

Planning Committee

Thursday, 19th December, 2019

6.00 - 7.25 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Paul McCloskey, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay

1. Apologies

Apologies were received from Councillor Oliver.

2. Declarations of Interest

Cllr Barrell declared an interest in 19/02213/FUL 1 Bath Mews as the ward Councillor, she had called in the application as a result of concerns from neighbours, however, hadn't taken a view herself.

3. Declarations of independent site visits

Councillor McCloskey – 15 Hartley Close, 1 Bath Mews and 7 Nettleton Road

Councillor Baker – 15 Hartley Close

Councillor Payne – 15 Hartley Close, 1 Bath Mews and 7 Nettleton Road

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on 21st November 2019 were approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

7. 19/02143/FUL 15 Hartley Close Cheltenham Gloucestershire

GD introduced the application, he advised that the applicant was seeking permission to demolish the existing attached garage and build a two storey side extension, a single storey rear extension, remodelling and general modernisation works to a two storey link detached dwelling.

Miss Plouffe, neighbour in objection

Speaking on behalf of the residents of Hartley Close who were objecting to the application. She noted that only 4 notices had been sent to residents of Hartley Close concerning the proposal and a number of residents who would be visually impacted by the development were not formally invited to contribute their reviews.

The main reason for her objection was the fact that the application was in direct contravention to Core Policy 7 (Design) which requires development to be of a high standard of architectural design and to complement and respect neighbouring development. She noted that the council's adopted Supplementary Planning Document: Residential Alterations and Extensions (2008) emphasised the importance of achieving subservience, and that an extension should not dominate or detract from the original from the original building but play a supporting role. She felt

that the side and rear alterations proposed were substantial and the size and height of the proposed two storey side extension which comes forward from the principal house would dominate the property, create an elongated effect and be out of character to neighbouring properties. Plans to fully render the home would also create an overbearing property out of place on the street.

She highlighted that the planning officer report stated that in the NPPF design should not be used as a valid reason to object neighbourhood development. However, noted that the same policy states that design should be developed with local communities, and therefore requested that the design elements of the proposal and impact should be considered.

She felt that the proposal did not respect the local context and street pattern of Hartley Close, and in particular, the scale and proportions of the surrounding properties. It would create an adverse effect on the visual amenity of the street. She also had concerns about the impact on the sense of 'openness' for the street and the precedent this could set for future development.

She noted that the parish council did not submit an objection, however reasoned that this decision was taken without soliciting views from residents.

Whilst she fully respected the desires of the owners or modernise and alter the current property, she felt that this could be accomplished in a different way, minimising the unacceptable impact for others residing on the street.

Miss Davies, agent in support

She highlighted that, as per the officer's report, the extensions were not of a scale that would result in an overdevelopment of the site and that the proposed scheme represents a high quality design. She further acknowledged that the proposals were in accordance with the relevant local plan policies and guidance contained within the NPPF.

She noted that the objections largely related to the scale of the proposed extensions and potential loss of openness to the street-scene, the design approach and the potential loss of car parking. She wished to draw Members attention to the letter sent to them on 16th December which addressed those matter in great detail. She further noted that a number of other properties within close proximity had been extended and modernised.

She stressed that the property was not listed, not located within a Conservation Area or the AONB and was located more than 25 metres from objecting residents. Similarly, the houses in Hartley Close were predominantly wide fronted with many occupying the widths of their plots. She acknowledged that the proposed side extension would reduce the space between the neighbouring property to the west at the first floor level but a visual gap of 5 meters would be retained. The proposed extension would also bring the side elevation and porch slightly forwards of the existing frontage to allow for a front apex and porch which would replicate the existing local architectural features and would harmonise with the existing dwelling. Overall, it was not considered the proposed design would reduce the perception of openness within the street scene.

She highlighted that the design would reflect the many gable end buildings in Hartley Close and as a number of properties within the locality had undertaken similar works it was considered that the visual amenity and character of the area would not be unduly affected by the proposals. Similarly, the proposed materials were not at odds with the prevailing nature of Hartley Close.

