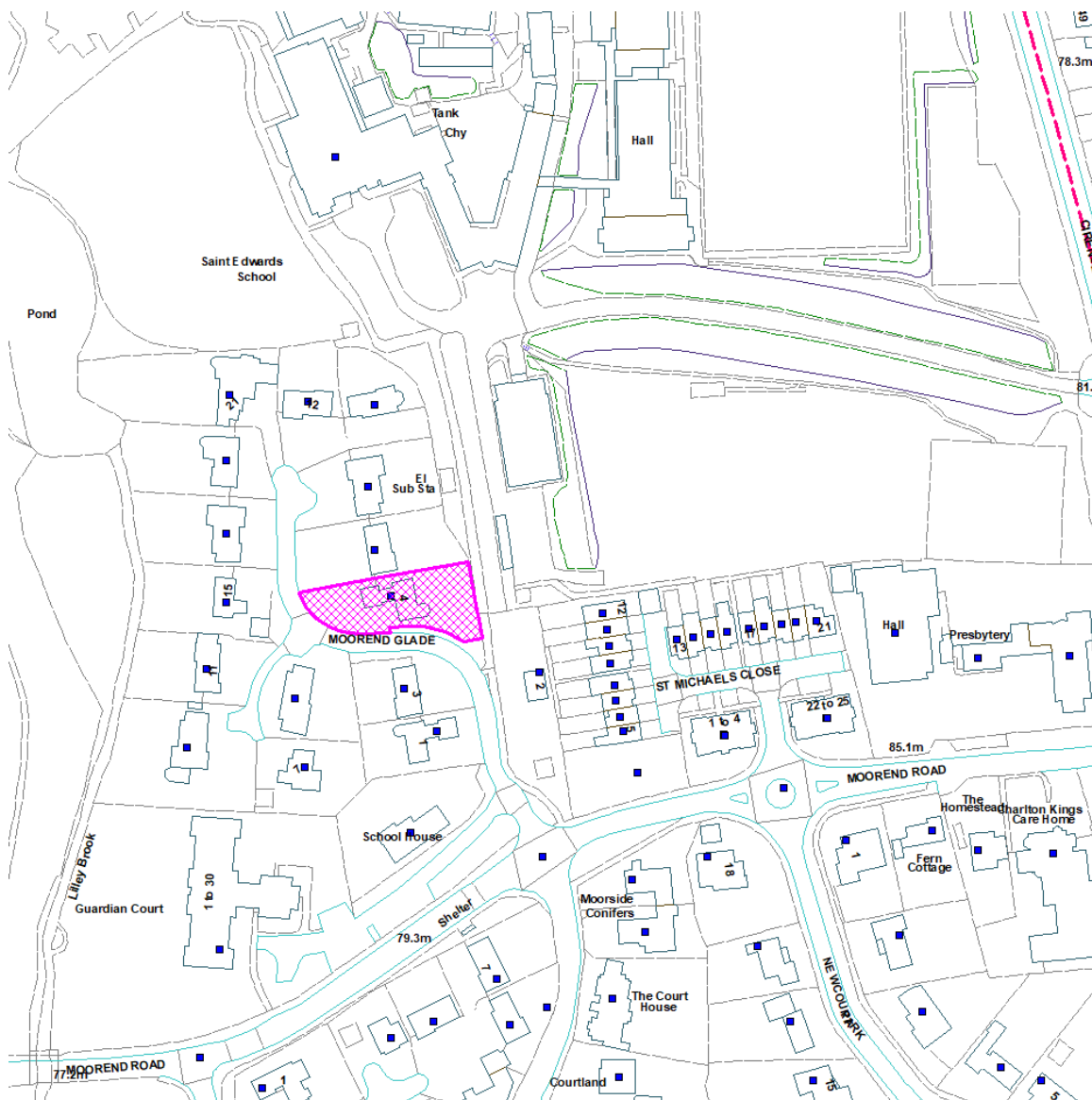


<b>APPLICATION NO: 20/01041/FUL</b>		<b>OFFICER: Mr Daniel O Neill</b>
<b>DATE REGISTERED: 30th June 2020</b>		<b>DATE OF EXPIRY: 25th August 2020</b>
<b>DATE VALIDATED: 30th June 2020</b>		<b>DATE OF SITE VISIT:</b>
<b>WARD: Charlton Park</b>		<b>PARISH: Charlton Kings</b>
<b>APPLICANT:</b>	Mr And Mrs D Eade	
<b>AGENT:</b>	A Clarke Design Ltd	
<b>LOCATION:</b>	4 Moored Glade, Cheltenham, Gloucestershire	
<b>PROPOSAL:</b>	Proposed single storey and two storey rear extension	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 4 Moorend Glade is a detached two storey dwelling house located on a corner plot within a residential cul-de-sac.
- 1.2 The applicant is seeking planning permission for a proposed single storey and two storey rear extensions.
- 1.3 The application has been requested to be determined at planning committee by Cllr Harvey due to the two storey extension's impact from the scale, overbearing and privacy to the neighbouring amenity. The Parish Council has also objected due to the use of render and impact on wider street scene.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Landfill Sites boundary  
Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**01/01541/TPO 13th December 2001 PER**

Various works to trees including: Fell Robinia in rear garden and reduce height of 4 Lime trees (2 in garden of 6 Moorend Glade) to original reduction point

**03/00496/CONF 23rd May 2003 CONFIR**

Confirmation of Tree Preservation Order number TPO576: 2 Lime trees situated to the front.

**03/00506/REVOKE 28th May 2003 REV**

Revocation of Tree Preservation Order number TPO130.

**03/01974/TPO 27th June 2006 PER**

Two lime trees at front of property: 1. reduce height (back to position in 1993). 2. remove vertical growth along lateral branches. 3. prune ends of laterals

**85/00639/PO 25th July 1985 PER**

Land Adj. Charlton Park School Moorend Road Cheltenham Gloucestershire - Outline Application For Residential Development (As Amended By Letter Dated 2nd July 1985)

**86/00215/PM 20th March 1986 PER**

Land Adj. To Charlton Park School Off Moorend Road Cheltenham Gloucestershire - Erection Of 15 Houses

**07/01679/TPO 28th January 2008 PER**

4 x limes at numbers 4 and 6 - re-pollard all round to previous pollard points, using a handsaw

