

APPLICATION NO: 21/02785/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 22nd December 2021		DATE OF EXPIRY: 16th February 2022	
DATE VALIDATED: 22nd December 2021		DATE OF SITE VISIT:	
WARD: Prestbury		PARISH: Prestbury	
APPLICANT:	Duncan Rawlings		
AGENT:			
LOCATION:	23C Finchcroft Lane Cheltenham Gloucestershire		
PROPOSAL:	Demolition of existing single storey dwelling and erection of new two storey dwelling		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached single storey bungalow with detached double garage located in a backland position to the rear of 23, 23a and 23b Finchcroft Lane, accessed via a gated driveway to the south of this group.
- 1.2 Finchcroft Lane is characterised by a mixture of detached and semi-detached dwellings of varying styles in good sized plots. The site is bound to the rear by semi-detached properties which front Gallops Lane and an area of public open space. To the north is an area of open space associated with Finchcroft Court, a flatted development beyond.
- 1.3 Planning permission was granted in September 2021 for extensions to the existing bungalow. This application now seeks consent for the demolition of the existing bungalow and its replacement with a new building which would be a direct replacement for the bungalow, as extended. Therefore the proposed plans are the same and the eventual building would be the same in all respects.
- 1.4 In comparison with the existing bungalow the proposed dwelling would be a maximum of 2m higher. The first floor would accommodate 3 en-suite bedrooms. These would be lit by roof lights within the roof slopes, a window within the gable on the south elevation and on the north elevation by two double doors set within 2no. two storey rectangular projections. The doors would be recessed within this to create a 1m wide balcony with glazed balustrade.
- 1.5 The footprint would be the same as approved under the extension proposal and is similar to the original building. However the existing conservatory on the southern elevation would be replaced with a pitched roof extension, and the single storey element on the eastern side of the building would be replaced by a single storey element with the ridge height increased by 0.7m and the footprint in this area would be increased to create a boot room and utility room.
- 1.6 The application is before committee at the request of Cllr Payne because of the concerns of neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

09/01223/PREAPP CLO

Proposed first floor extension above the existing bungalow.

00/01304/FUL 24th November 2000 PER

Replacement of porch and conservatory, re-roofing of utility, with conversion of part of utility to shower room.

99/50392/FUL 27th April 2000 REF

Dining room, en-suite bathroom with utility and garage extension to existing house

21/01745/FUL 24th September 2021 PER

First floor extension and external alterations

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
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
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

4. CONSULTATIONS

Tree Officer

5th January 2022

There are several cypresses on site that have been managed as a hedge. These may need some pruning to facilitate the proposed development. The Trees Section has no objection to this.

GCC Highways Planning Liaison Officer

19th January 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The justification for this decision is provided below.

The proposal is perceived as a like for like replacement, thus not conducive to additional trips likely to result in detriment of the operation and safety of the adjacent network.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

Building Control

23rd December 2021

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

Parish Council

11th January 2022

No objection but we are concerned over neighbours' amenity.

Gloucestershire Centre for Environmental Records

6th January 2022

Biodiversity report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	47
Total comments received	11
Number of objections	11
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 47 neighbouring properties. 11 objections have been received which can be briefly summarised as follows:

- Impact on privacy both inside neighbouring dwellings and gardens
- Impact on light inside neighbouring dwellings and gardens
- Visual impact/impact on outlook
- Previous application for a garage was refused
- Noise and disturbance from building work
- Concerns about accuracy of plans

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle, (ii) design and (iii) neighbour amenity.

6.3 The site and its context

6.4 As mentioned above, the site is located within a backland location and comprises a bungalow, surrounded by two storey properties. A number of the objectors have suggested that when the dwelling was originally conceived there was a requirement for it to be single storey. This pre-dates the available records, however even if this were the case at the time, the LPA is duty bound to assess the current proposal in accordance with the current development plan which comprises the JCS, the Cheltenham Plan and supplementary guidance.

6.5 It is noted that in 1999 the planning committee overturned an officer recommendation to add another storey to the detached garage adjacent to the building. The garage is not proposed to be altered in the current proposals.

