

APPLICATION NO: 21/01106/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 11th May 2021		DATE OF EXPIRY: 6th July 2021	
DATE VALIDATED: 11th May 2021		DATE OF SITE VISIT:	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Mr and Mrs Ellis		
AGENT:	Port Architects Ltd		
LOCATION:	155 Leckhampton Road ,Cheltenham, Gloucestershire		
PROPOSAL:	A loft conversion with dormer, two infill extensions, window alterations (revised scheme to previously withdrawn application ref. 21/00909/FUL)		

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 155 Leckhampton Road; a two storey, semi-detached residential property located within the Leckhampton with Warden Hill Parish. The site is not in a conservation area.
- 1.2 The applicant is seeking planning permission for a loft conversion with rear dormer, two single storey rear infill extensions, and window alterations. This application is a revision to a previously withdrawn scheme (re.21/00909/FUL).
- 1.3 The application is at planning committee due to an objection from the parish council, and at the request of Councillor Horwood due to an unacceptable loss of amenity on no.'s 153 and 155 Leckhampton Road, creation of an enclosed courtyard, and the creation of an inaccessible space which is likely to collect water and debris impacting upon no. 153 Leckhampton Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

06/01198/FUL

26th September 2006

PERMITTED

Single storey utility and shower room together with a single storey sun lounge to the rear of the property

21/00909/FUL

6th May 2021

WITHDRAWN

Single storey rear infill extension, rear dormer to facilitate loft conversion, and alterations to fenestration.

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)

4. CONSULTATIONS

Parish Council

2nd June 2021

The Parish Council objects to this application.

The council is concerned that the ground floor extension proposed will be immediately adjacent to the boundary line with no 153 for the length of the new side entrance hall which will be therefore be extremely close to the building at No 153. The proposed extension to the existing rear/side extension at the back corner is also taken even closer to the boundary line and it is already only inches away from it. Together these alterations will make access for maintenance to a large part of the side of either property impossible.

In addition, because all the properties along this part of Leckhampton Road are stepped, the ground level of the existing pathway is already higher than ground level at No 153 and the council understands that water and debris have already collected in the gully between them above the damp course level of No 153. Although the origin of this problem is probably the building of No 153 right on the boundary line, the proposed creation of an almost completely enclosed courtyard space seems very likely to exacerbate it and make it very hard to for later remedial work to be carried out.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to four neighbouring properties, one response has been received objecting to the proposal.
- 5.2 A summary of the main points raised by the objecting neighbour include:
- Extension results in prevention of access for maintenance,
 - Loss of privacy due to clear glazed first floor side elevation window.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The application proposes a rear dormer, single storey infill extensions and alterations to windows; they key considerations are therefore the design and impact on the 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 paragraph 127 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

6.5 The Council's Supplementary Planning Document: Residential Alterations and Extensions (SPD) set out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role.

6.6 Rear dormer

- 6.6.1 The aforementioned SPD guidance also provides design guidance for extending into the roof space, stating '*loft conversions should not have the appearance of an extra storey*' and '*a dormer window should always be set within its roof*'. The proposed rear dormer would be relatively large, however the original roof would still be read and it does not read as an additional storey. The design of the rear dormer would take on a modern design, being finished in lead cladding. The dormer is considered to be appropriate in terms of its scale, form and design complying with the relevant design guidance.

6.7 Single storey rear extensions

- 6.7.1 One extension would infill an area to the rear of an existing single storey rear extension. This extension would be small in scale and have a footprint of approximately 0.9 metres by approximately 2 metres, with the proposed roof form continuing the roof form of the existing single storey extension.
- 6.7.2 The other single storey rear extension providing a 'boot room', would infill an existing courtyard area between the rear elevation of the original building, the existing two storey rear wing and the existing single storey rear extension. The extension would have a footprint of approximately 3 metres by approximately 3.5 metres, with a flat roof at a height of approximately 2.9 metres. The extension would extend up to the boundary, but would not form a new boundary between the application property and no. 153 Leckhampton Road. Concerns have been raised in regards to the design of this extension due to the creation of an inaccessible area between the property and the boundary of the site. Whilst it is unfortunate that the proposal may result in an area that it is considered to be inaccessible, it is the opinion of officers that the proposed extension does achieve an acceptable design when assessed against the relevant design policies and guidance.
- 6.7.3 As such, both the single storey rear extensions are considered to achieve an acceptable standard of design, are of an appropriate scale and form clearly reading as subservient additions.

6.8 Window alterations

- 6.8.1 The proposed changes to the fenestration on the front, rear and side elevations are acceptable.

- 6.9 The proposed rear dormer, single storey rear extensions and associated window alterations are considered to be acceptable in terms of design and comply with policy SD4 of the JCS and policy D1 of the Cheltenham Plan, and the guidance set out within the Council's adopted Supplementary Planning Document: Residential Alterations and Extensions and Section 12 of the NPPF.

6.10 **Impact on neighbouring property**

- 6.11 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.12 There has been one public representation received following the public consultation; this neighbour objects to the scheme, the main points raised are summarised in paragraph 5.2 of this report. The impact on neighbouring amenity has been assessed as part of the application process.

- 6.13 There are no concerns that the rear dormer would result in harm to the amenity of adjoining land users. Officers must be mindful of the permitted development fall back position and that a dormer that was finished in materials to match could be constructed at this property without needing planning permission. As such, this element of the scheme is appropriate.
- 6.14 The smaller single storey rear extension is not conceded to result in further harm to the neighbouring property given its small scale and form. The larger 'boot room' extension would be located adjacent to the neighbouring property (no. 153 Leckhampton Road) and therefore would not project beyond this property. As such, there are no concerns that there would be harm to the amenity of no. 153 Leckhampton Road in terms of a loss of light or loss of privacy as a result.
- 6.15 The proposed rear dormer and single storey extensions would protect the existing amenity of adjoining land users in terms of a loss of light and loss of privacy. As such, the scheme is in accordance with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan and the guidance set out within the Council's adopted Supplementary Planning Document: Residential Alterations and Extensions and Section 12 of the NPPF.
- 6.16 There are 2no. existing first floor side elevation windows, as part of the application, the windows are to be altered to reflect the proposed internal alterations. The existing bathroom and bedroom are to be swapped internally, and therefore a clear glazed window is proposed within 'bedroom 3' to the rear of the existing two storey rear wing. Due to the location of this window and the relationship with no. 153 Leckhampton Road, views would be provided over the private amenity space of no. 153 Leckhampton Road. As such, revised plans have been sought to overcome this issue; this will be addressed in an update.

6.17 **Other matters**

6.18 Access for maintenance

- 6.18.1 The key material planning considerations of this application are matters of design and impact on neighbouring amenity. It is of officers opinion that the proposed larger single storey infill extension is of an acceptable design that complies with the relevant planning policies and guidance. Whilst it is unfortunate that the proposal may result in an area that could be considered as 'inaccessible', this is not a material planning consideration, and any future maintenance issues is a civil matter to be dealt with between land owners. As such, whilst the comments raised by the neighbour and parish council have been duly noted, the concerns regarding maintenance is not a material planning consideration.

6.19 **Other considerations**

6.20 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 It is considered that the proposed rear dormer, single storey rear extensions and window alterations are in accordance with the relevant planning policies and guidance. As such, the recommendation is to permit this 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).

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.