**11/00093/TPO 18th February 2011 PER**

2 x Limes (form group with 2 x Limes at 6 Moorend Glade) - reduce height to just below high pollard positions. Reduce all lateral growth similarly all round. Remove all epicormic growth and vertical growths right along the branch scaffold to the ends. Even up any low hanging material and remove any dead material.

**13/02023/TPO    6th January 2014    PER**

2 x Limes (form group with 2 x Limes at 6 Moorend Glade) - reduce height up to 1.5m below old pollard points. Reduce all lateral growth similarly all round. Remove all epicormic growth and vertical growths right along the branch scaffold to the ends. Even up any low hanging material and remove any dead material.

**16/01126/TPO    22nd July 2016    PER**

4 Lime trees (2 at No 4 Moorend Glade and 2 at No 6 Moorend Glade)- Reduce all trees to previous reduction points, remove epicormic growth from base, main stem and scaffold branches. Remove any deadwood

**19/01570/TPO    9th August 2019    PER**

limes - reduce back to previous reduction points, remove epicormic growth, remove deadwood

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

#### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD14 Health and Environmental Quality

#### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

### **4. CONSULTATIONS**

#### **Contaminated Land Officer**

*22nd July 2020*

In relation to application 20/01041/FUL, 4 Moorend Glade, the site is in the 50m buffer zone of a former landfill which is not seen as presenting a significant risk of ground gas migration, however, you may wish to consider the installation of landfill gas protective membranes to mitigate against any potential impact from migration of landfill gas.

#### **Ward Councillors**

*21st July 2020*

Could this be decided by Full Planning Committee, reason scale, overlooking/dwarfing #6 great loss of Amenity to elderly neighbour. Request to speak at Cttee if this gets that far

#### **Building Control**

*2nd July 2020* - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Objection:

The Committee objects to the use of render for this proposed extension, it being too stark in contrast to the existing construction and so detrimental to the street scene from Moorend Road.

