

APPLICATION NO: 19/02213/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 7th November 2019		DATE OF EXPIRY: 2nd January 2020
DATE VALIDATED: 7th November 2019		DATE OF SITE VISIT: Various dates
WARD: Park		PARISH: n/a
APPLICANT:	Mr D Richardson	
AGENT:	Coombes Everitt Architects Limited	
LOCATION:	1 Bath Mews, Commercial Street, Cheltenham	
PROPOSAL:	Rooftop extensions to 1 and 2 Bath Mews (revised scheme)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on an offshoot of Commercial Street within the Bath Road character area of the Central Conservation Area, and the Principal Urban Area.
- 1.2 The site comprises a pair of modern semi-detached dwellings completed in 2008 following the grant of planning permission ref. 06/01557/FUL. Formerly, the site formed part of the rear garden area to Fountain Cottage to the southeast.
- 1.3 The site also sits to the southwest of terraced housing in Victoria Retreat, northeast of the Bath Terrace car park and a property called The Garden House, and south east of properties in Commercial Street.
- 1.4 The existing dwellings are two storeys in height with flat roofs. This application is seeking planning permission for the provision of pitched roof to the properties to provide additional living accommodation within the roof space.
- 1.5 The application proposes a revised scheme following the withdrawal of a previous scheme prior to determination.
- 1.6 The application is before the planning committee at the request of Cllr Barrell and Cllr Harman due to the concerns of local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

06/01557/FUL	PERMIT	7th December 2006
Erection of pair of semi-detached, 2 bedroom houses in garden		
19/00225/FUL	WITHDRAWN	11th April 2019
Rooftop extensions to 1 and 2 Bath Mews		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 4 Decision-making
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

4. CONSULTEE RESPONSES

Gloucestershire Centre for Environmental Records

19th November 2019

Report available to view on line.

Building Control

8th November 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 27 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, objections have been received from eight local residents; an additional neutral comment has also been received. The comments have been circulated in full to Members but, in brief, the objections are:

- The height and bulk of the buildings would be overbearing and overly dominant
- Any increase in height will have an adverse effect on the residents of Victoria Retreat
- Further obstruction to light and thoughtless design
- This is a heavily populated area and our back lane cannot cope with heavy duty vehicles and vehicles blocking our access
- Unacceptable loss of light from overshadowing; and privacy from overlooking
- Detrimental impact on conservation area
- Disruption during construction in terms of noise and access
- May set a dangerous precedent of upward construction
- Proposed upward extension is not being in keeping with surrounding buildings
- There appears to be a viewing area/balcony which would affect privacy

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design and impact on the historic environment; and neighbouring amenity.

6.2 Design and impact on the historic environment

6.2.1 Saved LP policy CP7 requires extensions and alterations to existing buildings to avoid causing harm to the architectural integrity of the building, and the unacceptable of erosion of open space around the building; all new development is required to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Additionally, with particular regard to development within the historic environment, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement is reflected in JCS policy SD8.

6.2.3 There is a wide variety of buildings within the vicinity of the site, in terms of their form, scale and appearance, and this is particularly evident from the nearby Bath Terrace car park. As such, the proposals are considered to be wholly appropriate to these modern dwellings. The application proposes the use of a standing seam metal, mansard roof with rendered parapet gables; a contemporary interpretation of the more traditional roof forms found within the locality. For this reason, officers are satisfied that the character and appearance of the existing building, and the wider conservation area, would at least be retained, if not enhanced.

6.2.4 Notwithstanding the above, the NPPF at paragraph 18(e) sets out that decisions on planning applications should *“support opportunities to use the airspace above existing residential and commercial premises...and should allow upward extensions...consistent with the prevailing height and form of neighbouring properties”*. In this instance, the proposed development, if approved, would generally be more consistent with neighbouring developments in that the majority of buildings, whilst varying in height, have pitched roofs with gables.

6.3 Neighbouring amenity

6.3.1 Saved LP policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality. The policy is consistent with advice set out within adopted JCS policy SD14 and paragraph 127 of the NPPF.

6.3.2 It is acknowledged that there are a number of residential properties in Victoria Retreat that have the potential to be adversely affected by the proposed development; however, officers are satisfied that any impact on these properties would not be so great as to warrant a refusal on amenity grounds that could be reasonably upheld at appeal. All development in densely built up areas such as this is likely to have some impact on neighbouring land users.

6.3.3 The properties that would be most affected by the proposals are nos. 9, 10, 11 and 12 Victoria Retreat as their rear elevations are located directly opposite the application site, to the northeast. However, it is the proximity of these dwellings that in many respects is advantageous to the applicant, as the close proximity, and relatively shallow 25° pitch of the roof, would actually reduce views of the new roof extension; and therefore officers are satisfied that existing levels of daylight and/or outlook would be not be significantly harmed.

6.3.4 The main eaves height of the building fronting the properties in Victoria Terrace would be unchanged and the new mansard type roof would be set back 600mm from the principle elevation.

6.3.5 Moreover, whilst the concerns of local residents have been duly noted, the proposals would not result in any loss of privacy or overlooking. The glazing to the front elevation facing the rear of properties in Victoria Terrace would serve the stairwells and is annotated to be obscured; this can be controlled by way of condition. An additional condition can be imposed to ensure that the roof lights in this elevation are set no lower than 1.7 metres from the internal floor level.

6.3.6 To the rear, the proposed glazing would be located in the internal elevations only and would provide access to a small terrace which would only allow views over the car park. The extent of the terrace would be limited by a glazed balustrade; and, again, this

could be controlled by way of a suitably worded condition. All new glazing to the side elevations has been omitted in this revised scheme.

6.3.7 Overall, officers consider that this revised scheme is a more respectful addition to the building and should be supported.

6.4 Other matters

6.4.1 The granting of planning permission on this site would not set a precedent allowing upward construction and, in any case, this is not a material consideration in the determination of this application; each application must be determined on its own merits and in accordance with the development plan. That being said, it must be recognised that the NPPF supports opportunities to extend buildings upwards.

6.4.2 In any location, some noise and disruption during construction works is inevitable and is not a reason to withhold planning permission; however, an informative has been attached advising the applicant/developer of the recommended hours of work which are: Monday to Friday 7.30am to 6pm and Saturday 8am to 1pm, with no works taking place on Sundays, bank and/or public holidays.

6.5 Conclusion and recommendation

6.5.1 For the reasons set out above, the proposed development is considered to be in accordance with relevant national and local planning policy, and the recommendation therefore is to grant planning permission subject to the following conditions:

7. 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) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), in accordance with approved Drawing No. 18.20.003 PL006E, the windows to the front elevation (to Commercial Street) shall at all times be glazed with obscure glass, to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), the bottom the roof lights to the front elevation (to Commercial Street) shall be not less than 1.7 metres from the internal floor level.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and/or openings shall be formed in the building, or other external alteration made, without the prior grant of planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 6 The flat roof areas of the building shall not be used as a balcony, roof garden or other external amenity area at any time, other than the area clearly shown as a terrace on approved Drawing No. 18.20.003 PL005B. Access to other areas of flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant/developer is advised that the recommended hours for construction work are: Monday to Friday 7.30am to 6pm and Saturday 8am to 1pm, with no works taking place on Sundays, bank and/or public holidays.