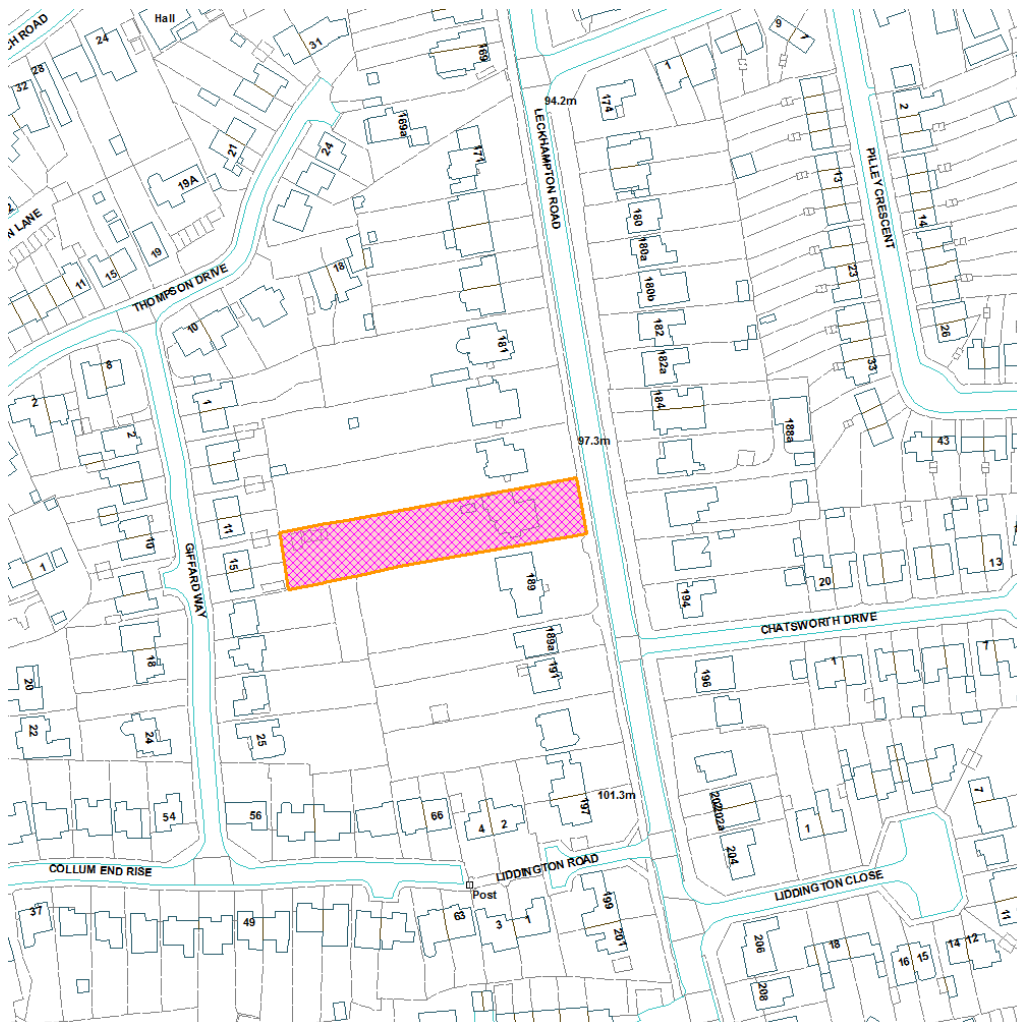


| | | |
|---|--|---|
| APPLICATION NO: 24/00435/FUL | | OFFICER: Michelle Payne |
| DATE REGISTERED: 12th March 2024 | | DATE OF EXPIRY: 7th May 2024 (extension of time agreed until 20th October 2024) |
| DATE VALIDATED: 12th March 2024 | | DATE OF SITE VISIT: |
| WARD: Leckhampton | | PARISH: Leckhampton With Warden Hill |
| APPLICANT: | Alice Costello | |
| AGENT: | | |
| LOCATION: | 187 Leckhampton Road Cheltenham Gloucestershire | |
| PROPOSAL: | Single storey rear extensions, first floor side extension, and associated alterations to include replacement windows and external wall and roof insulation | |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the west side of Leckhampton Road, within Leckhampton with Warden Hill parish, and comprises a detached two storey dwelling within a sizable plot. To the rear, the site backs onto residential properties in Gifford Way.
- 1.2 The existing dwelling is multi-gable fronted with a catslide roof over the garage to the north elevation, and has also been previously extended by way of modest additions to the side and rear. Externally, the building is faced in brick at ground floor, with render above, and has a concrete tiled roof. Existing windows and doors are white uPVC.
- 1.3 The neighbouring properties to the north and south sit at a different level as the land rises from north to south.
- 1.4 Revised plans have been submitted during the course of the application, and the description of development has been amended accordingly; the revisions are discussed in the report below.
- 1.5 As revised, the application proposes the erection of single storey rear extensions, a first floor side extension, and associated alterations to include replacement windows and external wall and roof insulation.
- 1.6 The application, as revised, is before the planning committee at the request of Councillor Horwood.
- 1.7 Members will visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Planning History:

