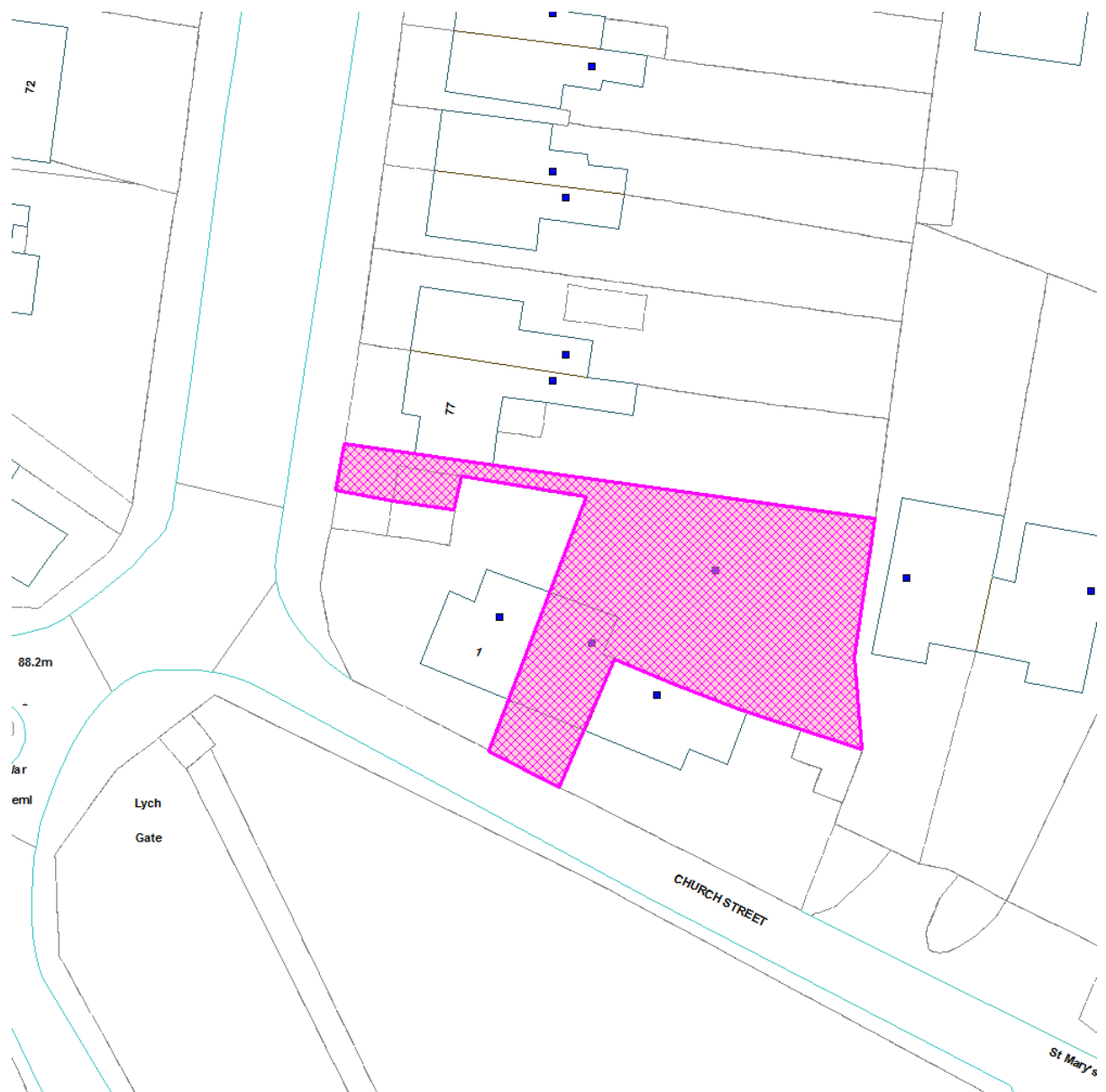


<b>APPLICATION NO:</b> 17/00114/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 20th January 2017	<b>DATE OF EXPIRY:</b> 17th March 2017
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr L Wilkinson
<b>AGENT:</b>	Michael Lumley Associates
<b>LOCATION:</b>	3 Church Street, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Two storey rear extension to form kitchen/dining and living space

**RECOMMENDATION:** Refuse



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 mid-terraced residential property on Church Street, located within The St Mary's conservation area.
- 1.2 The applicant is seeking planning permission for the erection of a two storey rear extension to provide further living accommodation.
- 1.3 The application has been called to committee on behalf of the applicant at the request of Councillor Paul McCloskey, who would like members to appreciate the specific features of the plot.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Smoke Control Order

### Relevant Planning History:

None applicable

## 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)  
St. Mary's conservation area character appraisal and management plan (June 2009)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Parish Council

7th February 2017

No objection

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 4 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo.

**5.2** One letter of objection has been received from the neighbouring property at number 5 Church Street whose concerns relate to the following:

- Impact on the conservation area
- Scale and form
- Design and materials
- Loss of light and over shadowing

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The main considerations of an application of this nature are design, impact on neighbouring amenity and any impact on the character of the conservation area.

