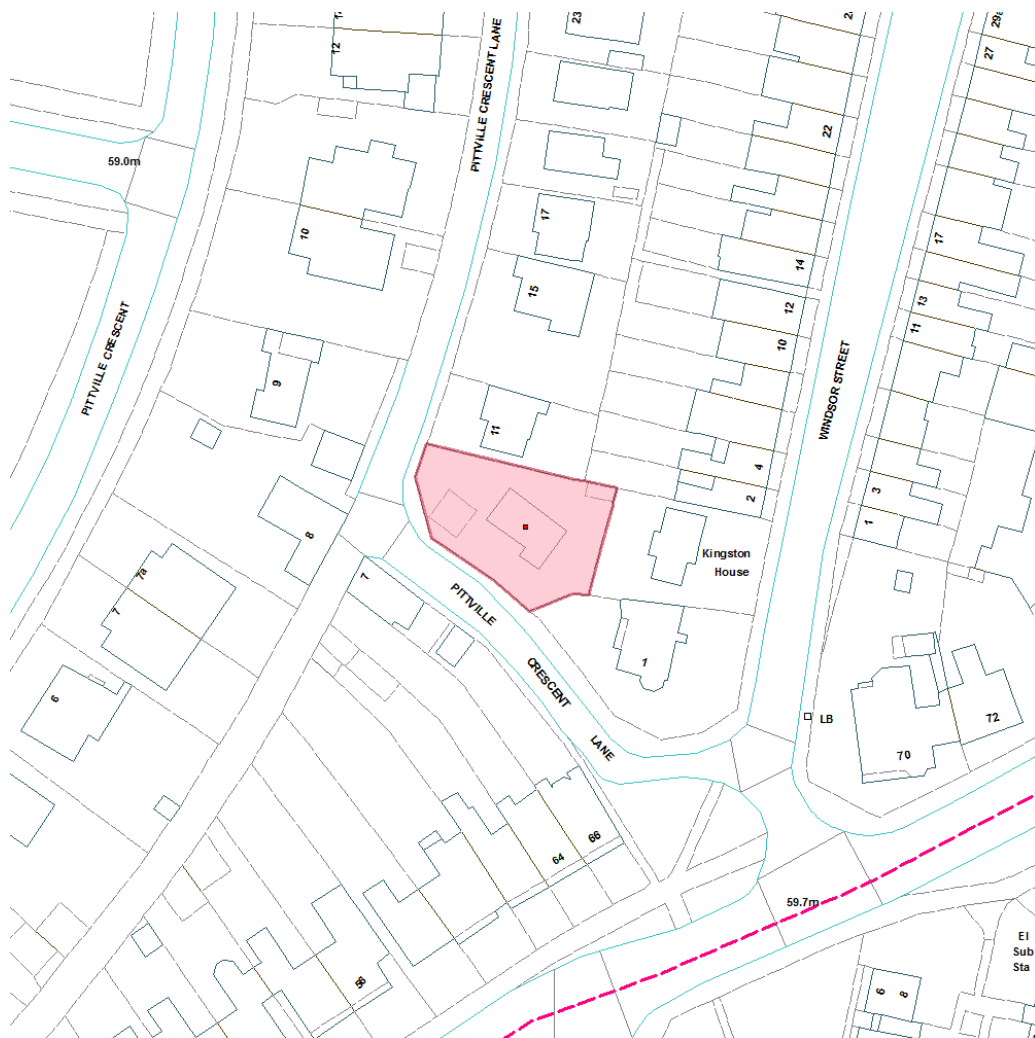


Delegated Officer Report

APPLICATION NO: 22/02122/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 1st December 2022	DATE OF EXPIRY: 26th January 2023 (extension of time agreed until 10th February 2023)
DATE VALIDATED: 1st December 2022	DATE OF SITE VISIT:
WARD: Pittville	PARISH:
APPLICANT:	Mr Brad Jacklin
AGENT:	H A Planning
LOCATION:	3 Pittville Crescent Lane Cheltenham Gloucestershire
PROPOSAL:	Two storey side and rear extensions and new vehicular entrance with dropped kerb