6.6 Principle

6.7 Policy SD10 of the JCS relates to residential development. It states that housing development will be permitted where it is infilling within the existing Principal Urban Area (PUA) of Cheltenham. The application site is within the PUA of Cheltenham and the proposal is for a 1 for 1 replacement dwelling and as such the principle of the proposal is acceptable.

6.8 As mentioned above the application proposes to construct a new dwelling which would be identical to the existing house as it would have been if the approved extensions had been implemented. As such the approved extensions scheme represents a 'fall back position' regardless of the outcome of this application.

6.9 **Design and layout**

6.10 The NPPF at Section 12 refers to achieving well designed places. This is also covered at policy D1 of the Cheltenham Plan and SD4 of the JCS. These include a requirement that development reflects the principles of urban design and complement and respect neighbouring development and the character of the locality. The Development on garden land and infill sites in Cheltenham SPD is also relevant. This sets out a methodology for assessing of considering infill schemes including assessing the layout and character of the surrounding area and responding appropriately.

6.11 In this instance the footprint is largely unchanged apart from the additions mentioned above. The new dwelling would be taller than the existing dwelling however it would not be higher than the neighbouring properties. As such it would not appear incongruous in this backland location. The design includes lower elements to the side and rear which appear as subservient elements to the larger central section. The roofline is broken with the front wing being set down from the main roof. These features ensure that the building does not appear overly bulky.

6.12 The materials proposed comprise render, and cladding with slate roof tiles and dark grey aluminium windows and doors. The material palette within surrounding properties is mixed and it is considered that the materials proposed are appropriate for the location. The exact nature of the cladding is not specified and as such a materials condition is recommended to ensure an appropriate finish.

6.13 The rear (north) elevation includes windows set within a slightly projecting frame. Whilst this feature is not one which is typically seen, the projections are set well in from the edges of the building and the eaves line is clear between and beyond these sections. As such they are considered to be acceptable.

6.14 For these reasons the design is considered to be acceptable. In terms of layout, as discussed, the footprint is not significantly different and no changes are proposed to the outbuildings or parking and turning arrangements. As such the layout is considered to be acceptable.

6.15 The design and layout is unchanged from the previous proposal which has already been found to be acceptable. For the reasons outlined above and bearing in mind the fall-back-position the current proposal is also considered to be acceptable in this regard.

6.16 **Impact on neighbouring property**

6.17 Section 8 of the NPPF, Policy SL1 of the Cheltenham Plan and Policy SD14 of the JCS all seek to ensure that development does not have an unacceptable impact upon the amenity of neighbouring properties.

6.18 The Residential Alterations and Extensions SPD & Development on garden land and infill sites in Cheltenham SPD give detailed advice on assessing the impact of proposals on privacy and light. These include the following guidelines:

- facing windows to habitable rooms should be a minimum of 21m apart.
- There should be 10.5m from a first floor clear glazed window to boundary (overlooking can be minimised by changes in orientation or use of high level windows).

- There should be 12 between dwellings which face each other where only one has windows with clear glazing.
- Extensions should not breach the 45° and 25° lines.
- Windows on upper floors and balconies need to be carefully considered. Skilful design can overcome issues

6.19 All properties which share a boundary with the site were visited as part of the consideration of the previous application. Whilst the impact is unchanged from the previous application the report will assess the impact on each of the adjoining properties.

6.20 Finchcroft Court

The rear elevation of the proposed dwelling faces an area of communal open space to the rear of the garage court associated with this block of flats. There is 13m from the north elevation of the application property to the boundary with this property and 40m to the building itself. The distances involved are sufficient to ensure no unacceptable overlooking occurs.

12 – 14 Gallops Lane

The east elevation of the proposed dwelling faces these properties. The single storey extension would be adjacent to this boundary with the main element beyond. The distance from the rear of these properties to the building varies from 11.1 – 18.9m (taking into account the existing extension at number 12). At present the bungalow is barely visible from the gardens of these properties due to the low height and the presence of vegetation on the boundary. It is acknowledged that the proposed dwelling may mean it is more visible from these properties. However the element directly adjacent to the boundary remains single storey and is 2.3m away from the boundary. The eaves of the main element remains relatively low with the front section pitching away from the boundary. It is therefore not considered that the proposal would result in an overbearing impact upon the garden and it is not considered that the impact of the proposal is sufficiently harmful to warrant the refusal of the application. The roof light windows appear to be high enough on the roof to ensure that no overlooking could occur, however they serve en-suites and as such is suggested that a condition is attached to ensure they are obscurely glazed.

