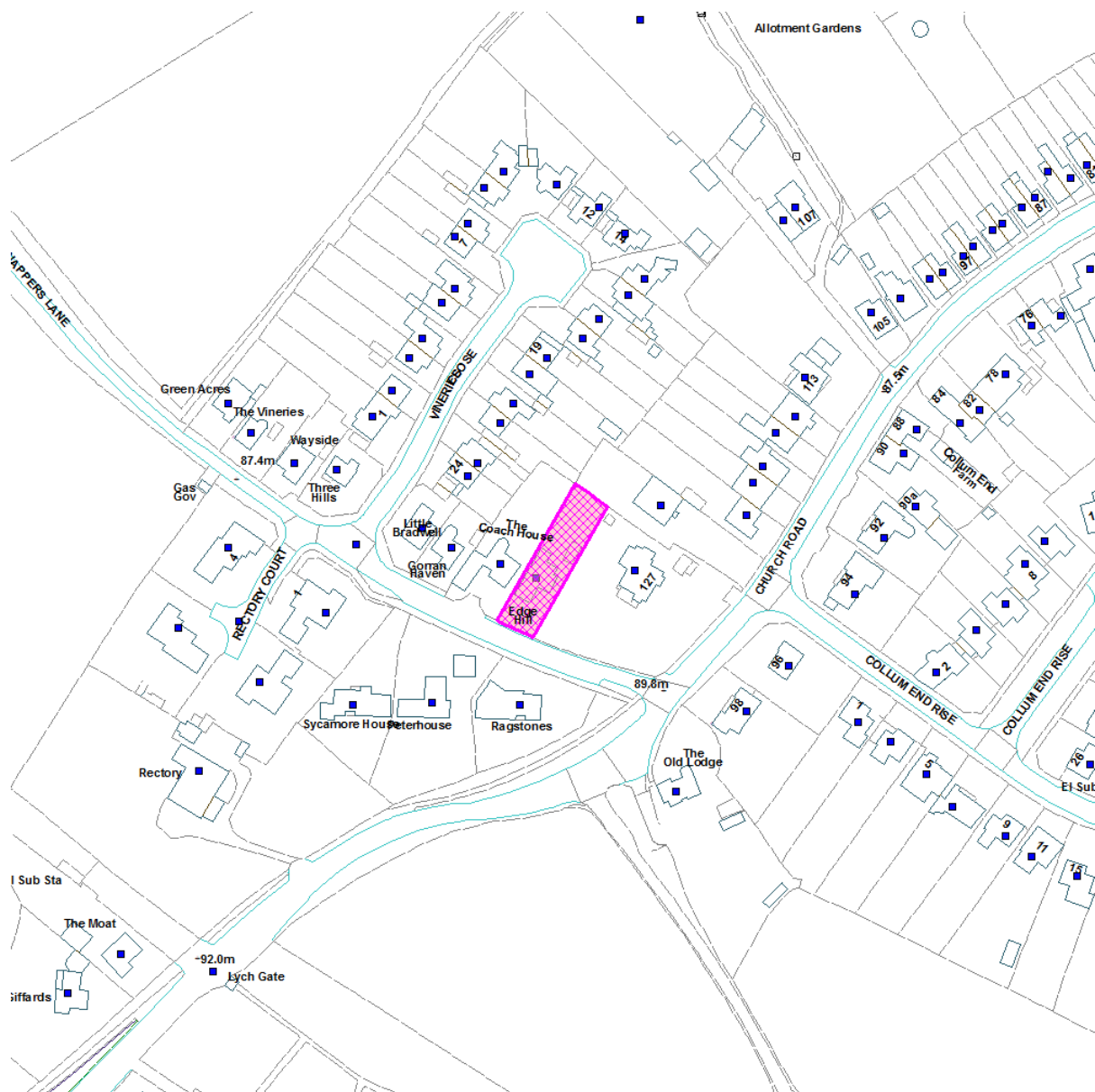


<b>APPLICATION NO:</b> 20/01882/FUL		<b>OFFICER:</b> Mr Daniel O Neill
<b>DATE REGISTERED:</b> 29th October 2020		<b>DATE OF EXPIRY:</b> 24th December 2020
<b>DATE VALIDATED:</b> 29th October 2020		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mrs Heidi Wood	
<b>AGENT:</b>		
<b>LOCATION:</b>	Edge Hill, Kidnappers Lane, Cheltenham	
<b>PROPOSAL:</b>	Extensions to existing property	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Edge Hill is a detached bungalow located on the north side of Kidnappers Lane. The site is not located within a conservation area or other designated areas.
- 1.2 The applicant is seeking planning permission for extensions to existing property including an upward extension, single storey rear extension and remodelling of existing property.
- 1.3 The application has been called to Planning Committee at the request of Cllr Cooke to the impact on neighbouring properties in respect to amenity. The Parish Council have also objected to the proposal for a second storey.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area