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the eastern side of Pittville Crescent Lane and comprises a detached, modern, two storey dwelling, and detached garage, within a reasonably sized, irregular shaped, corner plot. Both the dwelling and garage are faced in red brick, with stone quoin detailing, and pitched tiled roofs. Vehicular access to the site is currently provided from the south.
- 1.2 The applicant is seeking planning permission for the erection of two storey side and rear extensions, and a new vehicular entrance with dropped kerb. It is also proposed to render the entire property.
- 1.3 Revised plans have been submitted during the course of the application and these are discussed in the report below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Residents Association

Relevant Planning History:

99/50290/FUL

PERMIT

18th November 1999

Single storey domestic extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATION RESPONSES

Building Control

8th December 2022

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

GCC Highways Development Management

20th December 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

The extension is not considered to significantly increase the traffic generation of the site within Cheltenham. The site is located within walking distance of regular bus services to the town centre and other amenities as well as the rail station and wider national connections with footways and suitable roads for cyclists reducing vehicle dependency.

The new vehicular access is sought to include a low 0.6m maximum high solid boundary treatment with visibility 2m from the boundary with number 11 to the north and south of the driveway edge to ensure pedestrian visibility for emerging vehicles with vehicle crossover aligned accordingly. There is a gully drain on the carriageway edge adjacent to the drop kerb which may require relocations as part of highway works agreement for the required vehicle crossover subject to separate Local Highway Authority application process.

Emerging vehicle visibility from the proposed new access is acceptable.

The existing vehicle access must be stopped up and vehicle crossover restored as full height footway to avoid unnecessary hazard to highway and footway users.

Garage parking is not counted toward parking provision due to possible conversion to habitable rooms and Manual for Streets surveys the majority are not used for vehicle parking. However it would provide secure covered cycle storage space and as 3 off-road spaces are indicatively shown it is considered parking is sufficient.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Provision of Pedestrian Visibility Splays

The Development hereby approved shall not be occupied/brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety according to INF1 of the Local Core Strategy and NPPF paragraphs 110, 111 and 112.

Completion of Vehicular Access

The development hereby approved shall not be occupied or brought into use until the means of access for vehicles, pedestrians and cyclists shown on Proposed Block Plan drawing AE-05(900491)001 has been reduced by 2m from the northern site boundary but otherwise completed in accordance with the plan.

Reason: In the interest of highway safety according to INF1 of the Local Core Strategy and NPPF paragraphs 110, 111 and 112.

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed and reduced to pedestrian only access gateway up to 1 metre width with vehicle crossover reinstated as full height footway.

Reason: In the interests of highway safety according to INF1 of the Local Core Strategy and NPPF paragraphs 110, 111 and 112.

Informatives

Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and reinstatement of redundant crossover to full height footway and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or

highways@gloucestershire.gov.uk before commencing any works on the highway.

Full Details can be found at www.gloucestershire.gov.uk.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to eight neighbouring properties. In response to the publicity, objections have been received from the residents of two properties; with one representation supported by a series of photos. The main objections relate to:

- Overshadowing from the rear extensions
- The overbearing nature of the extensions
- Highway safety as a result of the new vehicular access

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design, impact on neighbouring amenity, and highway safety.

6.2 Design

6.2.1 Adopted CP policy D1 requires all new development to complement and respect neighbouring development and the character of the locality and/or landscape. Additionally, alterations and extensions to existing buildings should avoid causing harm to the architectural integrity of the building; and the unacceptable erosion of open space around the existing building. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Overall, from a design perspective, the proposed alterations and extensions are considered to be acceptable. The side extension is marginally set back from the principal elevation behind the garage, resulting in a slightly lower ridge, and is of an appropriate width; the first floor element having been reduced to 4 metres in width. To the rear, the extension extends 2.5 metres from the rear elevation, with two two storey gable projections with a central single storey element. Overall, the extensions can be comfortably accommodated within the site, and will clearly read as subservient later additions to the property.

6.2.3 Externally, the property is proposed to be rendered, which is wholly appropriate in this location. Many of the surrounding buildings are rendered, or faced in a lighter brick, and the application dwelling currently stands out within the street scene. In addition, the insertion of aluminium replacement windows is considered to be acceptable in this modern dwelling.

6.2.4 The changes to the garage are relatively modest, with the existing roller shutter door opening blocked up and replaced with a window, and a new door installed in the west elevation. Again, the garage is shown to be faced in render.

