

## **Response to findings of the Planning Officer's report – App 24/00435/FUL - 187 Leckhampton Road**

Dear Members,

Having reviewed the Planning Officer's report we write to express our concerns given the gaps of missing information; the incomplete assumptions made, and the lack of any reference or discussion concerning previous relevant applications which were both amended and refused by Cheltenham BC. We reside at 189 and are also writing on behalf of 185 Leckhampton Road.

Firstly, we find the report condescending towards the neighbour's objections made, thus giving the impression it has been favoured towards the applicant. Both 185 & 189 got a sense of this happening when the Officer was invited out to both gardens during the 1<sup>st</sup> submission, where at the time the Officer had little knowledge of the application, and had not yet visited the applicant's site. We found the tone of the officer overly negative towards any concerns we had, despite at that time not being in receipt of full information. There were no words of comfort or suggestions on how any of our concerns could be mitigated. At that time both 189 and 185 felt a position of injustice and bias towards the application site. However, we didn't want to raise it due to a fear of 'backlash' towards our objections thus prejudicing them before the Officer's decision, you can understand our reason for doing so.

That aside, we are writing here today to explain those gaps of missing information, shed light and clarification on the Officer's assumptions made, and provide constructive and practical solutions as to how some of the remaining objections can be overcome, compromised and therefore mitigated:-

### **Raised Patio/ Terrace**

Given the immensity of the point and the proposed increase in ground level for the patio; over 450mm towards 189's boundary and 670mm next to 185; which will be on top of 187's already raised patio; that the only comment from the Officer is "*it can be easily mitigated*". However, an explanation was not given as to how from the applicant's site? There are many aspects that have not been addressed to support this raised patio:-

1. No mention of the raised patio under the headline proposal for the application despite it requiring permission. Under Permitted Development Rights (PDR) it requires any raised patio/terrace above 300mm to require planning permission.
2. No mention of the patio on the Drawings nor annotation on the Key description
3. No illustration of the patio on the Block Plan.
4. No mention of it on the Design Access Statement.
5. No details showing an existing cross section or a proposed cross section of raised patio and its relation to the neighbours. A topographical survey done despite both 185 & 189 calling for one.
6. No threshold details
7. No mention of the mature landscaping being removed on the Drawings; or in the Design Access Statement
8. No inclusion of the mature landscaping consisting of trees and hedges on the Existing Plans
9. No drainage details showing how rainwater will run-off or be dispersed.
10. There is no reference of the fence height between 187 and 189 being effectively reduced to 97cm as a consequence of the raised patio – enabling even a 3.5 yr child to peer over the top.

11. The Planning Officer has commented about steps inside the extension, but ***not*** steps down onto the patio, which would help with the concerns of overlooking and loss of privacy.
12. There is no mention in the report about the 2 Appeals concerning raised terraces - APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997

It is clear the raised patio has been camouflaged under the Works/ Drawings/ Design Access Statement and isn't discussed by the Planning Officer under the report, yet the height they are proposing to raise it by requires planning permission

The proposals cannot be achieved without removing ***all*** the mature landscaping in those locations; which subsequently create ***all*** the problems concerning a 97cm fence height; and all the material objections concerning a loss of privacy, loss of perceived privacy, and impact on the enjoyment of outdoor garden amenity space for 189.

### **Obscure glazing**

App 17/00577/ FULL for 189 Leckhampton Road was carried out by the previous owner, but 189 will install obscure glazing to its LH bedroom as suggested. However, 189's RH bedroom window remains clear under planning which means 187's proposed new bedroom window will look directly into an 8 year old boy's bedroom (see image below). Therefore, being a new aperture on 187's elevation it must be obscure as well. Further what is the window for which looks directly into 189's garden?



The planning officer has not mentioned the objection raised to the en-suite master bedroom, with a walk-in shower covering over 1/3 of the window, which will be visible from neighbouring gardens and must be obscure to maintain privacy.

Dear Members we (189) would be happy to remove all our objections if the obscure glazing condition was extended to cover those 2 windows, and that a compromise of steps down onto their patio (as per existing) in line with everyone else on this side of the road, who also have steps down onto their patios. This will help reduce the impact of overlooking, loss of privacy, loss of perceived privacy, impact on the enjoyment of outdoor garden amenity space, and reduce noise for 189, but will still give 187 the application they want. Surely that is the best way forward.

