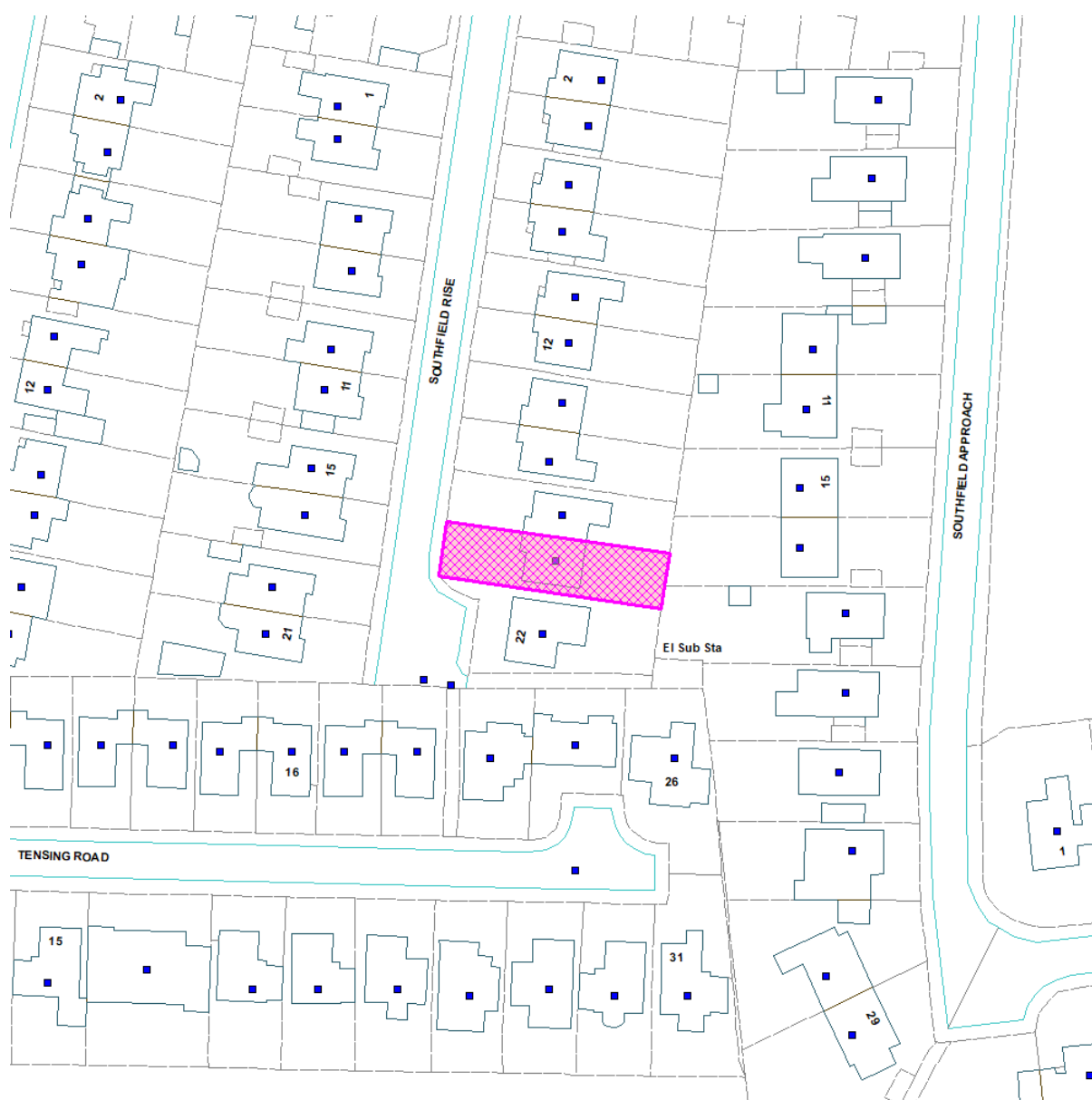


APPLICATION NO: 20/00798/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 21st May 2020		DATE OF EXPIRY: 16th July 2020	
DATE VALIDATED: 21st May 2020		DATE OF SITE VISIT:	
WARD: Charlton Park		PARISH:	
APPLICANT:	Ms J Dodds		
AGENT:	Ian Johnstone Associates		
LOCATION:	20 Southfield Rise, Cheltenham		
PROPOSAL:	Erection of an entrance porch, two storey rear extension and the formation of an underground room in rear garden		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 20 Southfield Rise. The site is a semi-detached chalet bungalow located to the end of a residential cul-de-sac in the Charlton Park ward.
- 1.2 The application proposes a part two storey rear extension with underground room and erection of a new front entrance porch.
- 1.3 The application is before Committee at the request of Cllr Baker due to neighbouring concerns.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

None

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

Saved Local Plan Policies

CP 3 Sustainable environment
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

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

16th June 2020

Biodiversity report available to view on line.

Building Control

11th June

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1** Six letters were sent to neighbouring properties and two objections have been received in response.
- 5.2** Representations have been circulated in full to Members but, in brief, the main objections relate to:
- The design and scale of the rear extension;
 - Potential loss of privacy, light and outlook; and,
 - Potential damage to property as a result of construction works.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The considerations for this particular application are the impact of the proposed works on the character of the site and surrounding area, together with any potential impact on neighbouring amenity.

6.3 Design and layout

- 6.4** The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) highlights in Policy SD4 how development should positively respond to and respect the character of the site and its surroundings. Furthermore, this should be of a scale, type, density and materials that are appropriate to the site. This is supported through Local Plan Policy CP7 which also seeks to avoid the unacceptable erosion of open space around the existing building.
- 6.5** The National Planning Policy Framework (NPPF) states in paragraph 130 that *“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”*.
