

<b>APPLICATION NO:</b> 23/00430/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 15th March 2023	<b>DATE OF EXPIRY :</b> 10th May 2023
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr And Mrs Lucking
<b>LOCATION:</b>	82 East End Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Part single and part two storey rear extension (revised submission to 22/01656/FUL)

## REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>4</b>
Number of representations	<b>0</b>
Number of supporting	<b>2</b>

43 Catherine Street  
Swansea  
SA1 4JS

### Comments: 3rd April 2023

I believe the comments for support, that have been made so far, are full of incorrect false claims that come from biased sources and therefore should not be taken into consideration. My reasons are as follows:

- "enable the family to stay in their family home"

The home was originally a 2-bed when built, it then had a reasonable extension to add a 3rd and 4th bedroom. One upstairs and one downstairs. That means this house can comfortably accommodate a family of 5, of which it previously has. If another bedroom was essential then the cheapest and easiest option would be to covert the already existing attic.

- "The proposed extension is in keeping with size and style with all the recent extensions in the immediate area"

There has been no recent extension work to the rear of properties in the "immediate area" of number 82 that has any resemblance to the size and style of the proposed extension.

- "The proposal will only be going to the same building line as the extension that number 84 carried out on their property."

You can clearly see based on the plans provided that this is not true.

- "There will be no real loss of light to the kitchen at number 84."

Again completely untrue, quite obviously adding a second-floor brick wall adjacent to a window is going to have a "real" loss of light. Hence why the planning was originally objected to.

- "They have a large south-facing patio window at the end of their existing extension"

Nope, that's a door that is completely opaque. Therefore no light comes through it.

- "The side kitchen window of number 84 will not really suffer from any loss of sunlight because the window already loses sunlight due to the existing adjacent trees." The window currently faces a single-story brick extension. With no trees in sight directly forward from the window.

- "I cannot understand how anyone will be negatively visually impacted from the development or how any of the surrounding houses will have a negative impact on their privacy from the development." It's a double-story brick wall directly in front of a window, that's not too hard to understand how someone can be "negatively visually impacted"

- "The proposed building work will enhance the property and those directly adjoining and that adjacent to." I'm not sure how a house can be enhanced by having no work done to itself. In fact, I believe it's more obvious that number 84 will be unenhanced due to the fact that the only difference the development will have on them is a loss of light through their ONLY kitchen window.

- "It brings about equity in the planning process as it is visually evident to anyone looking at the back of this group of houses on East End Road that others have been allowed to benefit in the same manner " Finally again also untrue. You can look at satellite imagery and clearly see that no property in close vicinity has had such vast extension work done at the back of the houses.

This application was declined previously due to the light loss that number 84 would suffer, rather than providing the light assessments that have been requested the applicant has altered the plans and still has not provided any light assessments.

### **Comments:** 5th April 2023

The UK law commission states:

"Local planning authorities consider the effect of new buildings upon existing structures; the planning system gives protection but not rights. Thus when planning permission is applied for, a local planning authority will want to see evidence of the effect it will have upon the neighbouring properties, including, in many cases, the light and other amenities that those properties currently have. Where a residential property is involved the local planning authority may use Site layout planning for daylight and sunlight: a guide to good practice,<sup>1</sup> ("BRE daylight and sunlight")<sup>2</sup> in order to assess whether the property will have, or may lose, adequate natural light."

The evidence has been provided to the local planning authorities and is available in the documents tab under the description "84 east end road - neighbour photos". These photos show that there is an opaque door and not a second window in the kitchen of 84, as claimed by the applicants and the planning officer (Ben Warren). Planning officer Ben Warren has confirmed, "I accept that the proposed development will impact on light to the kitchen window, but, I also have to give due consideration to the

fact that there is a light source, in the form of French doors in the rear elevation that will not be impacted." However light does not go through opaque doors, so this is not a source of light and I'm not sure how they can try to claim it as a source of light.

Therefore until a BRE daylight and sunlight test has been completed the proposed planning application is unlawful. And should it go through, shows a complete failure in the local planning authorities' consideration for the right to light at number 84.

