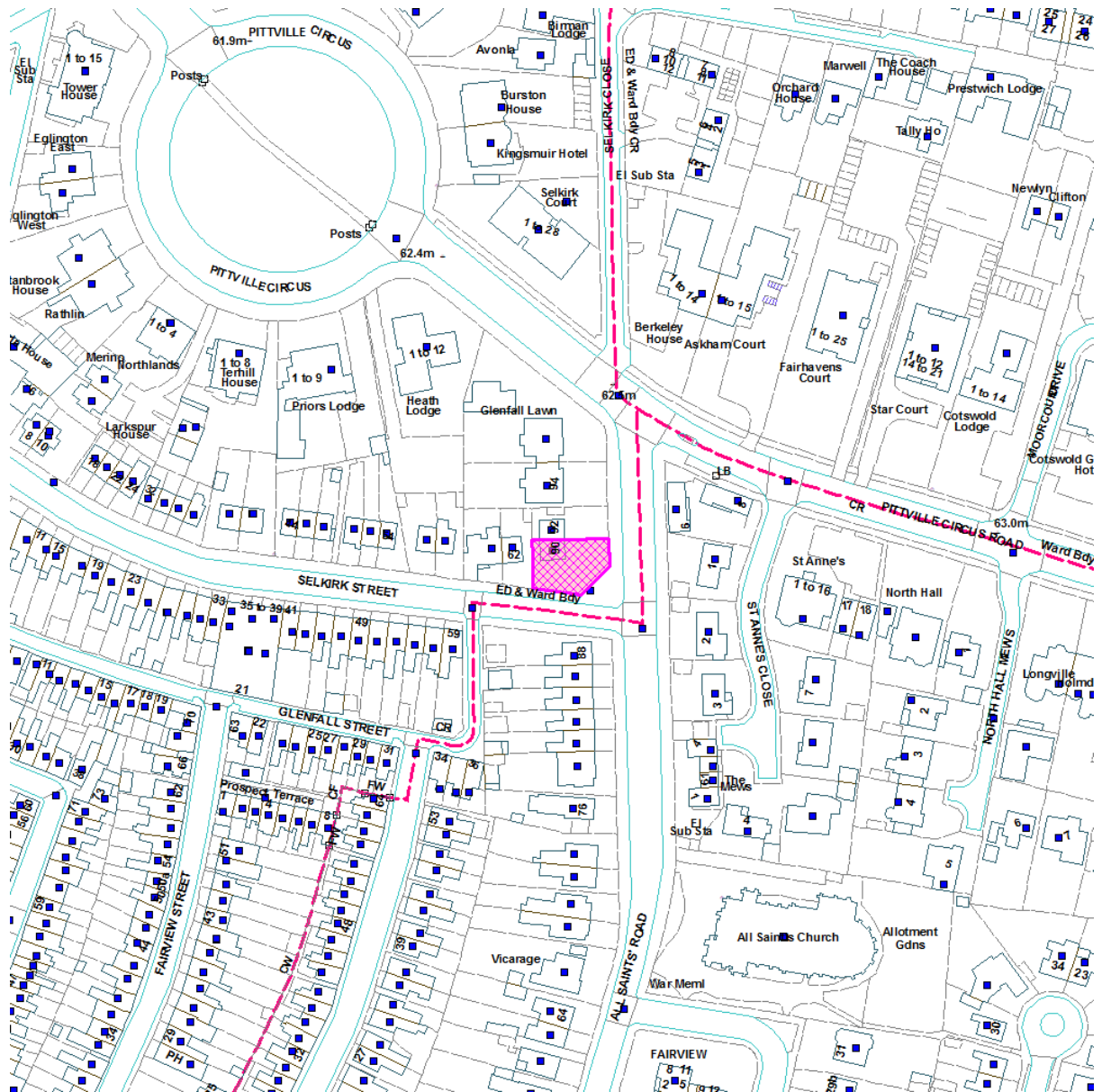


APPLICATION NO: 22/01257/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 12th July 2022	DATE OF EXPIRY: 6th September 2022/Agreed Ext of Time 24th September 2022
DATE VALIDATED: 12th July 2022	DATE OF SITE VISIT:
WARD: Pittville	PARISH:
APPLICANT:	Mr And Mrs L And L Savage
AGENT:	VJM Design House Ltd
LOCATION:	90 All Saints Road Cheltenham Gloucestershire
PROPOSAL:	Insertion of first floor gable window to side elevation (plus installation of 3no. roof lights to front and rear roof slopes)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 90 All Saints Road is a two storey, semi-detached dwelling with painted rendered facing walls under a tiled pitched roof. The building occupies a corner/end plot at the junction with Selkirk Street, and fronts both All Saints Road and Selkirk Street. Although not statutorily listed, the property was probably constructed in the mid-19th Century and lies wholly within the Central Conservation Area (Fairview and All Saints Character Appraisal Area).
- 1.2 Surrounding development is characterised predominantly by a mix of smaller, artisan terraced properties and larger Regency style semi-detached and detached properties. The Grade I listed All Saints Church is located nearby on the east side of All Saints Road.
- 1.3 The property has been extended recently in the form of a two storey side extension (ref 16/02265/FUL). Planning permission was also granted in 2021 for the addition of a dormer window in the rear roof slope of the original part of the dwelling, to facilitate a loft conversion. These works have not yet been carried out.
- 1.4 The applicant proposes the insertion of first floor gable window to the side elevation, plus the installation of 3no. roof lights to the front and rear roof slopes. Note that, the proposals relate to the two storey extended part of the dwelling and its roof space.
- 1.5 This application is before the Planning Committee because the applicant is an elected Borough Councillor (Cllr Louis Savage).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

16/01215/FUL 25th August 2016 REF
Two storey side extension
16/02265/FUL 14th February 2017 REF
Two storey side extension (revised scheme following 16/01215/FUL)
21/02729/FUL 21st January 2022 PER
Rear Dormer to facilitate loft conversion

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Building Control

18th July 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 5 neighbouring properties, a site notice and an advert in the Gloucestershire Echo. One representation was received following the publicity and the comments/concerns raised, in summary, are as follows:

- Overlooking and loss of privacy caused by proposed first floor gable window
- Existing boundary hedges are not permanent features
- Impact on property values

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are the design and location of the proposed openings and their impact upon the architectural integrity of the existing building and the character and appearance of the street scene and wider conservation area. The potential harm to the amenities of the occupiers of neighbouring properties will also need to be considered carefully.

