

<b>APPLICATION NO:</b> 20/01599/FUL		<b>OFFICER:</b> Mr Ben Warren	
<b>DATE REGISTERED:</b> 16th September 2020		<b>DATE OF EXPIRY:</b> 11th November 2020	
<b>DATE VALIDATED:</b> 16th September 2020		<b>DATE OF SITE VISIT:</b>	
<b>WARD:</b> Charlton Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Ms J Dodds		
<b>AGENT:</b>	Ian Johnstone Associates		
<b>LOCATION:</b>	20 Southfield Rise, Cheltenham, Gloucestershire		
<b>PROPOSAL:</b>	Erection of a single storey and two storey rear extension. Extension to front dormer window and single storey front extension including porch (Revised submission to 20/00798/FUL)		

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached chalet style property located within a residential area on Southfield Rise.
- 1.2 The applicant is seeking planning permission for the erection of a two storey and single storey rear extension, an extension to the front dormer window and a single storey front extension to create a porch.
- 1.3 This application is a revised submission following the refusal of a previous application, 20/00798/FUL.
- 1.4 The application is at planning committee at the request of Councillor Baker who wishes the committee to consider the impact on neighbouring amenity.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**20/00798/FUL 20th July 2020 REF**

Erection of an entrance porch, two storey rear extension and the formation of an underground room in rear garden

## 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 11 Making effective use of land  
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

### **Tree Officer**

*7th October 2020*

The Trees Section does not object to this application. Please could the following Condition be added with any permissions given;

No roots over 25mm to be severed

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.

**Gloucestershire Centre For Environmental Records**

5th October 2020

Report available to view.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 5 letters were sent to neighbouring properties, two letters of objection have been received from the neighbouring land users at 18 Southfield Rise (attached) and 19 Southfield Approach (to the rear). The objections have been summarised but are not limited to the following:

- Overshadowing/ loss of outlook
- Loss of light
- Scale, form and design

## **6. OFFICER COMMENTS**

- 6.1 This revised application has been submitted in order to address the refusal reason, whilst also enabling officers to carry out a site visit to understand the layout of the neighbouring property. The officer's comments below therefore focus on the refusal reason, the amendments submitted and the further information that is now available. The previous officer report has been included as appendix 1 for reference.

**6.2 The previous refusal reason**

- 6.3 The refusal reason for the previous application reads as follows:

*'Local Plan Policy CP4 (adopted 2006) and Policy SD14 of the Joint Core Strategy (adopted 2017) seek to protect the amenity of adjoining land users. The proposed rear extension would be constructed in close proximity to the common boundary shared with the neighbouring property, 18 Southfield Rise. The proposed two storey rear extension would fail the standard 25 degree light test resulting in a loss of light to an existing side, south facing window which serves a habitable room. Additionally, there would be a loss of outlook for occupiers using this room due to it being built in such close proximity. The proposed development would therefore contravene the guidance contained within Local Plan Policy CP4, JCS Policy SD14 and NPPF paragraph 127(f) as it would fail to maintain a high standard of amenity for existing and future users of the neighbouring property.'*

*Furthermore, the proposed two storey rear extension is considered to be unacceptable due to its scale and bulk. The existing property would be dominated to an unacceptable*

*level as a result and the desired level of subservience as set out within the Council's adopted Supplementary Planning Document for Residential Alterations and Extensions would not therefore be achieved.'*

- 6.4 The refusal reason therefore relates to an unacceptable loss of light and loss of outlook to number 18 Southfield Rise and the overall scale and bulk of the new two storey extension.

#### **6.5 Policy Context**

- 6.6 Since the previous application was determined Cheltenham Borough Council has now formally adopted the new Cheltenham Plan (2020), therefore the new policies relevant in the consideration of this revised scheme are Cheltenham Plan Policy D1 which relates to design and policy SL1 relating to neighbouring amenity. Whilst a new plan has been adopted, the new policies very much reflect the previous policies relating to design and amenity.

