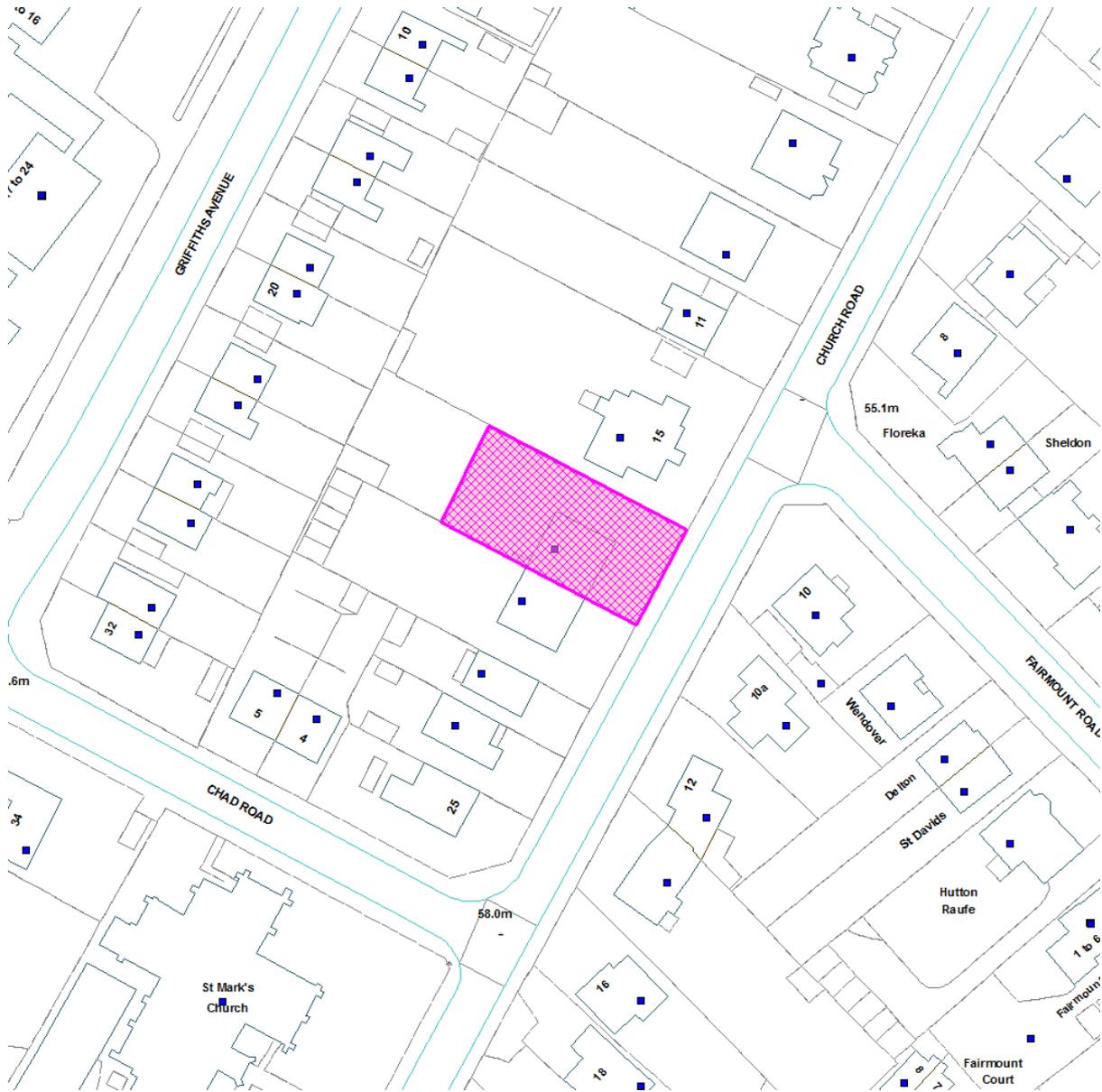


APPLICATION NO: 17/00087/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 18th January 2017	DATE OF EXPIRY: 15th March 2017
WARD: St Marks	PARISH:
APPLICANT:	Mr Mitch Counsell
AGENT:	Evans Jones Ltd
LOCATION:	Atherstone, 17 Church Road, St Marks
PROPOSAL:	Proposed rear and side extension to provide 3 dwelling units (re-submission 16/00375/FUL)

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a traditional rendered semi-detached dwelling in use as 4 flats on the west side of Church Road. Parking areas are currently provided to the front, side and rear of the building with a shared garden area beyond.
- 1.2 Planning permission is sought for the removal of the external staircase structures and the erection of a three storey flat roof extension wrapping around the northern corner of the building. The extension would provide a 2 bedroom flat on each floor. Parking spaces would be created at the front and rear of the building.
- 1.3 The application is at committee at the request of Cllr Coleman for the following reason:

It is an application which has attracted a good amount of local interest and represents a significant change to an existing and prominent building which may change the character of it and the surrounding properties. I am aware that the application will impact Church Road and neighbours on Griffiths Avenue.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

89/01287/PC 23rd November 1989 PER
Conversion Of Four Flats To Seven Flats

09/00509/FUL 1st June 2009 REF
Erection of a pair of semi-detached dwellings on land to the rear

10/00837/FUL 8th July 2010 WDN
Erection of a detached single storey dwelling with garage

10/01719/FUL 22nd March 2011 REF
Erection of a detached dwelling on land to the rear

16/00375/FUL 10th August 2016 REF
Proposed rear and side extension to provide 3 dwelling units, extension of parking area to rear (revised scheme)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Wales And West Utilities

24th February 2017

Letter and Plan available to view on line.

