

<b>APPLICATION NO:</b> 19/02213/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 7th November 2019		<b>DATE OF EXPIRY :</b> 2nd January 2020	
<b>WARD:</b> Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr D Richardson		
<b>LOCATION:</b>	1 Bath Mews, Commercial Street, Cheltenham		
<b>PROPOSAL:</b>	Rooftop extensions to 1 and 2 Bath Mews (revised scheme)		

## REPRESENTATIONS

Number of contributors	<b>9</b>
Number of objections	<b>8</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

29 Bath Street  
Cheltenham  
Gloucestershire  
GL50 1YA

**Comments:** 2nd December 2019  
Letter attached.

7 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 27th November 2019

As a near neighbour of this property I am objecting to the proposed upward extension due to it not being in keeping with the surrounding buildings. I like the modern style, in amongst the older buildings, but an extra storey would create a different type of building that is not really in keeping with the others around it. The access lane to these properties is amongst the narrowest in Cheltenham, making the houses very close to their neighbours and an extra storey would make them even more out of proportion.

13 Commercial Street  
Cheltenham  
Gloucestershire  
GL50 2AU

**Comments:** 25th November 2019

Having viewed the above plan, we still find the proposals totally unacceptable for the following reasons.

1. The height and bulk of the buildings would be overbearing and overly dominant in such a confined space and immediately adjacent to predominantly small and low-rise terraced housing.
2. The original application to build the two houses reference 06/01557FUL Fountain Cottage was approved even though it was somewhat in breach of the light standard particularly with regard to 11 Victoria Retreat. The officer's report states that "The proposed houses will not significantly reduce daylight and sunlight to the occupants of neighbouring properties in Victoria Retreat; the 25 degree light test is passed for all the houses in Victoria Retreat except for the closest house, number 11, where there is a slight breach of the standard. It is considered that this is acceptable. As for the new buildings being harmful to the outlook from those properties the proposed buildings are only some 5.5 m tall and do not over-dominate the locality."

From comments made on your website it is clear that these proposals were and are not acceptable and that residents have been adversely affected already by the original Fountain Cottage application. Any increase in height will have an adverse effect on the residents of Victoria Retreat in particular and on the wider community in general. If the light standard has already been breached, increased height will only worsen the situation.

We strongly object to this proposal.

6 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 2nd December 2019

I would like to object to this application on the following grounds:

- 1) the development might cause a loss of natural light to the rear of our property - this is the only natural light that our property has due to the close proximity of the buildings to the front
- 2) there appears to be a viewing area/balcony in the development which would significantly affect our privacy
- 3) the height of the proposed development sets a dangerous precedence for the future of the area.

12 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 19th November 2019

I object strongly to this further obstruction to light and thoughtless design. The existing property is poorly kept and already too tall and impacts on our whole rear view.

The last request was denied for good reason and I am distressed that the application has been resubmitted.

This is a heavily populated area and our back lane can not cope with heavy duty vehicles and vehicles blocking our access.

11 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 18th November 2019

I own number 11 Victoria Retreat which is directly behind/below the 1 and 2 Bath Mews, and I strongly object to this development.

My reasoning takes the same stance as in my objection to the first proposal which is the fact that I will lose an unacceptable amount of light from overshadowing; and privacy from overlooking.

The existing building already blocks out a considerable amount of light, particularly in the winter months when light is much needed for wellbeing within my property. In 2006 the original build proposal was passed even though the maximum obstruction angle to my rear windows was breached by 20% beyond normal maximum allowance. This new proposal will be 32% beyond maximum obstruction angle and will block out even more light to my property.

This is simply unacceptable, and there should be no principle to over-ride protections to Amenity, in particular where the development in question has already taken a substantial slice my Amenity. Why should I suffer harm and denigration to living conditions in order for there to be financial gain for another. Furthermore, I will not be the only property to suffer, as my closest neighbours will also be affected by this development.

In addition, I am also concerned with overlooking as the rear skylights (and 'obscured' glass) will overlook my property entirely and will take away considerable privacy.

I consider myself a reasonable person when it comes to progression and development, however I also need to protect my personal wellbeing and my rights as a member of the community.

10 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 27th November 2019

I'd like to question if an additional third story is allowed in this conservation area.

