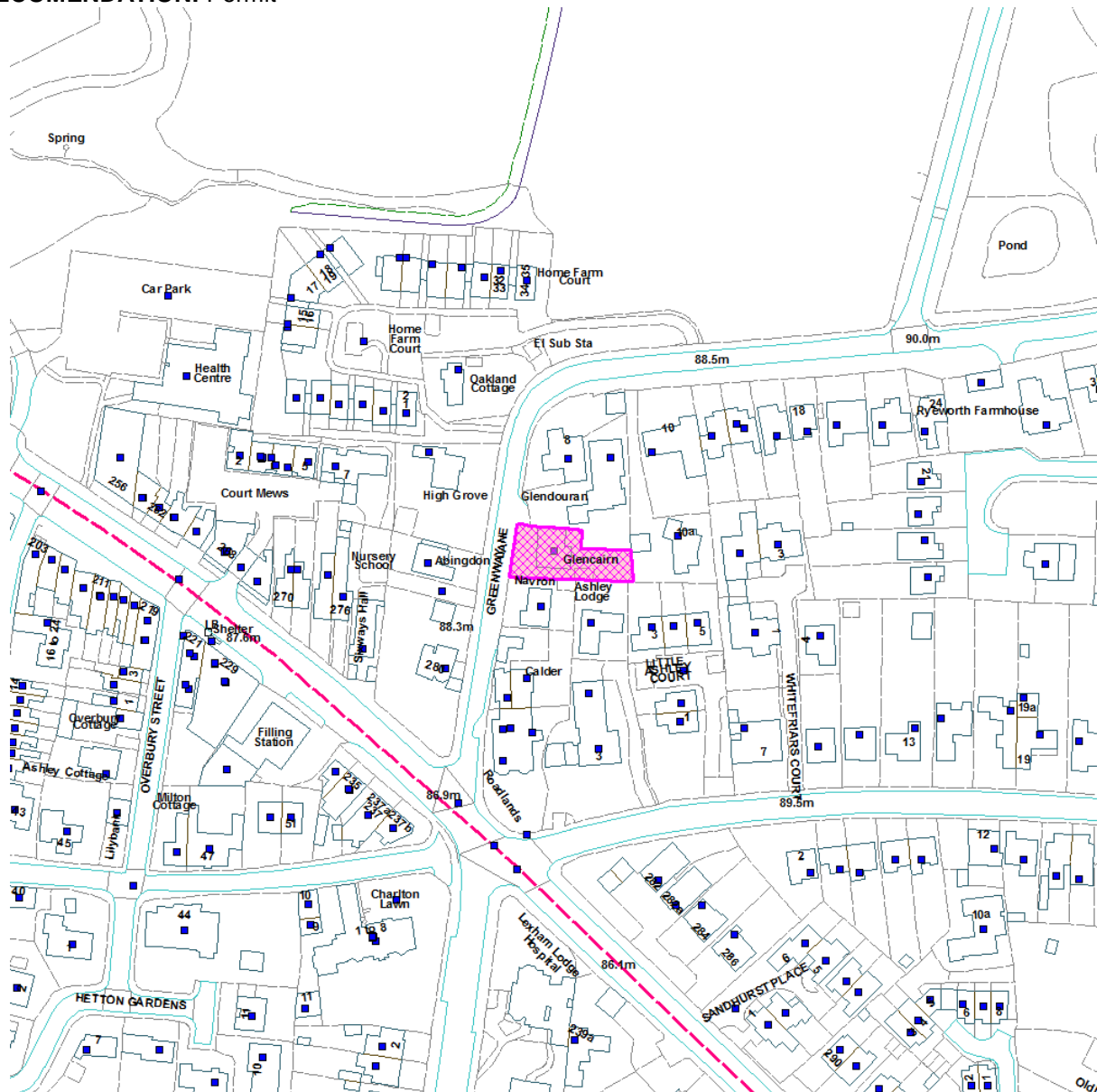


Committee Officer Report

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|---|---|
| APPLICATION NO: 23/00345/FUL | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 10th March 2023 | DATE OF EXPIRY: 5th May 2023 |
| DATE VALIDATED: 10th March 2023 | DATE OF SITE VISIT: 27th March 2023 |
| WARD: Battledown | PARISH: Charlton Kings |
| APPLICANT: | Mr Jon Rowles |
| AGENT: | Aj Architects Ltd |
| LOCATION: | Glencairn Greenway Lane Charlton Kings |
| PROPOSAL: | Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate(part retrospective) (revised scheme following grant of application ref. 22/01581/FUL) |

RECOMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached bungalow located within the Battledown Ward. The surrounding area is predominantly residential with a mixture of architectural styles.
- 1.2 Planning permission was recently granted in March, July and October 2022 for a front pier, front porch, front and rear dormer windows, single storey rear extension and a detached home office.
- 1.3 This application is now seeking permission for a revised scheme. The scheme is similar but the front and rear dormer windows now have a rendered finish instead of standing seam trims zinc effect, the front porch has been reduced in size and the detached home office has been omitted from the scheme. Also a clear glazed bedroom window and clear glazed landing window are proposed to the rear instead of obscure glazed windows. These works in part have been carried out.
- 1.4 The application has been called to planning committee at the request of Councillor Babbage due to concerns of local residents.
- 1.5 This report should be read in conjunction with the other officer reports, which accompany the previous decisions (Appendix 1).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

