

APPLICATION NO: 19/01298/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 3rd July 2019		DATE OF EXPIRY: 28th August 2019
DATE VALIDATED: 3rd July 2019		DATE OF SITE VISIT: 22nd July 2019
WARD: Park		PARISH: n/a
APPLICANT:	Mr And Mrs Padmore	
AGENT:	RRA Architects	
LOCATION:	26 Hatherley Court Road, Cheltenham	
PROPOSAL:	Demolition of rear conservatory and construction of front and rear extensions along with internal alterations and loft conversion.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located on Hatherley Court Road. The dwelling is sited back from the road and has a detached double garage to the front of the property. The application site is sited within the Dean Close & Hatherley Park Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the removal of an existing conservatory and construction of front and rear extensions along with internal alterations and loft conversion.
- 1.3 The application is at planning committee at the request of both Councillor Barrell and Councillor Harman for the following reasons;
 - overbearing and visual impact on neighbouring resident,
 - loss of privacy and amenity for neighbouring residents,
 - loss of garden and green space in the conservation area,
 - contrary to policy CP7; development would not complement and respect neighbouring development and character of the area,
 - not subservient,
 - impact on Hatherley Court Gardens.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Associations

Relevant Planning History:

84/00264/PF 28th June 1984 REF

Erection Of 4 No Detached Dwellings And Lay-Out Of Informal Open Space
Appeal Dismissed

96/00020/PF 22nd February 1996 PER

Creation Of Public Parklands And 8 No. 2 Storey Residential Properties

96/00929/PF 12th December 1996 PER

(No. 26) Erection Of Conservatory

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Saved Local Plan Policies

BE 1 Open space in conservation areas
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: Dean Close & Hatherley Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Building Control

4th July 2019

The extensions, internal alterations and loft conversion will require Building Regulations approval.

Environmental Health

26th July 2019

I have no adverse comments to make regarding this application for the demolition of rear conservatory and construction of front and rear extensions along with internal alterations and loft conversion at 26 Hatherley Court Road, Cheltenham. I would recommend the following condition be attached to any approved permission:

'During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs - 18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Gloucestershire Centre For Environmental Records

30th July 2019

Biodiversity report available to view.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to five neighbouring properties, a site notice was displayed near the application site and an advert has been placed in the Gloucestershire Echo; four responses have been received, all of which object to the proposal.
- 5.2 The main concerns raised include but are not limited to the following;
- large in scale and not subservient to host dwelling,
 - not in-keeping with other properties on the road in terms of design,
 - fails to enhance or respect the local environment,
 - the extensions would result in a dominant property that would stand out,
 - loss of privacy,
 - loss of light,
 - loss/reduction of garden/private amenity space within the conservation area,

- impact on Hatherley Court and Hatherley Court Gardens,
- overbearing,
- loss of a gap between properties.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations as part of this application are the design, the impact on the conservation area and the impact on neighbouring amenity.

6.3 Design

6.4 Paragraph 124 of the NPPF requires development to be well designed; a key aspect to achieving sustainable development and creates better places in which to live. Paragraph 127 of the NPPF sets out that planning decisions should ensure development is visually attractive is sympathetic to local character and history and add to the overall quality of the area. Drawing from this, policy SD4 of the JCS and saved Local Plan policy CP7 require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.5 The council's adopted Supplementary Planning Document: Residential Alterations and Extensions (2008) sets out five main design principles including maintaining character and achieving subservience. The document states that an extension should not dominate or detract from the parent dwelling, but play a supporting role.

6.6 The proposed two storey rear extension would project 3.2 metres beyond the rear elevation of the original building and extend the full width of the property. The extension would have two projecting gables and a new rear dormer between to facilitate the proposed loft conversion. The extension is considered to be relatively large in scale however it is considered to sit comfortably within the reasonably sized plot.

6.7 The aforementioned SPD refers to subservience and sets out that to achieve subservience an extension should be no higher than the original and normally be set back, however given the extension is to the rear it could not be set back. The extension would result in the original rear elevation of the dwelling covered in an extension, however part of the original rear roof slope would still be visible. In this instance as the property is detached, and the extension is to the rear and the property is proposed to be remodelled is considered to be appropriate.