#### **6.7 The proposed amendments**

- 6.8 The changes included within this revised scheme include:

- A reduction in the depth of the two storey rear extension by approximately 350mm;
- A reduction in the width of the two storey side extension by approximately 500mm;
- A reduction in the overall ridge height of approximately 900mm.

#### **6.9 Impact on neighbouring amenity**

- 6.10 The amendments have resulted in a general reduction in the overall scale and form of the proposed first floor rear extension; in turn this will reduce the impact of the proposal on neighbouring amenity.

- 6.11 As before, a number of light tests have been carried out to consider the impact on the rear ground floor openings of number 18 Southfield Rise, however on this occasion officers have also had the benefit of an internal and external site visit to this neighbouring property. This visit has allowed officers to fully understand the layout of this property and the relationship with the proposed development.

18 Southfield Rise has previously been extended with a single storey rear addition; this addition has created a large open plan 'L' shaped room across the rear of the property. The openings that provide light to this room include an original ground floor window in the rear elevation of the existing property, a ground floor window located within the side elevation of the extension, as well as a set of French doors located in the rear elevation of this extension.

The proposal passes the 45 degree light test for the original ground floor rear elevation window; there would therefore be no unacceptable loss of light to this window. The proposed two storey extension although reduced in size would still fail the 25 degree light test to the side elevation window within the neighbour's extension; however the French doors to the rear will be unaffected. Where more than one light source serves the same room consideration is given to whether the cumulative impact will be to an unacceptable level. In this instance, all three openings serve the same open plan room, one of which passes the light test and the other is wholly unaffected by the proposed development, with this being the case, officers do not consider that any loss of light to the side elevation window would result in an unacceptable loss of light to the property.

- 6.12 With regards to outlook for number 18 Southfield Rise, officers accept that the first floor addition will be visible from the side facing window of the neighbours extension, however

both of the other openings that serve this room have an outlook to the rear that will be unaffected. The distance that would remain between the side facing window and the proposed two storey extension would be approximately 5.3 metres; officers consider this to be an acceptable distance that will still allow views beyond the extension due to its limited depth. Views from this window into the properties private amenity space will be unaffected.

- 6.13 The concerns raised by the neighbour to the rear of the site at number 19 Southfield Approach are similar to those previously raised in the earlier application. The previous officer report addresses these points and sets out the reasons why the development would not result in any unacceptable loss of privacy to this particular neighbour. In summary, this related to the generous window to window distance of approximately 29 metres that would remain between the new extension and rear windows of this neighbouring property. In addition, any impact on this neighbour did not form any part of the previous refusal reason.

#### **6.14 Size and design**

- 6.15 In its revised form, which reduces the overall scale of the first floor addition, officers consider the addition to represent an acceptable subservient addition to the existing building.

- 6.16 The overall scale, form and design of extension reflect that of other similar schemes of work to 'chalet style' properties that have achieved successful planning permission in the local area. The applicant has provided officers with a number of examples (37 Longway Avenue, 25 Longway Avenue and 8 Barton Close). Whilst each application is considered on its own merits, these permitted schemes suggest that this scale and form of extension is of an acceptable level.

- 6.17 The revised submission is considered to meet with the tests of the Supplementary Planning Document – Residential Alterations and Extensions and is therefore considered to be acceptable in terms of its size, design and subservience. The proposal is also considered to be compliant with adopted Cheltenham Plan Policy D1, relating to design.

#### **6.18 Other considerations**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three 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; and
- 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 is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The scale, form and general design is considered to be acceptable and is compliant with adopted Cheltenham Plan policy D1, adopted JCS policy SD4 and guidance set out in Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions.
- 7.2 Furthermore, having had the benefit of a site visit, the proposal is not considered to result in any unacceptable impact on neighbouring amenity and is therefore compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14.
- 7.3 Having considered all of the above, officers consider this revised submission to appropriately address the previous refusal reason and therefore the recommendation is to permit the application, subject to the conditions set out below;

## **8. 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 facing and roofing materials shall match those 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 adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 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.