Following concerns regarding parking, she confirmed that the property would still benefit from a driveway and garage, capable of accommodating three parked cars.

Member Debate

PB: Confirmed that whilst he had had a number of residents contact him about the site, he had not engaged with residents about the application itself. He noted that Hartley Close was an attractive street with high quality accommodation that offered a fantastic backdrop to the AONB. A number of residents in the nearby area had modified their properties in order to suit their requirements. He stressed the importance of good design although acknowledged that this was extremely subjective. He noted that there was a mix of housing in Hartley Close and felt that this application would make a high quality family home.

Vote on officer recommendation to permit

12 For

0 Against

1 Abstention

PERMIT

8. 19/02213/FUL 1 Bath Mews Commercial Street Cheltenham

MP: Introduced the application, she explained that the applicant was seeking permission for the provision of pitched roofs on two semi-detached dwellings. The application was before the committee at the request of Councillor Barrell and Councillor Harman.

Mr Boyle, neighbour in objection

Was the owner of number 11 Victoria Retreat and was speaking on behalf of all of those residents who would be negatively affected by the scheme. Whilst they understood the need for development they felt the proposal would have a negative impact on a number of its closest neighbours. He reasoned that an upward extension of over 2 metres would raise the building up by 40%, causing overshadowing and loss of light to a number of properties on Victoria Retreat. The Bath Mews properties already dominate the skyline to Victoria Retreat and currently block a substantial amount of sunlight from the properties, even with the 2 storey flat roof design.

He highlighted that a report on the original build acknowledges that there is already a breach of the 25 degree light rule and the new proposal would cause even more loss that would result in up to a 55% loss of daylight to the rear of a number of properties on Victoria Retreat. He stressed that this would disregard normal protections afforded by CP4. He noted that section 118 of the NPPF encourages the support of proposals that use the air space above existing residential and commercial premises for new homes, however, reasoned that as the proposal was not creating new homes it did not fall in to this category. He felt that the height of the extension was oppressive and overbearing in a tightly packed area and would encroach on the privacy of neighbouring residents. The lack of privacy would extend to those on Commercial Street who would be overlooked by windows and a roof top terrace. He also had concerns that this would set a precedent for future development that could lead to an even greater loss of amenity character of the area.

Mr Everit agent in support

He highlighted that an application for an extension was made earlier this year, however, that application was withdrawn following feedback from the local authority

that the proposal was potentially overbearing and likely to have a negative impact on some of the adjacent properties. He confirmed that following consultation with the Local Authority, they had revised the scheme so that it was more of a traditional form which would help to reduce its impact on the locality. The proposal now comprised a pitched roof form so it would significantly reduce the amount of shadow cast compared to the flat roofed scheme. The pitch had been kept shallow to keep the ridge height low and due to the elevation of the sun when it is to the south of the site, the shadow cast to the north of the site would be no greater than the shadow cast by the existing parapet wall for the majority of the year.

He confirmed that the gable ends of the extension were now a continuation of the existing rendered gables ends and as such, the property appears as a two storey building with a pitched roof rather than a three storey flat roofed structure. All of the windows proposed in the rooftop structure had been carefully positioned to ensure that they didn't overlook the private amenity space of the adjacent properties. The only window facing Victoria Retreat was at the top of the staircase and they would effectively be high-level windows because when an occupant was passing them they would be at a lower level on the staircase. He confirmed that to further reduce any perceived sense of overlooking these windows had been frosted.

He explained that the windows to the new bedrooms look into a roof terrace and were clear glazed in order to provide natural light and ventilation for the occupant but they would have no outlook over any private amenity spaces relating to the surrounding buildings. The terraces would look over the car park and the flat roof of an adjacent property. He reasoned that there were many two storey buildings with pitched roofs in close proximity to the site and so felt the proposal was in keeping with its context.

He highlighted that since the officers report was written a number of supporting letters had been posted on the planning portal.

