

APPLICATION NO: 18/00934/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 14th May 2018		DATE OF EXPIRY : 9th July 2018	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Mr Chris Gough		
LOCATION:	68 Sandy Lane, Charlton Kings, Cheltenham		
PROPOSAL:	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.		

REPRESENTATIONS

Number of contributors	7
Number of objections	5
Number of representations	2
Number of supporting	0

70 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 8th June 2018
Letter attached.

1 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 10th June 2018

I have reviewed the revised planning application and proposed changes -

- a) The increase in height of the flat roof extension
- b) The removal of the guttering and fascia boards

Increase in height

Having read the covering explanation letter as to the reasons for the increase, I can fully appreciate the need for the roof level to increase. I do not believe anyone would want a significant difference in ceiling height in the middle of a bedroom / bathroom.

While I recognise that this is a retrospective application, the permission for a flat roof two storey extension was previously judged to be in accordance with local policies and permission granted. The real issue to consider is whether this modest increase in external height has really created detrimental impact and divergence from local policies CP7 and CP4.

The change does not detract from what No. 68 originally proposed and had approved. I, therefore, do not believe that the external increase in height to accommodate the internal ceiling height is significant enough to warrant this application being rejected.

Removal of the guttering / fascia boards

I can also understand the request to remove the guttering from the front of the property. This will give the build a more crisp and clean final appearance. Once again, I do not think that this should warrant the plans being rejected.

74 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 6th June 2018

The proposed increase in the overall height of the flat roof first floor extension will, in our view, be even more out of keeping with other property in the immediate area and will have a larger visual impact on this prominent site at the top end of Sandy Lane than originally submitted and approved. We also wonder why planning officers have not suggested a pitched roof approach similar to that approved for other recent developments.

76 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 7th June 2018

I did not object to the original application but now that I have seen the structure that has been built I wish I had. The house is in a prominent corner position travelling south up Sandy Lane. The box constructed has an overbearing mass and shape which is out of keeping with the vernacular. I did not appreciate quite the effect it now has from the application drawings. The additional height requested by this modification may seem modest but, in fact, emphasises the discordant appearance. This is caused, not merely by the additional height, but also by the awkward joining of the flat roof with the existing ridge roof above the gutter line.

I would have some sympathy with the owner if I believed this to be an honest mistake but I think this contention defies credibility. If the height of the existing bedroom ceiling, due to its slope, is at a certain height at the front of the house it is obvious an extension added at this point will have a ceiling at the same height. I may be cynical but I think it's likely they decided to go ahead in the belief they will get relief for this 'minor' modification after construction. Should the planning committee or officer decide to allow this change I question at what height would they come to a different decision? If you do allow it, I believe the discordant effect of this extension could be ameliorated if it incorporated a ridged roof in line with all other two story extensions in the immediate vicinity.

2 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 11th June 2018

We wish to object to the proposed amendment for the enlarged and already constructed two storey front extension at 68 Sandy Lane.

We would not normally comment on individual domestic proposals, but as regular walkers up Sandy Lane to Leckampton Hill Area of Outstanding Natural Beauty, we have watched this extension continue to get bigger and bigger over the recent months. This is an attractive and prominent corner site is a sensitive location - the surroundings enjoyed by thousands of walkers, cyclists and residents. The impact this has, is clearly wider than the immediate neighboring properties. In such circumstances are site notices required - if so the response to this scheme would be greater.

We found it difficult to understand how such an extension could have been granted planning permission, when usually the council have strict guidelines and policies about good design and respecting the character of the surroundings. We now realise that this has been built higher than the planning consent originally granted.

It is completely out of character with the surroundings interferes with residents' enjoyment of this attractive location. It over-dominates the house original house, now being the main focal point of this prominent corner. It now breaks into the roofline of the existing house. Its shape, size, massing and overall design, do not comply with any rule or principle of good architectural design.

Having viewed the plans - they do not seem reflect what has been built. As with other comments made in response to this scheme the front extension totally dominates the original house, most of which can no longer be seen.

