

APPLICATION NO: 15/01503/FUL		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 10th September 2015		DATE OF EXPIRY: 5th November 2015	
WARD: Park		PARISH:	
APPLICANT:	Mr R Keatinge		
AGENT:	Nest Builders Ltd		
LOCATION:	59 Painswick Road, Cheltenham		
PROPOSAL:	Single-storey and two-storey rear extension		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of a single storey and two storey rear extension. The proposal was amended during the consideration of the application having originally included a dormer window to the rear as well an extension of a larger scale.
- 1.2 The application site is a semi-detached, two storey dwelling located within the Central Conservation Area.
- 1.3 The application is before planning committee at the request of Cllr Harman but also an objection from the St. Phillips and St. James residents' association.
- 1.4 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Conservation Area
Residents Association

Relevant Planning History:

01/00299/CACN 9th March 2001 NOTREQ
Crown thin Silver Birch in rear garden

03/01465/CACN 14th October 2003 NOOBJ
Fell Sumach tree in front garden

05/01511/CACN 1st December 2005 NOOBJ
Silver birch in rear garden: reduce height by 25% and thin crown by 10%

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

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

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: The Park Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer

7th October 2015

It is not clear from this application if the large birch to the rear is to be felled.

If this tree is to be retained, please condition a tree protection plan (as per BS5837 (2012)) to be submitted, agreed and the fencing erected prior to the commencement of works.

No comment.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	39
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

- 5.1** Letters were sent to 39 houses to advertise this application as well as a site notice and an advertisement within the Echo.
- 5.2** In response to this publicity, 7 letters of objection have been received from four properties; two of these objections are on behalf of the residents group. The concerns raised fall under the following matters: loss of daylight, loss of sunlight, loss of privacy, and that the proposed extension is poorly designed and represents an over-development of the application site.
- 5.3** These objections are material considerations and will be commented upon in the following section of the report.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The key considerations in relation to this application are the design of the proposed extension and its potential impact on neighbouring amenity. As referenced above, the site is located within the central conservation area and therefore the duty to preserve or enhance the character and appearance of this area is also fundamental to the assessment of the application.

6.2 Design and layout

- 6.2.1** Local plan policy CP7 requires development to be of a high standard of design and to complement and respect neighbouring development and the locality.
- 6.2.2** As advised at the start of this report, the proposed extension has been amended during the assessment of the application due to concerns in relation to the design and scale of the proposed addition. The original scheme proposed a larger, timber-clad, flat roof addition at first floor level which was not considered to be appropriate for the application site or the wider context. Following officer advice, the proposal has been reduced in size and the design now takes a more traditional approach.
- 6.2.3** The single storey addition spans the full width of the dwelling and projects 4.5 metres from the rear of the property. It incorporates a flat roof with a parapet detail. The first floor aspect now benefits from a pitched roof and is half the width of the existing property. It projects 3.5 metres from the rear of the house.

6.2.4 When assessing proposals of this nature, the key design consideration is that of subservience and with this in mind, officers are of the view that the proposal is a fairly 'textbook' means of extending a semi-detached dwelling. The bulk of the extension is sympathetic to the parent house, playing the supporting role envisaged by the Council's adopted SPD in relation to extending dwellings. The extension certainly does not dominate the house and is therefore considered to be fully compliant with the aims of local plan policy CP7. It therefore follows that the proposal is not harmful to the wider conservation area, but instead represents a well-thought through extension.

6.3 Impact on neighbouring property

6.3.1 Local plan policy CP4 advises that development which will cause unacceptable harm to the amenity of adjoining land users will not be permitted. When considering amenity, the key areas to assess in this instance is loss of daylight, loss of sunlight and potential loss of privacy.

6.3.2 In relation to daylight, the application has been fully scrutinised and has been found to pass the relevant loss of daylight tests. With this in mind, officers are satisfied that the proposed development will not compromise daylight to neighbouring properties to an unacceptable degree.

6.3.3 Regarding loss of sunlight, this is obviously dependent on the season, aspect, and time of day and is therefore difficult to fully substantiate. Officers acknowledge that the application site is south of the adjoining neighbour and will therefore undoubtedly cast a shadow at certain times of the day but this has to be assessed as to whether or not this impact will be unacceptable. The single storey aspect of the extension is 4.5 metres in depth; planning permission would not be necessary for a 3 metre extension. Furthermore, the government's relaxation of permitted development rights can enable 6 metre deep single storey extensions to be erected without the express benefit of planning permission although members are advised that whilst this is not permissible within conservation areas, this is not due to potential impact on neighbouring amenity.

6.3.4 Officers are of the view that whilst there will be an impact in terms of loss of sunlight, this will not be to the extent whereby planning permission should be withheld. The adjoining garden will already be affected by partial shading in the morning and early afternoon, but the property does benefit from a generous and open westerly access to compensate. Members are advised that to withhold permission based on the additional but limited loss of sunlight would be very difficult to sustain at appeal, particularly given that the first floor extension is set some 3.5 metres away from the shared boundary and projects the same distance, a very common relationship between neighbouring properties across the town.

6.3.5 Turning to potential loss of privacy, officers are entirely satisfied that the application complies with the aims of policy CP4. It is accepted that the first floor window will move 3.5 metres further into the garden but the level of overlooking will not change significantly and will certainly be no greater than expected in such a built up location.

6.3.6 The adjacent neighbour has raised concerns in relation to the changes to the first floor window in the side elevation of the dwelling. This window is proposed to serve both a bathroom and landing area and in this respect should not give rise to an unacceptable degree of overlooking. There is currently a window in this location which serves the existing landing but given that the opening is being increased in size, officers to consider that it is reasonable to attach a condition ensuring that this window is glazed with obscure glass.

6.3.7 In summary, officers accept that this extension will impact on neighbouring amenity in a variety of ways but the judgement that has to be made is whether or not this would be to an unacceptable degree. Having scrutinised the application against the aims of policy CP4, officers are satisfied that the proposed represents a suitable addition to the property.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In conclusion, it is considered that in its revised form, the application represents an appropriately designed and scaled extension to this semi-detached dwelling that will not have an unacceptable impact on neighbouring amenity. The proposed extension is therefore fully compliant with the guidance set out within the Council's SPD in relation to extending dwellings and meets the aims and objectives of local plan policies CP4 and CP7.
- 7.2 It is recommended that planning permission be granted for this application.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five 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 drawing numbers 01503:1 received on the 24th August 2015, 01503:3A received on the 9th November 2015 and 1522AL03 A and 1522AL04 A received on the 2nd November 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development, with the exception of the single storey flat roof, hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 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 with or without modification), no additional openings shall be formed in the first floor side elevations of the two-storey rear extension hereby permitted without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 5 Notwithstanding the details submitted, the first floor windows in the south side elevation serving the bathroom and landing area shall be glazed with obscure glass and maintained as such thereafter.
Reason: To safeguard the privacy of the adjacent neighbour in accordance with the requirements of local plan policy CP4.

Prior to the commencement of development, the existing birch tree to the rear of the site shall be protected in accordance with the requirements of BS5837(2012) unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is located within the central conservation area and the tree is of value. Building works should therefore not compromise the integrity of the tree in accordance with the requirements of local plan policy GE6.

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 negotiated amended plans in order to improve the design and to reduce the impact of the development upon the residential amenities of neighbouring properties.

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