Any extra height on this side of the building is not welcome due to loss of light.

9 Victoria Retreat  
Cheltenham  
Gloucestershire  
GL50 2XP

**Comments:** 18th November 2019

I am the owner of 9 Victoria Retreat. A key factor in the purchase was the bright south facing garden and the conservatory at the rear of the property. The front of the property is overlooked due to the close proximity of our neighbours, so it is important for us to have the space and light the rear of the house provides.

The legal system recognises the value of natural light and our "Right to Light". Adding a third floor to a building that already restricts our light would further reduce the amount of light into our garden and dining area. In winter, when the Sun is much lower in the sky, the third floor would actually block out natural light into all of our rooms at the rear of our property, including our second floor. As a health practitioner I understand the importance of natural light to wellbeing especially in the winter months.

The site is a conservation area and most of the surrounding properties are two stories. The Bath Mews properties are already at a higher street level than the surrounding properties so any rooftop extension would have an even greater detrimental impact.

Due to the density of the buildings in the area, neighbours' respect of each other's space helps create a harmonious community. I believe this proposal is disrespectful and has a negative impact on the living space of so many people. It is not a necessary development and is motivated by greed over a sense of community.

The proposed development is overbearing, out of scale and out of character in terms of existing developments in the vicinity. Additionally, I am concerned it may set a dangerous precedent of upward construction that would be harmful to the area.

The Bath Mews properties are located in a narrow private road used by the residents. Therefore any building work will have a negative impact in terms of noise and access to not only the residents but also the wider community. Personally, we will not have vehicular access to the rear of our property which is essential at times.

**Comments:** 28th November 2019

I would like to add to my previous comments by saying that if this proposal is passed I am concerned that future proposals, or alterations to the submitted plans, for this building will be easier to pass planning approval.

12 Commercial Street  
Cheltenham  
Gloucestershire  
GL50 2AU

**Comments:** 28th November 2019

The purpose of this comment is to object to the planning application -

We are directly affected by the application, it will overlook our garden to a considerable extent.

We consider that the development would have an adverse effect on the residential amenity of neighbours, by reason of the following (among other factors):

1. Overshadowing
2. Overlooking or loss of privacy
3. Adequate parking and servicing
4. Overbearing nature of proposal
5. Design, appearance and visual impact
6. Layout and density of buildings
7. Effect on listed buildings and conservation areas and character of neighbourhood
8. Access or highways safety and traffic generation
9. Visual amenity including public
10. Risk of creating a precedent

1. Overshadowing

The development will overshadow nearby properties to an unreasonable and detrimental extent.

2. Overlooking or loss of privacy

The application, if allowed, will result in overlooking and loss of privacy of neighbouring properties. In particular, our residential home will be affected. The entirety of our garden and back of our house (which is largely glass at ground floor level) will be overlooked. The loss of privacy will be extreme, the design proposed includes a lot of glass which essentially will be a viewing deck for our property. The infringement of our privacy will be unquestionably compromised.

Other neighbouring properties will suffer to similar and lesser degrees and as such the application should not be allowed.

The application access and design statement states that: Local Building Types and Context The surrounding buildings are generally two and three storey properties with render walls and often parapets with either flat or slate roofs.

This is not an accurate representation. The vast majority are 2 storey only. I would suggest that an inspection by the committee is essential in demonstrating this.

3. Adequate parking and servicing

The development would increase density of population that would have a negative impact on the availability of parking, which is already at a premium and oversubscribed. Pressure on parking facilities and associated services would be saturated if the development is approved.

4. Overbearing nature of proposal

The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

5. Design, appearance and visual impact

The visual impact of the development would be detrimental to the skyline and is not in keeping with the 2 storey properties in the vicinity.

The proposed glass structures will act as an observatory for neighbouring properties which is entirely unacceptable.

The access and design statement states: Glazing is generally restricted to roof lights and inward facing elevations, with obscured glazing of [sic.] the stairwell circulation space

I would suggest it is entirely inappropriate for any glass to be clear. It must be obscured at a significant level to protect neighbours' privacy. Otherwise, we will effectively be living in a fishbowl being overlooked.

#### 6. Layout and density of buildings

An additional residential level is increasing density of the buildings that is out of place in the vicinity.

