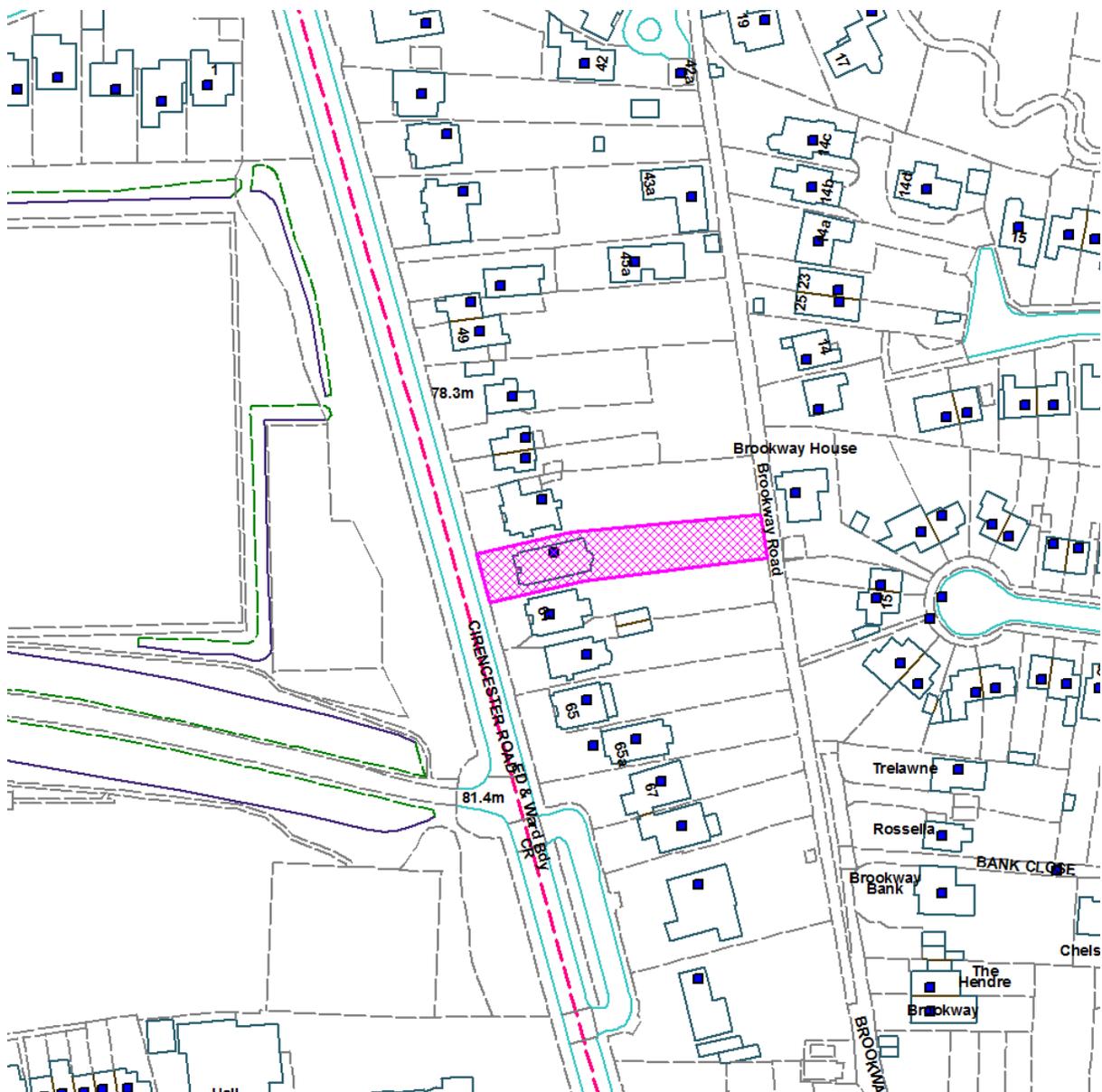


APPLICATION NO: 18/02297/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 13th November 2018		DATE OF EXPIRY: 8th January 2019
DATE VALIDATED: 13th November 2018		DATE OF SITE VISIT: 16th November 2018
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mrs A Freeman	
AGENT:	Paul Rogers	
LOCATION:	59 Cirencester Road, Charlton Kings, Cheltenham	
PROPOSAL:	Replacement dwelling	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 59 Cirencester Road is a chalet-style bungalow that was built in the 1930s. It is likely that the loft was converted at a later date. The dwelling is located to the east of the A435 (Cirencester Road) which runs on a north-south axis through the Charlton Kings area of Cheltenham.
- 1.2 The dwellings on either side of number 59 (numbers 57 and 61) were also built in the chalet bungalow style but the other dwellings on this side of the road range from semi-detached brick and render dwellings to detached two-storey dwellings. The land to the west of this section of Cirencester Road is occupied by St Edward's independent secondary school.
- 1.3 The proposed development would involve the demolition of the existing dwelling at the site and the construction of a replacement dwelling. The proposed dwelling would be built over three storeys including a partially subterranean basement storey.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