16 – 18 Gallops Lane

The single storey element in the location of the existing conservatory would be over 12m from any part of either neighbouring property. The proposal includes a new window within the gable of the southern elevation which would be at an oblique angle to these properties. Its position is slightly below 10m to the boundary with number 16, however at this nearest point it is perpendicular to the rear elevation of this property. Given the distances involved and the oblique angle of any overlooking it is not considered that the proposal results in a loss of privacy at a level which would warrant the refusal of the application.

25 Finchcroft Lane

The above mentioned gable window would face the boundary of this property, however it is 13m from the boundary and 25m from the house itself. Some overlooking of the end part of the garden may occur but at a distance of 13m this is not a level which could warrant the refusal of the application.

23 Finchcroft Lane

23 Finchcroft Lane has been extended to the rear but retains a garden of a minimum of 11m in length with 18m to 23c. The first floor window mentioned above would be at an oblique angle to the dwelling and would not result in an unacceptable loss of privacy.

23b Finchcroft Lane

This property is 13m from the rear boundary (not including the conservatory) with a further 2m gap to 23c. The height of the gable adjacent to the boundary would be 1.5m than the existing house and as such there would be an impact on the outlook from this property, however it is no considered that it would have a sufficiently overbearing impact as to warrant the refusal of the application. The roof lights would be obscurely glazed in order to preserve privacy.

23a and 21 Finchcroft Lane

The garden of 23a is over 13m in length with 15m between properties corner-to-corner. 21 has a garden of approx. 23m in length with over 25m corner-to-corner. Given these distances it is not considered that the extended building would have an overbearing impact. The proposal includes large windows within the framed elements, however at first floor the windows are set 1m within this structure which limits sideways views towards these properties. The balconies are not of sufficient depth to be likely to be used for frequent sitting out. As such it is considered that the impact on these properties is acceptable.

- 6.21 The application drawings include a demonstration of the 25° line which seeks to demonstrate that the proposal will not have an unacceptable impact upon light for any neighbour. A number of representations question the accuracy of this. Having viewed the site and neighbouring properties the land clearly rises to the east, although the exact topography differs from plot to plot. Given that the drawings demonstrate a cross section through the highest part of the building and demonstrates a 'worst case scenario' particularly in the case of the conservatory for 23b, officers are confident that the proposal would not result in an unacceptable loss of light to any neighbour.
- 6.22 It is acknowledged that the proposed building will have an impact upon neighbouring properties. However the proposal complies with the relevant 'rules of thumb' as outlined at 6.18. Having carefully assessed the impact upon each neighbouring property officers are satisfied that the impact is not at a level which would warrant the refusal of the application.
- 6.23 Access and highway issues**
- 6.24 The application proposes a replacement dwelling with no alterations to the access arrangements; as such no objection has been raised by the Highway Authority.
- 6.25 Sustainability**
- 6.26 Cheltenham Borough Council has declared a climate emergency with an ambition to be a net zero carbon authority by 2030.
- 6.27 The application does not detail any specific features or technologies which would reduce carbon emissions over and above that required by building regulations. However policy SD3 of the JCS includes only a requirement to meet national standards and as such the proposal is acceptable in this regard.

6.28 Other considerations

6.29 Ecology

6.30 The GCER report identifies that several protected species have been sighted within a 250m radius from the site. However none of these have been in close proximity or within the site itself. As such and given the small scale nature of the proposal it is not considered that there would be any significant impact upon ecology.

6.31 Public Sector Equalities Duty (PSED)

6.32 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 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 As discussed above the site benefits from the fall-back-position of approval for extensions to the existing building. This is a material planning consideration.

7.2 This application proposes the demolition and replacement of the existing building, however the resultant building is identical.

7.3 In any event the scheme is considered to be acceptable in terms of design and neighbour amenity. It is acknowledged that there are strong concerns from neighbouring properties regarding this proposal however the plans have been carefully assessed and it is not considered that the impact is at a level which would warrant the refusal of the application.

7.4 As such the application is recommended for approval.

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 No external facing or roofing materials shall 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).

- 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 extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 5 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 first floor of the dwelling 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).