

APPLICATION NO: 20/01004/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 25th June 2020		DATE OF EXPIRY: 20th August 2020
DATE VALIDATED: 25th June 2020		DATE OF SITE VISIT:
WARD: Park		PARISH: n/a
APPLICANT:	Mr Alton Axton	
AGENT:	n/a	
LOCATION:	Mendip, Tryes Road, Cheltenham	
PROPOSAL:	Proposed alterations and extension to the existing two storey side extension, first floor and single storey rear extensions and a new front garden wall	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a semi-detached, two storey residential dwelling known as Mendip located on the residential Tryes Road. The site is located within the Park Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for alterations and extensions to the existing dwelling including an extension of a two storey side extension, first floor rear extension and single storey rear extension to an existing extension, and a new front boundary wall.
- 1.3 This application is a revised scheme following the withdrawal of a previous scheme ref. 20/00326/FUL.
- 1.4 The application is at planning committee at the request of Councillor Harman on behalf of the objecting neighbours, and an objection from the residents association.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area

Relevant Planning History:

03/01314/FUL	25th September 2003	PER
Erection of a pitched roof on existing side extension and erection of a pitched roof on existing rear extension		
10/01887/FUL	24th January 2011	PER
Erection of a single storey rear extension		
20/00326/FUL	22nd June 2020	WDN
Proposed first floor rear extension, single storey side extension and alterations including new garden wall, replacement windows and re-rendering.		

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

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: The Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

St Phillips And St James Area Residents Association

14th July 2020

We have examined the new scheme. We recognise that there have been some changes that will marginally reduce the impact of the new build on the immediate neighbours but we do not consider that this is sufficient to justify our withdrawing our previous objections. We also consider that the resulting design solution is unlikely to be aesthetically pleasing or suitable as an addition in a conservation area.

Building Control

30th June 2020

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control 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 Letters have been sent to neighbouring properties, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo; two objections have been received.
- 5.2 The main concerns raised include, but are not limited to the following:
- Poor design in the conservation area,
 - Impact on neighbouring properties,
 - Loss of light,
 - Overshadowing,
 - Overlooking/loss of privacy.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations in relation to this application are the design, the impact on the conservation area and any impact on neighbouring amenity.

6.3 Design

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan 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. This draws from section 12 of the NPPF, specifically paragraph 127 which sets out that development should be visually attractive and sympathetic to local character and surrounding built environment.

- 6.5 The council's Supplementary Planning Document: Residential Alterations and Extensions sets out five basic design principles maintain character, subservience, maintain space between buildings, maintain privacy and ensure adequate daylight. The document emphasises the importance of subservience setting out that an extension should not dominate or detract from the original building, but play a supporting role.
- 6.6 The application proposes a first floor rear extension, two storey side extension, single storey side/rear extension and a front boundary wall.
- 6.7 The first floor rear extension would be just over half the width of the existing building, therefore exposing the rear elevation of the original building, as such the proposed extension would not dominate the rear elevation of the parent dwelling. The proposed extension would therefore achieve a subservient addition in relation to the parent dwelling.
- 6.8 The two storey side extension would be a continuation of an existing two storey side extension. As a result of the extension, the roof form would be amended from a gable, to a hip; this design is considered to be acceptable. The single storey extension would be a continuation of the existing single storey rear extension, and would extend the width of the property. This extension would be subservient and of an acceptable design.
- 6.9 The proposed extensions would be constructed in materials to match the existing building, maintaining the existing character.
- 6.10 The proposed front boundary wall is considered to be acceptable and would not be out of character with the surroundings.
- 6.11 The proposed works as part of the application are not considered to harm the character of the conservation area. The side elevation of the property would be visible from Tryes Road, however the proposed side extension is considered to be an acceptable design, would be in-keeping with the existing building and the original building would still be read. As such, it is considered that there would not be an unacceptable harm to the character of the street scene or the wider conservation area.
- 6.12 As such, the proposed works are considered to be acceptable in terms of design and is in accordance with the relevant policies and guidance.
- 6.13 **Impact on neighbouring property**
- 6.14 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users and the locality. This echoes section 12 of the NPPF which seeks to ensure development does not harm the amenity of existing or future users.

Loss of light

- 6.15 The neighbouring resident at no. 11 Tryes Road, has raised a concern regarding a loss of light as a result of the proposed first floor rear extension. The 45 degree light test has been carried out on the ground floor rear French-door opening which serves a dining room; the light test passes on this opening and therefore is not considered to result in an unacceptable loss of light to this room. There is an existing ground floor rear extension on the application site which has an impact on the light reaching this opening, the addition of the first floor rear extension would not increase the impact to a significant level that would be contrary to the aforementioned policies.
- 6.16 The neighbour raises concern that a 'tunnel effect' would be created as a result of the proposed first floor extension. No. 11 Tryes Road has an existing rear wing which measures approximately 2 metres in depth. The existing, previously approved single storey rear extension on the application property would create the 'tunnel effect' on the

rear ground floor opening; the addition of the first floor extension is not considered to exacerbate the impact given it is at first floor and is 2.4 metres away from the boundary.

Overshadowing

- 6.17 Another concern raised relates to overshadowing as a result of the first floor rear extension; the extension would be set in approximately 2.4 metres from the boundary of the application site and no. 11 Tryes Road. It is considered that this distance from the boundary would minimise any impact of the first floor rear extension overshadowing to the neighbouring property.
- 6.18 The proposed two storey side extension would be an extension of the existing extension. The council would usually seek 12 metres from a neighbouring window to flank wall, the proposed extension would only achieve approximately 9.9 metres, however in this instance, given that there has been no objection raised by no. 86 Painswick Road, and the existing two storey side extension, it is considered to be acceptable and would not have further unacceptable harm.

Loss of privacy

- 6.19 The proposed first floor rear window achieves over 16 metres to the rear boundary. The council seeks a minimum of 10.5 metres from first floor rear window to boundary to achieve an appropriate level of amenity; the new window as part of the extension achieves this distance. Furthermore, there would be no side elevation windows that would overlook no. 11 Tyres Road or 86 Painswick Road; therefore there would be no loss of privacy.
- 6.20 For the reasons set out above, the proposed extensions are considered to be acceptable and comply with the relevant policies in terms of protecting the existing amenity of adjoining land users.

6.21 Public Sector Equalities Duty

- 6.22 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons set out above, the proposed first floor rear extension, two storey side extension, first floor rear/side extension and front boundary wall is considered to be acceptable in terms of design, the impact on the conservation area and would protect the amenity of adjoining land users.
- 7.2 The recommendation would therefore be to permit this application subject to the conditions set out below.

8. SUGGESTED 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.

- 3 All external rendering shall match that of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 All external facing brickwork of the front boundary wall shall match that of the existing unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 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.