75/00191/PF 29th May 1975 PERMIT

Formation of Dropped Kerb for Vehicular Access onto a Classified Road

94/01037/PF 19th January 1995 REFUSE

Proposed Extension to Provide New Living Area and Gallery Above

95/00756/PF 19th October 1995 PERMIT

Single Storey Extension to Provide New Living Area

15/01942/FUL 29th December 2015 PERMIT

Erection of detached annex to provide living accommodation ancillary to main house

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATIONS

Parish Council

29th November 2018

The Committee do not object to the application, but note the concerns of neighbours regarding the loss of light to the end of their property to the north and request that an officer makes a site visit to make an assessment. In addition, while not a Planning matter, the Committee also note the neighbour's concerns about excavation in sand subsoil so close to their property. Given the age of the buildings the existing footings are likely to be shallow and easily undermined / disturbed. To that end, should the application be approved, we consider it essential that all due consideration is given as to how the proposed development is to be carried out without disturbing the adjacent properties prior to issuing Building Regulation Approval.

Building Control

16th November 2018

The maximum permitted amount of unprotected area within 1m of the boundary is 1m² (in relation to the porch on the side elevation).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	5
Number of objections	4
Number of supporting	1
General comment	0

5.1 Four objections have been received to the proposal and one letter of support. The objections focus on the following issues:

- Overbearing impact
- Light restriction
- Proposal is greater in size compared to the scheme refused in 1995
- Noise, dust and disturbance during construction
- Potential to intensify the use of the building into three flats
- Risk of subsidence

6. OFFICER COMMENTS

Principle of Development

6.1 Although the existing dwelling forms part of a small row of chalet-style bungalows, it is not architecturally significant in the context of the locality and the site is not located within a Conservation Area. The conversion of the loft has been poorly carried out and the staircase leading to the first floor is very steep (steeper than the maximum 42 degree pitch permissible by Part K of the building regulations). The staircase is located in an awkward

place within the kitchen and the internal layout was poorly designed around a narrow central hallway. The dwelling is not fit for modern living and reconfiguration would certainly be beneficial. For these reasons, no objection is raised to the proposed demolition of the dwelling.

- 6.2** The site is located within the Principal Urban Area (PUA) of Cheltenham where the principle of new residential development is supported by policies within the Local Plan and the JCS. The site is within close proximity to a wide range of day-to-day services such as shops, schools and employment opportunities. The site is therefore also considered to be a sustainable location for residential development in the context of the NPPF.

Design

- 6.3** The fact that a site is within the PUA of Cheltenham and is in a sustainable location is not enough for the proposal to be supported. The design, layout and relationship with other dwellings in the locality need to be suitable in order for such a development to be supported. The Council's Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document ("Infill SPD") is used for determining whether or not this type of development is appropriate.
- 6.4** Cirencester Road contains a mixture of house types including bungalows and two-storey dwellings either detached or semi-detached. The proposed replacement dwelling would have three storeys with one of these being below ground level as a basement. The topography of the site is such that the existing dwelling sits on a raised ground level above the level of the road. The section drawings show that excavation would be required to create the basement storey whilst keeping the eaves and ridge line of the main dwelling at a similar level to the neighbouring properties.
- 6.5** The replacement dwelling would still have a gable facing Cirencester Road in the same way as the existing dwelling and its two neighbours have. The eaves height would be approximately 200mm above the eaves of number 57 meaning the size and scale of the proposed development would be similar to what is in situ at the site currently. The footprint of the replacement dwelling would be similar to the existing dwelling as well.
- 6.6** The additional floor space for the proposed dwelling, when compared to the existing dwelling, would be created by the provision of the basement and additional first floor accommodation to the rear, where at the moment there is currently a single storey rear extension. No objections are raised to these additional areas of accommodation from a design or street scene impact point of view as they are not deemed to increase unacceptably the scale of the dwelling. However, these additional elements are discussed in further detail in terms of their impact on neighbouring living conditions in the following section of this report.
- 6.7** The replacement dwelling has been designed with an inverted dormer window on the northern roof slope. This is considered to be an intelligent architectural feature providing additional light whilst safeguarding against a potential overlooking issue. The proposed building materials are contemporary in nature with self-coloured render walls, metal-clad oriel windows, blue engineering brick for the basement section, interlocking slate roof tiles and solar panels.
- 6.8** The overall scale and design of the proposed dwelling is considered to be acceptable in principle and the proposal is compliant with the Council's Infill SPD and JCS policy SD4 (Design).

Impact on neighbouring properties

- 6.9** Concerns have been raised by neighbouring residents about the impact the development would have on their living conditions. Some of these concerns are addressed in a

separate section of this report below, but the principal planning considerations in terms of the amenity of neighbouring residents focus on the issues of light restriction and overbearing impact.

