

APPLICATION NO: 22/01656/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 14th September 2022		DATE OF EXPIRY: 9th November 2022
DATE VALIDATED: 14th September 2022		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Lucking	
AGENT:	Steve Mitchell Building Design	
LOCATION:	82 East End Road Charlton Kings Cheltenham	
PROPOSAL:	Part single and part two storey rear extension	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a two storey semi-detached dwelling located within a residential area on East End Road in Charlton Kings.
- 1.2 The applicant is seeking planning permission for a part single storey and part two storey rear extension to replace an existing single storey rear extension and conservatory.
- 1.3 The application is at planning committee at the request of Councillor McCloskey due to concerns regarding the scale of the extension and the proximity to the neighbouring property at 84 East End Road.
- 1.4 During the course of the application revised plans have been submitted for consideration.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

85/01155/PF 12th December 1985 PER
Erection Of Two Storey Extension To Side
88/01540/PF 15th December 1988 PER
New Bedroom And Shower Room
90/00465/PF 24th May 1990 PER
Erection Of Single-Glazed Conservatory

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Building Control - 15th September 2022

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

Parish Council - 5th October 2022

Comment:

The Committee is concerned about the level of loss of light to the side windows of No.84 and would ask that this be formally assessed. If the level of loss of light would be excessive then this concern would become an objection to the application.

We also note with concern that through the consultation period the Objection from No.84 has not been posted on the CBC website (although as at 5/10 it is available).

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon receipt of the application 3 letters were sent to neighbouring land users, one letter of objection and one letter of support were received in response to this neighbour notification process.
- 5.2 The concerns raised by the adjacent land user at number 84 East End Road have been summarised but are not limited to the following:
- Loss of light
 - Loss of privacy
 - Design
- 5.3 Upon receipt of the revised plans, the neighbour at number 84 East End Road was re-consulted and a further objection from this neighbour has been received. The further comments suggest that the revised plans have not addressed the original concerns regarding a loss of light.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 The neighbouring property and garden at 84 East End Road has been visited in order to fully assess the impact on this neighbouring property.

6.4 Site location and context

6.5 The application site relates to a two storey semi-detached dwelling, located within a wholly residential area. Many of the properties in the immediate locality have been extended and altered, additions include both single and two storey side and rear extensions.

6.6 The application site has previously been extended with a two storey side extension, single storey rear extension and rear conservatory. The adjoining property at number 80 East End Road has an existing single storey rear extension and the neighbouring property at number 84 East End Road has been extended with a two storey rear wing.

6.7 Design

6.8 Policy SD4 of the JCS sets out that 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.'

- 6.9 Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions sets out that rear extensions should be subservient in height and width, as well as identifying other necessary design aspects.
- 6.10 The form of the proposed part two storey and part single storey rear extension is a typical form of development for an extension to a residential property. In this instance the proposal will replace an existing single storey rear extension and conservatory.
- 6.11 Whilst officers considered the principle of the proposed extensions to be acceptable, officers raised concerns regarding the depth of the two storey rear extension. At 6 metres deep the proposal was considered to be overly deep and resulted in a large and dominant addition to the property and did not read as a subservient addition to the existing building. Concern was also raised regarding the impact on neighbouring amenity which is discussed in later sections of this report.
- 6.12 In response to officer's comments, revised plans have been submitted for consideration, the revised plans show a reduction in the depth of the first floor by 1.5 metres resulting in an overall depth at first floor to 4.5 metres, with the ground floor element remaining the same. Whilst officers duly note that this proposal is a further addition to a property that has already been extended, the extensions are considered to sit comfortably within the plot and will appear as subservient additions to the existing building.
- 6.13 The form and design of the proposed additions are in keeping with the design and character of the existing building. The proposed materials are to match that of the existing building which is wholly appropriate and acceptable.
- 6.14 Overall, in its revised form, officers consider the extension to be of an acceptable scale, form and design and will not result in any unacceptable harm to the design or character of the existing building or its surroundings. The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.15 **Impact on neighbouring property**
- 6.16 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state that development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.17 Concerns from the neighbouring land user at 84 East End Road have been raised regarding the impact of the proposed two storey rear extension on light to a number of side facing windows, and also raised concerns regarding a loss of privacy from the new upper floor windows within the proposed extension. These concerns are also reflected in the parish council's comment.
- 6.18 In terms of light, three windows located in the side of the neighbour's property would be impacted by the development, this includes a ground floor kitchen window, ground floor cupboard window and upstairs landing window. The cupboard and landing are not classed as habitable spaces and therefore do not warrant protection in terms of light.

With regards to the kitchen window, the proposed two storey extension would fail the basic 25 degree light test to this window, officers therefore acknowledge that light to this window will be impacted by the development. However, the kitchen space that this window serves is a functional kitchen space and does not include any form of seating area for dining etc, with this being the case, it is considered to be afforded less protection than if it was a fully habitable space such as a kitchen diner, dining room, living room or bedroom. Furthermore, this kitchen space is also served by an additional light source in the form of a clear glazed door in the rear elevation of the two storey wing, this opening will not be affected by the proposed development.

Given the use of the room and the fact that the space benefits from two light sources, one of which will not be impacted by the proposed development, officers do not consider that any loss of light would be to an unacceptable level. The revised plans which include a reduction in depth of the first floor extension will also reduce any impact on neighbouring amenity and will allow for more light to reach this kitchen window.

- 6.19 In terms of impact on the attached neighbour at number 80 East End Road, this property has a single storey rear extension, and whilst the proposed single storey extension will extend beyond this, it will not fail the light test to any window within this neighbour's extension.
- 6.20 In terms of privacy, one new upper floor side facing window is proposed, however this is to serve a bathroom, is high level and is annotated on the plans to be obscurely glazed and therefore will not result in any loss of privacy. Officers have suggested a condition which requires this window to remain as obscure glazing and high level. The new first floor window in the rear elevation will overlook the applicant's private rear garden and is therefore acceptable in terms of privacy.
- 6.21 Whilst noting the concerns of the neighbouring land user, officers do not consider that the revised proposal will result in any unacceptable loss of light and therefore is considered to be acceptable and 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.

6.22 **Other considerations**

Climate change

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.

The application is supported by a sustainability statement which discusses various key points highlighted in the Climate Change SPD. Specifically, it discusses water efficiency, surface water drainage, materials, insulation and waste. The statement also identifies that when the heating system within the property is next upgraded the applicant intends to consider further low carbon technologies including the installation of solar panels and an air source heat pump. Officers consider the submitted information and measures to be acceptable for this scale of works.

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 secured revised plans and for the reasons discussed above, officer recommendation is to permit the application subject to the conditions set out below;

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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed 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), the new first floor south east elevation window shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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, the authority sought revisions to the size of the rear extension to achieve a suitable level of subservience and to reduce impact on neighbouring amenity;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.