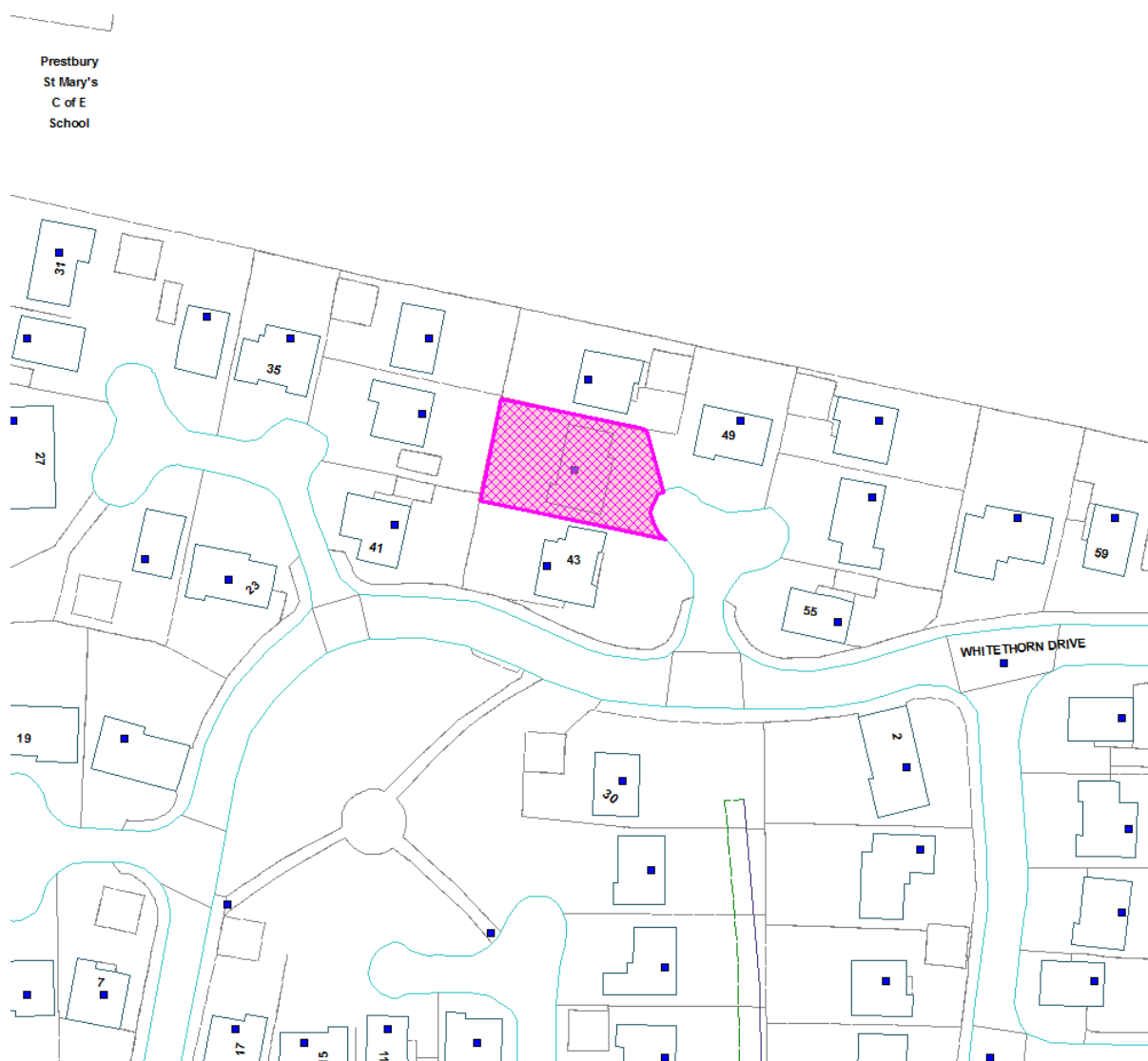


APPLICATION NO: 16/01283/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 19th July 2016		DATE OF EXPIRY: 13th September 2016	
WARD: Prestbury		PARISH: Prestbury	
APPLICANT:	Mr & Mrs J Walker		
AGENT:	Agent		
LOCATION:	45 Whitethorn Drive, Prestbury, Cheltenham		
PROPOSAL:	Proposed two storey side and rear extension		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached property located in a cul-de-sac location on Whitethorn Drive.
- 1.2 The applicant is seeking planning permission for the erection of a two storey side and rear extension to replace the existing single storey garage.
- 1.3 The application is at planning committee due to a Parish Council objection; The Parish Council has objected to the proposed extension as they consider the proposal to result in an overbearing impact on the neighbouring property and would therefore ask members to consider this application at committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

