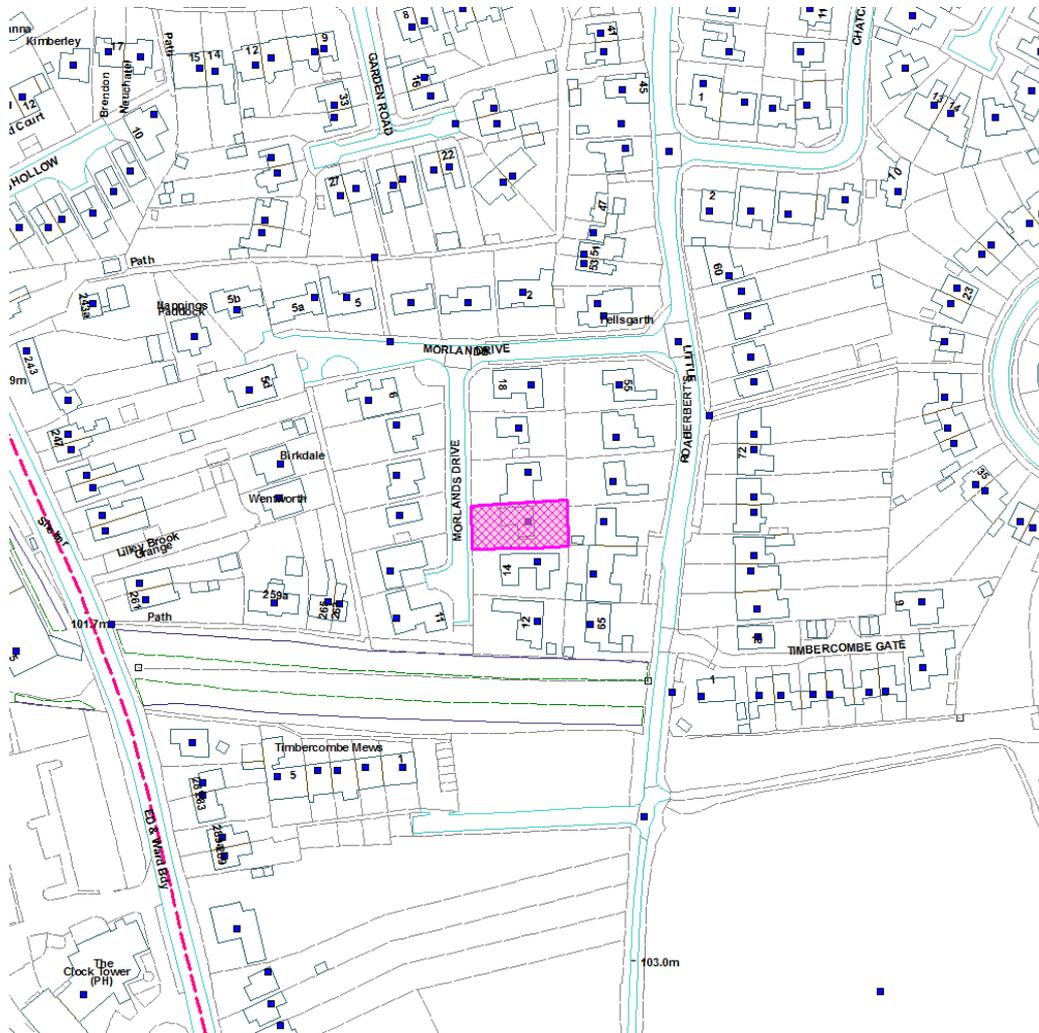


<b>APPLICATION NO:</b> 21/02779/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 18th December 2021		<b>DATE OF EXPIRY:</b> 12th February 2022 (extension of time agreed until 18th February 2022)
<b>DATE VALIDATED:</b> 18th December 2021		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr And Mrs Moore	
<b>AGENT:</b>	Horace Brown Ltd.	
<b>LOCATION:</b>	15 Morlands Drive Charlton Kings Cheltenham	
<b>PROPOSAL:</b>	Application to demolish existing garage and construct two storey side extension to include internal works and replacement windows	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the eastern side of Morlands Drive, a cul-de-sac accessed from Little Herbert Road, and comprises a detached, two storey dwelling. The site is also located within Charlton Kings parish; and, to the rear, the site backs onto the rear of properties in Little Herberts Road.
- 1.2 The property is gable fronted and constructed of yellow brick beneath a pitched, tiled roof, with white uPVC windows and doors. The property has been previously extended to the side at ground floor by way of a flat roofed addition; and a detached, flat roofed garage sits alongside.
- 1.3 The applicants are seeking planning permission to demolish the existing garage and construct a two storey side extension. The application also proposes replacement windows throughout.
- 1.4 The application is before planning committee following an objection from the parish council whose comments can be read in full at section 4 below; however, in brief, their concerns relate to a loss of privacy to properties at the rear; the mass, height and design of the extension; and the loss of the gap between the property and its neighbour.

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

250 Metre Land Fill Boundary  
Airport safeguarding over 15m  
Principal Urban Area  
Smoke Control Order

### **Planning History:**

None

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2021 (NPPF)**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 12 Achieving well-designed places

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network

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

Residential Alterations and Extensions (2008)

## 4. CONSULTATION RESPONSES

### **Building Control - 21st December 2021**

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

**Gloucestershire Centre for Environmental Records - 6th January 2022**  
Biodiversity report available to view in documents tab.

**Parish Council - 11th January 2022**

Objection:

The Committee objects to the application on the following grounds:

The distance from the first-floor windows in the extension to those of the properties to the rear is less than 20m. While the property does have one existing first floor window, the extension will add three, thus significantly increasing the loss of privacy to the rearward properties.

