

<b>APPLICATION NO:</b> 21/01591/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 10th July 2021	<b>DATE OF EXPIRY:</b> 4th September 2021
<b>DATE VALIDATED:</b> 10th July 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> College	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr M Rayner
<b>AGENT:</b>	Stanley Partnership
<b>LOCATION:</b>	52 Fairfield Parade, Cheltenham, Gloucestershire
<b>PROPOSAL:</b>	Rear extensions and internal alterations

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 52 Fairfield Parade; a two storey, semi-detached, residential dwelling located in a wholly residential area. The site is within the College ward and is not in a Conservation Area.
- 1.2 The applicant is seeking planning permission for rear extensions and internal alterations that comprises single storey and first floor rear extensions, and a rear dormer to facilitate a loft conversion.
- 1.3 The application has been revised throughout the course of the application; the changes include:
  - Reduction of the height of the single storey rear extension by approximately 350mm to overcome concerns relating to a loss of light to the neighbouring property,
  - Alteration to the design of the proposed dormer to address design concerns.
- 1.4 The application is at planning committee at the request of Councillor Maughfling due to the design, impact on neighbouring amenity, and impact on the character of the area.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

There is no planning history for this application site.

## 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

### Gloucestershire Centre For Environmental Records

26th July 2021

Report available to view.

## 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 from the adjoining neighbour, objecting to the proposal.
- 5.2 Letters have been sent to neighbours on two occasions, firstly after the initial submission, and again after the submission of revised plans. The objecting neighbouring resident objected on both occasions.
- 5.3 The main concerns raised as a result of the initial consultation period include the following:
- No objection to the principle of extending the property,
  - Three storey conversion would be dominant and out of character with the surroundings,
  - Extension longer than other extensions in Fairfield Parade,
  - Decking and external decking area would experience a loss of light,
  - Loss of light to kitchen,
  - Loss of value to property,
  - Loss of privacy from first floor extension,
  - Unacceptable erosion of open space.
- 5.4 The main concerns raised as a result of the submission of revised plans include the following:
- Acknowledge and welcome the modest changes but still have concerns,
  - Extensions a dominant feature that is out of place,
  - Extensions no proportionate to the original building,
  - Out of character, scale and context,
  - Extension longer than neighbouring extensions.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The application proposes a single storey rear extension, first floor rear extension and rear dormer to a residential property; the key considerations are therefore the design and impact on neighbouring amenity.

### **6.3 Design and layout**

- 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 130 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 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. The document also provides specific guidance for dormer windows, setting out that a dormer should be set within the original roof and should not have the appearance of an additional storey.
- 6.6 As set out above, the proposal has been amended throughout the application to overcome design concerns and an unacceptable impact on neighbouring amenity.
- 6.7 The application site has an existing single storey rear extension; existing extension is to be extended in depth to create a larger kitchen, dining room and an existing lean-to roof is proposed to be amended so the existing and proposed extensions are a complete flat roof. The proposed single storey rear extension would extend 2.335 metres beyond the existing extension and is considered to be small in scale and form and sit comfortably within the plot, therefore achieving an acceptable level of subservience. The objecting adjoining neighbour (at no. 50 Fairfield Parade) has raised concerns with the design of the proposed single storey rear extension, setting out that the extension would project beyond the extension at no. 50 and further than neighbouring properties. Whilst these comments have been noted, there is no set building lines to the rear of the application property or wider area, and there is evidence along Fairfield Parade, namely the other neighbouring property no. 54 Fairfield Parade, of larger single storey rear extensions. It is therefore considered that the scale of the proposed single storey rear extension is acceptable and there would be no harm to the character of the area given that the extension is to the rear of the property with minimal views to the public realm.
- 6.8 The proposed first floor extension would be approximately 2/3 of the width of the original dwelling, as such the original building would still be read and would not be completely dominated by the extension. The scale and form of the extension is considered to be appropriate. The objecting neighbour's comments also refer to the first floor extension being greater in depth than neighbouring extensions, however officers have come to the same outcome when considering the single storey extension above. As such, it is considered that the extension sits comfortably within the plot and is of an appropriate design, complying with the relevant design guidance and would not result in harm to the character of the area.
- 6.9 The proposed dormer initially sat above the proposed first floor extension and was of a design that resulted in the appearance of an additional storey; contrary to the aforementioned SPD guidance. As such, the initial design was not considered to be acceptable and therefore revisions were sought. The dormer has been amended to a modest box dormer set well within the roof which is considered to be more appropriate in terms of design.
- 6.10 It is considered that the proposed extensions in their revised form are considered to be appropriate in terms of scale, form and design and would comply with the relevant planning policies and guidance in terms of achieving an acceptable standard of design.

### **6.11 Impact on neighbouring property**

- 6.12 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. The key considerations for this type of proposed development, in terms of amenity, is a loss of light and loss of privacy.
- 6.13 As a result of the public consultation, the adjoining neighbouring resident at no. 50 Fairfield Parade is the only resident who has made comments in objection to the proposal; a summary of the comments received are set out in paragraph 5.3 and 5.4.
- 6.14 The initial scheme raised concerns with officers in regards to an impact on neighbouring amenity in terms of a loss of light. The single storey rear extension was considered to result in an unacceptable loss of light to the adjoining property; no. 50. As such, the proposal was amended and the height of the extension was reduced by 350mm. The proposal, in its revised form passes the relevant 45 degree light test, and therefore the impact on the availability of light to the neighbouring property is not considered to be unacceptable. The neighbouring resident has concerns in regards to a loss of light, despite the changes made; officers appreciate that the extension will be noticed by the residents at no. 50 and would likely result in a loss of light, however the loss is not considered to be to an unacceptable level when assessed against relevant planning policy. There are no concerns relating to a loss of light as a result of the first floor extension or dormer window.
- 6.15 In regards to privacy, a first floor side facing window is proposed in the west facing elevation towards the adjoining property. This window would face the blank wall of no. 50 Fairfield Parade's first floor rear extension, however a condition to ensure the window is obscure glazed and high level opening has been added to ensure privacy is maintained. The dormer window, whilst at second floor would not result in a loss of privacy as would face down the garden of the application site. It is also worth bearing in mind that a larger dormer window could be built in this location without the need for planning permission. The single storey extension would not result in a loss of privacy given it is single storey and does not include any side facing windows.
- 6.16 As such, whilst neighbours comments have been duly noted, it is considered that the changes made as part of the application overcome the concerns in regards to a loss of amenity. It is therefore considered that the proposal in its revised form would comply with the relevant planning policies and guidance in terms of protecting the existing amenity of adjoining land users.

#### 6.17 **Other considerations**

#### 6.18 Environmental impact

Records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale, form and siting of the proposed development would have a harmful impact on these species.

#### 6.19 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 Taking all of the above into consideration, the proposed extensions in their revised form are appropriate in their scale and form and therefore achieve an appropriate standard of design that complies with the relevant planning policies and guidance. It is also considered that as a result of the scale and siting of the proposed extensions, there would be no undue harm caused to adjoining land users; with the proposed extensions complying with the relevant planning policies in terms of protecting neighbouring amenity.
- 7.2 As such, the recommendation is to therefore permit this application subject to the suggested conditions set out below.

## **8. SUGGESTED 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 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 new first floor side (west) elevation 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).

## **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, the authority sought revisions to the scheme to overcome concerns in regards to design and unacceptable impact on neighbouring amenity.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.