35 little grebe road  
Bishops cleeve  
Cheltenham  
GL52 8HR

**Comments:** 9th April 2023

I wish to object to what amounts to be a very inconsiderate application, the nature and scale of which will have a major impact on the quality of life of the neighbours at 84 who have resided in their property for over 50 years. The applicant's home is already a large 3-bedroom extended house of perfect size for the average family and larger than many new 3 beds these days, further extension would be excessive and unnecessary and not in keeping with the local area. It is not acceptable that you should be allowed to build so close to a neighbours window resulting in them losing a lot of light into their home, once lost it cannot be regained. I have noted there is nothing in the revised plan to address the issues and show compassion to the neighbours concerns. No other property in the area has been allowed to extend so far into the garden and it would be a real detriment to the area if this overdevelopment was allowed.

1 Balcarras Retreat  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8QU

**Comments:** 1st April 2023

I am fully in support of this development for the reasons I outlined in my original comments from the first application. I am now adding to those.  
I cannot see any increase in noise or disturbance resulting from the development.  
I can not see any increase in traffic resulting from the development.  
I cannot understand how anyone will be negatively visually impacted from the development or or how any of the surrounding houses will have a negative impact on their privacy from the development. I live in the house directly behind this proposed development and see that the proposed building work will enhance the property and those directly adjoining and that adjacent to.  
It brings about equity in the planning process as it is visually evident to anyone looking at the back of this group pf houses on East End Road that others have been allowed to benefit in the same manner as this proposal therefore I do not understand how it could be refused in the first instance?

84 East End Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8QL

**Comments:** 4th April 2023

Photographic proof has now been added in the documents tab to show the kitchen door is not a source of light. Also view from kitchen window shows what we will be losing should the application be approved. The applicants were made fully aware that the kitchen door is not a source of light prior to putting in their application.

**Comments:** 31st March 2023

Unfortunately the newly submitted revised application does nothing to address the reasons for refusal from the previous application (22/01656/FUL) and all our objections from then still apply. Moving the side wall by only 22.5cms and lowering the roof by 52cms will have no effect. No evidence of any improvement has been supplied by the applicant and we will still lose 6hrs of sunlight a day from our kitchen/diner. The application is not accurate, it states a single room with 2 windows, the applicants know it is not a single room but a kitchen/diner and gets light from the side window only. The below refusal reasons given by the planning officer from the previous application still apply -

By virtue of the scale, form and position of the proposed extension, the development would result in an unacceptable loss of light and unacceptable loss of outlook to the ground floor side elevation window within number 84 East End Road. As such, the proposed development would result in an unacceptable loss of amenity to this adjacent land user and is therefore contrary to policy SL1 of the Cheltenham Plan (2020) and policies SD4 and SD14 of the Joint Core Strategy (2017).

Photographs Attached.

**Comments:** 11th April 2023

Dear Ben,

First and foremost, can I request that the application be rejected on the grounds that the Block Plan is purposely misleading and inaccurate. It shows the rear kitchen door being nearly twice the width it actually is, in reality at 119cms it is not even as wide as the side window at 124cms. This has resulted in supporters being misled and quoting it as a large south facing patio window. I will be consulting with my solicitor as obviously the document has been signed as true and accurate when it is not.

Secondly can you please respond to the following points: -

1. Why has an independent light survey not been requested, the Parish Council have requested one, I have constantly asked for one, the councillors refused the previous application due to loss of light. You acknowledge yourself that there will be loss of light to the kitchen window. With no supporting evidence you state that as the kitchen has 2 windows (it doesn't) the light levels are acceptable; well I am sorry the kitchen could have 5 windows but this would not necessarily mean that the light levels would be acceptable. Serious balanced consideration has not been given to a very important element of the

application and I need to know why. We believe it is obvious it would fail a light test, and this is why it has not been conducted. At the Parish Council meeting the applicants said they were told by yourself that they do not need to do a light test as the Kitchen has 2 windows. When I questioned this with you your response was -

"Following the refusal of the first application the applicant did call me to discuss a new application. I advised that any new scheme would need to have the previous refusal reason in mind and would need to address it in a way they see fit. I advised this would either be in the form of changes to the proposal, ie a reduction in depth, height, width of the extension, or by providing further supporting information, such as a light assessment."