#### 7. Effect on listed buildings and conservation areas and character of neighbourhood

The site is a conservation area and allowing the application would have an adverse effect on the character and appearance of the same. The current skyline includes that of steeples, listed buildings and trees. New buildings, extensions and alterations must preserve or enhance the appearance of the conservation area; this application does not meet these criteria.

The area is near Listed Buildings, and the development would have an adverse effect on the setting of those.

#### 8. Access or highways safety and traffic generation

The development would adversely affect highway safety or the convenience of road users: further residential developments add to the density of population and the car park; highway safety would be negatively impacted. Increased occupancy of residential premises will also contribute to traffic generation.

#### 9. Noise and disturbance from the proposed development

It is unclear from the plans whether any of the extensive glass panels included in the design will open to provide access to the exterior of the building (roof top garden, for example). If that is the intention, then noise pollution must be considered. Having living space at height and in the environment whether there is very little buffer for noise, as the building will be of unprecedented height on this side of the car park the noise will travel and cause disturbance to neighbours.

#### 10. Visual amenity - including public amenity

The three-storey development would adversely affect the enjoyment of a view. From a personal perspective, the view from our garden and kitchen. The blue-sky aspect is an important part of the residential amenity of our home, 12 Commercial Street, and that of neighbouring properties. Loss of these views will therefore have an adverse impact on the residential amenity of those properties.

The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

There is also the consideration of the loss of a view from a public viewpoint; pedestrians walking through the busy car park and we submit it would have a wider impact on a neighbourhood. These important matters should ought to be considered by the Planning authority.

#### 11. Risk of creating a precedent

This development if permitted would set a dangerous precedent that would lead to a pattern of development not sustainable.

Simply put, the design is out of place and the proposal will have a significant negative impact on neighbouring residences. We invite the planning authority to reject the application. I note that this is the second bite at the cherry for the applicant, with their previous application withdrawn. There is no improvement from the first and my concerns remain live and I invite the planning committee to reject the application.

#### **Comments:** 5th December 2019

The purpose of this comment is by way of update my previous submission. I have now had the benefit of meeting with the Planning officers, who attended our address by way of site visit. During this meeting I viewed the revised plans in full. The application is a considerable and substantial improvement to the previous scheme - for which my previous comments stand.

My view remains that it would be preferable to have a clear skyline; the development may have an adverse impact on light to our premises.

However, it is clear that a lot of thought has gone into the new plans and on balance they look reasonable from the perspective of our address. For that reason I would be grateful if my comment can be noted as neutral.

As far as it is relevant, my position would be different if I were a resident of Victoria Retreat.