83/00528/PF 4th October 1983 PER

Layout of a residential estate including the erection of 130 dwellings, comprising of 116 detached dwellings and 14 bungalows with private car garages. Construction of estate road, public open spaces, including method of disposal of foul and surface water.

78/00747/PF 18th July 1978 REF

Outline application for a residential development on 5.0ha of land. Alteration of an existing vehicular and pedestrian access

79/00765/PF 29th November 1979 WDN

Outline application for the erection of warehousing development. Alteration of an existing vehicular and pedestrian access

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)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

10th August 2016

45 Whitethorn Drive was constructed on an area of filled land. The original developers used a system called 'vibro-compaction' to stabilise and increase the loadbearing capacity of the fill material on the site. Vibro-compaction is based on a grid of stone columns which are

vibrated into the ground, the columns provide a bearing for new foundations and the compression of material between the stone columns increases the overall bearing capacity of the fill material.

There have been issues of subsidence on site where the foundations to some houses have failed. In some cases this has been caused by the foundation not bearing fully onto the grid of columns. Works have been carried out on site to repair some houses.

The owners of 45 Whitethorn Drive will need to recognise that the foundation for the proposed extension must be adequately designed to deal with the local site conditions. It is likely that the extension will need to be supported on some type of piled foundation.

I do not consider that there is any risk to neighbouring properties if the design and execution of the extension project is properly managed. If the neighbours are particularly concerned about their house I would suggest that they take photographic evidence of their property before the works on 45 progress.

Parish Council

9th August 2016

Objection, overbearing affect on neighbour and if approved must have Building Control approval.

30th August 2016

A large extension considered as overdevelopment of the site and which could impact on the amenity of neighbouring properties. And PPC requests application to be viewed by CBC planning Committee and officers obtain comment from building control prior to determining application.

Contaminated Land Officer

28th July 2016

No adverse comment or recommendations for conditions.

Environmental Health

10th August 2016

In the light of Building Control confirming the need for piled foundations at this site, I would offer the following comment, which I trust you can include on any permission granted as an informative:

The use of piled foundations in the confines of a residential area has the potential to cause nuisance to neighbouring properties through noise and vibration. The range of piled foundations available means that each particular solution will produce its own effects. When selecting the appropriate solution the engineer specifying the design should consider the effects of noise and vibration on the surrounding properties and choose a solution which is as sympathetic as possible to these premises. Such considerations are likely to include an assessment of noise and vibration from the piling rig and associated plant, and also the duration of work. The Council's recommended working hours on construction sites are as follows:

Monday - Friday, 7:30 - 18:00, Saturdays 8:00 - 13:00, no noise-producing work on Sundays and Bank Holidays.

I would recommend that the engineer or piling contractor discusses their preferred technique with the council's Environmental Protection team well in advance of the work taking place and agrees a suitable schedule of work and mitigation to reduce the impact of piling as far as possible. Potentially this may allow an agreement under the Control of

Pollution Act 1974 regarding construction times and techniques which are permitted by the council. Failure to reach such an agreement in advance may lead to enforcement action being taken, which will inevitably delay the work on site.

Gloucestershire Centre For Environmental Records

5th August 2016

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

5.1 5 letters were sent to neighbouring properties, 3 letters of objection have been received in response to the notification, and these have been attached to this report.

5.2 The concerns raised relate to:

- impact on amenity including overbearing impact and a loss of light
- ground conditions and subsidence

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 The principle of the proposed extension is considered by officers to be acceptable, the proposal replicates a number of similar extensions to properties of a similar style and size in the local area (two examples being applications at 65 Whitethorn Drive - 06/00762/FUL and 11 Blackberry Field - 07/01478/FUL).

6.5 The overall design is considered to be in keeping with the design and character of the existing building with proposed materials to match the existing building which is considered to be wholly appropriate.

