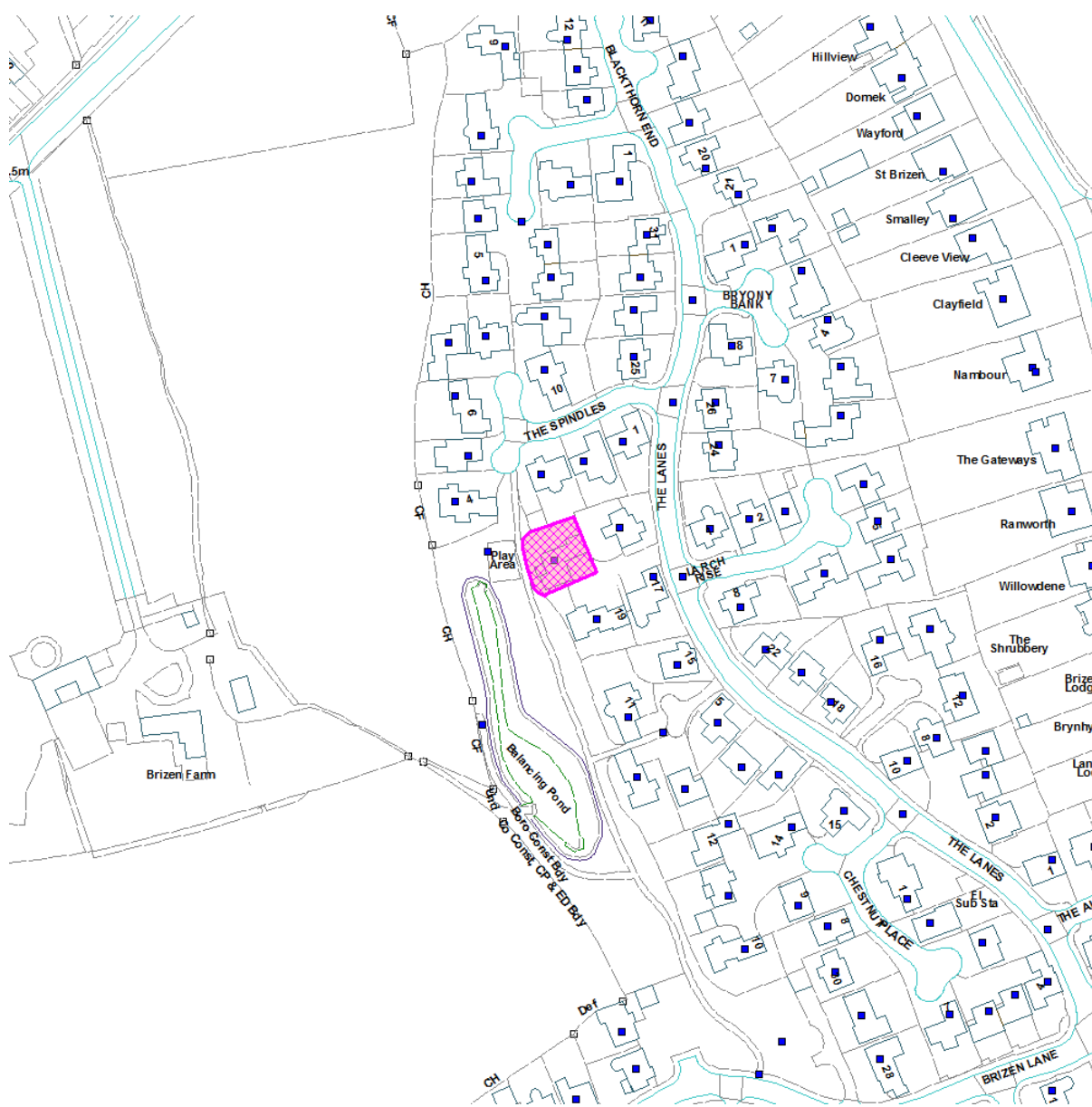


APPLICATION NO: 21/00552/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 10th March 2021		DATE OF EXPIRY: 5th May 2021
DATE VALIDATED: 10th March 2021		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr And Mrs S And T Wadley	
AGENT:	VJM Design House Ltd	
LOCATION:	21 The Lanes, Cheltenham, Gloucestershire	
PROPOSAL:	Extension over existing garage (Revised scheme to 21/00185/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on The Lanes.
- 1.2 The applicant is seeking planning permission for a first floor side extension over an existing garage. This is a revised scheme to an application previously refused under application number 21/00185/FUL).
- 1.3 The application is at planning committee at the request of Councillor Cooke due to the impact on neighbouring amenity, this concern is also raised in a Parish Council objection.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

21/00185/FUL 5th March 2021 REF
Extension over existing garage

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

Building Control

25th March 2021

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

Parish Council
7th April 2021

Report attached.