Miss Michael Payne  
Cheltenham Planning

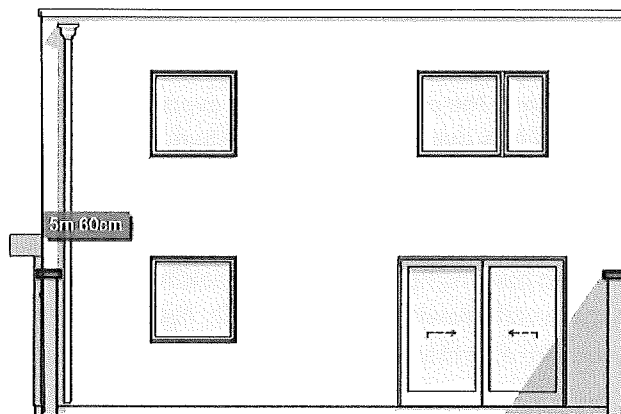
29 Bath Terrace  
Cheltenham  
GL50 6AL

**19/02213/FUL Objection**

Friday, 29 November 2019

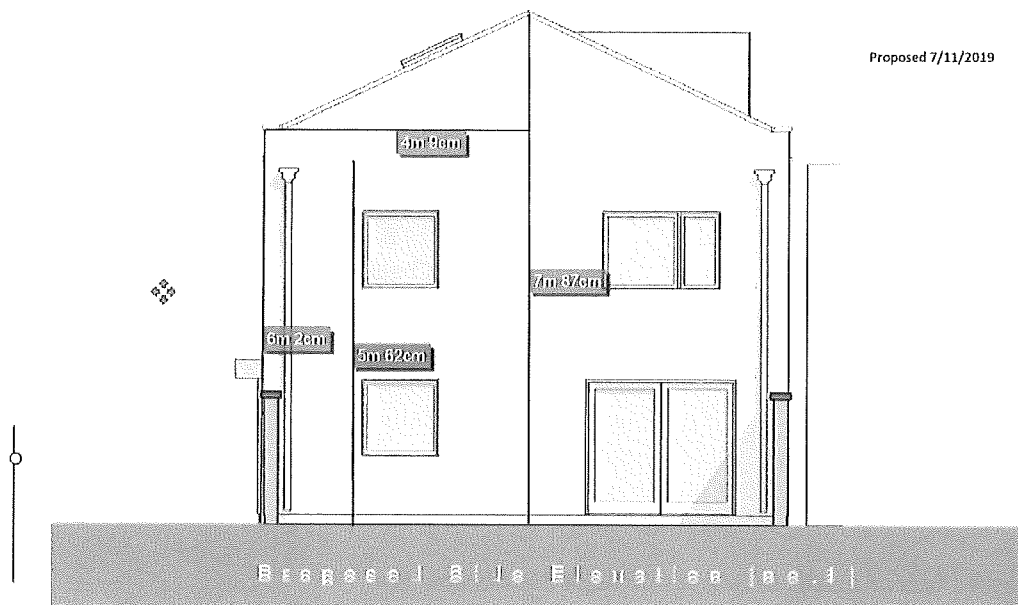
I have been asked to look at this proposal. I do hope it is not too late.

The roof top extension is back in a new form but with the same devastating outcomes [1 and 2 Coach House Mews] as the previous withdrawn proposal



Existing Side Elevation (no.2)





In first instance the nearest front elevation of the proposal is higher than existing by at least 400mm. **Overall height increase is 2.2 mtrs.** So there will be further unacceptable overshadowing and loss of light to various houses, in particular no's 9, 11 and 12 Victoria Retreat. The D and A statement only attempts to address "overlooking" and "building form". The D and A **does not address loss of light.**

#### Adverse affect on 9 Victoria Retreat

The existing building overshadows no 9. The proposal increases overshadowing to the nearest ground floor window and introduces new overshadowing to the Sun Room.

Some facts:

- The existing building height is 28% beyond the maximum obstruction angle [25°].
- New proposal now wants to build higher; 44% beyond maximum obstruction angle.
- Notwithstanding present overshadowing is unacceptable, Applicant wants to increase harm to Amenity of neighbour with a further 12% loss of light to the nearest ground floor rear window.
- But that is not the end of it.
- **The block site plans are not accurate and do not offer a fair reflection of the built structure of the rear of the Houses in Victoria Retreat.** In particular, no 9 has a "Sun Room", nominally a conservatory. This is habitable living space. With the imposition of further overshadowing, at least 30% of the glass roof will fall foul of the maximum 25 degree and the rear facing window will lose 100%. Whichever way you spin it, **the Sun Room will lose >55% of its present light.**
- Presently this Sun Room is not overshadowed.
- What is proposed is extreme, to say the least.

