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|---------------------------------------|---|---------------------------------------|
| <b>APPLICATION NO:</b> 23/00809/FUL   |   | <b>OFFICER:</b> Miss Claire Donnelly  |
| <b>DATE REGISTERED:</b> 16th May 2023 |   | <b>DATE OF EXPIRY:</b> 11th July 2023 |
| <b>DATE VALIDATED:</b> 16th May 2023  |   | <b>DATE OF SITE VISIT:</b>            |
| <b>WARD:</b> Battledown               |   | <b>PARISH:</b> n/a                    |
| <b>APPLICANT:</b>                     | Mr And Mrs Ford   |                                       |
| <b>AGENT:</b>                         | Void Projects   |                                       |
| <b>LOCATION:</b>                      | 1 The Grove Hales Road Cheltenham   |                                       |
| <b>PROPOSAL:</b>                      | Proposed two storey side extension, alterations to rear elevation and rear dormers to facilitate loft conversion. |                                       |

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 The Grove; a residential cul-de-sac access off Hales Road. The property is a two storey; semi-detached dwelling located within a generously sized plot. The site is within the ward of Battledown and is not in a Conservation Area.
- 1.2 The application proposes a two storey side extension, alterations to the rear elevation to create a bay window extension, and installation of 2no. dormers in the rear roof slope to facilitate a loft conversion.
- 1.3 The proposed two storey side extension is a resubmission of a previously approved application ref. 19/01910/FUL. The scale, form and design of this element of the scheme remains unchanged to that proposed in the previous application. The previous permission has not been implemented and therefore forms part of this application.
- 1.4 The application is at planning committee at the request of Councillor Babbage due to local concern.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area

### **Relevant Planning History:**

**02/01673/FUL 9th December 2002 WDN**

Proposed 2 storey extension to existing house, to provide garage, utility, study, master bedroom and en suite

**03/00225/FUL 21st March 2003 PER**

Proposed two storey extension and attached single storey garage

**11/00930/CLPUD 3rd August 2011 CERTPU**

Extension to existing driveway

**19/01910/FUL 25th October 2019 PER**

Proposed two storey side extension and single storey rear extension

## 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

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD14 Health and Environmental Quality

### **Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)

## 4. CONSULTATIONS

### Building Control

22nd 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

|                         |   |
|-------------------------|---|
| Number of letters sent  | 4 |
| Total comments received | 2 |
| Number of objections    | 1 |
| Number of supporting    | 1 |
| General comment         | 0 |

5.1 Letters have been sent to the four adjoining addresses; two responses have been received, one objection and one support. Letters have been sent to neighbours on two occasions, firstly after the submission of the initial scheme, and again following the submission of revised drawings.

5.2 Summary of comments received following the initial consultation:

### Objections

- Loss of privacy as a result of the dormer windows,
- Overlooking into neighbours conservatory, kitchen/diner windows, and private amenity space,
- Negative visual impact,
- Impact on quality of life,
- No objections to side/rear extensions/alterations.

### Support

- Proposal will improve the character of the area
- No overlooking impact.

5.3 Summary of comments received following the consultation on revised drawings:

### Objections

- Dormer windows fall short of the 21 meter window to window distance to protect privacy,
- Flat roof design has a negative visual impact.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The application proposes a two storey side extension, alterations to the rear elevation to create a new bay window, and installation of 2no. dormer windows to facilitate a loft conversion; the key considerations are therefore design, impact on neighbouring amenity and sustainable development.

### 6.3 The site and its context

- 6.4 As mentioned in the introduction, a previous application permitted a two storey side and single storey rear extension (application ref. 19/01910/FUL). The two storey side extension proposed as part of this application remains unchanged, in terms of design and scale, to that proposed in the previous permission.
- 6.5 This application includes the addition of 2no. dormer windows and a bay window extension in place of the previously approved rear extension.
- 6.6 **Design**
- 6.7 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.8 The Council's Supplementary Planning Document: Residential Alterations and Extensions (SPD) set out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role. In addition to this, the document sets out that a two storey side extension to a semi-detached property should achieve a setback of no less than 1 metre to achieve an appropriate level of subservience in relation to the parent dwelling.
- 6.9 The proposed two storey side extension would have a width of approximately 4.1 metres, and have a setback of approximately 1.3 metres, and would have a hipped roof with a lower ridge height than the existing property. Whilst the extension is relatively wide, it is considered that the plot can accommodate the scale of extension, and with a good setback, the extension is considered to be subservient to the parent dwelling. The proposed external facing materials would match those of the existing dwelling; a condition has been added to ensure this. As such, given the two storey side extension has been previously approved as part of the previous application (ref. 19/01910/FUL) the proposed two storey side extension is considered to be acceptable. The extension would, as previously determined, comply with the relevant planning policies and guidance with regards to design.
- 6.10 The proposed rear bay window addition at ground floor is considered to be small in scale and form and be clearly subservient. The design of the bay window is considered to be appropriate and would be in-keeping with the existing dwelling with regards to material finishes. The proposed bay window is therefore considered acceptable when weighed against the relevant design policies.
- 6.11 The application includes the addition of 2no. dormer windows. The scheme has been revised following officers concerns with the initially proposed dormer. The aforementioned SPD also provides guidance for dormer windows setting out that '*over-wide dormers may harm the appearance of the house*' and that dormers should not '*have the appearance of an extra storey on top of the house; a dormer should always be set within its roof*'. The initial dormer was considered to be overly large, and of poor design. As such, revised plans have been submitted to amend to 2no. small, flat roof dormers. The 2no. dormers are considered to be small in scale and sit comfortably within the roof of the original dwelling, and the roof of the proposed extension. The dormers would be finished in lead, which would contribute to a more modern finished dormer, and therefore are an appropriate design. As such, the proposed dormers are considered to be acceptable in terms of design, scale and form.
- 6.12 Overall, the proposed two storey side extension, rear ground floor bay window addition and rear dormers would comply with policy SD4 of the JCS, policy D1 of the Cheltenham Plan, and the guidance set out within the councils SPD for designing residential extensions and alterations.