- 6.6** The proposed rear extension takes the form of a traditional two storey rear wing with a single storey ‘infill’. This would extend beyond the rear elevation of the existing building by approximately 3.2m and at ground floor span the full width of the property. The first floor element will have a width of approximately 5.1m which enables a section of the original rear elevation and eaves detail to be exposed.
- 6.7** The form, size and scale of the proposed rear extension is considered to be in proportion with the original dwelling and its design in terms of the window details and proposed materials is also considered to be appropriate. The extension will sit comfortably within the site and retain a sufficient level of outdoor amenity space for current and future occupiers.
- 6.8** An underground room, accessed from within the new rear extension is also proposed which will sit below a patio floor level. This will generally be hidden from view other than for a sky light at ground level and will little impact on the character of the existing dwelling.

6.9 The application also proposes a small porch to the front elevation which is relatively lightweight in its appearance with a pitched roof and contemporary, glazed design. This is not considered to unduly disrupt the street scene particularly considering what could be constructed without the need for planning permission.

6.10 Impact on neighbouring property

6.11 Policy SD14 of the JCS and Local Plan Policy CP4 both require development to not harm the amenity of adjoining neighbours. The potential loss of light, loss of outlook and loss of privacy is taken into account when assessing the impact on amenity.

6.12 Two letters of objection have been received from the owners / occupiers of the adjoining property no.18 Southfield Rise and the owners / occupiers of the property to the rear no.19 Southfield Approach. The main concerns raised are noted in section 5.2 above and relate primarily to the proposed rear extension and not the entrance porch. The concerns relating to design of the proposed development have been discussed as part of the Design and Layout section above.

Potential loss of privacy

6.13 When considering a potential loss of privacy on neighbouring properties Local Plan Policy CP4 states the following minimum distance should be applied “*21m between dwellings which face each other where both have windows with clear glazing*”. This distance is also recommended within the adopted SPD for residential alterations and extensions to be an acceptable rear-to-rear distance in order to retain mutual privacy for neighbouring properties that back onto each other.