### **Overbearing and significant loss of outlook**

The Council has recently rejected an application on 2 Silverthorn Close (App 24/00871/FUL) citing the main reason as “overbearing” and “a significant loss of outlook”. This application was referenced in 185’s latest comments and is a replica of 187’s issues. However, no reference was made to it in the Planning Officer’s report? This is of particular relevance to this Application.

### **Subservience**

The Officer has taken into consideration the impact of subservience from the front elevation of the property but has not reviewed the impact from the side or rear of the property. There is clearly an issue as the Architect has attempted to remove the concern by increasing the height of the existing roofs in order to make it look subservient. The fact they have had to use a red line on the drawings to highlight it is lower, despite it not being obvious to the naked eye, goes a long way to proving its overly dominate position compared to the existing property. Subservient conditions were enforced on 189 Leckhampton Road under App 17/00577/ FUL despite there being twice the distance between 189 and 187’s elevations compared to 185 and 187’s. This has also been raised by Mr. Craig Hemphill (Senior Planning Consultant) for Brodie Planning Ltd - being a former CBC Planning Officer with a multitude of experience.

### **Steps down in the Extension**

Why have steps down into the extension not been discussed? The Officer has cited Accessibility and Flexibility for future occupiers but has not explained why? Is this for DDA Compliance or perhaps protection of property value? As previously discussed, the inclusion of steps down would go a long way to mitigate the floor level elevation of 1.27m above 185’s ground level. Otherwise 185 will be impacted by loss of outlook, overbearing, loss of day light, overshadowing, and enjoyment of garden amenity space. The inclusion of steps would also reduce concerns raised by 189. This ideal compromise would provide 187 with the internal layout and additional space as specified.

It is 187 that want to build up to the boundary fence of 185, remove the existing landscaping along the boundary fence of 189 to again build right up to the fence line, so in granting these proposals as submitted is it fair to then inadvertently force the neighbours to use their lands, at their cost, to try and reduce the impacts created by 187’s application - no it is not. That is why there must be a compromise from 187 to either incorporate steps down within the extension, or worse case steps down onto their patio, like everyone else along Leckhampton Road.



## Conclusion

We have been made aware of a comment made by the applicant to Cllr Horwood during a recent site visit where steps down in the extension were discussed. After Martin had enquired about steps down, having seen how high the outside steps were, and how imposing they were on 185 the applicant responded dismissing it as not being necessary in such a small extension. May we point out that it's a 5m extension from the existing rear of the property and a step down, along with the same step into the outdoor covered seating area would be more than achievable. It would also be a very small area compared to the Ground Floor layout of the rest of the house therefore the impact on Accessibility for future users would be minimum – all the main use rooms such as the Entrance, Hallway, Kitchen, Dining, Toilet, Snug and part Lounge would be fully accessible. The room this step would sit in is in fact a 2<sup>nd</sup> Lounge, given there is already a Snug allocated on the Ground Floor. Further any access to the patio could easily be mitigated by the installation of a ramp for wheelchair users.

We note the Planning Officer's surprise and disappointment at the amount and strength of objections from neighbours, yet these objections and concerns have also been raised by several other independent people, as well as professional advisors, most notably:-

Cllr Horwood – Leckhampton Ward  
Cllr Nelson – Leckhampton Ward  
Cllr Hutchings – Leckhampton Parish Council  
Cllr Newport Black – Leckhampton Parish Council  
Cllr Baillie – Leckhampton Parish Council  
Cllr Cooke - Leckhampton Parish Council  
Lorelle Davies – Brodie Planning Ltd  
Craig Hemphill – Brodie Planning Ltd (ex CBC Planning Officer)  
Owen Hoare – Nimble Planning

Therefore, our objections and the strength of them are legitimate material considerations as evidenced by other people feeling the same way. We have also discussed this application with many friends and family who also feel the same, even suggesting steps as a compromise.

We thank the Members for their time and consideration in this matter.