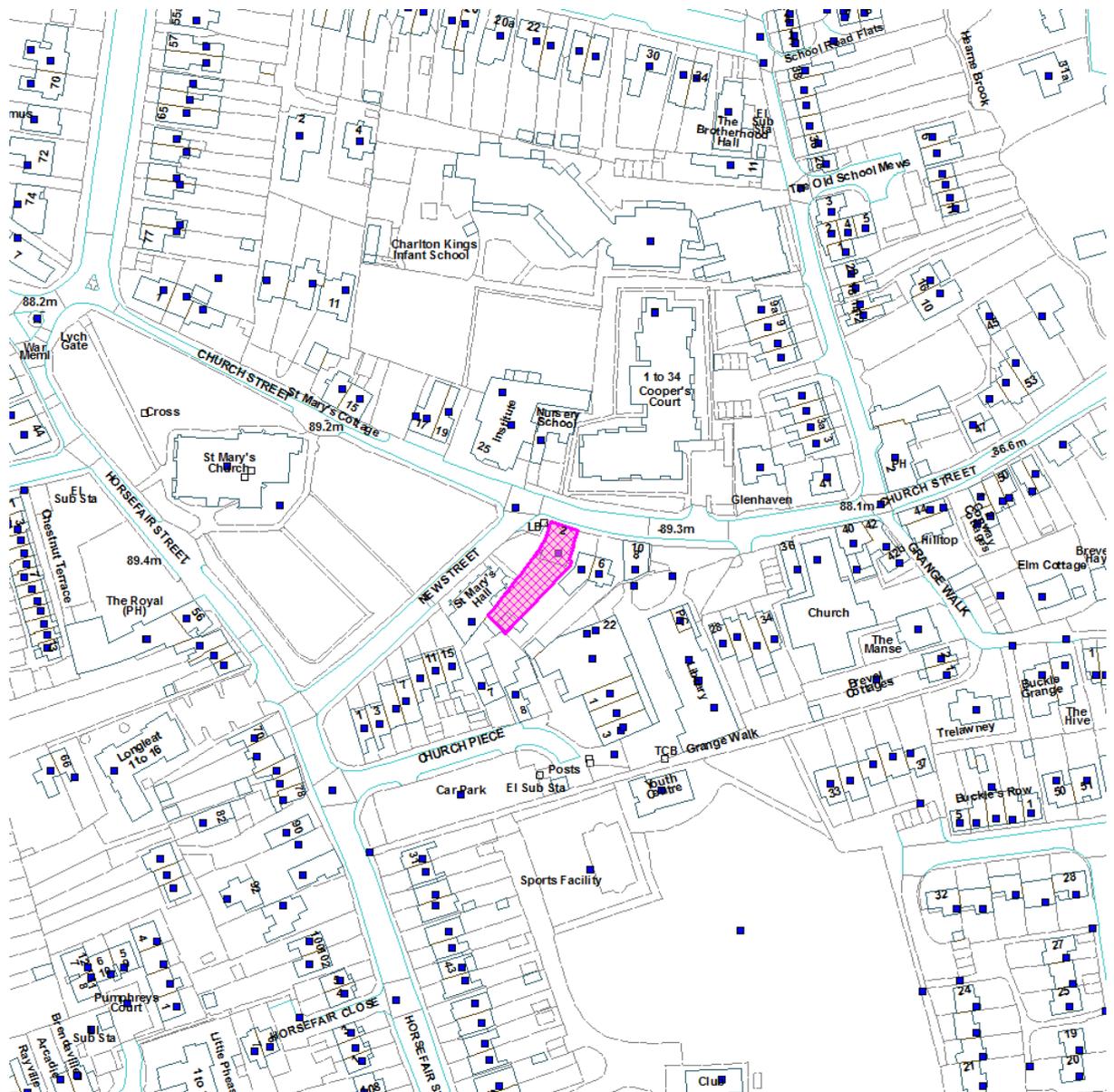


APPLICATION NO: 22/00312/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 18th February 2022		DATE OF EXPIRY: 15th April 2022
DATE VALIDATED: 18th February 2022		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Aghera	
AGENT:	Cheltenham Drafting	
LOCATION:	2 Church Street Charlton Kings Cheltenham	
PROPOSAL:	Single storey rear extension, second storey addition to side/rear and alterations to front facade	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached building located within a residential area on the corner of Church Street and New Street in Charlton Kings. The application site is located just outside the boundary of the St Mary's Conservation Area.
- 1.2 The applicant is seeking planning permission for a single storey rear extension, first floor side/rear extension and alterations to the front façade of the existing building.
- 1.3 The application is at planning committee at the request of Councillor McCloskey who wishes members to be able to have the opportunity to debate design.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Neighbourhood Shopping Area
Smoke Control Order

