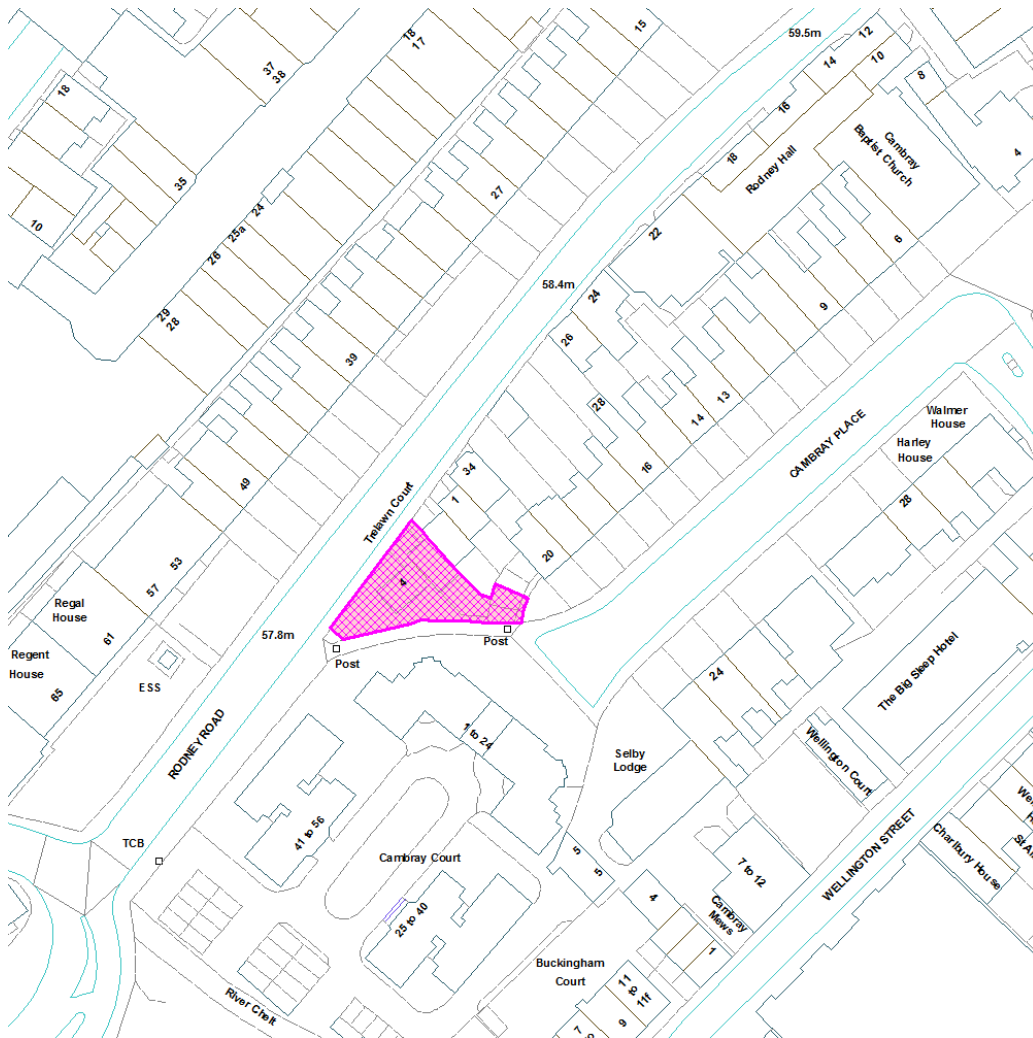


APPLICATION NO: 23/00775/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 19th May 2023	DATE OF EXPIRY: 14th July 2023 (extension of time agreed until 21st July 2023)
DATE VALIDATED: 19th May 2023	DATE OF SITE VISIT:
WARD: College	PARISH:
APPLICANT:	Oliver Parker Premium Properties LTD
AGENT:	Coombes Everitt Architects Limited
LOCATION:	3 Trelawn Court Rodney Road Cheltenham
PROPOSAL:	Single storey extension to the rear of both 3 and 4 Trelawn Court

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the south-eastern side of Rodney Road within the Montpellier character area of the Central conservation area, and comprises two modern, terraced townhouses (nos. 3 & 4 Trelawn Court). Nos.1-3 within the terrace are stepped, with no.4 set at a 90° angle.
- 1.2 The site is located in close proximity to a number of Grade II listed properties and adjacent to Cambray Court. A row of garages sits to the rear of the terrace, accessed from Cambray Place. A public footpath runs alongside the boundary to no.4. Part of the site is located within Flood Zones 2 and 3.
- 1.3 The applicant is seeking planning permission for the provision of a single storey extension to the rear of both properties; the properties are within the same ownership.
- 1.4 The application is before the planning committee at the request of Cllr Dobie due to concerns in relation to privacy and overlooking.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Central Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Principal Urban Area
Smoke Control Order