### **6.3 Location and layout**

**6.4** The application site forms the middle property in a row of 3 traditional cottages on Church Street which front on to St Mary's Church and is centrally located in the St Mary's Conservation area. Within the St Mary's (Charlton Kings) Conservation area character appraisal and management plan 2009, the application site is noted as a positive building.

**6.5** The application site has an unusual land allocation. The main private amenity space extends across the rear of the neighbouring property of number 5 Church Street. The proposed extension will sit behind this neighbouring property, but will not be attached to it.

### **6.6 Design**

**6.7** The existing property has an existing poor quality conservatory which is in no longer fit for purpose and therefore a replacement extension is being proposed. The existing conservatory is an inappropriate addition to the existing building and therefore its removal is considered to be a positive part of the scheme.

**6.8** Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. Additionally, paragraph 58 of the NPPF advises that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Finally, Paragraph 137 of the NPPF and section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires new development within conservation areas to conserve, enhance or better reveal their significance.

**6.9** The proposed extension will take the form of a contemporary one and a half storey pitched roof extension, providing first floor accommodation within the roof as a mezzanine level. The principle of extending the property in the proposed location is considered to be acceptable. However, concerns have been raised with regard to the scale, form and overall design of the proposal and its impact on the character of the existing building.

**6.10** Officers fully acknowledge the desire of the applicants to include a contemporary design approach. However, the current proposal will appear as an incongruous addition to the

existing building with conflicting roof forms. This results in a contrived design that detracts from the visual appearance of the main dwelling and adjoining properties.

- 6.11** The size and scale of the extension and in particular its height would dominate the rear elevation of these buildings and due to its position on the site would detract from the original form of the application site and a large proportion of the existing terrace. The proposal would not appear subservient to the existing building.
- 6.12** The agent has identified that the objective of this proposal is to achieve additional 'light and airy' ground floor living accommodation. The first floor accommodation at mezzanine level has only been introduced as a result of the pitch roof form being proposed. It is the height and roof form of the extension that is the cause of concern for officers and is resulting in the majority of the harm to the character of the building and its surroundings.
- 6.13** A contemporary proposal with a reduced eaves height and amended roof form could achieve the same level of ground floor accommodation with a 'light and airy' feel without resulting in unnecessary harm to the design and character of the existing building or its surroundings. A proposal of this nature would read clearly as a subservient and honest contemporary addition. Officers have discussed the possibility of a revised scheme with the applicant's agent however the applicant has asked for the application to be determined in its current form.
- 6.14** The view of officers is that the proposal does not bring with it any particular public benefits and is not justified given the concerns which have been highlighted.
- 6.15** The proposal is therefore considered to be contrary to the requirements of policy CP7 and the NPPF.

#### **6.16 Impact on the conservation area**

- 6.17** There are views of the open space to the rear of the site from various points in the public realm. Whilst these are somewhat limited, the proposed gable end will be visible from the street and will have an impact on the design and form of its surroundings.
- 6.18** Officers do not consider the impact of the proposal on the character of the conservation area to be substantial. But, the NPPF and section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires development to either conserve or enhance the character of the conservation area which in the opinion of officers this scheme does not achieve.
- 6.19** The impact on the conservation area is not the primary reason for officer's recommendation. But, it is a contributing factor in the determination of this application.

#### **6.20 Impact on neighbouring amenity**

- 6.21** A number of concerns have been raised by the neighbouring property (number 5 Church Street) therefore a site visit to this property has been carried out. There is a single ground floor rear elevation window which serves the dining area to this property. Whilst this window may be affected it is not the only light source to this living space. The open plan kitchen/dining area has additional windows facing the front and side of the property which will remain unaffected. Whilst the impact in terms of loss of light and overbearing impact has been taken into account, it is not considered that the proposal will result in any unacceptable loss of light or overbearing impact to this or any other neighbouring land user.
- 6.22** The extension is not considered to result in any loss of privacy to any neighbouring land user.

**6.23** The proposal is considered to be complaint with local plan policy CP4 in terms of protecting neighbouring amenity.

#### **6.24 Other considerations**

**6.25** The agent has referred to other contemporary proposals within the conservation area across Cheltenham that have relatively recently been approved. Whilst officers acknowledge these examples, this application has been considered on its own merits and within its own context. As previously mentioned a contemporary design approach is not considered to be unreasonable in this location should it be of an appropriate scale and form.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Whilst the proposal will not result in any unacceptable impact on neighbouring amenity in terms of a loss of light or loss of privacy, the form and design is considered to be unacceptable and therefore officer recommendation is that planning permission be refused.

## **8. INFORMATIVES / REFUSAL REASONS**

- 1 As proposed, the development, by virtue of its form, materials and general design, would be wholly at odds with the character of the existing building and the immediate locality, and would appear as an incongruous addition.

As such, the proposal is contrary to local plan policy CP7 relating to design, additional design advice set out within the adopted 'Residential Alterations and Extensions' SPD, and national guidance set out within the NPPF.

### **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 authority cannot provide a solution that will overcome the harm to the design and character of the existing building;

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.