avenue - Public Art	12/13	(1,414.96)				(1,414.96)
DEV110	Spirax Sarco St Georges Road	13/14	(6,500.00)				(6,500.00)
DEV111	Public Art - Midwinter site	14/15	(50,000.00)				(50,000.00)
DEV112	Wayfinding - University Pittville Campus	14/15	(1,257.05)				(1,257.05)
DEV113	Taylors Yard, Gloucester Road - Public Art	17/18	(30,000.00)				(30,000.00)
			(107,476.76)	-	-	-	(107,476.76)
<b>PlaySpaces</b>							
DEV201 & DEV001	S106 Playspace-Adult/Youth		(5,370.65)		1,260.34		(4,110.31)
DEV267	S106 Playarea - St. Peters/Chelt Walk	17/18	(10,261.35)				(10,261.35)
DEV303	131 Old Bath Road Playspace	19/20	(1,260.34)				(1,260.34)
DEV010	Bromford Dev Ltd - Village Road	23/24	(153,351.00)				(153,351.00)
			(170,243.34)	-	1,260.34	-	(168,983.00)
<b>Other</b>							
DEV302	Former Gas Club flood defence maintenance contribution	18/19	(8,000.00)				(8,000.00)
			(8,000.00)	-	-	-	(8,000.00)
<b>Section 106 Totals - Capital Grants Unapplied (BAL101)</b>			(756,270.10)	-	1,260.34	-	(755,009.76)
<b>TOTAL Section 106</b>			(3,990,470.59)	(27,886.00)	1,260.34	-	(4,017,096.25)

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## REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

**September/October 2024**

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference

## Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
The Forge, Branch Road, The Reddings	Use of land as a caravan site without restriction as to layout or numbers of caravans. (Revised application to 23/00936/CLEUD)	Delegated Decision	Written Representation	Not Decided	Planning ref: 23/01678/CLEUD Appeal ref: 24/00001/PP1
129 - 133 Promenade Cheltenham Gloucestershire	Marquees at 129 - 131 Promenade.	N/A	Written representation	Not Decided	Enforcement ref: 23/00230/DCUA Appeal Ref: 24/00005/ENFAPP
8 Imperial Square Cheltenham	Installation of moveable planters.	Delegated Decision	Written representations	Not decided	Planning ref: 23/02152/CLPUD Appeal ref: 24/00012/PP1
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written representations	Not decided	Planning ref: 24/00271/LBC Appeal Ref: 24/00014/PP1

<p>14 Suffolk Parade Cheltenham Gloucestershire GL50 2AB</p>	<p>Proposed demolition of existing stores and officing at rear of 14 Suffolk Parade, and construction of detached 2 bedroom coach house dwelling (with pedestrian access off Daffodil Street)</p>	<p>Delegated Decision</p>	<p>Written representations</p>	<p>Not decided</p>	<p>Planning ref: 24/00079/FUL Appeal Ref: 24/00016/PP1</p>
<p>78 Hewlett Road Cheltenham Gloucestershire GL52 6AR</p>	<p>Steps to be built from basement level to current garden level, change rear sash window for french doors.</p>	<p>Delegated Decision</p>	<p>Written Representations</p>	<p>Not decided</p>	<p>Planning Ref: 24/00440FUL and LBC Appeal Ref: 24/00017/PP1 and 24/00018/LISTB1</p>

<p>Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN</p>	<p>Change of use of garage building as a standalone residential property. Retention of external cladding, easterly facing window, roof lights and boundary fencing (part retrospective), (Resubmission of planning application 23/01739/FUL).</p>	<p>Committee Decision</p>	<p>Written Representation</p>	<p>Not Decided</p>	<p>Planning ref: 24/00471/FUL Appeal Ref: 24/00019/PP1</p>



**Appeals Decided**

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1

37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1

10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1
101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Appeal Dismissed	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2

o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representation	Appeal A Dismissed Appeal B Dismissed	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written Representation	Appeal Decision Dismissed Cost Decision Dismissed	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1

Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)	Delegated Decision	Written representation (Householder)	Appeal Dismissed	Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1

4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1
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Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space,	Delegated Decision	Appeal Hearing (Date of hearing 18 <sup>th</sup> July 2023 <b>(rescheduled for 12<sup>th</sup> July 2023)</b> )	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1
201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	Appeal allowed	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Appeal allowed	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3



Land Adj Oakhurst Rise	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/00112/OUT Appeal Ref 23/00020/PP1
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1
6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written Representation	Appeal Allowed Costs Decision Allowed	Planning Ref: 22/01864/COU Appeal Ref: 23/00027/PP1
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00431/PRIOR Appeal Ref: 23/00029/PP1

218 High Street	Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works	Delegated Decision	Written representation	Appeal Allowed	23/00452/COU Appeal Ref: 23/00028/PP1
1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/PP1

Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation ( <b>New procedure Change now a hearing date is 4<sup>th</sup> July 2023</b> )	Appeal Allowed	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1
10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1

<p>Eagle Star Tower Montpellier Drive Cheltenham Gloucestershire</p>	<p>Application seeks confirmation that works undertaken in accordance with a previously approved change of use under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 ref: 15/01237/P3JPA enables the rest of the conversion to lawfully continue at any stage</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning Ref: 23/01347/CLPUD Appeal ref: 23/00031/PP1</p>
<p>12 Pilford Road Cheltenham</p>	<p>Erection of a Garden Room</p>	<p>n/a</p>	<p>Written Representation (Enforcement)</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP</p>

<p>Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW</p>	<p>Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref:23/00929/FUL Appeal ref: 24/00010/PP1</p>
<p>44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF</p>	<p>A wooden 1 metre tall front fence with open slats around front garden with a post sheath on corner to prevent possible damage and reflectors put on posts to add awareness. (Retrospective) Resubmission of 23/01086/FUL</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/01566/FUL Appeal Ref: 24/00008/PP1</p>

<p>Hilltop Stores Hilltop Road Cheltenham</p>	<p>Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed Costs Application Dismissed</p>	<p>Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1</p>
<p>278 Old Bath Road</p>	<p>Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1</p>

21 Glebe Road Prestbury Cheltenham Gloucestershire GL52 3DG	First floor side extension to provide additional bedroom and bathroom accommodation, and alterations to existing dormer (revised scheme following refusal of application ref: 23/01186/FUL)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/02033/FUL Appeal ref: 24/00011/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/PP1
1 Coltham Fields Cheltenham Gloucestershire GL52 6SP	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/00596/FUL appeal ref: 24/00006/PP1
22 Dinas Road Cheltenham Gloucestershire GL51 3EW	Proposed installation of a static home at rear of property.	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00637/FUL Appeal Ref: 24/00015/PP1
Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01538/FUL Appeal Ref: 24/00013/PP1

**REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT, ENFORCEMENT AND COMPLIANCE ON PLANNING APPEALS AND LEGAL CHALLENGES**

**LEGAL CHALLENGES**

Address	Description	Reference	Reason
Telecommunications Mast Site CLM26627 Lansdown Road Cheltenham Gloucestershire	Installation of 15m pole inc. antennas, ground based apparatus and ancillary development	23/00551/PRIOR	Alleged lack of consideration of health grounds in granting Prior Approval

Authorised By: Chris Gomm 8<sup>th</sup> October 2024