The extension is of a mass and height that means it is not subservient to the original property.

The two storey properties in Morlands Drive have generally been designed and built 'end-on' to the street, ie with a relatively narrow frontage and greater depth. This creates an open aspect to the street scene with large gaps between the two storey elements. By extending at two storeys across almost the whole width of the plot, this common theme to the area is broken and is therefore out of keeping and detrimental to the street scene.

**Contaminated Land Officer – 26th January 2022**

I've had a look at our maps and contaminated land records and I have no objections to this application. I would however add the general advice of installing a protective membrane within the foundations of the extension as a precautionary measure due to being within the landfill buffer.

## 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to eight neighbouring properties. In response to the publicity, three objections have been received from three residents in Little Herberts Road to the rear. The representations have been circulated in full to Members but, in brief, the main concerns relate to:

- Overlooking/loss of privacy resulting from new first floor windows in rear elevation
- Scale of development
- Visual impact/overbearing
- Loss of light/overshadowing
- Loss of view

## 6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design, and any impact on neighbouring amenity.

6.2 Design

6.2.1 Adopted CP policy D1 requires all new development to complement and respect neighbouring development and the character of the locality; whilst extensions or alterations to existing buildings should avoid causing harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Further design advice in relation to domestic properties is set out within the Council's adopted 'Residential alterations and extensions' SPD.

6.2.3 Officers consider that the proposed extension is wholly acceptable from a design perspective. In terms of subservience the extension accords with the advice in the aforementioned SPD that states that *"An extension should not dominate or detract from the original building, but play a 'supporting role'. Generally, the extension should not be higher than the original. A well-designed extension is normally set back from the main elevation"*.

6.2.4 Although it is a fairly large addition, and will extend almost to the side boundary at two storeys, it is well set back from the principal elevation, some 2.8 metres, and will not exceed the height of the existing dwelling; as such, the original gable form of the dwelling will still be evident. The single storey garage projection will not breach the established building line.