30th January 2017

Letter and Plan available to view on line.

Gloucestershire Centre For Environmental Records

30th January 2017

Report available to view on line.

Cheltenham Civic Society

10th February 2017

We were happy with the contrast of style with the existing dwelling for the front elevation, but thought the rear elevation heavy and clumsy.

GCC Highways Planning Liaison Officer

7th March 2017

The site is located in a residential area with footways and street lighting. Parking is available on street. There is a bus stop within 300m and if cycle storage is provided there is ample opportunity to use sustainable transport.

While the access is restricted I do not consider it would be unreasonable for it to be widened by the removal of a small section of the wall. There is a section of narrowing at the side of the existing building however if the access is widened then drivers would have the inter visibility to wait until vehicles had cleared the gap.

I refer to the above planning application received on 30th January 2017, with Plan(s) Nos: 1367_300, 1367_301, 1367_302, 1367_303, 1367_304, 1367_305, 1367-306, 1367-307, 1367-308, 1367-309, 1367-310, 1367-311, 1367-312, 1367-313, 1367-314, 1367 Design and Access statement and daylight assessment

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

- i. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility 600mm from footway level.
Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- ii. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 7 bicycles has been made

available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

- iii. The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 1367_307, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Tree Officer

16th February 2017

The tree section objects to the proposed removal of the three Prunus fruit trees (labelled T4, T5, T6). These trees could be retained if the angle of the parking was rotated 90° so parking perpendicular to the back of the house. This would facilitate sufficient soil around the trees to enable future growth but still allow enough parking. The grass strip in which the Prunus trees (T4, T5 and T6) currently reside needs to be maintained as a 2.5M wide grass strip measured from the centre of the third Prunus trunk (ie the one furthest from the boundary wall) to ensure the root protection area of these trees is preserved, the remainder of the grass strip could then be turned into parking as proposed.

A tree protection plan and method statement for the removal (by hand) of the tarmac footpath which currently runs between the fruit trees needs to be submitted and agreed before determination. There is a tree in the adjacent rear garden. Currently there is hard standing on the site close to this tree. If this hard standing is to be removed and relayed a method statement explaining how this hard standing will be removed and relayed without damaging tree roots which have a diameter greater than 25mm diameter needs to be submitted and agreed before determination. If this hard standing is to be retained, tree protection for this tree is not required.

The tree planting proposal in the front garden are four ash trees. These trees are an unsuitable recommendation due to the current ban on the movement of all ash trees around the country. This species is not available for sale from horticultural nurseries.

Consequently, another species of tree would be more appropriate, upright cherry species (or similar) may be suitable as they would provide privacy to the house but not block too much light into the adjacent property windows.

8th March 2017

The Tree Section is pleased that the three Prunus fruit trees which were to be removed from the rear garden are now being retained. Please could a Tree Protection Plan for these trees along with a method statement for the removal by hand of the footpath which runs between the trees be submitted and agreed before determination.

Please could more details about the proposed new trees to the front of the property be submitted (eg. Species, size, root type etc.).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	5
Number of objections	5
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 14 neighbours. 5 comments have been received. The key points raised are as follows:

- Concerns about size and design, out of keeping with building and area
- Not much changed since refusal
- Insufficient parking resulting in on street parking problems
- Access is unsafe
- Loss of privacy and overbearing impact

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) design and appearance, (ii) impact on neighbours, (iii) access and highways issues, (iv) trees and planting.

6.2 Background

As paragraph 2 details above, there have been a number of previous attempts to achieve planning permission at this site. Between 2009 – 2011 three separate applications were made for detached dwellings at the rear of the site, all of which were refused or withdrawn.

Last year an application was made for an extension to the dwelling containing three flats. This was refused for the following reasons:

- (1) The proposed extension, by reason of its mass, size and design fails to respect the original dwelling. It is out of keeping with the design and proportions of the original building and serves to overwhelm it. As such the proposed extension would be harmful

to the design and appearance of the existing building and its contribution to the street scene in the locality. Therefore the proposal is not in accordance with Policy CP7 (Design), Development on garden land and infill sites in Cheltenham SPD (2009), Residential Alterations and Extensions SPD (2008) and advice contained in the National Planning Policy Framework, Chapter 7 (requiring good design).

- (2) The proposed extension, by reason of its size and siting on the plot, would result in a loss of light to neighbouring properties and therefore would have a significant, harmful impact upon their residential amenity. As such the proposal is contrary to Policy CP4 (Safe and Sustainable Living), Development on garden land and infill sites in Cheltenham SPD (2009), Residential Alterations and Extensions SPD (2008) and advice contained in the National Planning Policy Framework (Core principle 4).