## Adverse affect on 11 Victoria Retreat

Direct quotation from Officers Report 06/01557/FUL

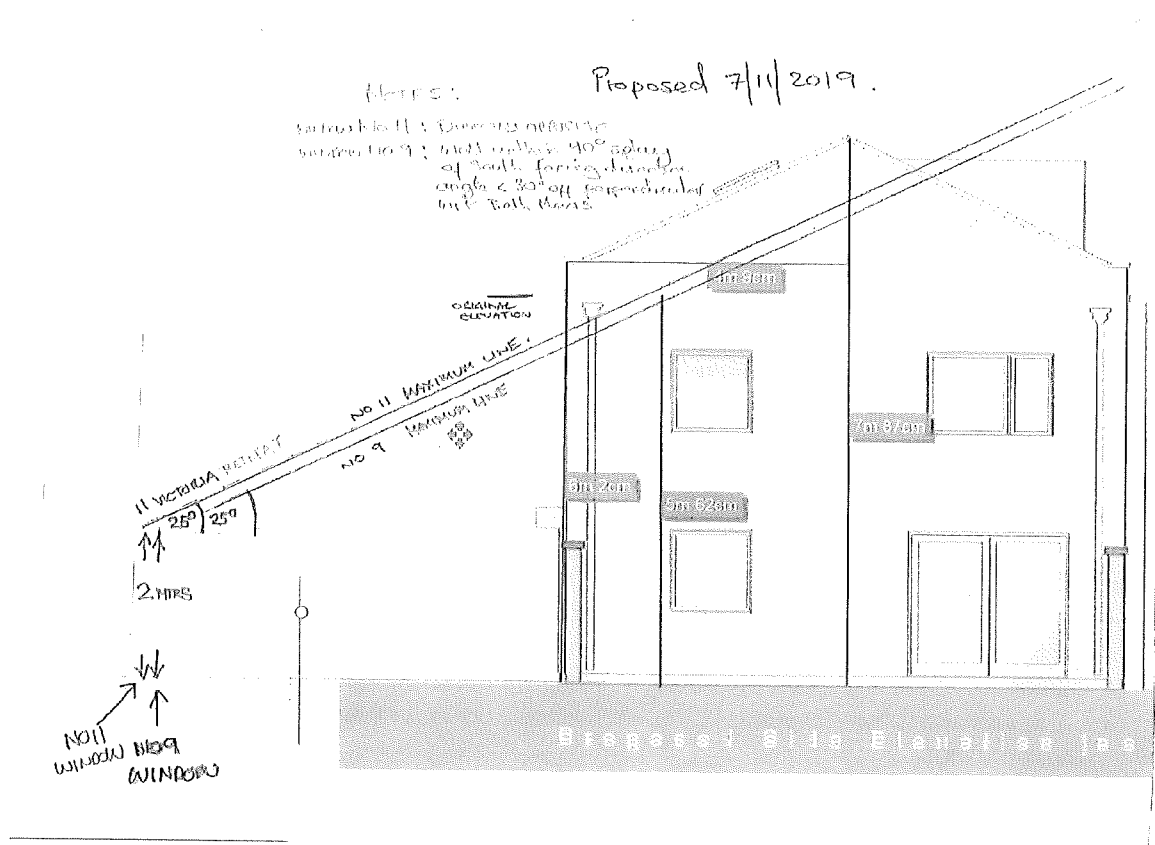
*“the 25° light test is passed for all the houses in Victoria Retreat except for the closest house, number 11, where there is a slight breach of the standard. It is considered that this is acceptable. As for the new buildings being harmful to the outlook from those properties the proposed buildings are only some 5.5m tall and do not over-dominate the locality”*

Aside from the fact the 25° is also breached for 9 Victoria Retreat in the buildings present form, the new proposals further increase height and so increase overshadowing and light loss. How is this to be judged an “acceptable loss”?

Some facts:

- The original build [06/01557/FUL], in respect of loss of light to rear ground window of 11 Victoria Terrace, is 20% beyond maximum obstruction angle [25°]. *“slight breach of the standard”* is likely a subjective position taken in 2006. It is a significant breach.
- This was and is “unacceptable” by all normal measure, yet Planning deemed this “acceptable loss” in 2006.
- New proposal now wants to build up 32% beyond max obstruction angle.
- Notwithstanding present overshadowing is unacceptable, Applicant wants to increase harm to Amenity of neighbour with a further 10% loss of light to the window that had already forcibly “donated” in 2006.
- The nearest front elevation **increases from 5.5 mtrs to 6 mtrs in height.**
- The over-all elevation **increases to 7.9 mtrs.**

The maximum obstruction angle was breached in 2006. It is now proposed to go even further? There should be no “principle” to over-ride protections of Amenity, in particular where the development in question has already taken a substantial slice of that neighbour Amenity. If Planning permits this further harm to neighbour Amenity, are they then subscribing to some new Principle where neighbouring dwellings must suffer harm and denigration to living conditions, in order for there to be a financial gain for another?



**Fig A:** New proposal further exceeds maximum obstruction angle for both 9 and 11 Victoria Retreat, to the nearest rear ground floor windows.

