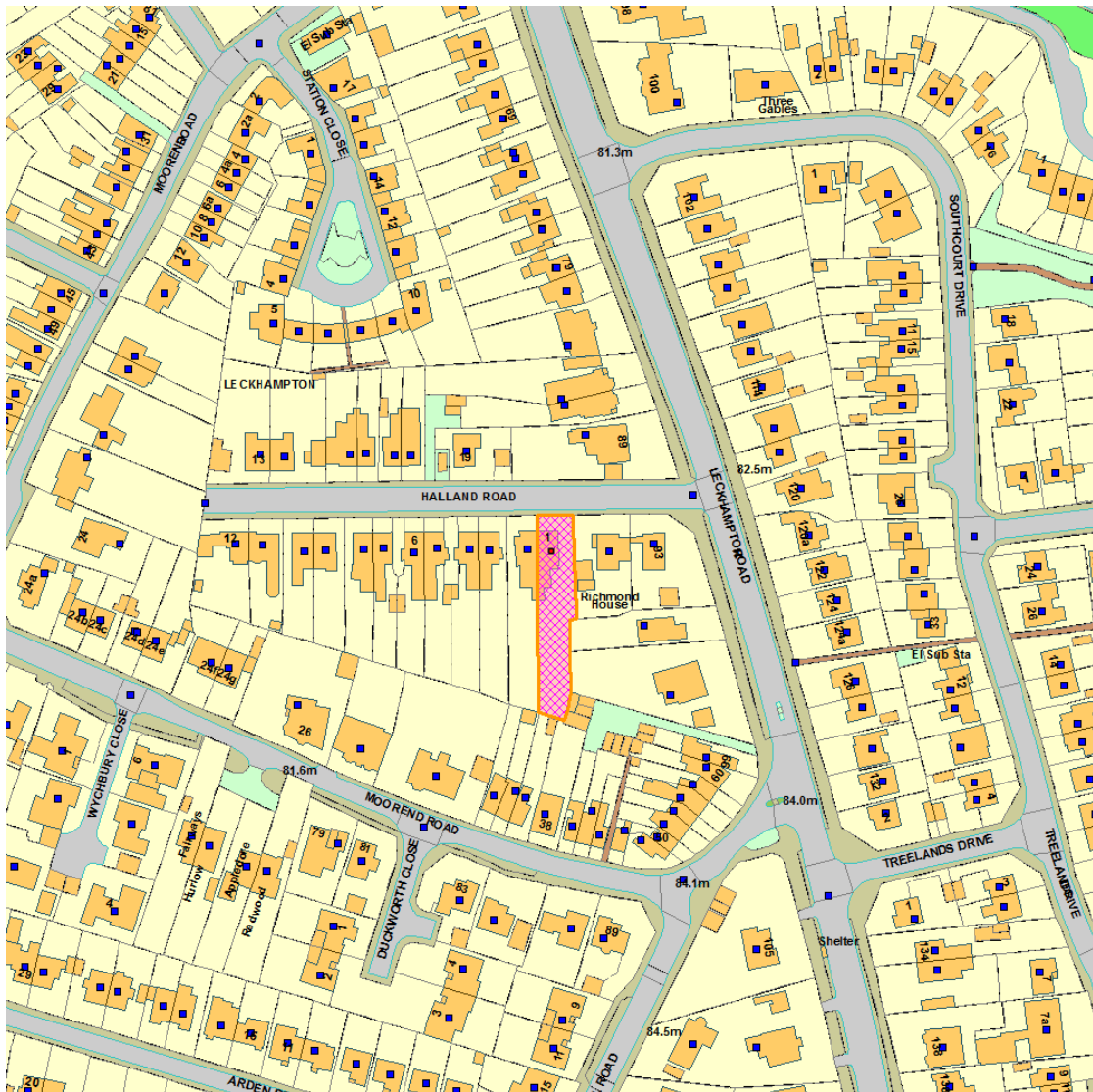


<b>APPLICATION NO:</b> 21/02330/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 22nd October 2021		<b>DATE OF EXPIRY:</b> 17th December 2021
<b>DATE VALIDATED:</b> 22nd October 2021		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Phil Marsh	
<b>AGENT:</b>	JW Architectural Studio	
<b>LOCATION:</b>	1 Halland Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Alterations and extensions (revised scheme to previously approved planning application ref. 20/01107/FUL)	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 Halland Road; a semi-detached, three storey, residential property located on a residential cul-de-sac. The site is located within the Leckhampton Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for alterations and extensions to the main dwelling.
- 1.3 This application has been amended throughout the course of the application to address concerns relating to design and the impact on the conservation area; the following changes have been made to this application;
  - Reduce height of single storey rear extension by 0.2 metres,
  - Front elevation changed back to the previously approved pitched garage with decorative fascia board,
  - Removal of proposed chimneys.
- 1.4 There have been a number of applications on this site, with the first being in 2019 (ref. 19/00365/FUL). In 2020 an application (ref. 20/01107/FUL) was submitted seeking changes to the 2019 approved scheme; the 2020 revised scheme was approved. This application is now seeking further amendments to the 2020 scheme, the following changes are proposed:
  - Increase in height of the single storey rear extension by 0.6 metres,
  - Change in the façade of the single storey rear extension,
  - Alterations to the front entrance porch,
  - Reduction in height of the garage.
- 1.5 The application is before the planning committee at the request of Councillor Horwood due to the design, scale and impact on the conservation area; and an objection from the Parish Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**07/00342/CACN 1st May 2007 OBJECT**

Western red cedar - fell

**07/01159/CONF 18th October 2007 CONFIR**

Confirmation of Tree Preservation Order 639: Western red cedar (Thuja) at front of property

**12/01727/CACN 11th December 2012 NOOBJ**

Holly Tree - fell

**19/00064/TPO 22nd February 2019 PER**

Western Red Cedar to be felled

**19/00365/FUL 26th April 2019 PER**

Proposed single storey side/rear extension, attached garage with office above and new rear dormers

### 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

Section 16 Conserving and enhancing the historic environment

#### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

#### **Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

Central conservation area: Leckhampton Character Area and Management Plan (July 2008)

### 4. CONSULTATIONS

#### **Building Control**

*12th November 2021 –*

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

#### **Parish Council**

*11th November 2021 –*

The Parish Council objects to the application on the following grounds:

1. The previously approved application 20/01107/FUL has gables over the garage and porch that match the style of the house. This is far more in keeping with the conservation area than the flat roof design that is now being proposed in the application.
2. The proposal to raise the roof height of the rear extension by about 21 inches compared with that in application 20/01107/FUL will increase the impact on the adjoining property. It is not clear why this increased height is justified. Given that the extension comes almost up to the boundary its height should be kept as low as possible to minimise the impact.
3. There appears to be a discrepancy between the proposed site plan which shows the front part of the extension coming right up to the boundary and the proposed floor plans which shows there is a gap of about 0.4 metres between the boundary and the front part of the extension.

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	2
Number of objections	2

Number of supporting	0
General comment	0

- 5.1 Letters have been sent to X neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; two objections have been received.
- 5.2 A summary of the main points raised by the neighbouring residents include, but are not limited to, the following
- Extension large in scale,
  - Out of character with the distinctive character of the main house,
  - [initially proposed] Front elevation not in-keeping with the area,
  - Overdevelopment of site as extension projects beyond rear building line,
  - Height of rear extension is overbearing and overshadowing,
  - Overbearing,
  - Loss of light to external patio area.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 As mentioned in the introduction, this is a revised scheme to a previously approved scheme. Officers are only considering the changes proposed as part of this application; these changes include the following:

- Increase in height of the single storey rear extension by 0.6 metres,
- Change in the façade of the single storey rear extension,
- Alterations to the front entrance porch,
- Reduction in height of the garage.