Surely the fundamental requirement should have been for a light assessment and changes to the proposal, it should not have been an either / or option as this has not resolved anything.

2. Application ref 21/00798/FUL from 8th April 2021 had a similar scenario as to ours but the neighbour was not as greatly impacted as we would be, you were the planning officer and incidentally the applicants had used the same architect (Steve Mitchell Building Design). I quote below from your officers report how this was resolved and would like to remind you that you have recently told me We are reviewing this application in the same way that we review all applications. Hopefully you can understand from the below why we are concerned that we are not receiving a fair and balanced review.

"6.11 Concerns have been raised by the adjacent land user at number 66 East End Road regarding a loss of light, overbearing impact and overshadowing as a result of the proposed rear extension. Officers have negotiated revised plans as the original proposal failed the light test to this neighbour's ground floor rear elevation opening. The revised plans have reduced the depth of the extension at first floor and have significantly reduced the eaves height on this side of the plot. The proposal now passes the light test and therefore does not result in any unacceptable loss of light to any habitable room within this neighbouring property."

3. You keep stating that the rear kitchen doors are not affected by the development yet they will be overshadowed by the proposed extension which protrudes 1.7m beyond our building line. Can you provide evidence to support your claim please.

4. You acknowledge that the development does not meet the 25-degree ruling and in fact at 48 degrees it does not even meet the 45-degree ruling. You have given no weight or balance as to why this can be ignored, it has great relevance as it will impact our amenity and enjoyment of our home, loss of amenity is another fact stated by the councillors for refusing the previous application.

5. You continually refer to the kitchen double doors as a window, even though you have photographic evidence that from before the application date they do not transmit light and cannot be seen out of and as such cannot be defined as a window. Please can you advise why you are referring to them as windows still.

There are many flaws in this application and how it is being handled and unfortunately, they are not being addressed by the planning department. I should not have to rely on the planning committee if it gets to that stage, to provide a balanced, fair policy abiding decision. I would appreciate a swift response to each of the issues raised please and

acknowledgment that the misleading inaccurate and possibly fraudulent application will be rejected. As the applicants know we would have no objection to a further bedroom being added which matches our wing extension and that would be in keeping with existing local development. All we ask is that the application is accurate and fair and that your consideration is balanced fairly with proper assessments and due weight put to how greatly this is going to impact our lives, we will basically be forced out of our home of 50 years.

Kind Regards,

2 The Orchards  
Glenfall Way  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6BJ

**Comments:** 2nd April 2023

This is such a considerate and well thought out application that would enable the family to stay in their family home and continue to actively contribute and support the local community.

The proposed extension is in keeping with size and style with all the recent extensions in the immediate area that have been approved.

The proposal will only be going to the same building line as the extension that number 84 carried out on their property. The proposed extension will be the same linear distance as the existing extension at number 84.

There will be no real loss of light to the kitchen at number 84. They have a large south facing patio window at the end of their existing extension.

The side kitchen window of number 84 will not really suffer from any loss of sun light because the window already loses sunlight due to the existing adjacent trees. Therefore the proposed extension at number 82 will not impact this at all.

Having looked at previous applications on the street and within the very near vicinity they have all be approved, even when larger, less considerate and not so in keeping with the local amenity.

I see no truly justifiable reason why this application should be refused.

7 Cherry Blossom Close  
Bishops Cleeve  
Cheltenham  
GL52 8XS

**Comments:** 9th April 2023

Looking at this application I would like to object and my reasons are as follows:

This property has had extensions carried out to the sides and to the rear already including a large conservatory, this is a large amount of area in comparison to the original build.

The property at 84 has a side window and this application if approved would have large impact on the amount of the natural light source entering that room so with that in mind I am hoping that all 'right for light' procedures and surveys have been carried out to support this application.

All extensions and existing build for this property is more than sufficient to accommodate a comfortable family home and my opinion is that for the considerable impact it would cause being so close to the boundary of number 84 does not warrant the approval of this application.





