

Officer Report

APPLICATION NO: 22/00816/FUL	OFFICER: Mr Daniel O Neill
DATE REGISTERED: 4th May 2022	DATE OF EXPIRY: 29th June 2022 (EOT: 15th July 2022)
DATE VALIDATED: 4th May 2022	DATE OF SITE VISIT: 26 th May 2022
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Mr Jason Bertman
AGENT:	AJ Architects Ltd
LOCATION:	3 The Grange The Reddings Cheltenham
PROPOSAL:	Single storey rear extension with raised patio and rear dormer to form loft conversion (part-retrospective)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 3 The Grange is a detached two storey dwelling located on the north side of the road known as the Redding's. The properties does not lie within an article 2(3) land but does sit wholly within the Greenbelt.
- 1.2 The applicant is seeking planning permission for a single storey rear extension and rear dormer to form a loft conversion, with a raised garden patio. Planning permission was initially given for these works in July 2021, ref. 21/01199/FUL, but did not include the raised garden patio.
- 1.3 This application therefore is a revised scheme to seek planning permission for the raised patio. Works have already begun and the raised patio has been partially built, thus this application has been considered in a part-retrospective manner.
- 1.4 No changes are proposed to the approved single storey rear extension and rear dormer to facilitate a loft conversion, therefore this report should be read in conjunction with the officer's report attached to planning permission ref. 21/01199/FUL.
- 1.5 This application has been called to Planning Committee at the request of Cllr Britter due to the concerns with the raised patio and its impact on the amenity of the surrounding neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Greenbelt
Principal Urban Area
Residents Associations

Relevant Planning History:

84/01110/PF 4th September 1984 REF

Outline application for residential development on 0.32 ha. Of land, including the construction of a new estate road access.

84/01111/PF 26th October 1984 WDN

Outline application for sheltered group flatlet scheme for the elderly with communal facilities. Construction of a new vehicular and pedestrian access.

85/01394/PF 19th February 1985 REF

Outline application for the erection of 16 flats and garages. Construction of a new vehicular and pedestrian access.

85/01484/PF 20th December 1985 PER

Erection of 7 dwellings with private car garages. Construction of new vehicular and pedestrian access

85/01485/PF 11th June 1985 PER

Outline application for the erection of 4 semi detached houses with private car garages. Construction of a new vehicular and pedestrian access

21/01199/FUL 14th July 2021 PER

Single storey rear extension with external wood stove flue and rear dormer to form loft conversion

22/00171/AMEND 27th January 2022 PAMEND

Non-material amendment to planning permission ref. 21/01199/FUL to lantern lights

22/00755/AMEND 29th April 2022 NOT

Non material amendment to planning permission 21/01199/FUL, seeking rather than have the steps lead off from the bi-fold doors onto the patio, we would like to raise the patio and have the steps lead off from the end of the patio direct onto the garden

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 13 Protecting Green Belt

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD5 Green Belt
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Cheltenham Climate Change SPD (2022)

4. CONSULTATIONS

Building Control

6th May 2022 - 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

16th May 2022 - Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Following notification letters sent to the surrounding neighbours, one comment in objection has been received and officers have spoken to another neighbour who has raised concerns. This comments have been summarised but not limited to the following points;

- Loss of privacy
- Overlooking

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are impact on the amenity of the surrounding neighbours in respect to a loss of privacy.

6.3 The site and its context

6.4 The application site is a detached two storey dwelling located on a predominant residential street within The Reddings. No 3 forms part of 4 similar detached dwellings that are collectively known as The Grange. Each property is noted for their long sloping gardens used as their principal outdoor amenity space.

6.5 As previously mentioned, planning permission was given in July 2021 for a single storey rear extension and a loft conversion with a rear dormer. The extension proposed incorporated rear steps descending to the sites garden due to the sloping land levels. Following this permission, the extension has now been built however the descending rear steps have been replaced with a raised patio platform partially built without formal consent.

6.6 Design and Impact on Amenity

6.7 This application therefore seeks part-retrospective planning permission for the raised patio projecting approximately 3.1m from the rear extension. It will be raised off the ground level at its highest point by 0.6m and at its lowest 0.4m high. Rear steps are also proposed descending from the end of the raised patio.

6.8 The design of raised patio will be fairly typical for a structure of this kind found in the garden and outdoor amenity areas of a dwelling house. The platform will be built up with red bricks to match the extension and covered atop with patio floor tiles.

6.9 Policy SL1 of the adopted Cheltenham Plan (2022) and policy SD14 of the JCS requires development not to cause any unacceptable loss of amenity. Development should protect neighbouring amenity in respect to privacy, light and outlook.

6.10 Officers acknowledge that the raised patio could create the perception of overlooking towards the private amenity spaces to the surrounding neighbours. This could lead to an unacceptable loss of amenity in respect to privacy. Careful consideration is therefore required to ensure that the adjoining land users and surrounding neighbouring dwellings are not adversely affected by the proposed development.