6.3 Design and layout

6.4 Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to live. Policy SD4 of the Joint Core Strategy (JCS) requires development to respond positively to and respect the character of the site and its surroundings. This is reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.

- 6.5** Similarly, the guidance set out in the Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008) provides guidance on the placement and design of roof lights which should be as unobtrusive as possible and are often a better alternative to dormer windows.
- 6.6** The Council is also required, pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve or enhance the character and appearance of conservation areas. Policy SD8 of the JCS and section 16 of the NPPF also provide guidance with regard to development within the historic environment. Local Authorities are required to identify and assess the particular significance of any heritage assets, taking into account the desirability of sustaining and enhancing the significance of those heritage assets and ensuring that development makes a positive contribution to local character and distinctiveness.
- 6.7** 90 All Saints Road occupies an end plot and although set back from the road, the property fronts both Selkirk Street and All Saints Road; visible from the public realm and fairly prominent within the street scene, despite the high conifer hedge forming the front and side boundaries. As such, the proposed openings would be seen from both Selkirk Street and All Saints Road, as well as from some neighbouring properties.
- 6.8** Note that, the submitted drawings show the proposed roof lights in combination with the approved dormer window and 2no. roof lights within the original roof slope; albeit the dormer and roof lights have not yet been installed.
- 6.9** The proposed additional window to the side elevation would serve a first floor bedroom and would be of similar size and design to that of the existing front facing window serving this room.
- 6.10** The 3no. roof lights shown in the submitted drawings would be installed to the roof slopes of the extended part of the dwelling, two at the rear and one at the front. These roof lights would facilitate an extended loft conversion to provide additional living accommodation.
- 6.11** Permitted development rights relating to the insertion of additional windows or other openings in the walls of the extended part of the dwelling were removed upon the grant of planning permission for the two storey extension (ref Condition 2 of 16/02265/FUL). This condition refers only to the walls of the extension and not the roof slopes and as such the insertion of the roof lights to the front and rear roof slopes of the existing dwelling could be carried out as permitted development.
- 6.12** Notwithstanding the above, the proposed openings (roof lights and side elevation window) are considered acceptable and will not be visually harmful to the character and appearance of the conservation area or detract from the architectural integrity of the building. The potential impacts of the proposed side elevation window on neighbour amenity are discussed below.
- 6.13** In light of the above, the proposals adhere to the objectives of Section 16 of the NPPF, Policy D1 of the Cheltenham Plan, Policies SD4 and SD8 of the JCS and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.14 Impact on neighbouring property**
- 6.15** Policy SL1 of the Cheltenham Plan 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. In addition, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

- 6.16** As discussed above, the restriction on further openings within the extended part of the dwelling relates only to openings within the walls. The proposed roof lights could therefore be inserted by way of permitted development rights. Regardless, given their height and position within the roof slope, they are unlikely to result in any direct overlooking into the side (secondary) windows or front curtilage of No 62 Selkirk Street.
- 6.17** One neighbouring resident has raised concerns about the potential for overlooking from the proposed first floor side elevation window into windows and the rear of their property. These concerns have been considered very carefully.
- 6.18** No 88 All Saints Road has blank side openings at ground and first floor but side facing windows in the rear wing and a ground floor rear facing bay window. The separation distance between the proposed side elevation window and the principal side elevation of No 88 All Saints Road would be 21.5 metres, 25 metres to the rear wing and 18.5 metres to the boundary of No 88. These measurements adhere to Policy SL1 recommended distances between dwellings which face each other where both have windows with clear glazing. Furthermore, a road/public realm separates the two properties and there are similar separation distances between facing properties in Selkirk Street.
- 6.19** The existing high conifer hedge along the side boundary of the application site and the high hedge along a large section of the side boundary of No 88 would also limit views out of the proposed window. As such, officers consider it unreasonable to request that the proposed side elevation window is obscurely glazed and/or non-opening, reduced in size or omitted.
- 6.20** In light of all the above considerations, officers consider the proposals to be acceptable and compliant with the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.21 Sustainability

- 6.22** Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.
- 6.23** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For all development proposals there is an opportunity to improve the environmental performance of a building through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, insulation and replacement heating systems (heat pump) etc.
- 6.24** In this instance there are no specific low carbon technologies proposed and given the nature of the proposals a Sustainability Statement has not been requested nor provided voluntarily by the applicant. That said, the works will be required to comply with current Building Regulations (including appropriate glazing properties, thermal insulation, ventilation, conservation of fuel/power and minimum energy efficiency etc.). There would be limited scope to include green technologies or building practices over and above that required by building regulations. As such, the lack of any further technologies within the scheme is considered acceptable in this instance.

6.25 Other considerations

6.26 Public Sector Equalities Duty (PSED)

- 6.27** 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.

6.28 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposals are considered policy compliant and the recommendation is to grant planning permission subject to the following conditions.

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.

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.

- 2 In the interests of preserving the character and appearance of the conservation area, the proposed roof lights should be conservation style roof lights and retained as such thereafter.