The scheme does not meet council's adopted local plan policy CP7 which requires high standards of design and for development to compliment and respect the surroundings. The structure now extends into the roofline, over dominating the existing house. There is also Supplementary Planning Guidance which also requires extensions to be sympathetic and subservient. The scheme clearly fails to meet this test. When viewed from the highway, the roof of the original dwelling cannot be seen. The changes do not improve the scheme, they make it materially worse and policy CP7 should be applied appropriately and permission refused.

Having reviewed other comments, we understand that when this scheme was granted permission, the planning committee was advised that this contemporary proposal required careful execution and attention to detail to be successful. This has clearly not been delivered.

The fact that this has now been built - does not make it acceptable, particularly in this attractive and prominent location. The scheme that has been built is completely out of character with surroundings, causes considerable harm to the street scene and is clearly not subservient to the original house.

We believe the council has a duty to determine all applications on their own merits. This scheme is in clear conflict with Local Plan Policy CP7 and the council's adopted supplementary planning guidance and should be refused.

Fairways
62 Sandy Lane
Cheltenham
GL53 9DQ

Comments: 5th June 2018
Letter attached.

56 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DQ

Comments: 29th May 2018

I have received Ref 18/00934/FUL. I have read the comments by [name supplied] at 70 Sandy Lane in the Meeting of Planning Committee Thursday 23 March 2017 and I agree with her comments %100 - it appears that she had valid objections and that the present modification do not adhere to the original plans to which she had valid objections - but I am unaware of the correct procedure to comment. Would you please accept my support of her observations?

In addition, I consider that when building applications are made and approved, they should be accepted. If modifications arise, they should be settled BEFORE any building work commences. Retrospective applications submitted after building has commenced should not be considered.

Planners have local knowledge and experience, their authority should not be undermined.

Your ref: 18/00934/FUL
Our ref: MD/sb
DD: 07747 564122
E: Mike.derbyshire@bidwells.co.uk
Date: 07/06/2018

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Ms Crews

**PLANNING APPLICATION – 68 SANDY LANE, CHARLTON KINGS, CHELTENHAM, GL53 9DH
REFERENCE 18/00934/FUL**

I have been asked to provide an independent professional opinion on the merits of the proposal ref 18/00934 having regard to the planning history, relevant policies and the guidance in the Framework and PPG. I am retained by [REDACTED] the freeholder and occupier of [REDACTED] the immediate and most affected neighbour.

Consultation and description

I start with what appears to be a procedural point as it usefully highlights the lack of clarity in the way this development has been handled. The initial description of development was:

“Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL)”.

This was amended on or about the 1 June to:

“Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously application ref. 17/01984/FUL, changes to include an increase in the overall height of the first-floor addition by approx. 400mm. removal of fascia/guttering detail and removal of the first-floor side elevation cladding (part retrospective)”.

Neither the original description nor, or in my view, the drawings, capture what is clearly the key element of the new proposal, namely the increase in height of the front addition and that fact that it is retrospective. It is still described as single storey; which is still incorrect; it is a first-floor extension. The retrospective element has now been amended (which immediately drew an objection to be submitted on this point, showing why accurate descriptions are important).

The submitted drawings do not properly portray the impact of the increase in height of the first-floor addition and this can only be properly appreciated on site. If the structure is viewed from the highway, it is not possible to see any part of the roof due to the scale of the extension, this is not reflected in the

drawings submitted. I assume members of the committee will carry out a site visit before they make their decision.

On a point of accuracy the application states the increase in height is 20inches. This is 500mm or 0.5m, not approx. 400mm as now described in the consultation letter, there should no approximations of height in descriptions of planning applications as that is simply a recipe for uncertainty when constructed.

Planning Issues & Impact

The NPPG makes clear that if an authority does invite a retrospective application (which this has now been correctly described as) it cannot be assumed that permission will be granted and “the local authority should take care not to fetter its discretion prior to the determination of an application for planning permission – such an application must be considered in the normal way” I would be grateful if you can provide evidence or comfort that your discretion has not been fettered and that the applicant is aware of the risk associated with building without permission.