- 6.10** The replacement dwelling would be 300mm higher than the existing dwelling but it would also be positioned 300mm further to the south away from 57 Cirencester Road. These are considered to be marginal differences that would not materially change the relationship of the property with number 57 or number 61 Cirencester Road.
- 6.11** The most significant change would occur towards the rear of the property. The existing dwelling is built over two storeys except for the single storey rear extension that was added (ref: 95/00756/PF). The replacement dwelling would be built so that the footprint is approximately the same as the existing dwelling but (excluding the basement) it would all be over two storeys above ground. The impact is similar therefore to a proposal for a removal of the existing single storey extension and the construction of a two-storey rear extension. This is best illustrated on drawing 186.205 A which shows the outline of the existing dwelling overlaid with the proposed site section.
- 6.12** A two-storey rear extension was proposed at this property (ref: 94/01037/PF) before permission was granted for the single storey extension. It was recommended for approval by the case officer at the time but refused by the Planning Committee on 19 January 1995 for the following reason:
- The proposed extension, projecting five metres into the rear garden of the application site and likewise beyond the rear building line which is currently adhered to by neighbouring properties of similar design either side would have an overbearing effect on neighbouring residents, resulting in loss of light and privacy. The proposal is therefore contrary to policies GP4 and GP9 of the CBLP (DC 92).*
- 6.13** The additional first floor element that would be created by the proposed development would project 4.5 metres beyond the original rear elevation of the existing dwelling, which is similar to the five-metre projection proposed for the refused application mentioned above. It is acknowledged that the increased size of the replacement dwelling would be visible from neighbouring properties, but that does not in itself constitute an overbearing issue. The replacement dwelling would be set in 1.8 metres from the common boundary with number 57 and 1.5 metres from number 61. The fact that these properties are detached rather than semi-detached or terraced helps in this regard.
- 6.14** The two neighbouring properties at 57 and 61 are situated alongside number 59. The Building Research Establishment (BRE) 45 degree test is used in this situation to ascertain whether light restriction is likely to occur. The case officer has used this test and found that the larger replacement dwelling would not contravene the 45 degree test which is a strong indication that it would not cause unacceptable levels of light restriction into the habitable rooms of the neighbouring properties.
- 6.15** It has been argued that the BRE 25 degree test should be used by one objector, instead of the 45 degree test. However, this is used for new development that is situated opposite, rather than perpendicular to, a development site. A ground floor side window at number 57 fails the 25 degree test but this is already in situ and refusing the application would not remedy this situation.
- 6.16** It is acknowledged that the larger replacement dwelling would obstruct direct sunlight onto the rear patio of number 57 at certain times of the day in certain periods of the year as the sun moves around the sky, particularly in winter when the sun is lower in the sky. However, the replacement dwelling would not be significantly larger so that it would cause permanent overshadowing or total loss of ambient daylight to the rear gardens of either neighbouring property.

- 6.17** With regard to the previously refused application, it is important to highlight that policies mentioned in the refusal reason have long since been superseded and additional guidance including the Council's Infill SPD and the BRE guidance were not used in decision making at that time. There is no prescription in current Local Plan or JCS policies that the dwellings on this road (or anywhere else) have to maintain the same rear building line which was mentioned in the refusal reason.
- 6.18** The proposed dwelling includes first floor side windows in the form of rooflights which can sometimes cause issues with regard to overlooking. However, that is considered not to be an issue in this particular case because the rooflights on the south elevation facing number 61 are over a void to create light into the ground floor entrance area. The rooflights on the north elevation facing number 57 are also over a void and no vantage point to view out of them can be obtained from habitable parts of the dwelling.
- 6.19** When assessed against the relevant extant planning policies including Local Plan policy CP4, JCS policies SD4 and SD14 and the NPPF, it is considered that the proposed development would not cause unacceptable harm to the living conditions of the neighbouring properties.

Access and highway issues

- 6.20** The A435 (Cirencester Road) is a classified highway which means that any new dwellings accessed by such a road should provide a turning area so that vehicles can leave the site in a forward gear. However, considering that the site is already in residential use with no turning area, it is considered unreasonable to request a turning area in this situation.
- 6.21** It is considered that demolishing a dwelling and replacing it with another would have a neutral impact on the highway network in terms of vehicle movements to and from the site.

Other considerations

- 6.22** Concerns have been raised with regard to potential for subsidence occurring as a result of the proposed development. This is a potential problem with any building project and the safe construction of any development is managed by the enforcement of building regulations and, if necessary, the Party Wall Act, which are both separate from the planning process.
- 6.23** It is acknowledged that there would be a degree of disruption during the demolition and construction phases of the proposed development. Once again, this is a potential problem with any residential extension or renovation project. Condition 6 of the planning permission, should it be granted, requests a construction/demolition management plan to be submitted prior to development commencing so that all necessary steps can be taken to minimise the impact on neighbouring residents during demolition and construction.
- 6.24** The potential for the replacement dwelling to be subsequently converted into three flats has been raised as an issue. However, this would require separate planning permission in its own right and does not form part of this proposal.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined in this report, the proposed development is considered to be acceptable and the recommendation is 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.

The details of which shall have first 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 saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 The design and profile of all new windows (including cills, heads and reveals, materials, finish and colour) shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The windows shall thereafter be retained in accordance with the approved details at all times.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 6 Prior to the commencement of development, a demolition and/or construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The demolition and/or construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition and/or construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

