

APPLICATION NO: 22/00898/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 18th May 2022	DATE OF EXPIRY: 13th July 2022
DATE VALIDATED: 18th May 2022	DATE OF SITE VISIT:
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr Tom Hunting
AGENT:	VJM Design House Ltd
LOCATION:	3 Finchcroft Lane Cheltenham Gloucestershire
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission 21/00256/FUL - amendments to front dormers, changes to front elevation fenestration arrangement, and other minor changes (retrospective)

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on Finchcroft Lane.
- 1.2 The applicant is seeking consent to vary condition 2 (approved plans) of planning permission 21/00256/FUL, which granted consent for the erection of a two storey front extension with dormer windows, two storey rear extension, and a single storey side extension.
- 1.3 The changes to the approved plans being sought within this application include amendments to the front dormers, changes to the front elevation fenestration arrangement, and other minor alterations which include the repositioning of a roof lantern, addition of a new sky light, and minor reduction in height of the single storey side extension and minor changes to the first floor side elevation windows.
- 1.4 It is noted that the works on site have been completed and therefore this application is seeking retrospective consent.
- 1.5 The application is at planning committee at the request of Councillor Payne, who wishes the applicant to have the opportunity to explain why the changes have been necessary.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

21/00256/FUL 15th April 2021 PER

Two storey front and rear extension together with single storey side extension

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 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

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Parish Council - *13th June 2022*

No objection

Gloucestershire Centre For Environmental Records - *14th June 2022*

Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters were sent to 7 neighbouring properties, in response to this neighbour notification process one letter of objection from the neighbouring land user at number 1 Finchcroft Lane has been received. The concerns raised have been summarised, but are not limited to the following:

- Loss of privacy
- Overbearing
- Poor design

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are design and impact on neighbouring amenity.

6.3 Design

6.4 As noted in the introduction, planning permission was recently granted under planning reference 21/00256/FUL, for various extensions and alterations to the existing property. However, the completed works have not been built in accordance with the approved plans, therefore the applicant has submitted an application to vary condition 2 (approved plans) of the consented application to regularise these changes.

6.5 A number of minor changes are shown on the proposed plans, these include:

- A change in position of the ground floor windows and doors on the front elevation
- The relocation of a roof lantern within the new flat roof extension to the rear
- A reduction in height of the single storey flat roof extension to the side of the property
- The insertion of a skylight in the flat roof of the single storey side extension
- The repositioning of a new first floor side elevation window
- The retention of an existing first floor side elevation window (previously shown to be blocked up)

6.6 The changes set out above would be considered as non-material amendments to the original consent, and therefore are considered to be acceptable amendments to the approved application.

- 6.7 Whilst the minor changes above are considered to be acceptable and could be supported, the application also includes changes to the scale, form and design of the dormers located on the front elevation. Dormers to the front elevation were approved in the last application, therefore the principle remains acceptable. However, the approved dormers were of a modest size, were designed so as to have a limited amount of framing around the windows, and the windows were positioned so as to line up and reflect the design of the ground floor windows and doors. The approved dormers would therefore have read as modest, subservient and appropriately designed additions to the front elevation.
- 6.8 The dormers that have been built and are the subject of this application, are larger than those approved, with an increase in their height and width, which results in much larger additions to the front elevation roof slope. In terms of design and form, the as-built dormers appear as boxy additions, with an increased amount of framing around the windows which results in more dominant additions to the property. Furthermore, the windows within the dormers are considered to have a poor relationship with the design of openings at ground floor level.
- 6.9 Overall, the dormers represent a poor form and design and read as dominant, incongruous additions to the property. Additions of this form and design are also at odds with the character of the street scene. The development therefore fails to comply with policy D1 of the Cheltenham Plan, which requires development to complement and respect neighbouring development, the character of the locality, and to avoid causing harm to the architectural integrity of the building. It also fails to comply with policy SD4 of the JCS which requires development to respond positively to, and respect the character of the site and its surroundings.
- 6.10 The application is supported by a covering letter which identifies that changes to the approved dormers were necessary in order to comply with building regulations. However, this is not considered to be sufficient justification for officers to accept development that doesn't accord with local planning policy.

6.11 In design terms, officers do not consider the front elevation dormers to be acceptable.

6.12 Impact on neighbouring property

- 6.13 The concerns of the adjacent land user have been duly noted. However, officers do not consider that the as-built front dormers result in any significantly greater impact on amenity in terms of a loss of light or overbearing impact than those already granted consent.

Further concerns relate to a loss of privacy as a result of the changes to the first floor side elevation windows, however, the new smaller window has simply been repositioned so as to enable a high level opening window and it remains obscurely glazed as required by condition 4 of the original planning permission. It is noted that the other first floor window is now proposed to be retained, where previously it was proposed to be blocked up, whilst officers understand the concerns of the neighbour, this is an existing clearly glazed window and therefore cannot be controlled.

- 6.14 The further changes to the scheme as set out in paragraph 6.3 of this report are not considered to result in any unacceptable loss of light, loss of privacy or overbearing impact. The scheme is therefore considered to be compliant with Cheltenham Plan policy SL1 and adopted JCS policy SD14.

6.15 Climate change

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

6.17 In this instance, the application is for amendments to a previously approved application which granted consent for various extensions and alterations to the existing building, most of which has now been constructed/implemented. This included the replacement of the existing windows and doors with new. Given what is being considered within this application, the proposal is considered to be acceptable in terms of the Climate Change SPD.

6.18 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 Having considered all of the above, whilst some of the changes detailed within this application are considered to be acceptable, the form and design of the as-built front elevation dormers are not considered to be acceptable.

7.2 Given the works are complete and therefore the application is retrospective, officers are not able to suggest revisions to the plans to address the concerns regarding the scale, form and design of the front dormers. Therefore, officer recommendation is to refuse the application.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed front elevation dormers by virtue of their scale, form and design are unacceptable. The proposed dormers are considered to represent a poor overall quality and design and will read as incongruous additions to the property and within the street scene.

As such the proposal is contrary to Adopted Cheltenham Plan (2020) policy D1 adopted JCS policy SD4, the guidance set out with the Adopted Supplementary Planning Document Residential Alterations and Extensions (2008), and advice contained within Section 12 of the NPPF.

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 design issues;

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