### 6.13 Impact on neighbouring property

- 6.14 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.15 Following the statutory consultation period, two responses have been received; one objecting resident and one supporting resident. A summary of the main comments raised have been summarised above in section 5.
- 6.16 The main concern raised by the objecting resident at no. 117 Hales Road is in regards to a loss of privacy and overlooking as a result of the proposed dormer windows. The rear boundary of the application site abuts the side boundary of no. 117 Hales Road. The neighbour raises concerns with regards to the proximity of the dormer windows to their property. Cheltenham Plan policy SD14 note 2 states; *'In determining privacy for residents, the Council will apply the following minimum distances, 21 metres between dwellings which face each other where both have windows with clear glazing'*. Cheltenham's Development on Garden Land and Infill Sites Supplementary Planning Document, sets out that new first floor windows should achieve 10.5 metres from clear window to boundary. The proposed dormer windows would meet the required distances in order to maintain privacy. With regards to the 21 metres the neighbour has mentioned, this distance is implemented when two clear glazed windows face one another. In this case, the neighbouring property does not directly face the application property and is at an angle to the application property. As such, the proposed dormer windows would achieve the relevant distance to maintain the privacy of adjoining land users. In addition, officers are mindful of the permitted development fall-back position and that a larger dormer with larger and more windows could be installed in the roof of the original dwelling house without the need for planning permission. The proposed dormers would have a lesser impact than a dormer that could be installed under permitted development. Taking all of the above into consideration, the proposed dormers would be compliant with the relevant planning policies and guidance in terms of protecting the existing amenity of neighbouring land users.
- 6.17 As per the previous application, no concern was raised with regards to an impact on neighbouring amenity in terms of a loss of light or loss of privacy. The proposed extension remains unchanged to that approved in 2019 (ref. 19/01910/FUL). As such, with this decision in mind and no concerns raised with regards to an impact on the existing amenity of adjoining land users the proposal is considered to comply with policy SD14 of the JCS and SL1 of the Cheltenham Plan.
- 6.18 There are no concerns that as a result of the new ground floor bay window there would be any overlooking or loss of privacy to adjoining land users. Furthermore, given the scale and location of the bay window extension in the site, there would be no impact on light to neighbouring properties.
- 6.19 Overall, the proposed works are considered to protect the existing amenity of adjoining land users and therefore comply with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan.

### 6.20 Sustainable development

- 6.21 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. 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.

6.22 The applicant has submitted a sustainability statement to address the above policy and guidance. The statement sets out that the extensions would meet building regs in terms of energy efficiency, including suitable insulation which the existing property lacks. Furthermore, the conversion of the existing loft would improve the energy efficiency of the property. Unfortunately, no low carbon technologies or features are proposed to be included however it has been identified that the existing rear, south facing roof slope could provide a suitable place for solar panels to be installed at a later date. As such, given the scale and nature of development, the proposed measures are considered to be appropriate in this instance.

### 6.23 Other considerations

### 6.24 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 Taking the above into consideration, the proposed two storey side, single storey rear bay extension and installation of 2no. dormer windows are considered to be appropriate and in accordance with the relevant policies and guidance. Whilst neighbour comments have been duly noted and taken into consideration, the proposal is considered to protect the amenity of adjoining land users.

7.2 As such, the recommendation is to permit this application subject to the suggested conditions set out below.

## 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.

- 3 The exterior of the development shall be rendered and painted to match the texture and colour of the existing building and maintained as such thereafter.

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).

- 4 The roofing material of the extensions shall match that 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 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, the authority sought revisions to the scheme to address concerns relating to design.

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