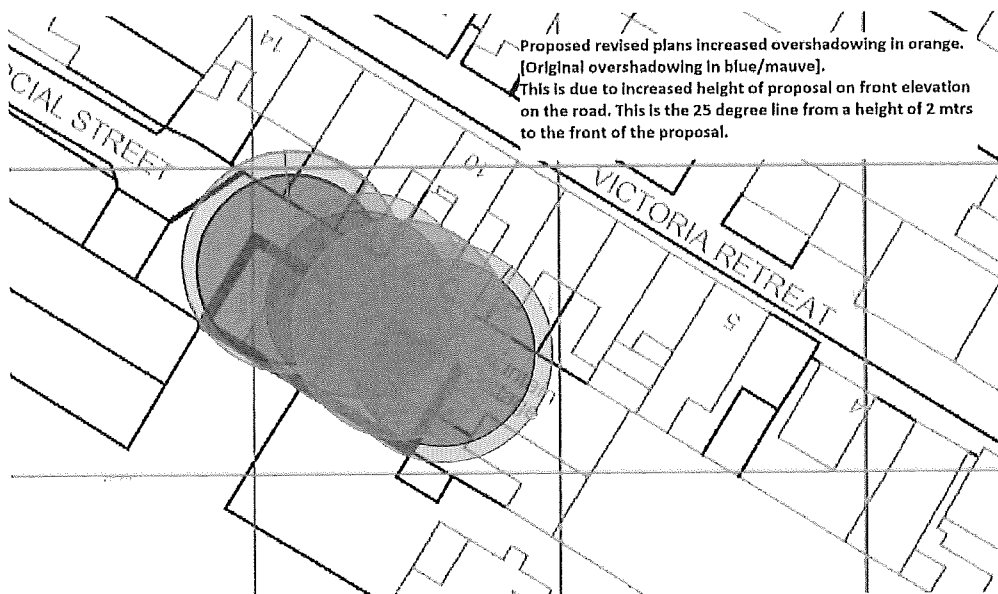
The proposal does have an adverse affect on numbers 8, 10, 12 and 13 with respect to overshadowing and loss of light. With number 9 and 12, the loss of light will be to habitable rooms.

#### Adverse affect on no 12 Victoria Retreat

Presently the two rear ground floor windows are not overshadowed. The new proposal will significantly breach the maximum  $25^{\circ}$  obstruction angle and result in removal of light from these windows.



