

APPLICATION NO: 17/00443/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 17th March 2017		DATE OF EXPIRY: 12th May 2017	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mr Rob & Sue Banbury		
AGENT:	Evans Jones Ltd		
LOCATION:	55A Beeches Road, Charlton Kings, Cheltenham		
PROPOSAL:	Insertion of two dormer windows and ten roof lights to create accommodation within the current roof space		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 55A Beeches Road which is a newly built detached bungalow located in the ward of Charlton Kings.
- 1.2 The property has been recently built following the approval of planning permission in 2004, under planning ref. 04/01618/FUL, for the erection of a dwelling within the rear garden of 55 Beeches Road.
- 1.3 The applicant is seeking planning permission for the insertion of 2no. dormer windows and 10no. roof lights to create accommodation within the existing roof space.
- 1.4 The application is before planning committee following an objection from the Parish Council as they consider the proposal will result in an unacceptable loss of privacy as a result of overlooking from the new windows.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m
Airport safeguarding over 15m
Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

04/00214/OUT 8th April 2004 PER

Outline application for the erection of dwelling within large rear garden of existing property

04/01276/FUL 9th September 2004 WDN

Erection of dwelling

04/01618/FUL 22nd November 2004 PER

Erection of dwelling within rear garden of existing property

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

Parish Council

6th April 2017

Objection: our objection focuses on loss of amenity, more specifically overlooking into nearby properties.

The parish council objected to a 2004 application to build this property, with concerns regarding overdevelopment of a congested site, leaving a cramped site for number 55 and poor vehicular access. We note that one of the conditions of permission given to build a bungalow in 2004 (04/01618/FUL) was that 'no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior grant of planning permission'.

The reason for this was given as 'Any further windows/doors require detailed consideration to safeguard the amenities of the surrounding area'. It was therefore accepted at that time that dormer and/or velux windows would be a cause of concern and would need to be addressed. Representations from residents of Ravensgate Road, Beeches Road and Ashgrove highlighted to us problems of overlooking. Particularly serious would be overlooking into 53 Beeches Road and 93 Ravensgate Road, gardens and property in both cases.

Our deliberations were not helped by some of the paperwork submitted not showing up-to-date changes to nearby properties.

Should permission be granted, we would wish to see a condition that frosted/obscured glass be used throughout in order to minimise the loss of amenity and, if regulations permit, the new installations be non-openable

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	5
Number of objections	5
Number of supporting	0
General comment	0

5.1 7 letters have been sent to neighbouring properties, 5 responses have been received objecting to the proposed development. The main concerns raised are:

- Overlooking and loss of privacy
- Visual impact

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 the amenity of neighbouring properties.

6.3 Design

6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development.

- 6.5** The Supplementary Planning Document: Residential Alterations and Extensions (adopted 2008) emphasises the importance of later additions reading as subservient in relation to the parent dwelling. The document also provides design guidance on extending into the roof space which states that dormers should not be overly wide or have the appearance of an extra storey on top of the house; the dormer should be set within the roof of the original building.
- 6.6** The proposed dormers are considered to be an appropriate design and scale and are set within the roof slope of the original building. The dormers will be clearly subservient to the original building as the existing roof will still be clearly read.
- 6.7** The proposed dormer cheeks will be lead clad, which is considered to be an appropriate and in-keeping material which will not detract from the character of the existing building.
- 6.8** The proposal is considered to be of an acceptable design with the original building, therefore complies with Policy CP7 of the Local Plan.
- 6.9 Impact on neighbouring property**
- 6.10** Local Plan Policy CP4 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.11** Six objections have been received from neighbouring properties highlighting concerns regarding overlooking and loss of privacy as a result of the development.
- 6.12** Several comments submitted by neighbouring residents raise a concern in regards to the history of the property when permission was granted for a new dwelling on land to the rear of 55 Beeches Road, this is the application site as part of this application. Planning application, ref. 04/01276/FUL, was submitted in 2004 which proposed a new dwelling with accommodation within the roof space, this application was later withdrawn. A revised application was then submitted with the removal of accommodation within the roof space, this application was subsequently approved. The proposed roof accommodation was removed from the revised application due to concerns regarding an unacceptable impact on the amenity of adjoining land users; permitted development rights were removed for any additional windows to safeguard the amenity of adjoining land users. In light of this history, when assessing this application, it is important to consider whether there has been any changes to the material considerations associated with this application.
- 6.13** Since 2004, when the withdrawn and approved applications were submitted, the council has adopted the aforementioned Supplementary Planning Document: Residential Alterations and Extensions (adopted 2008). This document provides guidance and clarity on maintaining privacy and reducing any impact of development on the privacy of neighbouring properties; it also helps the authority to be consistent in its decision making. The document states that first floor windows should achieve 10.5 metres to the boundary to protect the amenity of adjoining land users. This measurement is derived from national best practice in relation to safeguarding amenity and members will be aware that officers refer to it in many reports. These distances are also set out within the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (adopted June 2009). The proposed dormer windows will both achieve the 10.5 metres from first floor window to the site boundary. The dormer window on the south facing roof slope measures 12 metres to the boundary and the dormer window on the east facing roof slope measures 10.5 metres to the boundary. As such, the proposed dormers are in line with the guidance set out within the Supplementary Planning Document in terms of design and achieve the required distance to maintain an acceptable level of privacy. This is not to say there will be no impact as a result of the development; officers accept that the proposals will have an impact on the surrounding properties. The role of the planning authority is to make a judgement as to the extent of that impact and that is where our policies and supplementary guidance provide assistance. When assessed against these policies,

officers are satisfied that the level of impact is not so great as to warrant the refusal of planning permission.

- 6.14** The proposed roof lights in the west facing roof slope, as shown on drawing no. 10349 15 B, are to be obscurely glazed and will be 1.7 metres above floor level. A condition has been attached to ensure these windows are, at all times, obscure glazed and non-opening above 1.7 metres. The remaining roof lights will all be 1.7 metres above floor level. This dimension of 1.7 metres is significant because it is the level at which the government (through permitted development legislation) consider that there will be no overlooking which is essentially a height from which no outlook will be provided other than upwards. As such, there are no concerns that these windows will provide an outlook which will be harmful to the privacy of adjoining neighbours.
- 6.15** For the reasons set out above, the proposed installation of two dormer windows and ten roof lights are considered to comply with Policy CP4 of the Local Plan and guidance set within the Residential Alterations and Extensions SPD in terms of protecting the amenity of adjoining land users in terms of light and privacy.
- 6.16 Other considerations**
- 6.17** Both the Parish Council and neighbouring residents have highlighted that the submitted site plan is not up to date and does not show recent extensions to surrounding properties. A revised and up to date site location plan has now been submitted.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons discussed above, it is considered that the proposed development is in accordance with the relevant policies in terms of achieving an acceptable standard of design and will not result in unacceptable harm to the amenity of neighbouring land users. Officers acknowledge that there will be an impact on amenity as a result of the dormer windows in this location, that said in light of our policies and guidance, the level of impact is not so severe that the development should not be supported.
- 7.2** In light of the above, 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 roof lights in the west facing roof slope shall at all times be 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.