### **Relevant Planning History:**

**20/01797/PREAPP 23rd October 2020 CLO**

Addition of first floor to existing bungalow and extension to front elevation

**06/01786/FUL 15th February 2007 WDN**

First floor extension, two storey rear and single storey front extensions to create a two storey dwelling

**09/01837/FUL 8th August 2011 DISPOS**

Extensions and alterations to bungalow to create a two storey dwelling

**86/01607/PF 21st January 1986 PER**

Retention of front boundary wall 1.8m high

**18/00530/FUL 1st March 2019 DISPOS**

Erection of 5 bedroom dwelling following demolition of existing bungalow

**19/02344/FUL 9th April 2020 DISPOS**

Erection of 5 bedroom dwelling following demolition of existing bungalow

## 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

### **Ward Councillors**

*19th November 2020*

I am one of the borough councillors for Leckhampton.

I think the proposed building in itself is an interesting and imaginative design and, as a two-storey building, not out of keeping with the immediate area.

But I think officers should pay careful attention to the concerns of the neighbour at the Coach House. Because of the narrowness of the application site it does seem to me that the proposed building will be extremely close to their boundary and so quite close to and higher than their house, perhaps overshadowing it. This is not apparent from the street views so I hope officers can verify their accuracy.

The Local Development Framework Residential Alterations and Extensions Supplementary Planning Document does stress the importance of maintaining space between buildings and neighbours' right to adequate daylight (p7) and the need for skillful design of side-facing windows to preserve privacy (p9) and these must be respected.

### **Building Control**

*2nd November 2020*

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

### **Parish Council**

*19th November 2020*

The Parish Council makes the following comments:

The two story house is not in appropriate in itself for the area.

Comments from the Coach House regarding the scale and closeness to their boundary should be given serious consideration.

### **Gloucestershire Centre For Environmental Records**

*8th November 2020*

Biodiversity report available to view online.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>13</b>
Total comments received	<b>5</b>
Number of objections	<b>4</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1 Letters of notification were sent to 13 neighbouring properties. The application has received 4 comments in objection and these have been summarised but not limited to the following points;

- Design not in-keeping

- Principle of additional storey
- Loss of light
- Impact to the privacy
- Overbearing affect
- Loss of view/outlook

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The main considerations when determining this application are design, in relation to character and appearance of the wider locality, impact on the wider street scene and impact on neighbouring amenity

### **6.3 The site and its context**

**6.4** The property is a detached bungalow located on the north side of Kidnappers Lane surrounded by two storey dwellings of a variety of styles. Edge Hill is located between the two storey red brick dwelling known as The Coach House, Kidnappers Lane, and adjoins the rear boundary of 127 Church Road, a large dwelling located on a substantial sized plot.

**6.5** The detached bungalow is not of any particular architectural merit and is the only of two single storey bungalows within the immediate section of Kidnappers Lane. There is mixture of rendered, red brick, buff brick and stone cladded dwellings within this locality.

### **6.6 Design and layout**

**6.7** Cheltenham Plan Policy SL1 requires extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building or group of buildings. This is reinforced by JCS policy SD4 indicating that considerations to include context, character, legibility and identity, amenity and space.

**6.8** The application proposes various extensions to the existing dwelling including an upward extension to provide a two storey property with a single storey flat roof rear extension. It is also proposed to remodel the property by facilitating a design approach that will modernise the original building.

**6.9** Consideration has been given to the acceptability of the proposed upward extension to facilitate an additional storey. It is important to note when considering the scale and context of this application that the land does rise from west to east. The adjacent properties to the west are two storey dwellings located on lower land and the application site sits on this rise before gradually levelling. This is a similar context to the properties on the south side of Kidnappers Lane, opposite the application site.

**6.10** Whilst it is acknowledged that the proposed development will sit higher than the adjacent neighbouring property known as The Coach House, officers consider that the scale of the proposal would not be particularly harmful to its surroundings. By facilitating an upward extension, the proposal would follow the gradual evolution and contours of the land, while mirroring the height of the existing dwelling opposite. There is no established pattern of house types, building line or architectural uniformity in layout within this section of Kidnappers Lane.