Parish Council
1st April 2021

The Parish Council objects to this application. The PC have asked for it to go to a planning committee. The full objection response was sent to the case office on March 30th.

5. PUBLICITY AND REPRESENTATIONS

5.1 A total of 4 letters were sent to neighbouring properties, 2 letters of objection have been received in response to this neighbour notification process. The objections come from number 3 The Spindles and number 23 The Lanes, the comments/objections have been summarised but are not limited to the following:

- Unacceptable impact on neighbouring amenity – loss of outlook and overbearing impact.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 Officers have viewed the application from the road side, in addition, site photos have been provided and google maps / google street view have been used to fully consider the proposed development.

6.4 Previous application

6.5 Officers recently refused an application on this site (21/00185/FUL) for a first floor side extension due to the impact of the proposal on neighbouring amenity, the refusal reason read:

‘The proposed first floor extension by reason of its position and proximity to the neighbouring property would result in an unacceptable impact upon the residential amenity of 23 The Lanes by reason of loss of outlook and an overbearing impact. As such the proposal is contrary to Adopted Cheltenham Plan (2020) policy SL1, adopted JCS policy SD14 and advice contained in the NPPF.’

6.6 This revised application has been submitted in an attempt to overcome this refusal reason, the change submitted within this application is a reduction in width of the proposed extension.

6.7 Design

6.8 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout.

- 6.9** Adopted Cheltenham Plan Policy D1 requires extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building or group of buildings. JCS policy SD4 relates to design and identifies the key considerations to include context, character, legibility and identity, amenity and space.
- 6.10** Cheltenham's Supplementary Planning Document (SPD) – Residential Alterations and Extensions identifies that development should maintain character, achieve subservience, maintain space between buildings, maintain privacy and ensure adequate daylight is maintained.
- 6.11** The proposed extension would sit comfortably within the plot and would read clearly as a subservient addition to the existing building. The scale, form and design is considered to be acceptable, and the proposed materials are to match existing, which is wholly appropriate.
- 6.12** It is not considered that this proposed extension would result in any unacceptable impact to the design or character of the existing building or its surroundings and is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.13 Impact on neighbouring property**
- 6.14** It is necessary to consider the impact of development on neighbouring amenity. 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, noise disturbances and overbearing impact will therefore be considered. Note 2 of adopted Cheltenham Plan policy SL1 specifies minimum distances that are required.
- 6.15** Previously, the proposed extension was shown to be built up to the shared boundary with Number 23 The Lanes and achieved a distance of approximately 10 metres to the rear elevation of this neighbouring property. Officers considered this to be unacceptable as it did not achieve the minimum of 12 metres that is set out in Cheltenham Plan Policy SL1, 12 metres is also applied when considering the distance between existing neighbouring properties/windows and a new two storey flank wall. A flank wall less than this 12 metres is considered to result in an unacceptable loss of outlook and overbearing impact.
- 6.16** This revised application has reduced the width of the proposed first floor extension by 2 metres, therefore bringing the extension away from the shared boundary with number 23 the Lanes. The proposal now achieves a distance of 12 metres between the neighbour's rear elevation and the proposed development, this now complies with policy and is considered to represent an acceptable relationship with the neighbouring property. Whilst officers acknowledge that the proposed extension will be visible from this neighbouring property/garden, and will have an impact, it is not considered that the impact would be of an unacceptable level and therefore would not warrant the refusal of planning permission.
- 6.17** In terms of privacy, the first floor front elevation window will overlook the highway in front of the application site and will therefore not result in any privacy issues. A single skylight window is proposed in the rear roof slope and will also not result in any privacy issues. Officers do however consider that any window located in the side or rear elevation of the new development would result in potential privacy issues and therefore a condition has been suggested to remove permitted development rights for new openings.
- 6.18** Having considered all of the above, officers consider this revised application to appropriately protect the amenity of neighbouring land users, will not result in any

unacceptable loss of outlook or overbearing impact and is therefore considered to accord with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14.

6.19 Other considerations

Public Sector Equalities Duty (PSED)

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** Having considered all of the above, officer 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 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 with or without modification), no additional windows, doors and openings shall be formed in the new first floor extension without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 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.