- 6.3 The principle of the works and footprint of the single storey rear extension have already been approved in both the 2019 and 2020 applications, and therefore must remain to be acceptable given there have been no change to policy or guidance that would alter this decision.

- 6.4 The key consideration for this application is therefore the acceptability of the proposed changes as set out above in terms of design, impact on the conservation area and the impact on neighbouring amenity.

### 6.5 Design

- 6.6 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.

- 6.7 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.

- 6.8 The initial scheme proposed to change the front elevation from a pitched roof to a flat roof. The initially submitted scheme has been revised at officer's request as the flat roof was considered to be of a poor design, did not respond to the design of the parent dwelling and did not achieve a high standard of design as per the previous scheme. As such, the proposal has been amended to revert to the design of the previously approved scheme which is considered to be more appropriate for its setting in the conservation area and relationship with the parent dwelling.
- 6.9 The proposed porch is to be omitted from this scheme and now proposes the front door to be set back from the front elevation of the main dwelling and flush with the garage. The roof would be a pitched lean-to roof with detailing to match the garage and the main dwelling. The design is considered to be acceptable and ensures an in-keeping design.
- 6.10 The proposed garage is to be reduced in height, and no longer providing first floor accommodation. The revised design is considered to be acceptable.
- 6.11 The proposed changes as part of this revised scheme, taking into consideration the submission of revised drawings, are considered to be acceptable in terms of design and would not result in harm to the character of the conservation area. The proposed changes as part of this application are considered to comply with policy SD4 of the JCS, policy D1 of the Cheltenham Plan and the guidance set out within the relevant guidance documents.
- 6.12 Impact on neighbouring property**
- 6.13 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.
- 6.14 Two neighbouring residents have objected to the application; a summary of the main planning related matters raised are set out above. The main concerns relate to the scale of the proposed rear extension and subsequent impact on the amenity of those adjoining land users. As already mentioned, the footprint is not proposed to change as part of this revised application as the principle of this has already been permitted, as such the footprint does not form part of the consideration of this application. However the height of the extension can be considered as this application initially proposed to increase the height by 0.8 metres from the previously approved scheme. Officers had concerns and therefore requested that the initially submitted height be reduced as it was proposed to be approximately 3.7 metres which seemed overly high. The applicant dropped the height by 0.2 metres and advised that it could not be reduced any further due to *"the internal ground level being a level threshold throughout to ensure disabled access and in line with the lifetime homes as this will be a forever home for the applicants. Also due to the high ceilings of the original house we have tried to replicate this through into the proposed extension."* The impact of the additional 0.6 metres in height of the single storey rear extension as part of this application has been assessed on neighbouring amenity and is it considered that the additional height would not result in an unacceptable harm to neighbouring amenity given the relationship with and layout of adjoining properties. Whilst the neighbours' concerns have been duly noted, it is considered that the additional height would not result in an overbearing impact, an unacceptable loss of light to habitable rooms or loss of privacy to neighbouring properties. It is therefore considered that the proposal would comply with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan in terms of protecting neighbouring amenity.
- 6.15 Other considerations**
- 6.16 Neighbour comments

Comments have been made by neighbours that fall outside of the relevant planning considerations such as internal layout and party wall. The applicant has confirmed that, in

response to comments over the internal layout, that “*the secondary internal staircase was to access a room above the Kitchen to allow for a larger bedroom on the first floor without lengthy corridors creating wasted space as there was in the existing property*”. In regards to Party walls; this is a civil matter to be dealt with between land users.

#### 6.17 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 For the reasons set out within this report, the proposed changes as part of this application as set out in paragraphs 1.4 and 6.2 are acceptable in terms of design, impact on the conservation area and impact on neighbouring amenity; therefore in accordance with the relevant planning policies and guidance.
- 7.2 The recommendation is to therefore 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 brickwork shall match that 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 policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Notwithstanding the submitted details, the proposed black cladding shall not be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved 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, the authority sought revisions to the scheme to achieve a more appropriate standard of design.

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