Relevant Planning History:

21/02250/PREAPP 12th January 2022 CLO
Demolish and rebuild of one dwelling, detached residential house
81/00464/PF 29th October 1981 PER
Erection Of 2 Storey Extension
20/01654/PRIOR 6th November 2020 NPRIOR
Change of use from newsagent to residential
20/01733/PRIOR 7th October 2020 NOTREQ
Change of use from shop into additional residential accommodation

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control - 22nd February 2022

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

Parish Council - 8th March 2022

No Objection.

Gloucestershire Centre For Environmental Records - 1st March 2022

Bio Diversity report available in Documents tab.

Tree Officer - 25th February 2022

A tree protection plan for the adjacent trees to the west of the site should be submitted if this land is to be used for access, scaffolding, storage etc.

Reason: to protect the amenity value of trees in the Borough as per Policies GI2 and GI3 of The Cheltenham Plan.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 4 letters were sent to neighbouring properties, no letters of objection have been received in response to this direct neighbour notification process, but one letter of support has been received from another Cheltenham Resident.
- 5.2 The comments received in the letter of support suggest that the works will improve the design of the existing building and will not result in harm to the design or character of the area.

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations in relation to this application are the design, the impact on the character of the area and designated heritage assets, the impact of the proposal on neighbouring amenity and impact on existing trees.

6.3 The surrounding area has been visited and google maps / google street view have been used to fully consider the proposed development.

6.4 **Site location and context**

6.5 Whilst the site itself is not within the conservation area, it has a very prominent position on the edge of the St Mary's Conservation Area boundary, and is also in close proximity of a number of listed buildings; including the St Marys' Grade II* listed Church and Churchyard, and the adjacent Grade II listed St Mary's Hall. Other than the Church and Church hall, the immediate properties are residential in use.

6.6 The building that is the subject of this application was until recently, in use as a newsagent, however an application for a change of use of the building to a residential dwelling was granted in 2020.

6.7 **Pre-application**

6.8 Prior to the submission of this application the applicant submitted a formal pre-application, whereby officers were asked to review and provide a response/comments

on proposed works to the site. The proposed works in the pre-application are the same as those now proposed within this application.

- 6.9 In the pre-application response, officers gave general support for the redevelopment/modernisation of the property, suggesting that the single storey extension to the rear was acceptable and also considered the changes to the front faced to be acceptable in principle, subject to some design changes. However, officers did raise concerns with the scale, form and design of the proposed first floor rear extension, and did not consider the principle of this proposed extension to be acceptable.
- 6.10 Design, impact on the character of the area and the setting of heritage assets.**
- 6.11 Policy SD4 of the JCS notes how development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality”. Furthermore, development “should be of a scale, type, density and materials appropriate to the site and its surroundings”. This is supported through adopted Cheltenham Plan Policy D1 which requires development to ‘complement and respect neighbouring development and the character of the locality.’
- 6.12 Policy SD8 of the JCS relates to the historic environment and states how ‘Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance’. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.
- 6.13 Cheltenham’s Supplementary Planning Document – Residential Alterations and Extensions document states that rear extensions should be subservient to the original building in height and width.
- 6.14 The plans submitted within this application are broadly the same as those reviewed by officers at pre-application stage. The only changes proposed within this application relate to the design and formation of the windows and doors within the front elevation of the existing building.
- 6.15 The proposed single storey rear extension will sit comfortably within the plot and will read clearly as a subservient addition to the existing building. The scale, form and design of this extension is considered to be acceptable for a modern single storey addition to the rear of the site.
- 6.16 The works to the front elevation include alterations to the window and door arrangements, and new external facing materials. The scheme proposes new timber sash windows and a composite front door, new facing render and black slate roof tiles which are all considered to be acceptable and are generally seen to be a positive improvement on the design and appearance of the existing building.
- 6.17 The existing frontage building is a relatively modest building, and takes the general form and scale of a cottage style property. This building has previously been extended with a generous two storey rear extension following the grant of planning permission in 1981. This existing extension already has an overall ridge height that is higher than the main building, is approximately half the width of the existing building and appears as wing. Whilst this extension has already been approved, it would have been considered at a time where local and national policy and framework would have been very different. Design has certainly advanced significantly since the 1980’s and there is now a very different policy framework that requires consideration, this includes the Cheltenham Plan, the JCS, the NPPF and Cheltenham’s SPD’s. If the existing extension was a proposal now, it is very unlikely that this would be supported by