22/00060/FUL 11th March 2022 PER

Proposed single storey rear extension, dormers to create loft conversion, porch, a detached home office and new front pier

22/00874/FUL 8th July 2022 PER

Proposed single storey rear extension, proposed dormers to create loft conversion, porch, a detached home office, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00060/FUL)

22/01581/FUL 14th October 2022 PER

Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00874/FUL)

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

Section 14 Meeting the challenge of climate change, flooding and coastal change

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
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Building Control

14th March 2023 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

21st March 2023 - No objection.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----------|
| Number of letters sent | 9 |
| Total comments received | 3 |
| Number of objections | 3 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1** Letters of notification were sent out to 9 neighbouring properties. In response to the publicity, 3 representations have been received objecting to the proposed development. The main concerns relate to loss of privacy from the windows within the rear dormer.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The principle of the front pier, front porch, front and rear dormer windows and single storey rear extension to this property have been established as part of the previous applications, as such the key considerations for this application are acceptability of the proposed changes, and the resultant design and impact on neighbouring amenity as a result of these proposed changes. This report should therefore be read in conjunction with the officer reports that accompany the other decisions.

6.3 Design

- 6.4** Section 12 of the NPPF emphasises the importance of achieving well-designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.

- 6.5** The change to the front and rear dormer windows is acceptable; the dormers have been rendered, which is in keeping with the existing property and a number of neighbouring properties. There is a mixture of architectural designs within the locality and therefore the rendered dormer windows will not harm the character of the locality.

- 6.6** The revised porch is acceptable; the porch has been reduced in scale and is now a small subservient addition that sits comfortably to the front of the building.
- 6.7** As such, it is considered that the proposed development complies with the relevant policies and guidance in terms of achieving an acceptable design.
- 6.8 Impact on neighbouring property**
- 6.9** 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. Note 2: states in determining privacy for residents, the Council will apply the following minimum distances: 21m between dwellings which face each other where both have windows with clear glazing, and 12m between dwellings which face each other where only one has windows with clear glazing. 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.
- 6.10** It is acknowledged that clear glazed windows within the rear dormer window will impact on a small number of residential properties; however, officers are satisfied that any such impact will not be so detrimental as to warrant a refusal on amenity grounds. The properties that will be most affected are Ashley Lodge in Ryeworth Road, Glendouran in Greenway Lane and The Villa 10A in Greenway Lane, and their objections have been duly noted.
- 6.11** When considering a proposal an important material consideration is what can be built under permitted development in the General Permitted Development Order (GPDO). The applicant could construct a rear dormer window with unrestricted openings along the entire rear elevation if the external facing materials were to closely match the existing roofing materials under PD. This would have a similar effect if not greater impact on the amenity of the neighbouring properties. This is an important material consideration and a fall-back position that needs to be taken into account when considering the design and impact on the neighbours.
- 6.12** The first floor bedroom window to the rear of the dormer is currently obscure glazed but this revised application proposes a clear glazed window. The internal layout of the rear dormer window has been amended during the course of the applications, originally this window was for an en-suite but is now a bedroom window. The previously submitted drawings identified the window as obscure glazed but this was not a condition of the previous consents. The window is approximately 20m from the rear boundary and 33m from the neighbouring property, The Villa 10A Greenway Lane, and therefore the window is well in excess of the distances normally sought to the rear boundary and between dwellings which face each other where both have windows with clear glazing. The minimum privacy distances only relate to dwellings which face each other and not dwellings to the side of the site. Note that, no first floor windows are proposed to the side of the dormer window.
- 6.13** The first floor rear landing window is currently clear glazed but Condition 4 on the previous planning consents required the window to be glazed with obscure glass. This was due to the landing windows position close to the side/rear boundary, and therefore at the time it was felt the window could have potentially overlooked the rear amenity space of Glencairn. A site visit has been carried out and due to the position of the internal landing set back from the rear window and the external position of the window set in the centre of the dormer, the window provides limited/restricted views of the neighbours amenity space.
- 6.14** Therefore, given that the bedroom window is well in excess of the minimum distance as suggested by Cheltenham Plan policy SL1, the landing window gives limited/restricted views and the permitted development fall-back position; on balance clear glazed windows within these positions are considered acceptable.

6.15 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.

6.16 Other Considerations

Climate change

6.17 In response to the recently adopted Cheltenham Climate Change SPD, a Sustainability Statement has been submitted which sets out the measures proposed as part of this development; the measures are considered to be appropriate to the scale of development proposed.

Public Sector Equalities Duty (PSED)

6.18 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.

6.19 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.

6.20 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 / 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 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 and openings shall be formed in the 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).

- 4 Notwithstanding the approved plans, the entrance gates shall at all times be hung so that they only open inwards into the site.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 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.