

<b>APPLICATION NO:</b> 18/00182/FUL	<b>OFFICER:</b> Mr Joe Seymour
<b>DATE REGISTERED:</b> 31st January 2018	<b>DATE OF EXPIRY:</b> 28th March 2018
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b> Mr Samra	
<b>AGENT:</b> H A Planning Ltd	
<b>LOCATION:</b> 7 Victoria Street, Cheltenham	
<b>PROPOSAL:</b> Two storey rear extension	

**RECOMMENDATION:** Refuse



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 7 Victoria Street is a mid-terrace house in the St Paul's area of Cheltenham. The site is located within the St Paul's Character Area of Cheltenham's Central Conservation Area as the houses in this area were built in the 19th century.
- 1.2 The proposal involves the construction of a single storey rear extension to create an en suite bedroom and an extension at first floor level to create a new bathroom. A conversion of the basement to create a fifth bedroom is also proposed, although this element of the scheme does not require planning permission.
- 1.3 The Ward Member for St Paul's, Cllr Karl Hobley has raised concerns that the proposal may present an over development of a very small property/plot and that it will result in a community imbalance caused by further HMOs in this area. Cllr Hobley considers this to be a material consideration in light of the proposals currently out for consultation as part of the Cheltenham plan regarding an article 4 direction in St Paul's.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Smoke Control Order

### **Relevant Planning History:**

N/A

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
BE 2 Residential character in conservation areas  
BE 6 Back lanes in conservation areas

### Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements  
SD8 Historic Environment  
SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
Central conservation area: St. Paul's Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATIONS

### Gloucestershire Centre For Environmental Records

13th February 2018

Report available to view online.

### Housing Standards Officer

After having a look at the floor plans for the proposed HMO, the following is noted:

1. Personal Hygiene – Provision of bath/shower, water closet & wash hand basin is unsatisfactory.
2. Basement bedroom – Provision of natural light will need to be confirmed.
3. Basement bedroom – Provision of means of escape onto public footpath is unsatisfactory.
4. Ground floor living room – Provision of natural light will need to be confirmed.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	2
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The determining issues for this planning application are the design of the proposal and its impact on the character and appearance of the Conservation Area and the impact it would have on neighbouring properties.

6.3 The issue of Houses in Multiple Occupation also covered in this report because the Ward Member expressed concerns about it.

### 6.4 Design / Impact on the Character and Appearance of the Conservation Area

6.5 The proposed single storey extension would extend 6.3 metres from the original rear elevation formed by the kitchen/WC area. This extension would reach the very end of the rear garden to the rear boundary wall which separates the property from the unnamed back lane to the rear of both Victoria Street and Albert Street.

6.6 The single storey extension would be 2.9 metres in width and its northern wall would also form the common boundary with the neighbour 9 Victoria Street. The plot is only 4.4 metres wide which means the residual outdoor amenity space for the dwelling would be a narrow area measuring 1.5 metres in width and 9 metres in length (13.5m<sup>2</sup>).

6.7 The proposed extension is more than half the width of the main dwelling and it would extend the entire length of the rear garden. This type of extension is considered not to be a subservient addition to the host building as advocated in the Council's Residential Alterations and Extensions SPD. The flat-roof extension would appear bulky in the street scene and it would be at odds to the smaller and subservient pitched-roof additions typically found to the rear of terraced houses in the locality.

- 6.8** Furthermore, Local Plan Policy BE6 states for developments on back lanes in Conservation Areas, adequate amenity space should remain within the existing property. NPPF paragraph 17 (point 4) states that development should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The proposed development is considered to be contrary to both of these policies.
- 6.9** It is acknowledged that a single storey extension, similar to the proposal in question, has been built at the neighbouring property 5 Victoria Street. This extension which extends to the rear boundary wall does not set a precedent for other similar extensions to be built. Historic ordnance survey maps show the extension at number 5 has been in situ for many decades long before the aforementioned planning policies were adopted.
- 6.10** No objection is raised to the proposed first floor extension as this involves a minor enlargement of an existing first floor extension. No objection is raised either to the basement extension as this does not require planning permission. Basement extensions require building regulations approval which is determined separately from planning decisions.
- 6.11** However, the size and scale of the proposed single storey extension is considered to constitute a poor design that fails to preserve or enhance the character and appearance of Cheltenham's Central Conservation Area. The proposal is deemed to be contrary to the design guidance contained within Local Plan Policies CP7, BE2 and BE6, in addition to the Council's Residential Alterations and Extensions SPD and the relevant guidance within the JCS and NPPF.
- 6.12 Impact on neighbouring properties**
- 6.13** The single storey extension would be 2.95 metres in height and its northern wall would also form the common boundary with the neighbour 9 Victoria Street. This boundary currently consists of a low brick wall with a trellis fence on top to bring the total height of the common boundary enclosure to approximately 2 metres.
- 6.14** The trellis fence adds a degree of mutual privacy, whilst not creating such a physically dominating boundary between the two properties. The proposed extension would change this arrangement meaning the neighbours at number 9 would be subject to the flanking north elevation of the single storey extension for the entire length of their rear garden at a height of 2.95 metres.
- 6.15** It is considered that this would constitute an unacceptable overbearing impact for the neighbours at number 9. In the event that the proposed single storey extension was permitted, it would be difficult for the local planning authority to resist similar extensions at other terraced properties in the locality, which could have a negative cumulative impact on the amenities of even more present and future residents.
- 6.16** For this reason, the proposal is deemed to be contrary to the relevant guidance found within Local Plan Policy CP4, JCS Policies SD4 and SD14 and NPPF paragraph 17 (point 4), which all seek to ensure residential amenity between residents is maintained.
- 6.17 Houses in Multiple Occupation**
- 6.18** The Ward Member has raised concerns that the proposal would create another House in Multiple Occupation (HMO), which would have a negative cumulative on the community in St Paul's.
- 6.19** In October 2010 the Town and Country Planning (Use Classes) Order 1987 was amended to include a new use class: C4 (Small Houses in Multiple Occupation). This use is defined as: *"Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom."*