officers as it would fail to play a subservient and supporting role due to its overall scale and height.

- 6.18 This application proposes to add a further first floor addition to the rear of the building, which would nearly double the size of this existing rear extension, and would result in the extension running the entire width of the existing building. The proposed extension would have the same form and design of the existing two storey extension and again would have a ridge height that is greater than that of the existing building.

The current extension, whilst still taller than the frontage building is at least set back away from the side boundary which is clearly visible in the street scene, this therefore limits its impact on the surroundings somewhat. The further first floor addition would be much more visible in the street scene, is considered to be overly large and would result in a dominant addition to the rear of the building. The extension would fail to read as a subservient addition to the existing building, and would detract from the design and character of the existing cottage. For these reasons the proposal fails to achieve the design objectives of Cheltenham Plan policy D1, adopted JCS policy SD4 and the information contained within Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

- 6.19 Furthermore, as identified in paragraph 6.5 above, the site has a particularly sensitive location, officers consider that the large addition to the rear will also have a negative impact on the setting of the surrounding designated heritage assets, and would therefore be contrary to JCS policy SD8 which requires development to conserve and enhance designated heritage assets, including their setting.

6.20 Impact on neighbouring property

- 6.21 In terms of neighbouring amenity, due to the sites position and relationship with neighbouring land users, the proposed works are not considered to result in any unacceptable loss of light, or overbearing impact. In terms of privacy, the new and enlarged windows on the eastern elevation could be conditioned to have obscure glazing in order to protect the privacy of the neighbouring property.

- 6.22 No letters of objection have been received in response to the neighbour consultation process.

- 6.23 The proposal is considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.24 Trees

- 6.25 There are a number of trees located within the grounds of the Church Hall building that would be directly adjacent to the proposed development, these trees are protected due to their location within the conservation area. The council's tree officer has therefore reviewed and commented on this application, the comments can be read above.

- 6.26 No objection has been raised to the proposed development, however a condition requiring a tree protection plan has been suggested. A suitably worded condition would ensure the development does not have any unacceptable impact on these protected trees and would therefore be in accordance with Cheltenham Plan Policies GI2 and GI3.

6.27 Environmental Impact

6.28 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

6.29 Other considerations

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 The advice provided at pre-application stage highlighted concerns regarding the scale of the proposed first floor rear extension and the impact this would have, the proposal remains the same as that which was seen at pre-application stage and therefore the concerns have not been addressed.
- 7.2 Having considered all of the above, whilst some aspects of the scheme are considered to be acceptable, revised plans have not been submitted to address officers concerns which relate to the scale, form and design of the proposed first floor rear extension. Therefore officer recommendation is to refuse the application.

8. INFORMATIVES / REFUSAL REASONS

- 1 By virtue of the size, scale and form of the proposed first floor addition to the rear, the proposal represents an unacceptable development that fails to read clearly as a subservient addition to the existing building, and does not adequately respond to its context. The proposed first floor extension would appear as a large and dominant addition to the existing building and therefore does not achieve an appropriate design.

Due to the sites position, the scale of the proposed first floor extension would also result in harm to the design and character of the area, which is particularly sensitive due to the sites position on the edge of the St Mary's Conservation Area, and its close proximity to the Grade II listed St Marys Hall and Grade II star listed St Mary's Church buildings.

Accordingly, the proposal is therefore contrary to the aims and objectives of adopted policy D1 the Cheltenham Plan (2020), adopted policy SD4 of the Joint Core Strategy

(2017) and advice contained within the Council's Supplementary Planning Document: Residential Alterations and Extensions (2008).

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 authority cannot provide a solution that will overcome the concerns regarding design and impact on the area;

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.