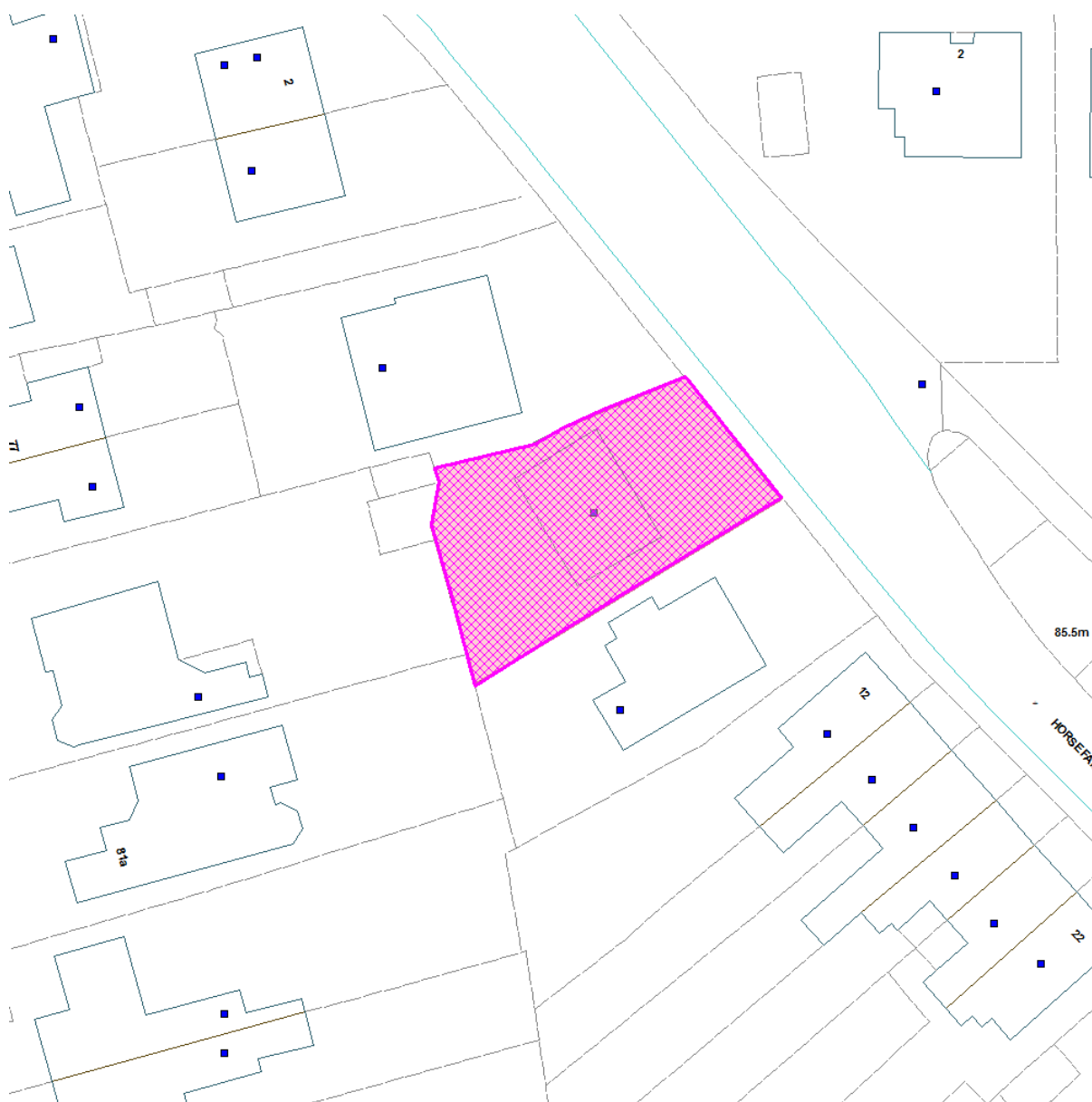


APPLICATION NO: 18/01403/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 13th July 2018		DATE OF EXPIRY: 7th September 2018
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr Scott	
AGENT:	RRA Architects Ltd	
LOCATION:	8 Horsefair Street, Charlton Kings, Cheltenham	
PROPOSAL:	Alterations and extensions including the creation of first floor accommodation	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 8 Horsefair Street is a bungalow located in the Charlton Kings area of Cheltenham. The bungalow was built in the early 1970s and is located just outside of the St Mary's (Charlton Kings) Conservation Area.
- 1.2 The proposed development involves building extensions to the bungalow as part of a general remodelling of the building to create a two-storey dwelling. The proposal also involves the creation of an off-street parking area in front of the property.
- 1.3 Cllr Paul McCloskey has requested that this application is determined by the planning committee for the following reason: *"After due consideration, I would still like this application to come to committee so that the Planning Committee can see the particular characteristics of this site. I'd also like them to have an opportunity to question the tree officer."*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
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  
GE 5 Protection and Replacement of Trees  
GE 6 Trees and Development

### **Adopted Joint Core Strategy (JCS) Policies**

SD4 Design Requirements  
SD10 Residential Development  
SD14 Health and Environmental Quality

### **Supplementary Planning Document (SPD)**

Residential Alterations and Extensions (2008)

### **National Guidance**

National Planning Policy Framework (NPPF)

## 4. CONSULTATIONS

### **Parish Council**

25th July 2018

No objection

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

### 5.1 Comments Received

Two neighbouring residents have expressed concerns about the proposed development. In particular, two main issues have been raised:

- Overlooking from rear dormer windows
- Impact the foundations of the extended dwelling would have on nearby trees

## 6. OFFICER COMMENTS

### 6.1 Design

- 6.2** The existing 1970s bungalow on site is considered not to be of any particular architectural merit, hence no objection is raised the proposed remodelling of the property. The proposed alterations to the bungalow consist of a single storey extension to the rear measuring 2.8 metres in length and an increasing of the roof height by 2 metres to allow a second storey to be created. Two dormer windows are proposed for the rear roof slope. The eaves height of the property would remain 2.5 metres but the pitch of the roof would become steeper changing from 30 degrees to 40 degrees.