6.14 The proposed rear extension achieves a distance of approximately 29m window to window with no.19 Southfield Approach and therefore is in accordance with the stipulated distance stated in Local Plan Policy CP4. The SPD also recommends that there should be a minimum 10.5m distance from the window to the boundary. This is based on the premise that each dwelling would have a rear garden at least 10.5m in length meaning a total separation distance of 21m would be created. However, houses and their garden sizes differ and it is rarely practical to maintain this equal ratio.

6.15 In this instance, the proposed first floor rear windows would achieve a distance of 9m to the rear boundary. The fact that one window-to-boundary distance is less than 10.5 metres and the other is more than 10.5m does not automatically constitute an unacceptable relationship. The overall 21m separation distance is more important and this proposal would exceed this distance. In an urban environment the ability to see a neighbour's garden is to be expected and this in itself does not constitute unacceptable privacy loss.

6.16 The owners / occupiers of the adjoining property (no.18 Southfield Rise) also raised some concern over a potential loss of privacy due to a clear glazed first floor window replacing the existing obscurely glazed window. The application site and this neighbouring property sit parallel to each other and the boundary. This results in a common arrangement where the windows face down the garden rather than directly towards the adjacent neighbours. Although the existing arrangement will clearly be altered it is not considered the proposal will result in any substantial overlooking to no.18.

Loss of light and outlook

6.17 The adjoining property (no.18 Southfield Rise) has an existing single storey extension which benefits from a set of patio doors to the rear elevation and an additional window to the side elevation (facing towards the application site). Both the 45 degree and 25 degree light tests, as detailed in the Building Research Establishments 'Site Layout Planning for

Daylight and Sunlight', were conducted to assess the potential impact on this habitable room.

- 6.18** The application passes the 45 degree light test to the rear patio doors and no impact on this light source will result. The application does not pass the 25 degree light to the secondary side window however as this room is served by two alternative light sources on differing elevations and that the principal light source is not affected, officers are satisfied the impact will be acceptable.
- 6.19** The 45 degree light test has also been conducted with regards to the ground floor window to the rear elevation of no.18 Southfield Rise nearest to the adjoining boundary and the proposal passes the light test.
- 6.20** Although the outlook from the side window in the extension of no.18 will be affected as a result of these works, it is not considered this would be wholly unacceptable. The outlook from this window is relatively limited towards the shared boundary fence whereas the patio doors offer a wider outlook over the rear garden. This outlook is unaffected by the proposed development. The presence of two alternative light sources also removes any concern that the rear extension would have any overbearing impact.

Potential damage to third party land

- 6.21** Some concern was also raised within the objections received over potential damage to neighbouring property due to the level of excavation required. The Local Authority views this as a civil matter and not a planning consideration, and whilst the works, particularly with regards to the underground room, could potentially affect adjoining properties and land, it is not appropriate to control this by way of a condition. An informative has been added for the applicant's attention however to advise them to take appropriate measures prior to any works being undertaken.
- 6.22** In summary, the proposed rear extension will be visible from neighbouring properties and will have an impact on no.18 Southfield Rise specifically. However, in officer's opinion this is not to such an extent which would warrant refusal and is on balance considered to be acceptable and in accordance with the requirements of Local Plan Policy CP4 and JCS Policy SD14.

6.23 Other considerations

Trees

- 6.24** There are a small number of non-protected trees along the rear boundary that sit within the curtilage of no.19 Southfield Approach. The application has been discussed with the Trees Officer due to the potential impact the proposed extension and associated excavation works could have on these trees. No objection has been raised subject to the submission of a tree protection plan and method statement and an appropriate condition is therefore recommended.

Environmental Impact

- 6.25** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In conclusion, the application is considered to be in accordance with the policy requirements of the JCS, Cheltenham Local Plan and advice contained within the NPPF. The recommendation to Members is to permit planning permission subject to the conditions below.

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 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

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's attention is drawn to the comments received from the adjoining neighbours at no.18 Southfield Rise and they are advised to take the appropriate party wall advice as necessary to avoid any issues.