This Objection would be satisfied if brickwork in keeping with the original construction was specified.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>7</b>
Total comments received	<b>2</b>
Number of objections	<b>1</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

**5.1** Letters of notification were sent to 7 neighbouring properties. One letter of objection has been received and has been summarised but not limited to the following points:

- Loss of light and overshadowing
- Overbearing
- Out of Character

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The main considerations when determining this application are design, impact on the amenity of neighbouring properties and impact on the wider locality.

### **6.3 Design and layout**

**6.4** The application proposes a two storey extension projecting 3m from the original rear elevation and a single storey rear extension projecting 3m. At single storey the extension will incorporate a flat roof while the two storey element will incorporate a gable pitch roof.

**6.5** Materials proposed will include a white render finish for the exterior elevations, dark grey aluminium glazing for the fenestration arrangement and concrete tiles for the gable pitched roof. The use of render and aluminium differs to the existing orange brick and brown uPVC windows.

**6.6** It is acknowledged that proposed two storey extension's overall height, scale, footprint and distance to boundaries could be achieved under permitted development. For a two storey extension to be classed as permitted development it must not extend more than 3m from the rear wall of the original dwelling, it must be 7m or more from any boundary opposite the rear wall of dwelling house and have a maximum eaves and ridge height of extension no higher than existing house. In addition, if the extension is within 2m of the boundary than the maximum eaves height should be no higher than 3m to be permitted development.

- 6.7** The overall height of the proposed two storey rear extension is below the existing ridge height of the original dwelling and the height of the eaves is level with the existing eaves height. The projection of the extension is 3m, while the distance to the boundary opposite the rear wall is in excess of 14m and the extension is 2m from the side boundary. As such, the overall height, footprint and size comply with permitted development.
- 6.8** The application requires the benefit of planning permission because the materials used in the exterior work are not of similar appearance to those used within the original dwelling. As a result, the only aspect of the proposed two storey extension that can form part of officer's consideration is the use of render to the exterior elevations.
- 6.9** Consideration has been given to the impact of the proposed render finish on the appearance of the existing dwelling and wider street scene. Officers consider that the use of render represents a high standard of innovative design and appropriate level of modernisation as indicated under Section 12 of the NPPF. Furthermore, other properties along Moorend Glade have been finished with part rendered and facing brick exterior finish. As such, it is considered that the use of render at 4 Moorend Glade would not look out-of-character or alien within the appearance of the wider street scene.
- 6.10** Officers also acknowledged that the single storey rear extension element of the scheme can also be built under permitted development if the materials used were similar to the original dwelling. This aspect of the scheme will be partially obscured when viewed from the street scene as a result of the high boundary treatment.
- 6.11 Impact on neighbouring property**
- 6.12** With regard to the impact on neighbouring amenity, officers have taken into account the fact that the height, footprint and size of both extensions can be achieved under permitted development. Consideration has been given to how this indicates that the two storey element is sufficient as to not cause harm to the amenity of the surrounding neighbours in respect to privacy, light and outlook.
- 6.13** Nevertheless, officers have undertaken the 45 degree light test as to indicate whether there would be an unacceptable loss of light to the most affected neighbour no. 6 Moorend Glade. The light test has passed on elevation indicating that no unacceptable loss of light to the neighbouring windows and rear garden will be caused by the proposed development.
- 6.14** No windows are proposed to the side elevation of the proposed two storey rear extension causing the additional harm of overlooking to the surrounding neighbours. The proposed Juliet Balcony doors can be achieved under permitted development and additionally any views to the neighbouring garden land will be at an oblique angle. As such, it is considered that no unacceptable harm to the privacy of the surrounding neighbours will be caused.
- 6.15** 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.
- 6.16 Public Sector Equalities Duty**
- 6.17** 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** In light of the above, the proposed two storey and single storey rear extensions comply with the relevant Cheltenham Plan policies, JCS policies, NPPF and supplementary guidance.
- 7.2** Officer recommendation would therefore be to permit this application subject to the conditions set out 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.

## **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.