6.2.5 In addition, whilst it is acknowledged that the space between the property and its neighbour to the south will be reduced as a result of the extension, this is not considered to be particularly harmful in this location. Indeed, the residential SPD advises that the Council will look to maintain spaces between buildings in order to prevent a terracing effect between existing houses and that permission may be refused only where *"an existing adjacent extension would make it impossible to achieve a visual gap between houses"*. In this instance, given that the neighbouring property is a bungalow, officers are satisfied that no such terracing effect will occur.

6.2.6 Furthermore, the use of facing brick and roofing tiles to match those used in the existing building will ensure that the general character and appearance of the property will be maintained. It is acknowledged that the introduction of anthracite grey windows, doors, cladding panels and rainwater goods throughout will give the property a more contemporary visual appearance but this not considered to be harmful to the wider streetscene. No objection has been raised by residents within Morlands Drive.

6.2.7 Overall, officers are therefore satisfied that the proposed extension accords with the provisions of CP policy D1, JCS policy SD4, and the 'Residential alterations and extensions' SPD.

### 6.3 Amenity

6.3.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. CP paragraph 14.4 advises that *"In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy..."*. The impact of the development on all neighbouring properties has been taken into account when considering these proposals.

6.3.2 As previously noted at paragraph 5.1, neighbouring residents to the rear of the site have raised a number of amenity concerns; concerns which are shared by the parish council. The concerns have been duly noted by officers; however, whilst the proposals will undoubtedly have some impact on neighbouring properties, it is not considered that any such impact will be so great as to warrant a refusal of planning permission on amenity grounds.

6.3.3 With regard to overlooking and loss of privacy, the property that has the most potential to be adversely affected by the proposed extension is that directly to the rear of the site, no.61 Little Herberts Road. Officers acknowledge the proposed development will result in additional first floor windows to the rear of the application property, some of which will be clear glazed; however, clear glazed windows could be installed in the rear of the existing building at any time without the need for planning permission. In addition, one of the first floor windows in the rear of the new extension will serve an en-suite and can therefore be

reasonably assumed to be obscurely glazed; although, for the avoidance of doubt, this can be secured by condition. As such, there is really only one clear glazed window to consider. It is acknowledged that this window will not achieve a full 21 metres to the windows in the property to the rear, achieving approximately 19.4m, but it will achieve a distance in excess of 10.5 metres to the rear boundary which is widely accepted. In any event, the level of overlooking from a window set a further 1.6m away from the rear of the neighbouring property would not be too dissimilar.

6.3.4 In terms of visual impact, whilst it is acknowledged that the building as extended will have a greater visual impact than the existing dwelling, and the neighbours' view of the property will change, officers are satisfied that it will not appear overbearing given the distances involved.

6.3.5 Additionally, whilst some additional overshadowing of neighbouring gardens is likely to occur, it will not be to such an extent that planning permission could reasonably be withheld.

6.3.6 The proposed extension will not result in any harm to the properties on either side of the site in Morlands Drive. The neighbouring bungalow, no.14, does have a window in its side elevation but this appears to serve a bathroom. Moreover, the new first floor window in the side elevation facing no.16 will serve an en-suite and can again be reasonably assumed to be obscurely glazed.

6.3.7 Finally, members will be aware that the loss of a view is not a material planning consideration and cannot be taken into account in the determination of this application.

#### 6.4 Other considerations

##### *Protected species*

6.4.1 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the scale and nature of the proposals, it is not considered that the proposed development will have any harmful impact on these species.

##### *Public Sector Equalities Duty (PSED)*

6.4.2 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.

6.4.3 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.

6.4.4 In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 With all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policies, and the recommendation is to grant planning permission subject to the following conditions:

## **8. SUGGESTED 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.

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 en-suite window in the rear of the extension shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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).

## **INFORMATIVE**

- 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.

- 2 The applicant is advised to install a protective membrane within the foundations of the extension as a precautionary measure due to the site being within a former landfill buffer.