Cllr Harman

Noted that previously an application was submitted which has now been modified, the original application was originally recommended for approval until Councillor Harman requested an officer visit the site and subsequently the recommendation was changed to refusal. He questioned whether the late representations received were a process of lobbying by the applicant as they did not live near the property. He felt that residents in Victoria Retreat and Commercial Street would be adversely impacted by the proposal and requested that it be rejected. His concerns were largely around loss of light and the fact it could potentially be part of a creeping process.

Member Debate

SW: Felt that aesthetically, the modifications would improve the properties. However, had concerns regarding the loss of light and would appreciate an officer steer on these concerns.

JP: Felt that the design was innovative and of good quality. Had concerns about the two small spaces on the North facing aspect and questioned whether you could access those spaces. If so, he had concerns that this would adversely affect the amenity of the residents in Victoria Terrace. He also had concerns about the light issue and sought clarity from officers on the matter.

DB: Felt that the design was an improvement on the original and was pleased to see obscured windows at the front. However, shared similar concerns about privacy and loss of daylight. She noted the neighbours concerns regarding 55% loss of daylight and asked for clarity from the officers as she believed this to be 25% which would be the same as the current situation.

PM: He believed that in the summer months the sun would be sufficiently high so that the extension would not affect the residents to the rear. Similarly, it was his understanding that the ridge height would not cause the shadow but the end of the parapet.

MP in response:

- Confirmed that the light test that they would carry out is the 25 degree light test so the parapet height facing the rear of properties in Victoria Retreat would stay the same as is now and the roof pitch behind it is at 25 degrees so by its nature it would not materially alter the existing situation. The reference to the 55% was looking at something different to the 25 degree light test.
- She confirmed that the smaller spaces would not be accessible, and as per condition 6, no access would be given to the flat roofed areas other than the balconies.

MC: Had concerns about the practicalities of construction works including where materials would be stored and how contractors would get access in and out of the site.

PB: Had concerns about the condition that stipulated the hours for construction and felt that 07:30 was too early. Requested that this be pushed back if the committee were minded to approve the application.

SC: Felt that the design was innovative, although was concerned about how compact the site was and the proximity to Victoria Retreat. He noted that on the 3D sketch view which compared the existing situation to the proposed, it looked as if the shadow would extend further. He was also struck by the number of neighbours who had objected to the application. He noted that the reason it was a flat roof to begin with was because of issues of height so questioned why if it was inappropriate to put a pitched roof on in the first instance, it was now deemed appropriate.

MP in response:

- Confirmed that for this level of development, they wouldn't expect a construction method statement, however, if Members felt it necessary they could ask the developer for details about the construction method and where they would store the materials.
- The hours of work were taken from the council's website and these were hours suggested by environmental health. They were not a condition just the recommended hours.
- Couldn't comment on the original application with regards to the flat roof and she was not the relevant officer.

MC: Agreed that they should ask the developer what they intended to do about things such as parking of contractor vehicles, storage of materials and deliveries.

PM: Shared similar concerns about the area turning in to a building site and causing disturbance to nearby residents.

Vote on officer recommendation to permit with a requirement for a management plan for the construction work

**10 For
2 Against
1 Abstention**

PERMIT

9. 19/02229/FUL 7 Nettleton Road Cheltenham Gloucestershire

GD: introduced the item, he explained that the application was seeking permission for a single storey rear extension. The application was at committee as the applicant was employed within the Place and Growth Division of the Council. No objections had been received.

MC: Understood that the application was at committee for reasons of transparency but did not feel that the extension would be intrusive and could see no reason for refusal.

Vote on officer recommendation to permit

**13 For
0 Against
0 Abstentions**

PERMIT

10. 19/02062/LBC Municipal Offices

Vote on officer recommendation to permit

**13 For
0 Against
0 Abstentions**

PERMIT

11. Appeal Updates**12. Any other items the Chairman determines urgent and requires a decision**

The Head of Planning advised that there was an urgent exempt item that the committee needed to consider.

Vote on officer recommendation

**12 For
0 Against
0 Abstentions**

Chairman