- 6.11** Furthermore, officers consider that the extended property would sit comfortably within its plot and will retain a generous amount of space surrounding it. The existing footprint would remain similar with a small increase to the front and single storey extension to the rear elevation. This will allow for the space between each adjacent neighbouring property and the setback from the main road to be retained. Given the surrounding layout of the development and its position away from the highway; it is considered that the addition of a second storey can be achieved on this site without resulting in any significant harm to the wider street scene and the character of the area.
- 6.12** The proposed style and appearance of the remodelled dwelling is different from the design of the existing dwelling. The proposed development will mirror the existing use of render to the exterior elevations, however new modern materials such as grey aluminium windows, black brick and timber cladding will be introduced. It is of the opinion of the case officer that this development will represent a contemporary design approach. Paragraph 127 of the NPPF indicates that decisions should not discourage highly innovative design. Officers consider that there is not a strong sense of established character within the vicinity and other properties in the immediate locality vary in scale, form and design. There is also recent works undertaken in the local area that have established modern extensions and alterations to be acceptable.
- 6.13** Officers have duly noted that the design and style of the proposed development will undoubtedly alter the existing status quo. It is considered however that the proposal represents an acceptable high quality design and contemporary approach that will not result in a dwelling at odds with the character of the wider locality and will not cause an unacceptable harm to the wider street scene. Overall, on balance, the application is considered to comply with the relevant design policies.
- 6.14 Impact on neighbouring property**
- 6.15** JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook and overbearing impact will therefore be considered.
- 6.16** The property to be most affected by the proposed development is the adjacent neighbour to the west known as The Coach House. It is noted that the side of the dwelling at Edge Hill runs parallel to boundary, approximately 0.6m away. In comparison, the property known as The Coach House sits an angle in context to the shared boundary line. At its principal elevation it is approximately 3m to boundary and this gap begins to narrow towards its rear with approximate 2m from dwelling to boundary.
- 6.17** In order to facilitate whether the proposed development will cause an unacceptable loss of to the neighbouring front windows serving the sitting room, the 45 degree light test has been used. The light test has passed on both plan and elevation when assessing the impact to the front bay window, the proposed development will not intercept the angle of light to the midway point of this window. To the rear elevation, the light test passes on elevation but fails on plan when assessing the impact to the rear doorway. Given that this room has additional light source to the front and rear, with the front bay window unaffected; it is considered that no harm will be caused to this habitable room.
- 6.18** This neighbouring property has a rear conservatory which projects beyond the rear elevation of the parent dwelling. This completely glazed conservatory will have multiple light sources which will be unaffected by the proposed development. As such, no unacceptable loss of light will be caused to this area.
- 6.19** In respect to an overbearing effect, it is noted that the rear elevation of The Coach House will be setback from the rear of the two storey proposal. The length of the proposed development is not considered excessive as to result in a particularly long wall adjacent to

the boundary. It is also of note that these properties have relatively long rear gardens/amenity space areas.

**6.20** The side of the proposed development at Edge Hill would be clearly visible from both the patio areas and the rear windows of The Coach House, albeit at an oblique angle. However, views of the existing bungalow are established when looked upon from the rear windows and patio area. Officers therefore considered that the scale and form of the development would not result in a significant overbearing effect for the occupiers of this neighbouring house.

**6.21** With regard to the neighbouring property 127 Church Road, careful consideration has been given to potential impact caused by the development upon their amenity. The two storey rear elevation of this neighbouring house will be approximately 14m away from the boundary to the application site and will not directly face the proposed development. This neighbouring dwelling sits on a generous sized plot with considerably outside amenity space. Officers consider that no harm will be caused to this property in respect to privacy, light and outlook.

**6.22** Concerns have been raised locally regarding a potential loss of privacy as a result of new first floor side windows. All the windows to the side facing east will be obscurely glazed with a restricted opening and a condition has been attached to ensure that this is maintained. Revised plans were submitted to address concerns that the first floor window to side elevation facing west, serving an additional bedroom, could cause overlooking. This window has been altered to with a high-level opening approximately 1.7m from floor level.

**6.23** The proposed flat roof to the single storey rear extension has also queried as to its use a potential balcony. A condition has been attached that this roof cannot be used as a roof terrace, balcony or other private amenity area.

#### **6.24 Other considerations**

**6.25** Several comments have been received regarding how the proposed development will be visible and potentially cause harm to the view from neighbouring windows. It is unreasonable to refuse an application for planning permission for these reasons and there is not material planning consideration for a loss of view.

#### **6.26 Public Sector Equalities Duty**

**6.27** 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 Officer recommendation is 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.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the proposed first floor side windows facing east shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the proposed first floor rear window serving the bathroom shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 6 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Timber Cladding: (physical sample(s), name/type and source to be submitted).
- b) Fenestration arrangement: ( to include manufactures name and specific product details).
- c) Brickwork: (physical sample, to include manufactures name and specific product details.)

The works shall not be carried out unless in accordance with the details so approved.

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).

## **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.