Relevant Planning History:

CB10638/01 Erection of 4 terrace houses	PERMIT	9th August 1978
CB10638/02 Amendments to erection of 4 terrace houses	PERMIT	7th March 1980
14/00491/FUL Alterations to elevations to block of four dwellings to remove projecting bay windows and replace with French doors and glazed balustrading along with replacement glazing	PERMIT	28th April 2014
15/02266/FUL (4A) Proposed development of a new dwelling above nos. 3 and 4 Trelawn Court	PERMIT	11th February 2016
18/01333/FUL Conversion and extension of existing garages to the rear of 3 & 4 Trelawn Court to form a new dwelling	REFUSE	23rd August 2018

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Montpellier Character Area Appraisal and Management Plan (2007)

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

Gloucestershire Centre for Environmental Records

22nd May 2023

Report available to view in documents tab.

Building Control

26th May 2023

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

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to two neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, objection has been raised by the neighbour at no.2 Trelawn Court; the comments have been circulated in full to members but, in summary, the concerns relate to:

- Visual impact / view from kitchen and garden
- Impact on light the garden receives
- Privacy / overlooking of garden

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design and any potential impact on the historic environment; and neighbouring amenity.

6.2 Design and impact on historic environment

6.2.1 Adopted CP policy D1 requires alterations and extensions to existing buildings to 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. Further guidance in relation to domestic extensions is set out in the Council's adopted 'Residential alterations and extensions' SPD.

6.2.2 In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires new developments to seek to preserve or enhance the character or

appearance of a conservation area. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.2.3 The proposed extension would extend 4 metres from the rear elevation of no.3, and a maximum of 4.3 metres from the rear of no.4; to an overall height of 3 metres. The extension would have a flat roof with white rendered elevations to reflect the contemporary design of the existing dwellings; and such a design approach is considered to be most appropriate. All windows and doors, and detailing, would also match existing; with additional natural light being provided by large flat roof lanterns. Whilst the extension would adopt a fairly large footprint, it is single storey, can be easily accommodated within the site, and would clearly read as a subservient, later addition to the properties.

6.2.4 Furthermore, views of the extension from public vantage points would be limited due to the height of the existing brick boundary wall adjacent to the footpath, and the garage block to the rear. As such, the general character and appearance of the conservation area would be preserved.

6.2.5 Overall, the proposals are therefore considered to be wholly acceptable from a design perspective.

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. In addition, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

6.3.2 In this case, officers are satisfied that there are no significant amenity concerns arising from the proposed development in terms of privacy, outlook or daylight.

6.3.3 The property that has the most potential to be affected by the proposed extension is no. 2 Trelawn Court; however, although the extension would sit adjacent to the boundary with this neighbour, the extension passes the 45° daylight test used to assess the impact of a development on adjacent windows. Moreover, the extension would not extend the full length of the garden, and given its single storey height would not cause unacceptable overshadowing of the neighbour's garden, nor result in any unacceptable impact in terms of outlook. As such, whilst the extension would undoubtedly have some impact on this neighbouring property, it would not be to such an extent that planning permission could be reasonably withheld on amenity grounds; particularly in such a densely populated location within the town centre.

6.3.4 The concerns raised by the neighbour in relation to overlooking are duly noted but there are no windows in the side elevation facing this neighbouring property; and no terrace is proposed at first floor. All openings are proposed in the rear facing elevation.

6.4 Other considerations

Climate change

6.4.1 The adopted Cheltenham Climate Change SPD (2022) provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals. Whilst in this case no specific low carbon technologies are proposed, given the limited scale of development proposed, this is considered to be acceptable on this occasion.

Flooding

6.4.2 Part of the application site is in Flood Zones 2 and 3 and, as such, in accordance with the Environment Agency's standing advice, the application has been accompanied by a Flood Risk Assessment (FRA) proportionate to the scale of development proposed. The FRA confirms that the proposed floor levels will not be set lower than existing floor levels; and that flood resistant materials will be used in the construction of the extensions at least 300mm above the estimated flood level. Officers are therefore satisfied that flood risk issues have been suitably addressed.

Protected species

6.4.3 Whilst records show that important species or habitats have been sighted on or near the application site in the past, notably a bat in 2017, given the scale and nature of the proposal, it is not considered that the development will have any harmful impact on these species.

Public Sector Equalities Duty (PSED)

6.4.4 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.

6.4.5 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officers are satisfied that the proposed development accords with all relevant national and local planning policy; and the recommendation is to grant planning permission subject to the following conditions:

8. SUGGESTED 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.

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.

- 2 The applicant is advised that the proposed development may require agreement under The Party Wall etc. Act 1996; the granting of planning permission does not remove the need to comply with the Party Wall etc. Act 1996 where it is applicable.