

APPLICATION NO: 23/01754/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 14th October 2023		DATE OF EXPIRY: 9th December 2023
DATE VALIDATED: 14th October 2023		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr And Mrs Atkinson	
AGENT:	Mark Le Grand & Co	
LOCATION:	61 Moored Park Road Cheltenham Gloucestershire	
PROPOSAL:	Two storey extension to rear of dwelling (revised scheme to 23/00414/FUL) (retrospective)	

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. This application is a revised scheme to a recently approved application, ref: 23/00414/FUL (previously determined at planning committee).
- 1.3 Works have commenced on site and are well underway, the main shell of the extensions were already constructed in block work at the time of officer's site visit (27.10.23).
- 1.4 The application has been called to planning committee by Councillor Nelson who raises concerns regarding the impact of the works on neighbouring amenity. The Parish Council also object to the application which triggers a committee decision.
- 1.5 During the course of the application revised plans have been submitted in order to address inaccuracies in the plans. The report below considers the latest plans submitted.

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

23/00414/FUL 16th June 2023 PER

Two storey extension to rear of dwelling (revised scheme to 22/01988/FUL)

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)

CONSULTATIONS

Building Control - 27th October 2023

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

Parish Council - 27th October 2023

The Parish Council objects to this application as it is unreasonably overbearing for the immediate neighbour. The Parish Council also notes that there is significant shadowing to one of their main habitable rooms (see shadows in attached photograph). The Parish Council are disappointed that the builder/developer has constructed the ground floor extension in breach of the existing planning permission.

Photographs available to view in documents tab.

Gloucestershire Centre For Environmental Records - 20th October 2023

Report available to view in documents tab.

4. PUBLICITY AND REPRESENTATIONS

- 4.1 4 letters were sent to neighbouring land users on two separate occasions, no letters of representation have been received in response to this neighbour notification process.

5. OFFICER COMMENTS

5.1 **Determining Issues**

- 5.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

- 5.3 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: 23/00414/FUL). The amendment to be considered within this new application is a change in the roof of the single storey part of the development from a pitched roof to a flat roof.

5.4 **Impact on neighbouring property**

- 5.5 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.

- 5.6 As the change being considered in this application only relates to the single storey extension adjacent to the shared boundary with number 59 Moorend Park Road, it is only this neighbouring land user that would be affected by the changes. Concerns have been raised by Councillor Nelson and the Parish Council with regards to the impact of the development on the attached neighbouring land user at 59 Moorend Park Road.

- 5.7 The overall height of the flat roof is 3.25 metres. The previously permitted pitched roof has a height of approximately 3.6 metres at the point it attaches to the rear wall of the existing property and an eaves height of approximately 2.7 metres. With this being the case, the height of the new flat roof is lower at the point it attaches to the rear elevation

of the existing building, however, it is approximately 0.35 metres higher at the eaves and its furthest point into the rear garden.

- 5.8 In terms of light and impact on habitable rooms, the ground floor rear elevation openings of number 59 Moorend Park Road, include a set of patio doors and a window, both of which serve the same room, a kitchen/dining room. The appropriate 45 degree light test has been carried out and the proposal does not fail the light test to either of these ground floor rear elevation windows. As such, the proposal does not result in any unacceptable loss of light to any habitable rooms.
- 5.9 With regards to overbearing impact and loss of outlook. The change in roof form and its resulting height, from that already approved, results in a greater visual impact for the adjacent land user. This includes an increased loss of outlook from the ground floor patio doors of number 59 Moorend Park Road, as well as an increased impact on the private outdoor amenity space immediately adjacent to the extension.
- 5.10 When considering the impact of this change in roof form, officers are mindful that number 59 Moorend Park Road benefits from a good sized south westerly facing rear garden, a large portion of which, will not be affected by the development already approved or by the change proposed within this current application. Officers are also mindful of the height of extension that has already been approved.
- 5.11 Whilst it is acknowledged that the change in roof form has a greater impact on this neighbouring land user, it is the view of officers that the level of impact, from that already approved, would not amount to an unacceptable level of harm that would warrant the refusal of planning permission.
- 5.12 For the reasons discussed, the proposal is considered to be acceptable in terms of impact on neighbouring amenity and is therefore considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy .

5.13 **Design**

- 5.14 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.’
- 5.15 The change in roof form is considered to be acceptable for a modern addition to the rear of the property. The overall design is acceptable and will not result in any harm to the design or character of the existing building or its surroundings.
- 5.16 In terms of design, the proposal is 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).

Other considerations

5.17 *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. Officers consider the submitted information and measures to be acceptable for this scale of works.

5.18 *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.

6. CONCLUSION AND RECOMMENDATION

- 6.1 Whilst officers acknowledge that the change in roof form will result in a greater impact on neighbouring amenity, specifically with regards to overbearing impact and outlook. This increase in impact is not considered to be to such an extent that it would warrant the refusal of planning permission. As such, officer recommendation is to permit the application, subject to the conditions set out below;

7. 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.