Planning History

Before dealing with the policy issues, it is important to refer to the rather complex and involved planning history of the site as it must inform the final decision. Reference needs to be made to the reports prepared for the planning committee that influenced the determination of the original scheme. In the first report, dealing with the originally submitted scheme that was radically amended, the two storey front extension was deemed unacceptable; Para 6.8 stated:

“The original submission as part of this application included a two storey extension to replace the existing single storey double garage. The extension projected forward of the front elevation of the existing property and included a hipped roof form. This part of the proposal raised significant concerns with officers due to its size, form and overall design. Officers did not consider this part of the scheme to read as a sympathetic or subservient addition to the existing building and would result in unacceptable harm to the character of the existing street scene. With this in mind, discussions took place with the applicant to overcome officer concerns. Revised plans were later submitted.”

The point being that here officers felt a large two storey front extension in this prominent location was neither sympathetic nor subservient to the existing house and caused ‘unacceptable harm to the character of the existing street scene’. The forward projecting two storey structure now being considered is significantly larger and incongruous than the original proposal that was deemed to be unacceptable.

In the revised report titled ‘officer update’ this dealt with amended plans as a response to the discussion at the previous planning committee. These amended plans re-introduced a two storey forward extension (the principle of which had been previously deemed unacceptable), but with a ‘box’ design, based on design at 1 Albermere Gate. This example in my view is a more coherent timber framed structure which is well executed and sits well with the parent building, critically, it projects forward from under the existing eaves. Whilst I understand the purpose of using examples of schemes elsewhere in the town this does raise expectations from members and neighbours over the quality of the finished scheme. In para 1.5 the report goes onto to say:

“In light of the changes, the mass, scale and impact on neighbouring amenity is now considered to be acceptable, and a successful response to debate at planning committee. The revised scheme now includes a recessed balcony and a contemporary first floor flat roof form, which if executed successfully, will lift the proposal architecturally. The proposed void to achieve this balcony will prevent the proposal reading as a flat roofed ‘box’; it gives the scheme a degree of drama and is a form of development that has been successfully executed at a different site in the borough (1 Arbemarle Gate).”

The conclusions and the advice given to the Committee was the new structure would not read as a ‘box’, and would add ‘drama’ if executed successfully and would lift the proposal architecturally.

When using such flowery language for proposals which introduce radical departures from the accepted policy and guidance on extensions to houses it is essential that the scheme is managed and controlled carefully thereafter. The application and enlarged structure now partially constructed has in my view failed to deliver this promise. It dominates the existing property and when viewed from the street the existing roof and ridge line of majority of the house cannot be seen and has failed to overcome what officers originally agreed would cause unacceptable harm to the street scene.

Policy Considerations

There are two elements that I do not believe comply with your planning policies, these are the design of the front extension and the impact of the occupiers of 70 Sandy Lane.

Design

The development is in clear conflict with the relevant Local Plan policy CP7 which requires development to be of high quality design, it states:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

Extensions or alterations of existing buildings will be required to avoid:

- (d) causing harm to the architectural integrity of the building or group of buildings; and
- (e) the unacceptable erosion of open space around the existing building.

As I stated at the beginning of this section, the determination of this application should be informed in part by the discussion of what was originally considered as acceptable, in relation to the level quality promised. Unauthorised works, undertaken entirely at the owner's risk, must be treated in the same manner. If they were unacceptable previously they must be refused, if the quality promised has not been delivered (or executed), it must be refused.

Dealing with the specifics of Policy CP7:

(a) a high standard of design of architectural design. The scheme that was eventually approved was subject to much discussion, amendment and assessment relating to detailing and careful execution. It is therefore reasonable to assume that further increases to the mass and bulk take it beyond that tipping point; that the current scheme would not have been approved had it been presented to members in May 2017 in this enlarged form. I have explained the background earlier.