6.3 Neighbouring amenity

6.3.1 Adopted CP policy SL1 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. CP paragraph 14.4. states that *“In assessing the impacts of a development including any potential harm, the Council will have regard to matter including loss of daylight; loss of outlook; loss of privacy...”*

6.3.2 In this case, the property that has the most potential to be affected by the proposed extensions is no. 11 Pittville Crescent Lane to the north. This property has windows in its side elevation facing the site, which serve bedrooms, albeit one is located high in the gable and will not be affected. Additionally, the window at first floor will not be unduly compromised in terms of daylight; the extension will be some 4 metres from the window and passes the 25° light test. The reduction in the width of the extension at first floor will also ensure that outlook from this window is not significantly compromised.

6.3.3 The rear extension whilst extending closer to the side boundary of the neighbouring garden, will still be 1.6 metres away at its closest point, increasing to 5.6 metres towards the rear of the garden. As such, whilst the concerns raised by the neighbour have been duly noted, officers are satisfied that the extensions will not cause any unacceptable harm in terms of outlook or daylight/sunlight; and certainly not to the extent that planning permission could be withheld on such grounds. The neighbouring property is differently orientated, with its rear elevation facing east.

6.3.5 In addition, the only first floor window proposed in the rear of the extension will serve an en-suite and is annotated to be obscurely glazed; however, for the avoidance of doubt, this can be controlled by condition. As such, officers are satisfied that no overlooking or loss of privacy will occur as a result of the proposals. An additional condition has been added to restrict the insertion of any additional windows, doors or openings without the benefit of planning permission.

6.4 Highway safety

6.4.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; permission will only be refused on highway grounds where the impact of the development upon the local highway network would be severe. The policy is wholly consistent with Section 9 of the NPPF.

6.4.2 From a highway safety perspective, the application has been reviewed by Gloucestershire County Council, as the Local Highway Authority acting in its role as Statutory Consultee, who raise no objection subject to conditions; concluding *“that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.”*

6.4.3 As such, whilst the local concerns in relation to highway safety have been duly noted, officers are satisfied that, subject to the suggested highway conditions, the proposals are acceptable on highway grounds.

6.4.4 The neighbour comments in relation to the ‘One-way street’ annotation on the drawing are noted, but the application has not been determined on this basis. Officers are aware that the road is two-way at this point; albeit, vehicles are prohibited from entering Pittville Crescent Lane at its northern end.

6.5 Other considerations

Climate change

6.5.1 The recently adopted Cheltenham Climate Change SPD provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals. In response to the SPD, a brief Sustainability Statement has been submitted which sets out the measures proposed as part of this development; whilst limited, the measures are considered to be appropriate to the scale of development proposed.

Public Sector Equalities duty (PSED)

6.5.2 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.

6.5.3 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 With all of the above in mind, the proposals are considered to be in accordance with all relevant national and local planning policy, and the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 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 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 first floor ensuite window in the rear extension 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).

- 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 with or without modification), no additional windows, doors or openings shall be formed in the extensions without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 The new vehicular access shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway have been provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 110, 111 and 112 of the National Planning Policy Framework (2021).

- 6 The new vehicular development shall not be brought into use until the means of access for vehicles, pedestrians and cyclists shown on Drawing No. AE-05(900491)001 has been reduced by 2m from the northern site boundary but otherwise completed in accordance with the plan.

Reason: In the interests of highway safety, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 110, 111 and 112 of the National Planning Policy Framework (2021).

- 7 The new vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed and the vehicle crossover reinstated as full height footway.

Reason: In the interests of highway safety, having regard to policy INF1 of the Joint Core Strategy (2017) and paragraphs 110, 111 and 112 of the National Planning Policy Framework (2021).

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 reduce the scale of the proposed side extension in order to lessen the impact on the neighbouring property. Following these

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

- 2 The applicant is advised that the construction of the new vehicular access will require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and reinstatement of redundant crossover to full height footway. The applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full details can be found at www.gloucestershire.gov.uk.

Approved Plans

Reference	Type	Received	Notes
02122.01.	OS Extract	30th November 2022	
AE-05(900491)003.	Rev Drawing	2nd February 2023	
AE-15(900491)002.	Rev Drawing	2nd February 2023	
AE-06(900491)002.	Rev Drawing	23rd January 2023	
AE-07(900491)002.	Rev Drawing	23rd January 2023	
AE-08(900491)003.	Rev Drawing	23rd January 2023	

CASE OFFICER: _____ Michelle Payne

AUTHORISING OFFICER: _____ Ben Warren

DATE: 10.02.23