- 6.3** Horsefair Street contains dwellings that vary in their age, size and architectural styles. The neighbouring properties either side of number 8 (number 6 and 10) are both bungalows but they are significantly different. Number 6 was built in the style of a chalet bungalow with a wide gable facing the road underneath which there are two symmetrical bay windows and pillars either side of the front door. Number 10 is similar to number 8 but it has been built with a hipped roof. The Conservation Area starts at the terrace of red brick two storey houses (12-22 Horsefair Street) which first appears on the 1903 Ordnance Survey.
- 6.4** The variation in the street scene creates an environment for the proposed modernisation of the bungalow to take place without being harmful to its surroundings. The increase in the roof height would not appear dominating in the street because the maximum roof height would still be roughly equal to the bungalows on either side. The increase in roof height is mitigated by the eaves height remaining the same, which helps to keep the scale and massing of the building to a modest level.
- 6.5** Four roof lights on the front roof slope add interest to this elevation and help to break up the roof. The two dormers on the rear roof slope achieve the same objective. Both the roof lights and dormers are contemporary in their design to match the style of the remodelling of the bungalow.
- 6.6** The floor area of the bungalow would be increased by extending 2.8 metres to the rear across the full width of the building (9.5 metres). This is considered to be a proportional enlargement of the building which would be permitted development if the roof height was not being raised.

**6.7** For these reasons, the overall design of the alterations and extensions to the dwelling is considered to be appropriate for this particular context. The proposal complies with the design guidance outlined in the Local Plan, JCS and NPPF.

#### **6.8 Impact on neighbouring living conditions**

**6.9** Concerns have been raised regarding loss of privacy and overlooking that would result from the proposed development and, in particular, from the two dormer windows proposed for the rear west-facing roof slope of the dwelling. The bungalow backs on to the houses along the eastern side of Cirencester Road; the rear boundary of the bungalow is a common boundary with 81 and 81a Cirencester Road.

**6.10** The dormer windows would face west towards the rear gardens of 81 and 81a Cirencester Road. The approximate distance between the enlarged dwelling at 8 Horsefair Street and the rear elevations of 81 and 81a Cirencester would be 21 metres. It is accepted it would be possible for residents of 8 Horsefair Street to see the rear gardens of their rear neighbours (and vice versa), but 21 metres is considered to be an acceptable rear-to-rear distance in order to retain mutual privacy for neighbouring properties that back onto each other, as advocated in paragraph 2.4 of the Council's Residential Alterations and Extensions SPD.