| | | |
|---|---------------|---------------------------|
| T7991 | PERMIT | 21st November 1985 |
| Extension to existing dwelling to provide a private car garage and utility room | | |

| | | |
|--|---------------|----------------------|
| T7991/A | PERMIT | 2nd June 1986 |
| Alteration and extension to existing dwelling to provide an enlarged kitchen | | |

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed and beautiful places

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Cheltenham Climate Change SPD (2022)

4. CONSULTATIONS

Ward Member - Councillor Horwood

27th March 2024

Can I call this application in if you are minded to permit please?

I may withdraw this request if I'm reassured that the neighbours at No 185 have definitely been notified and are content but as it stands I am concerned about the scale and design – in particular a two-storey high extension with a metal roof immediately next to the neighbour's garden that will block their south-facing light just behind their house where they have a patio and potentially overlook their garden with new north-facing second storey windows. These look like ceiling windows but there is no internal plan of these rooms so that's not 100% clear and there could be some kind of mezzanine in such an oddly tall building – and it's unclear why they all face north if they are for light. I'm also rather puzzled by the proposed site plan which suggests this is just an extension whereas the front elevation makes clear there's a substantial addition to the right hand side of the whole building.

I'm copying in the parish council as they have a planning committee meeting tomorrow and I'd be interested in their view although I can't actually see it on their agenda. I assume that as a statutory consultee they have been notified.

1st October 2024 – revised comments

I would like to call in this application to committee please if you are minded to permit. This is because of concerns about the sheer scale of the extension and the elevated windows overlooking neighbours and threatening their family privacy with issues relating to childrens' privacy in particular. The development may also inhibit longstanding views into the AONB from neighbouring properties - views which are protected by the latest Cotswold National Landscape Management Plan to which we are in turn committed by Policy SD7 of the JCS and which are also a significant amenity for neighbours. Although the height and form of the extension are in keeping with the existing building, the very close proximity of the extension to the boundary means it would really overlook and overshadow the neighbours.

It is possible that I could withdraw this request if there are suitable modifications or conditions, e.g. frosting windows and reducing scale and proximity to the boundary of the extension.

Former Ward Member – Councillor Nelson

1st April 2024

I've been studying the plans for this huge extension.

Should you be minded to permit, then please can I "call in" to be decided by the Planning Committee?

It seems the extension is not sustainable, I can see no mention of solar panels etc. The 12-metre extension effectively increases the front to back depth of the property by a massive 71%. The proposed terrace/balcony will significantly impact neighbours amenity & privacy.

The steep pitched roof on the extension will almost reach to the level of the gutters of the property next door. All in all I believe the extension as proposed will be overbearing on both neighbours at Nos 185 and 189.

Furthermore, there will probably be a solar glare from the 9 panel bifold doors when viewed from Leckhampton Hill. And the design of the extension is not deemed sympathetic with the surroundings.

I hope this provided you with enough justification for the "call in".

24th April 2024 – revised comments

I have now studied the revised plans and yes, I would still ask that this application be considered by Committee.

The extension would still be overbearing to neighbours, have a significant impact on their amenity and is totally out of character with surrounding neighbourhood.

I believe NPPF 135 is applicable as is SD4 as well as JCS SL1 and others.

Although the plans show height of extension reduced, what they fail to demonstrate is that the ground level at no 187 is already well over a metre above that of neighbouring 185. Furthermore, the use of clear glass overlooking neighbours is surely unacceptable?

I hope these are sufficient reasons to support the call in.

Parish Council

28th March 2024

The Parish Council objects to this application due to the overbearing nature and mass of the development, the unacceptable impact on neighbours, and the impact on privacy issues for the neighbours at 189 Leckhampton Road in particular with the addition of a balcony.