6.6 The proposal replaces an existing single storey attached garage, the width of the extension to the side of the property will be replicated however will extend beyond the existing rear elevation of the property by an additional 1.7 metres and will include a second storey. Officers consider the extension to be an appropriate addition to the property that will sit comfortably within the plot and appear subservient to the existing building.

6.7 The proposal to include a front projection originally raised concerns with officers; however when carrying out the site visit it is evident that some of the surrounding buildings include this feature as originally built; the proposal is therefore considered to be a sympathetic

addition to the property and is not considered to have an unacceptable impact on the character of the existing street scene.

- 6.8** The proposal is considered to be compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)

6.9 Impact on neighbouring property

- 6.10** Following concerns raised by the neighbouring property at number 43 Whitethorn Drive regarding a potential loss of light and overbearing impact a site visit was carried out to this property.

- 6.11** In terms of overbearing impact the projection beyond the existing rear elevation of the property is relatively small; 43 Whitethorn Drive is positioned at the corner of the cul-de-sac therefore benefits from an open southerly aspect on the opposite side of the application site and the properties to the rear are approximately 20 metres away. Officers have sought revisions through the application to change the proposed roof form of the rear extension from a gable to a hipped roof design; whilst this does not reduce the foot print of the extension it does limit the height and reduce the overall bulk of the extension when viewed from within this neighbouring property's rear garden. Officers therefore do not consider the extension to result in any overbearing impact to the neighbouring property or to have a harmful impact on the enjoyment of the neighbouring property's private amenity space.

- 6.12** In terms of loss of light, the layout of the neighbouring property means the accommodation directly adjacent to the proposal is a garage (not a habitable space) and therefore would not require protection in terms of light. Given the distance between the proposed extension and the nearest ground floor habitable room, the proposal will not fail the light test and is therefore not considered to result in any unacceptable loss of light to this neighbouring property.

- 6.13** With regards to privacy, concerns were raised regarding the close proximity of the proposed first floor rear elevation windows from the rear boundary of the site, with a distance of approximately 7.5 metres the proposal did not achieve the recommended 10.5 metres set out by the guidance in policy CP4 of the Local Plan and therefore would result in an unacceptable loss of privacy, with this in mind revisions were requested. The revised plans show the internal layout has been amended, the first floor rear elevation windows are now to be obscurely glazed and therefore will not result in any overlooking or loss of privacy; to ensure that the windows are maintained as obscure glass a condition is recommend.

- 6.14** The proposal is considered by officers to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.15 Other considerations

- 6.16** The letters of objection that have been received have all raised a concern regarding the ground conditions of the area and the risk of subsidence when constructing the proposed extension, should planning permission be granted. This matter has been discussed in detail with our building control department whose formal response can be read above in the consultation section.

- 6.17** Building control do not consider that there will be any risk to the neighbouring properties as a result of the proposed development, they have, however, highlighted that consideration will need to be given to the type of foundation used and have advised that

the use of pile foundations is likely to be required. This advice has been passed on to the agent and has also been added as an informative to the application.

- 6.18** Whilst officers have noted the concerns regarding potential subsidence, this matter has been discussed with our legal team who have confirmed that this is not a planning consideration and would not be a valid reason to withhold planning permission. The objectors have been informed that issues during any future construction stages are a matter to be dealt with between land owners as a civil matter.

6.19 Environmental Impact

- 6.20** 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 small scale 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 would not have an unacceptable impact on neighbouring amenity.
- 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 proposed first floor rear elevation windows to serve the master ensuite and dressing room; shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

- 5 No demolition or construction works shall be carried out outside the following hours:

Monday to Friday - 0800 to 1800 hours

Saturday - 0800 to 1300 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

Reason: To safeguard the amenities of the area, having regard to Policy 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 amend the roof form to reduce the bulk of the rear extension;

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

- 2 The applicants should be aware that a suitable design for foundations of the extension should be addressed; it is likely that the extension will require pile foundations, further investigations may be needed.

Should pile foundations be required the engineer or piling contractor is encouraged to discuss their preferred technique with the council's Environmental Protection team well in advance of the work taking place to agree a suitable schedule of work and mitigation to reduce the impact of piling as far as possible.