**6.11** The SPD also recommends that there should be a minimum 10.5-metre space from the window to the boundary. This is based on the premise that each dwelling would have a rear garden at least 10.5 metres in length meaning a total separation distance of 21 metres would be created ( $10.5+10.5=21$ ). However, houses and their garden sizes differ and it is rarely practical to maintain this equal ratio.

**6.12** In this case, the rearmost window of 81 Cirencester Road is 15 metres from its rear boundary. The rear windows of the enlarged dwelling at 8 Horsefair Street would be between 5 and 6.5 metres from the rear boundary (depending on which window because the boundary is at an angle). The fact that one window-to-boundary distance is less than 10.5 metres and the other is more than 10.5 metres does not automatically constitute an unacceptable relationship. The overall 21-metre separation distance is more important and this proposal would maintain this relationship. In an urban environment the ability to see a neighbour's garden is to be expected and this in itself does not constitute unacceptable privacy loss.

**6.13** In any case, it is noteworthy to highlight that the bungalow has not yet been extended, which means a 4-metre single storey extension and rear dormer windows could be added to this property under permitted development. Planning permission is required because the ridge height of the dwelling is being raised, which gives the local planning authority more control over the design of the proposal, but the principle of the enlargement of the floor area and the insertion of dormer windows are already established through the alterations that can be made under permitted development.

**6.14** In all other respects, the proposal would not cause any other harm to neighbouring living conditions in terms of loss of light or by having an overbearing impact. For these reasons, it is considered the proposal would be acceptable as it would not compromise residential amenity in the locality pursuant to Local Plan Policy CP4, JCS policies SD4 and SD14 and NPPF paragraph 127 f).

#### **6.15 Impact on trees**

**6.16** A neighbouring resident has raised concerns about the potential impact the construction of new foundations would have on the roots of the trees at the end of their garden.

**6.17** The trees in question are not protected by virtue of a Tree Protection Order (TPO) or by Section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas).

The trees are not visible from the public domain and they would therefore not typically be worthy of a TPO.

- 6.18** While there is a possibility that new foundations could disturb the roots of trees on neighbouring sites, this is considered not to be a reason to prevent development. In this particular case, as noted above, the applicant could build an extension under permitted development that protrudes further to the rear, and therefore closer, to the tree in question. This fall-back position is a significant material consideration in terms of the potential impact on neighbouring trees and in terms of the impact of the development more generally.
- 6.19** The Council's Tree Officer has inspected the tree in question and by their calculations, the foundations of the proposed development would only reach the very edge of the tree's root system (also known as the Root Protection Area or RPA). In the professional opinion of the Tree Officer, the minimal incursion into the RPA is unlikely to cause any significant damage to the tree's roots that would compromise its health.
- 6.20** Nevertheless, a condition has been added stating that any works taking place in the root protection area of the tree in question shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer. By observing this condition the applicant should avoid any potential situation in which they compromise the root system to the extent that the tree becomes unsafe, falls and causes property damage.

#### **6.21 Access and highway issues**

- 6.22** The topography of the site is such that the bungalow is situated above the level of Horsefair Street and the front garden is separated from the street by a drystone retaining wall approximately 1.7 metres in height. The proposal involves the removal of the retaining wall and the excavation of a large section of the front garden to create two off street parking spaces. A new retaining wall would be constructed as the main dwelling would still be on higher ground compared to the proposed parking area. 10 Horsefair Street already benefits from a similar parking arrangement.
- 6.23** The residents at 8 Horsefair Street currently rely on parking their cars on the street. Whilst there are no parking restrictions in force on this street and on-street parking can act as a traffic-calming measure, the proposed driveway would ultimately take cars off the road. This is considered to be an improvement on Horsefair Street which is narrow in places.
- 6.24** No on-site turning area would be possible meaning that cars would have to reverse off the drive onto the street. That is not a problem in this case because Horsefair Street is not a classified highway, so there is no need to require vehicles to exit the site in a forward gear.
- 6.25** The proposed creation of a driveway is considered not to be a risk to highway safety on Horsefair Street.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposed development is considered to be acceptable for the reasons outlined in this report.
- 7.2** The recommendation is therefore to permit the application, subject to the following conditions.

## 8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted 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 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).

- 4 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.