The current scheme differs from the refused scheme in the following ways:

- Reduction in width at the rear by 0.5m
- Change in position of extension on building, 2m further forward.
- Change in design with primarily glazed front elevation with second floor set back 1.2m from the frontage of the extension
- Revised design to side and rear extensions including break in eaves line, variation in material, rationalisation of fenestration, recessed brick panel and blind windows on side elevation

6.3 The site and its context

The site is within a residential street within the Principal Urban Area (PUA) and as such the principle of further residential accommodation is appropriate. A positive aspect of the proposal is that it would make a contribution of three dwellings towards the housing stock in the area.

In addition the principle of an extension to the existing building is acceptable. The existing building is a large semi-detached house which has been converted into 4 flats. The area is characterised by a variety of housing types, however there are a number of detached and semi-detached villas and houses set in good sized plots giving the area a spacious character.

6.4 Design and layout

As detailed above the refused scheme gave rise to concerns regarding the mass, size and design of the extension. Whilst the revised scheme has not significantly reduced the overall footprint of the extension it is considered that the revisions which have been made overcome the concerns. The rear section of the building has been reduced in scale and the mass of the extension has been broken down by setting the first floor back, adding interest to the side elevation including recessed sections and adding a change of material and break in roof line to the rear of the extension. The design is now a more clear contrast to the original building with a glazed front elevation and the original part of the building is clearly distinguishable from the modern extension, allowing the history of the building to be understood. It is, however set back approx. 2m from the front elevation, allowing the original frontage of the building to take precedence in the street scene.

The civic society support the design approach at the front although they feel that the rear is clumsy and heavy. Officers do not consider this to be the case; the step in the building line and roof line will stop the building looking heavy and the change in materials also help to break up the mass. The fenestration has been amended in order to pick up on the

proportions of the original building and has been simplified from earlier submissions to give a more cohesive appearance to the elevation.

The building is not listed and is not in a conservation area although policy encourages good design outside of these areas also. Officers consider that the changes which have been made to the proposal are positive, overcome the concerns and result in an extension which is an acceptable and appropriate addition to the area. It is therefore considered to be in accordance with policy CP7 of the Local Plan

6.5 Impact on neighbouring property

The previous application was refused due to concerns that the rear part of the extension would block light from the existing flats within 17 Church Road. This part of the building has now been reduced in scale and this has overcome this issue and the proposal now complies with the light tests in respect of all neighbours.

With regards to 19 Church Road: the proposed extension is 6m from the boundary. Although the extension will clearly be visible from the garden of 19 Church Road it is not considered that it would result in an overbearing impact. The fenestration on the side elevations comprises access doors and a hall window and as such would not result in unacceptable overlooking. The existing staircase is in a similar location and as such is not an alien feature in this area.

There are rear facing windows, however these are over 27m from the rear boundary and therefore would not have an adverse impact on the properties at the rear on Griffiths Avenue.

With regards to 15 Church Road, a condition is attached requiring all side facing windows to be obscure glazed. The proposed balcony at second floor level has an integral full height screen. As such it is not considered that the proposal would have an unacceptable impact upon this property.

As such the proposal is considered to be in accordance with policy CP4 of the Local Plan.

6.6 Access and highway issues

The existing property contains 4 flats and parking is provided to the rear.

The current application proposes the addition of two spaces to the front of the property and a significant enlargement of the area at the rear. The site layout indicates 6 cars being positioned within allocated parking spaces although there does appear to be scope to accommodate 1 or 2 additional vehicles within the parking area therefore providing a minimum of 1 space per dwelling.

The highways officer has raised no objections to the proposal subject to conditions which are recommended below.

A number of neighbours have raised concerns that the proposal will result in unacceptable levels of on street parking, however, given the level of parking within the site which is being proposed it is not considered that the proposal is likely to result in a severe impact, sufficient to warrant the refusal of the application.

As such the proposal is considered to be in accordance with policies TP1, TP2 and TP6 of the Local Plan.

6.7 Trees and landscaping

The application has been the subject of amendments within the parking area at the rear with the intention of allowing trees which were originally proposed for removal to be retained. The proposed new trees along the frontage have also been amended from Ash trees to cherry trees following advice from the tree officer.

The proposal is now considered to have an acceptable impact on existing trees and to offer some enhancement to the landscaping at the frontage of the site to the benefit of the street scene.

As such the proposal is considered to be in accordance with policies GE5 and GE6.

7. CONCLUSION AND RECOMMENDATION

The proposal results in the provision of three additional flats through the provision of an extension to this existing building. Whilst the extension is large, it has been carefully designed to overcome previous concerns about size and design and is now considered to be acceptable in terms of design, impact on neighbours, highway safety, trees and landscaping. For these reasons the application is supported and recommended for approval.

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 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility 600mm from footway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 4 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 7 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

- 5 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 1367_307_A, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 6 No external facing or roofing materials shall be applied unless in accordance with
a) a written specification of the materials; and
b) physical sample/s of the materials,
The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 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 north east elevation 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).

- 8 No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 9 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 10 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.