

APPLICATION NO: 23/00414/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 14th March 2023		DATE OF EXPIRY: 9th May 2023
DATE VALIDATED: 14th March 2023		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr & Mrs Atkinson	
AGENT:	Mark Le Grand & Co	
LOCATION:	61 Moorend Park Road Cheltenham Gloucestershire	
PROPOSAL:	Two storey extension to rear of dwelling (revised scheme to 22/01988/FUL)	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached property located within a residential area on Moorend Park Road.
- 1.2 The applicant is seeking planning permission for a part two storey and part single storey rear extension.
- 1.3 This application is a revised scheme to a recently approved application, ref: 22/01988/FUL.
- 1.4 The application has been called to planning committee by Councillor Horwood who raises concerns regarding a loss of light and loss of privacy due to the proximity of the two storey extension to the boundary. The Parish Council also object to the application which triggers a committee decision.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

05/00340/FUL 18th April 2005 PER

Part two storey part single storey side and rear extensions (following removal of conservatory and utility room)

15/01355/FUL 10th September 2015 PER

Proposed single storey rear extension and first floor side extension

22/01988/FUL 23rd January 2023 PER

Two storey extension to rear of dwelling

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 - 24th March 2023

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

Parish Council - 28th March 2023

The Parish Council Objects to this application on the grounds that the first floor extension will be overbearing on the neighbouring properties and cause significant loss of natural light of the kitchen and established garden patio of the next-door neighbour at No 59.

The Council also notes that the current proposal has similar elements to the original proposal that was withdrawn apparently at the Planning Officer's request as detailed in the Planning Officers report for the previously consented scheme 22/01988/FUL sections 6.4, 6.5 and 6.8.

The Council requests that if the Planning Officer is minded to approve the application then the Council requests it be 'called in' for decision but the Planning Committee.

Gloucestershire Centre For Environmental Records - 17th March 2023

Report available to view in documents tab

5. PUBLICITY AND REPRESENTATIONS

5.1 4 Letters were sent to neighbouring land users, one letter of objection from the neighbouring land user at 59 Moorend Park Road has been received in response to this neighbour notification process. The concerns from this neighbour have been summarised but are not limited to the following:

- Loss of light
- Overbearing impact
- Over shadowing

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 **Design**

6.4 Policy SD4 of the JCS notes how 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.'

6.5 As noted in the introduction, this application is a revised application to a recently approved scheme for a part two storey and part single storey extension to the rear of the property (planning ref: 22/01988/FUL). The proposed extension within this new application has the same form and design as the approved extension. The only change within this new application is an increase in the depth of the first floor element by 1 metre. The first floor would then match the depth of the ground floor extension.

- 6.6 Whilst the increase in depth of the first floor will result in a larger addition to the property, the extension will still sit comfortably within the plot and due to its modest width and reduced eaves and ridge height, the extension will still read clearly as a subservient addition to the existing building. The proposed materials are to match the existing building which is acceptable. As such, officers consider the scale, form and design of the proposed extension to be acceptable.
- 6.7 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).
- 6.8 Impact on neighbouring property**
- 6.9 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how 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.
- 6.10 Concerns have been raised by the attached neighbouring land user at 59 Moorend Park Road with regards to a loss of light, overbearing impact and overshadowing. As the site benefits from a recently permitted scheme, the consideration of this application relates to the impact resulting from the proposed increase in depth at first floor.
- 6.11 In terms of light, the ground floor rear elevation openings of number 59 Moorend Park Road, which include patio doors and a window both serve the same room, which is a kitchen. The appropriate light tests have been carried out and the proposal does not fail the light test to any habitable room within the attached neighbouring property or any other neighbouring property.
- 6.12 With regards to overbearing impact and overshadowing, officers acknowledge that the proposal will result in some overshadowing of the garden area directly to the rear of 59 Moorend Park Road for a portion of the day. However, this property benefits from a good sized, South Westerly facing rear garden, a large amount of which will not be impacted by the proposed development. With this in mind officers do not consider the development to result in any unacceptable overshadowing of this neighbour's garden.
- 6.13 In terms of overbearing impact, the first floor element is 4 metres deep, which is not uncommon for an extension to the rear of a residential property. This two storey element is set away from the shared boundary with number 59 Moorend Park Road by approximately 2 metres. Whilst officers acknowledge that the extension will be visible from this neighbouring site, given the distance away from the boundary and the lower eaves and ridge height of the extension, officers do not consider that the proposal will result in any unacceptable overbearing impact on this neighbour.
- 6.14 Furthermore, due to the existing ground floor extension to the rear of number 63 Moorend Park Road, the extension will not result in any unacceptable loss of light or overbearing impact to this other neighbouring land user. No concerns or objections have been received from this neighbouring land user.
- 6.15 The proposed first floor rear elevation window will overlook the applicant's private rear garden, achieving a distance of approximately 13.5 metres to the rear boundary which exceeds the minimum distance of 10.5 metres considered acceptable. As such the proposal is not considered to result in any unacceptable loss of privacy.

6.16 For the reasons discussed, the proposal is considered to be 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.

Other considerations

6.17 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, conservation of fuel and power, waste disposal, and materials. Whilst no specific low carbon technologies are proposed, given the application is for extensions to an existing dwelling, where the works will need to be completed in accordance with current building regulations, officers consider the submitted information and measures to be acceptable for this scale of works.

6.18 Environmental Impact

Records show that important species have been sighted near the application site in the past and in particular bats recorded in 2018, the sighting was recorded as 166 metres from the site. In addition newts have been recorded in 1999, 128m from the site. Given the distance from the site and the scale of the proposed development, it is not considered that this development would have any impact on these species.

6.14 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 considered all of the 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).

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.