6.11 It is noted that the proposal will incorporate a high timber fence, either side of the raised patio, to act as a privacy screen. This fence will sit atop of the raised patio and screen any direct views towards no. 2 and no. 3 The Grange. This timber fence will facilitate a soft landscape approach and reads as a typical feature found in a private residential garden.

6.12 A site visit has been conducted and officers were able to view the partially-built raised patio. This visit had not included the timber fencing used as the proposed privacy screens, but officers were therefore able to assess the impact on the amenity of the surrounding neighbours without this feature. It is acknowledged that there will be an overlooking impact towards the rear conservatory at no. 2 The Grange without any privacy screen. The outlook towards the rear garden of no. 3 The Grange is not as detrimental given the level of vegetation along the shared boundary, however it is recognised that views of occupiers using the patio would be possible from this neighbours garden.

6.13 Officers therefore consider it important that the proposal includes privacy screens on each side elevation of the raised patio, measured 1.8m in height from top. These will mitigate the impact of any overlooking and screen any direct views into these neighbouring rear gardens. A condition has been attached to ensure that privacy screens will be 1.8m high, to ensure that a sufficient level of privacy is maintained and how the screens will be

retained thereafter unless otherwise agreed without express approval by the Local Planning Authority.

- 6.14** Additionally, any views towards the rear of these neighbouring gardens will be at oblique angle and screened by vegetation with boundary fencing. For this reason, it is considered that the proposed development would not cause any unacceptable loss of amenity in respect to privacy for occupiers at no. 2 and no. 3 The Grange.
- 6.15** Consideration has also been given to the impact on the amenity of the neighbouring property, adjoining the rear boundary, known as Little Beeches on Branch Road. The raised patio will be in excess of 22m to the rear boundary, screened by an additional outbuilding and significant level of vegetation. Given the distance and outlook; it is considered that no unacceptable loss of amenity will be caused.
- 6.16** Finally, it is considered that there will be no unacceptable loss of light or outlook caused to adjoining neighbouring properties. The cumulative height of the patio with privacy screen would not fail the 45 degree light at elevation. Whilst the proposal will be set within the each side boundary and not result in a particularly long/high wall running the length of the existing gardens.
- 6.17** As mentioned in section 1.4 of this report, no amendments or changes are proposed to the previously approved single storey extension itself or to the rear dormer to facilitate a loft conversion. Officers consider that the general design of these additions remain acceptable and that no unacceptable loss of amenity to the surrounding neighbours will be caused.
- 6.18** In light of the above, the proposed raised patio is considered to fully accord with policies SL1 of the Cheltenham Plan (2020) and SD14 of the Joint Core Strategy (2017). The development will not result in an unacceptable loss of amenity to the surrounding neighbours.

6.19 Green Belt

- 6.20** The application site is wholly located within the Green Belt and therefore policy SD5 of the Joint Core Strategy (2017) is relevant in this instance. This policy states that '*development will be restricted to those limited types of development which are deemed appropriate by the NPPF*'. Section 13, paragraph 149 of the NPPF states that exceptions for development include '*extension or alterations of a building provided that it does not result in disproportionate additions over and above*' the original building.
- 6.21** Officers consider that the proposed raised patio would not be of a disproportionate addition and it is felt that the scheme would sit comfortably within the existing plot. The majority of the rear garden will be retained, whilst the proposal will read a typical alteration and addition to a residential dwelling.
- 6.22** As such, officers are satisfied that the development will accord with policy SD5 of the Joint Core Strategy (2017) and the provisions of the NPPF. No harm to the Green Belt will be caused as a result of the proposed works.

6.23 Other considerations

6.24 Climate Change

- 6.25** The Cheltenham Climate Change SPD (Adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat

recovering, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

6.26 In this instance the application includes double glazed fenestrations, insulation in line with the building regulations and permeable hard surfaces. Given the scale of development proposed within this application this is considered to be acceptable.

6.27 Biodiversity

6.28 Records indicate that important species have been sighted near the application site in the past, particularly Bats, with a sighting recorded at 206m in 2019. Given the modest scale and nature of the development; it is considered that no unacceptable impact will be caused to these species.

6.29 Public Sector Equalities Duty

6.30 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 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
- 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 complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

7.1 In light of the above, the proposed raised patio as part of this revised application is considered to comply with the relevant policies of the adopted Cheltenham Plan (2020), policies of the Joint Core Strategy (2017) and the NPPF.

7.2 Officer recommendation is therefore to permit this application subject to the conditions set out below;

8. CONDITIONS

- 1 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.

- 2 A privacy screen to a minimum height of 1.8m shall be erected from the floor level and to the sides of the raised patio within 3 months of the date of this decision and shall remain in situ thereafter unless otherwise agreed in writing by the Local Planning Authority.

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.