6.8 A concern has been raised in regards to the extension resulting in a loss of a gap between properties. The extension is to the rear and whilst views of the extension will be seen from Hatherley Court Road when viewed at an angle, the gap between the properties would not be reduced. There are therefore no concerns that there would be an unacceptable loss of a gap and resultant 'terracing effect' as a result of the proposed rear extension.

6.9 The application proposes alterations to the front elevation including; an increase in the width of the two storey front element by 1.3 metres, relocation of the front door and new porch. Concern has been raised that as a result of the proposed front extensions and alterations there would be an impact on the existing street scene. There is a wide variation of house types, use of materials and architectural styles on Hatherley Court Road; as such whilst the property would change visually, the change is not considered to harm the existing street scene given the variety of properties in the area.

- 6.10 To the rear (north east) of the site is the grade II listed Hatherley Court, concerns from local residents has been raised in regards to the impact of the extension on this building. The two storey element of the scheme is 39 metres from the listed building and the eastern boundary is heavily screened therefore views to the extension would be limited. As such, it is not considered that there would be any harm to the setting of the listed building.
- 6.11 The dwelling sits in a generously sized plot and has a good sized rear garden. The two storey element of the extension would project 300mm beyond the existing conservatory on site, however the single storey element should project a further 2.6 metres. Local Plan policy BE1 states that 'development in a conservation area will only be permitted where it does not detract from the green or open character of the area'. It is considered that the proposed extensions would not result in a harmful loss of greenspace within the conservation area given the small increase in ground coverage in comparison to the existing as a result of the extensions.
- 6.12 As such, it is considered that the proposed two storey and single storey rear extensions and front extension/alterations is considered to be of an appropriate design that would not result in harm to the conservation and therefore complies with the relevant design policies and guidance.
- 6.13 Impact on neighbouring property**
- 6.14 Paragraph 127 of the NPPF requires development to achieve a high standard of amenity for existing and future users. Policy SD14 and saved Local Plan policy CP4 require development not to cause an unacceptable harm to the amenity of adjoining land users and the locality.
- 6.15 Letters have been sent to neighbouring properties, four objections have been received. The main concerns raised have been set out in section 5.
- 6.16 A visit to the application site has been carried out and the impact in neighbouring amenity has been assessed. An initial concern was raised in regards to the initially submitted plans which showed a first floor roof terrace above the single storey rear extension which would result in unacceptable overlooking. This element of the scheme has since been removed and the proposal no longer includes a roof terrace.
- 6.17 The relevant light test has been carried out on the adjoining neighbouring property, no. 27 Hatherley Court Road. The 45 degree light test carried out on the two storey rear extension to assess the impact on no. 27 passes and therefore it is considered that as a result of the proposed two storey rear extension there would not be an unacceptable loss of light to the neighbouring property.
- 6.18 Another concern has been raised by a neighbouring resident in terms of an overbearing impact. Whilst it is appreciated that the extension will be noticed by no. 27, it is considered that the impact would not be unacceptable to a level that would warrant a refusal of planning permission. In addition, it is worth noting the scale of an extension which can be built without the need for planning permission. The General Permitted Development Order sets out that a two storey rear extension can be considered as permitted development given that it achieves 7 metres to the rear boundary, is not set within 2 metres of the boundary of the site and does not project more than 3 metres from the original rear elevation. In this instance, the property would not fit within the limits of permitted development given that it is within a conservation area; however it is worth being mindful of the scale of development that could be built.
- 6.19 Based on the above, the proposed extension would not result in an unacceptable impact on neighbouring amenity and therefore is considered to be acceptable in terms of the relevant planning policies and guidance.

6.20 Environmental impact

- 6.21 Whilst records show important species have been sighted near to the application site between 2009 and 2015, it is considered that the scale of the proposed development will not result in a harmful impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Based on the above, whilst neighbour comments have been fully considered it is considered that the proposal is in accordance with the relevant policies and guidance in terms of achieving an appropriate standard of design and would not result in an unacceptable impact on the existing amenity of adjoining land users.
- 7.2 The recommendation is to therefore permit this application, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 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.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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, the authority sought revisions to the design to overcome concerns relating to impact on neighbouring amenity; following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is advised that during the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:

Monday-Friday 07:30hrs - 18:00hrs,
Saturday 08.00hrs - 13:00hrs,
nor at any time on Sundays, Bank or Public Holidays.