- 6.20** Large HMOs are shared houses with seven or more bedrooms. This is a sui generis use in the Town and Country Planning (Use Classes) Order 1987, which means that planning permission is always required to change to this use.
- 6.21** Changing the use of a property from C3 to C4 (and vice versa) is a 'permitted change', which means planning permission is currently not required to change a conventional residential property into a small shared house, a student house for example.
- 6.22** The proposed extensions, if permitted, would change the property from a three-bed dwelling into a five-bed dwelling. Therefore, as a five-bed dwelling, 7 Victoria Street could be classed as either a large C3 dwelling or a C4 small HMO depending on how it was used and who occupied it.
- 6.23** The proposal has been submitted as a householder extension application. At the moment, this does not prohibit the applicant from using the dwelling for C3 or C4 purposes as changing between the two uses is permitted development.
- 6.24** In the emerging Cheltenham Plan, which at the time of writing is in its public consultation stage, Policy HM5 would only permit the creation of both small (C4) and large (sui generis) HMOs subject to certain criteria.
- 6.25** An Article 4 Direction would also need to be created to remove the permitted change in the amended Town and Country Planning (Use Classes) Order that currently allows the permitted change from C3 to C4 (and vice versa). This would mean any proposed changes between these two use classes would require planning permission, subject to Policy HM5.
- 6.26** However, because the Cheltenham Plan has not been adopted, or even submitted to the Planning Inspectorate for adoption, no weight can be attributed to Policy HM5 for the determination of this application.
- 6.27** Perhaps more relevant to this application, the proposed Article 4 Direction restricting C3 to C4 changes does not exist. This means the local planning authority cannot refuse the application due to any perceived concerns about the creation of a small HMO at the present time, although this may change in the future subject to the adoption of the Cheltenham Plan and the creation of an Article 4 Direction.
- 6.28 Other Matters**
- 6.29** The concerns raised by the Housing Standards Officer would be assessed during the course of an application for building regulations approval.
- 6.30** The presence of protected species has been identified within the vicinity of the site; however it is considered that the proposal would not have a material impact on the habitat of these species.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposed development is considered to be unacceptable for the reasons outlined in this report which are summarised in the refusal reasons below.
- 7.2** Consequently, the recommendation is to refuse this planning application.

## **8. REFUSAL REASONS**

1. It is considered that the excessive size and poor design of the proposed extension would have a detrimental impact on the character and appearance of Cheltenham's Central

Conservation Area. The flat-roof extension would appear bulky in the street scene and it would be at odds to the smaller and subservient pitched-roof additions typically found to the rear of terraced houses in the locality. The proposal is deemed to be contrary to the design guidance contained within Local Plan Policies CP7, BE2 and BE6, in addition to the Council's Residential Alterations and Extensions SPD and the relevant guidance within the JCS and NPPF.

2. The proposed extension would occupy the majority of the rear garden leaving a residual outdoor amenity space that is considered to be too small for a dwelling with five bedrooms. An extension of the height and length that is proposed in close proximity to the adjoining neighbour 9 Victoria Street would create an unacceptable overbearing impact. Therefore, the proposal would result in a poor standard of amenity for existing and future occupiers of both 7 and 9 Victoria Street. The proposal is deemed to be contrary to the relevant guidance found within Local Plan Policy CP4, JCS Policies SD4 and SD14 and NPPF paragraph 17 (point 4).