

<b>APPLICATION NO:</b> 22/01816/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 8th October 2022		<b>DATE OF EXPIRY:</b> 3rd December 2022; extension of time agreed until 20th January 2023
<b>DATE VALIDATED:</b> 8th October 2022		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mr Marcus England	
<b>AGENT:</b>	MDHP	
<b>LOCATION:</b>	27 Hulbert Close Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Proposed new attached garage	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 27 Hulbert Close; a two storey, detached residential dwelling located at the end of a residential cul-de-sac. The site is located within the Swindon Parish and is not in a conservation area.
- 1.2 The applicant is seeking planning permission for a new attached garage to the side of the property.
- 1.3 The application is at planning committee at the request of Councillor Fisher due to the impact on the amenity of the neighbouring property, impact on the street scene, and turning a detached property to a semi-detached property.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Principal Urban Area

### **Relevant Planning History:**

**00/00958/FUL 25th October 2000 PER**

Single storey extension to existing two storey detached residential property

## 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

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

### **Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

### **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)

Residential Alterations and Extensions (2008)

## 4. CONSULTATIONS

### **Building Control**

*20th October 2022 –*

This 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	<b>5</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>

- 5.1 Letters have been sent to five neighbouring properties; following the statutory consultation period, no responses have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The application proposes a single storey side extension; the key considerations for this application are therefore the design, impact on neighbouring amenity and sustainable development.

### 6.3 Design

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

- 6.5 The Council's Supplementary Planning Document: Residential Alterations and Extensions sets out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role.

- 6.6 The proposed side extension would be approximately 2.5 metres wide, and extending approximately 4 metres in depth. The extension would not join to the neighbouring property, but would fill the existing gap between the two properties. The extension would have a lean-to roof with gable frontage. The proposed extension would join to an existing wrap around side and rear extension that was granted permission in 2000. It is considered that the scale and form of the extension is acceptable and would clearly read as a subservient addition to the parent dwelling, complying with the aforementioned SPD guidance. The proposed external finishes would be brick and tiles to match the existing dwelling to ensure an in-keeping addition given that the extension would not be set back from the front elevation of the parent dwelling.

- 6.7 The proposed extension would replace an existing car port linking the application property and the neighbouring property. Officers acknowledge that the proposed extension would have the appearance that the buildings would be joined as the extension would infill the existing gap, however the location of development is considered to be acceptable. The extension is small in scale and would not negatively impact on the character of the parent dwelling or wider street scene.

- 6.8 It is worth bearing in mind the permitted development fall-back position. If the proposed extension was not joined to the existing single storey wrap around extension, this side extension could be built as proposed under permitted development without requiring planning permission. The trigger for the requirement of planning permission is due to the proposed extension joining up to the existing extension.

- 6.9 With the above in mind, the proposed extension is considered to be acceptable and complies with the relevant planning policies and guidance in terms of achieving an acceptable standard of design.

### 6.10 Impact on neighbouring property

6.11 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.12 Following the public consultation, there were no neighbour responses received. The impact on neighbouring amenity, in regards to any potential for loss of light and loss of privacy, has been assessed. The property to be most impacted by the proposal is no. 29 Hulbert Close, to the west of the application property. The neighbouring property has no windows on the east elevation, and therefore there are no concerns regarding a loss of light. The extension is single storey and proposes no windows that would result in a loss of privacy to the neighbouring property.

6.13 As such, it is considered that there would be no unacceptable loss of amenity to the adjoining land users and therefore complies with the relevant planning policies.

#### 6.14 **Sustainability**

6.15 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. 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.

6.16 The applicant has submitted a sustainability statement to accompany the application to address the above policies and guidance. Unfortunately the proposed extension does not include specific low carbon technologies, however officers acknowledge that given the scale of the extension there is limited opportunity to include such features. The applicant has confirmed that the extension would be built to meet building regulations. In this instance this is considered to be acceptable.

#### 6.17 **Other considerations**

##### 6.18 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 Taking all of the above into consideration, and with the permitted development fall-back position, the proposed extension is considered to be acceptable and complies with the relevant planning policies and guidance in terms of design and protecting neighbouring amenity.
- 7.2 The recommendation is to therefore permit this application subject to the suggested conditions set out below.

## **8. SUGGESTED 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).

## **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.