**Fig B:** Existing overshadowing/ loss of light where maximum obstruction angle of 25<sup>0</sup> is breached.



**Fig C:** Proposed increased overshadowing/loss of light where maximum obstruction angle of 25<sup>0</sup> is breached.

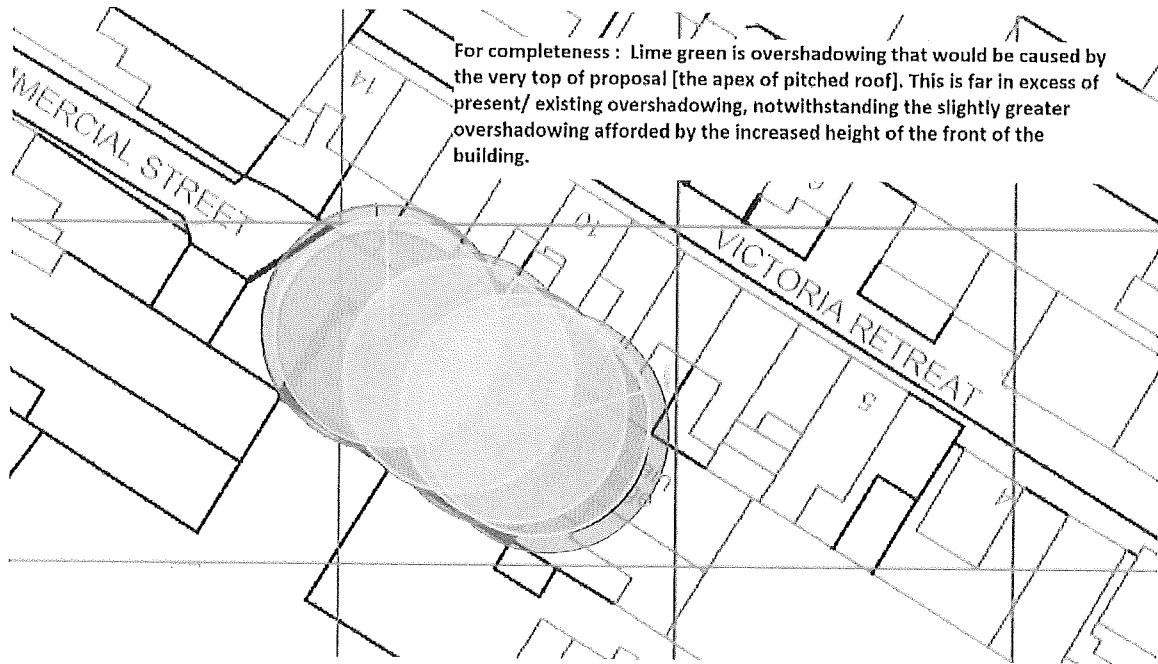


Fig D: Even if the front elevation remained the same height as existing, the overall height increase [with respect to apex of proposed pitched roof] would, in its own right, increase overshadowing and loss of light.

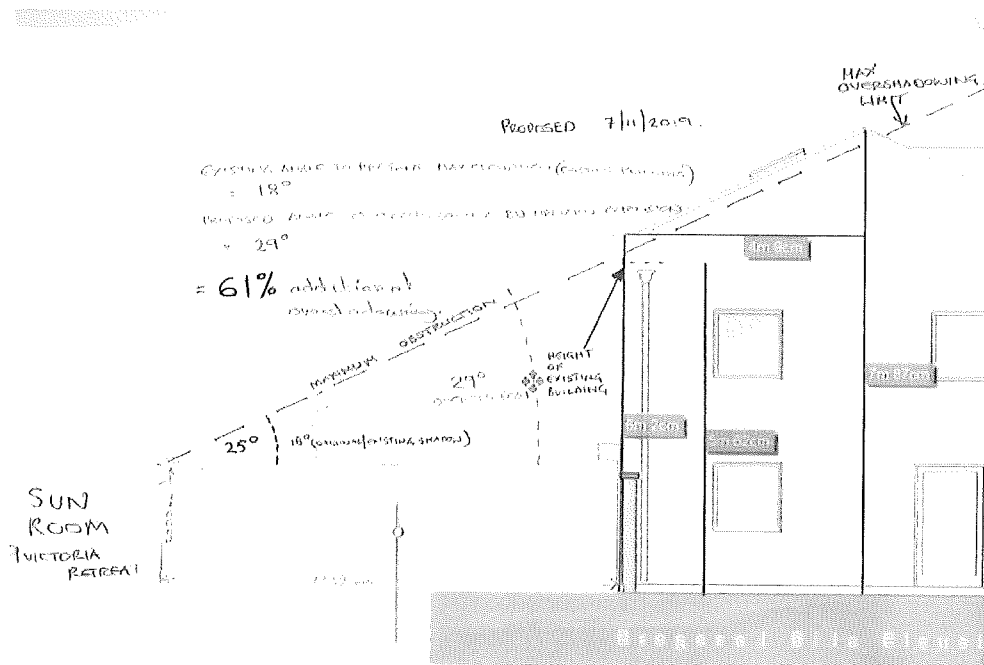


Fig E: The Sun Room to rear of 9 Victoria Retreat will be significantly overshadowed by the proposed increase in elevation.

I would invite Planning to give a full and frank explanation as to why they would deem this excessive loss of light as an "acceptable loss"?

It has already been admitted in the document from 2006 that there is existing loss. The recent "Withdrawn Plans" are similar built form, just differing angles in place; but crucially the present proposal is higher on the nearest elevation to accommodate bulk required due to a shallower angle to the mansard roof. Clearly the last proposal was "withdrawn" due to the loss of light and overshadowing being excessive. So that was "unacceptable". The new proposal increases height and overshadowing, so can not in any way be deemed acceptable.

Clearly these houses have been forced to adapt to loss of light from overshadowing. Since 2006 they have had to rearrange the use of rooms and outside space to harvest what little natural light is still available and yet it is proposed that these small crumbs of Amenity are removed also?

The increase in built form will cause harmful overshadowing and loss of light to numbers 8, 9, 10, 11, 12 and 13 Victoria Retreat. No more damage to Amenity should be inflicted on these homes and the proposal should be refused.

Yours sincerely

A black rectangular redaction box covering the signature area.