(b) adequately reflects the principle of urban design and (c) complements and respects the neighbouring development and character of the locality. The scheme by its very nature achieves neither, it is a completely and deliberately discordant element, which can be successful in certain circumstances (see above), This is major addition to the front of the property with no parallel in the street. Its impact has been compounded by the interruption of the eaves and roof of the existing building by this enlarged front extension. The interruption of the existing house's roof and eaves was never planned and is a consequence of the applicant's wish to have improved ceiling heights internally and for a balcony after planning consent had been granted. The result has now totally changed the relationship of the extension with the existing building.

The Council's SPD Residential Alterations and Extension (2008) requires extension to be subservient. Considerable emphasis was placed on the fact this was a prominent and attractive location in the first report to the planning committee for the approved scheme 16/02197/FUL (see para 6.8 and 6.9 of this report). The original proposal for a two storey forward projecting extension was deemed unacceptable as it did not 'read as a sympathetic or subservient addition'.

This structure is now considerable larger and more dominant and visually harmful than the scheme deemed unacceptable. It now clearly fails to meet the policy and design requirements.

(d) causing harm to the architectural integrity of the building or group of buildings. It is evident on our submissions above that the scheme fails to achieve this.

(e) an unacceptable erosion of space around the existing building. The previous report acknowledged that the scheme had a generous width, I think that was slightly coded language for large, but there is no material change with this application.

Clearly my client accepts that permission was granted for the previous scheme, but legally, this should not be used as the baseline for the new submission. The owner has at their own risk proceeded to build a scheme that does not comply with the approved permission; the new application should be looked at afresh and on its merits. Clearly regard needs to be given to the earlier grant of permission, but the starting point should be with the development plan and I would suggest of particular relevance is Policy CP7 which requires a high standard of design. The changes do not improve the scheme, they make it materially worse and you should apply your policy CP7 appropriately and refuse permission. This decision should not be unduly influenced by the fact that enforcement action would follow, that is entirely due to the fact that the scheme was not built in accordance with the approved plans.

The impact on the amenities of the occupiers of 70 Sandy Lane

The current application fails to comply with policy CP4 for the following reasons:

The poor design

This has a direct impact on the visual amenities of my client.

Loss of sunlight and daylight

The increase in size impacts on the light entering the windows to the three rooms to the side of number 70 Sandy Lane. The ground floor kitchen window is particularly affected, detrimentally impacted upon the light in this room. A kitchen is one of the principal rooms that should be protected with adequate sun light and daylight. As a result of the extension being built, this room is now considerably darker. (BRE report 'site layout planning for daylight and sunlight – a guide to good practice 2nd edition 2011). The authority should satisfy themselves that the scheme does not compromise either the VSC or ADF standards applicable, this is a requirement of CP4.

Massing / over-bearing nature

The increase in height and resultant massing of the structure is clearly overbearing on my client's property for the reasons expressed earlier.


I hope this letter is clear. In my professional opinion, the scheme does not represent a high standard of design as required by planning policy CP7, the key policy here, and as such is not in accordance with the development plan and should be refused. The impact on my client's property and the failure to comply with Policy CP4 compounds the fact that this is not a well-designed extension and amplifies the failure to comply with the development plan.

Yours sincerely

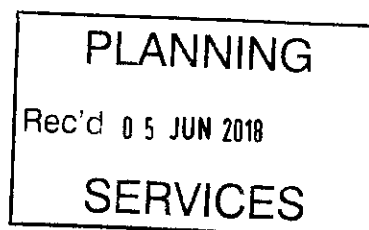


Mike Derbyshire BA (Hons) MRTPI
Head of Planning

Telephone 

3 June 2018 

Mr Ben Hawkes
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP



Dear Mr Hawkes

18/00934/FUL

It appears that once plans have been approved, quite a number of owners/developers take liberties to do as they wish instead of getting any new modifications approved before work commences.

This extension will have a visual impact on the area due to its height and size and there will be changes to the roof shape as well to accommodate what has been built without planning consent .

This has already happened in this vicinity a few years ago, where, once planning permission was granted, additions were made to the original plans (without consent) and Health and Safety laws were also ignored.

More properties are going to be developed in this locality very soon, so hopefully owners/developers will heed planning regulations from the outset.

Yours sincerely