The Parish Council requests that this application is called in for a Committee decision.

25th April 2024 – revised comments

The Parish Council objects on the grounds of size and proximity of the extension and its detrimental impact on the use and quiet enjoyment on the neighbouring properties, 185 and 189 Leckhampton Road. Also the long window on the side gable compromises privacy. The Parish Council requests that the application be called in.

1st October 2024 – revised comments

The Parish Council would like this application called in due to the replacement of obscured glass by clear glass, thus causing a safeguarding issue, the impact on the neighbours as a result of the increased floor level on the ground floor and the loss of outlook.

Building Control

25th March 2024

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

Gloucestershire Centre for Environmental Records

15th March 2024

Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On initial receipt of the application, letters of notification were sent to nine neighbouring properties. Additional letters were sent on receipt of the first round of revised plans.
- 5.2 In response to the original plans and earlier revisions, objections were received from, and on behalf of, four neighbouring properties. The comments have been circulated in full to Members but the main concerns were in relation to:
 - Design and size of the extensions
 - Proposed materials

- Loss of a view
- Visual impact from Leckhampton Hill
- Overbearing impact
- Overlooking/loss of privacy
- Overshadowing
- Flooding
- Noise
- Sustainability

5.3 Further consultation was carried out on receipt of the more recent revisions, and objections have been received from the same four neighbouring properties. These comments have also been circulated in full to Members; the concerns largely echo those above.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations in determining this application relate to design, and any impact on neighbouring amenity.

6.2 Design

6.2.1 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. All development should complement and respect neighbouring development and the character of the locality and/or landscape. The policy is generally consistent with 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 As originally submitted, the application proposed a first floor side extension, a first floor rear extension, and a large single storey rear extension, incorporating a terrace at first floor with external stair. The first floor side extension over the existing garage was proposed within a gable fronted addition to reflect the character of the existing property. To the rear, the first floor element would have sat above an existing single storey addition, to a depth of 2.7m; again with a gabled roof. Both of these additions would have been rendered with tiled roofs to match existing. At ground floor, a far more extensive L-shaped addition was proposed, extending to an overall depth of 14 metres from the main rear elevation of the dwelling and, whilst this extension was also proposed to have a gabled roof, it was to be faced in a mix of render and vertical timber cladding, with a metal standing seam roof; and large amounts of glazing.

6.2.3 However, in response to concerns raised by officers and neighbours, the scheme was quite significantly amended. Although the first floor side and rear extensions were largely unchanged, the overall depth of the single storey extension was reduced to 7.5 metres, and the roof form was amended to reduce the height on the boundary; albeit a contemporary design approach was maintained. The external balcony was also omitted. Officers were generally supportive of this revised scheme.

6.2.4 Notwithstanding the support of officers, due to the continuing level of concern raised by the neighbours and parish council, the applicant went away to look at making additional revisions, and engaged with a new architect/agent.

6.2.5 In this revised scheme, whilst continuing to propose a first floor addition over the garage, with gabled roof, the first floor addition to the rear has been omitted in its entirety, and the overall depth of the single storey rear extension (including existing) is now just 4.7 metres. The single storey rear extension continues to be of a contemporary design, faced

in a mix of standing seam metal cladding, vertical timber cladding, and stone; and such a contemporary design approach is considered to be wholly acceptable at the rear of the property.

6.2.6 It has been suggested by neighbours that the scheme should be revised to introduce a step or steps down within the extension; however, this would impact on accessibility and fail to futureproof the building for future occupiers. Officers are satisfied that an internal step or steps is not required in this instance.

6.2.7 In addition to the extensions, it also now proposed to install external wall insulation (200mm thickness) to the existing dwelling; upgrade the thermal performance of the existing roof (120mm thick); and install replacement triple glazed, dark grey or black windows throughout. Whilst these changes would undoubtedly alter the character and appearance of the existing building, this in itself is not considered harmful; the scale and massing of the resultant dwelling is considered to be appropriate in its context. The existing building sits between two disparate buildings, both of which are fully rendered, and although the building is one of a pair of similar properties (with no.185), the additional first floor accommodation proposed within the gable over the garage is set well back from the principal elevation, and will therefore allow the original form of building to still be read.

6.2.8 The modest increase in ridge height of approximately 280mm will not be particularly noticeable within the street scene, and officers are satisfied that no harm will be caused to the character of the wider locality. There is a wide variety of building types and styles evident in the surrounding area and officers are satisfied that the dwelling would appear as a high quality, contemporary building. It is proposed to re-use the existing concrete roof tiles where possible, with any areas of new tiling used on roof slopes not visible from adjacent properties or Leckhampton Road.

6.2.9 Overall, from a design perspective, the revised proposals are therefore wholly supported by officers.

6.3 Neighbouring amenity

6.3.1 CP policy SL1 states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining landowners or the locality; these requirements are reiterated in JCS policy SD14. In addition, NPPF paragraph 135 highlights the need to secure a high standard of amenity for existing and future users. CP paragraph 14.4. advises that in assessing the amenity impacts of a development, regard will be had to a number of matters; those of relevance in this case are loss of daylight, loss of outlook, and loss of privacy.

6.3.2 All of the concerns raised in the objections have been duly noted. The property that has the most potential to be affected by the proposals is no.185 Leckhampton Road to the immediate north of the site, and to a lesser extent no.189 Leckhampton Road to the south, and it is acknowledged that the proposals would undoubtedly have some impact on their amenity. Whilst the extensions would also be visible from other nearby properties, these properties would not be directly affected. Members will be aware that the loss of a distant view is not a material planning consideration. Private views into the AONB are not protected.

6.3.3 The strength of the objection to the revised scheme is disappointing given the lengths the applicants have gone to to reduce the impact of the proposals on their neighbours. Members will note that many of the comments are personal and not focused on the proposals, nor relevant to material planning considerations.

185 Leckhampton Road

6.3.4 No.185 Leckhampton Road sits to the north of the site, at a lower level. This property has its principal outlook to the rear overlooking its own very large rear garden but it is acknowledged that the property has clear glazed secondary windows in its side elevation directly overlooking the site, and towards the hill beyond. That said, the fact that the extension will be visible from this neighbouring property is not reason to withhold planning permission; any impact could not be considered overbearing or oppressive, given the modest additional footprint now proposed adjacent to the boundary. The height of the eaves will be similar to existing, and any additional overshadowing of the patio will be limited in its extent.

6.3.5 The proposed extension will not result in any loss of privacy to this property, nor impact on habitable rooms in terms of daylight. The first floor side extension will not extend beyond the existing rear elevation and the rear facing window will overlook the applicant's own garden.

189 Leckhampton Road

6.3.6 No.189 Leckhampton Road sits to the south of the site, at higher level; and has been significantly altered and extended in recent years. Given the modest scale of the rear extensions now proposed, officers are satisfied that the proposals are wholly acceptable in terms of their impact on this neighbour. Although they raise concern in relation to overlooking, any impact would be limited and could be easily mitigated, particularly from the patio. All upper floor windows in the south side elevation with the exception of the rear most window are now annotated to be obscure glazed.

6.3.7 With regard to the concern that the single, clear glazed window would allow views into the child's bedroom opposite, it should be noted that the window serving the rear most bedroom was conditioned to be obscure glazed when planning permission was granted for the demolition and reconfiguration of the first floor rooms above the garage (application ref. 17/00577/FUL); however, clear glazing has been installed and this window is therefore in breach of the imposed condition and directly overlooks the applicant's rear garden.

6.3.8 As a whole, officers are satisfied that the revised proposals are acceptable from an amenity perspective.

6.4 Other considerations

Climate change

6.4.1 The Cheltenham Climate Change SPD provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals. In this case, as previously noted, this revised scheme proposes a number of measures including external wall insulation, a thermal upgrade of the existing roof, replacement triple glazed windows, and a new air source heat pump to replace the existing gas boiler. Such measures are welcomed and align with the SPD.

Flooding

6.4.2 The comments in relation to flooding have been duly noted but the site is wholly located within Flood Zone 1, and the Environment Agency's long term flood risk summary for the area confirms that the site is at a very low risk of surface water flooding. Furthermore, given the limited amount of additional footprint now proposed, it is unlikely that the development would have any significant impact in terms of flood risk.

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, given the scale and nature of the proposals, it is not considered that the development will have any harmful impact on these species.

Public Sector Equality 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 With all of the above in mind, the revised scheme is considered to be in accordance with relevant national and local planning policy, and the recommendation is to grant planning permission subject to the following conditions:

8. 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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper windows in the side (south) facing elevation annotated to be obscure glazed on approved Drawing No. E4640-027-C shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate a restricted opening mechanism or be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).