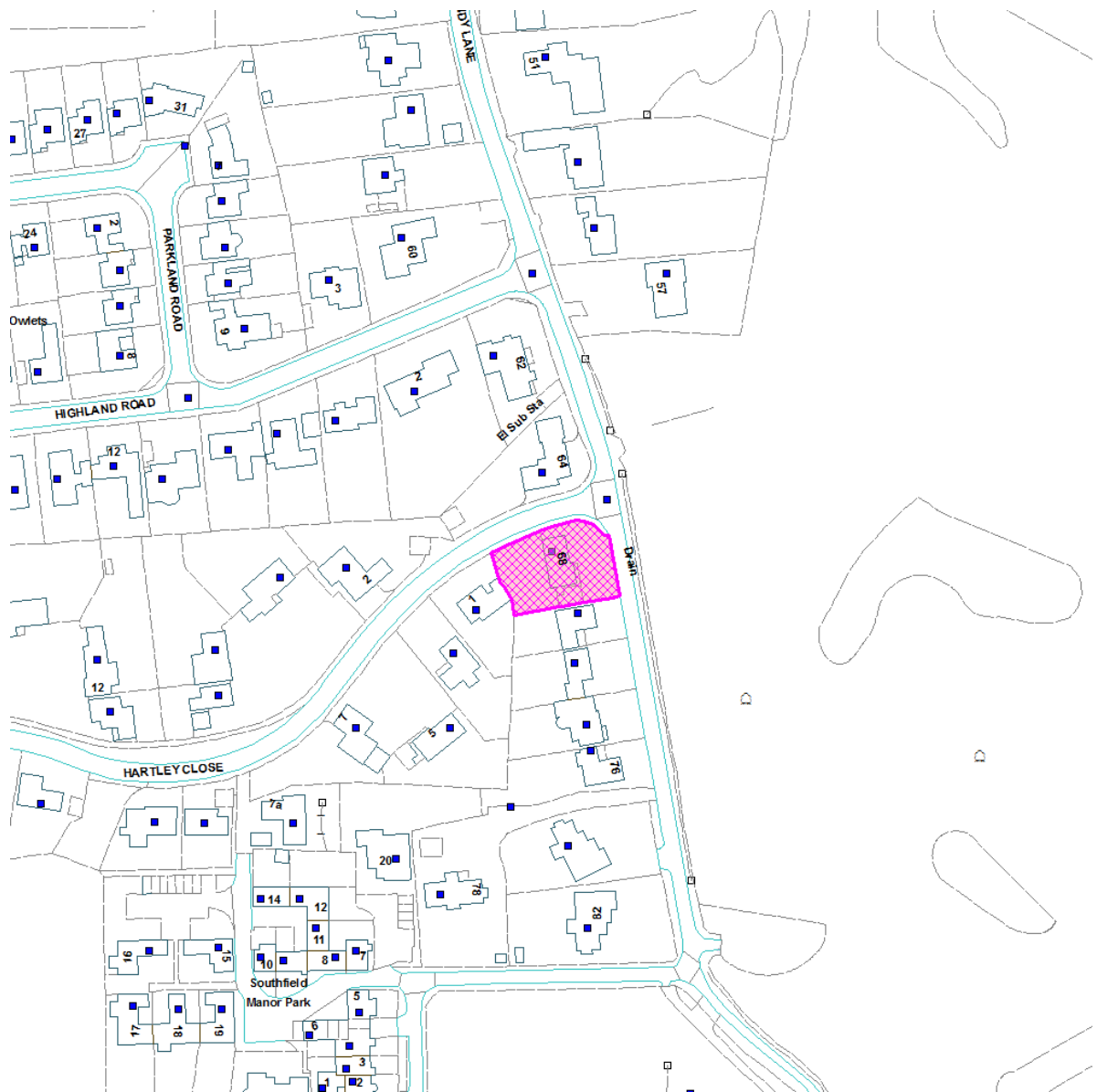


Officer Report

APPLICATION NO: 24/01670/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 8th October 2024		DATE OF EXPIRY: EoT 20th December 2024
DATE VALIDATED: 8th October 2024		DATE OF SITE VISIT:
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr N Perkin	
AGENT:	Michael Lumley and Associates	
LOCATION:	68 Sandy Lane Charlton Kings Cheltenham	
PROPOSAL:	Alterations to exterior and replacement roof.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a reasonably large, detached, two storey property located on the corner of Sandy Lane and Hartley Close. The surrounding context is residential, the land to the east, on the other side of Sandy Lane is within the Cotswolds AONB.
- 1.2 The applicant is seeking planning permission for external alterations and a replacement roof, the external alterations include alterations of an existing rear balcony, new ground floor canopies and remodelling works.
- 1.3 During the course of the application, it was noted that 3 air conditioning units have been installed at the property without the necessary planning permission. Whilst the applicant initially looked to resolve this as part of this planning application by submitting revised plans and additional information, they later decided to deal with this matter separately, to enable them to explore the possibility of reducing the number of units. As such, further revised plans have been submitted, the application no longer seeks retrospective permission for the air conditioning units. The applicant is however aware consent is needed and an informative has been added.
- 1.4 The application is at planning committee at the request of Councillor Baker, who raises concerns regarding impact on neighbouring amenity as a result of the proposed changes to the rear balcony, as well as concerns regarding the scale and dominance of the dwelling as a result of the proposed roof alterations.
- 1.5 An extension of time has been agreed in order to allow the application to be determined at planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Relevant Planning History:

16/02197/FUL 31st May 2017 PER

Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors.

17/01984/FUL 13th November 2017 PER

Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors. (Revised scheme to 16/02197/FUL)

18/00302/AMEND 16th February 2018 PAMEND

Nonmaterial amendment to planning permission 17/01984/FUL - to move position of kitchen window by 1281mm. Reduce the amount of cladding. Change rear to have bifold/patio/french door

18/00303/DISCON 16th February 2018 DISCHA

Discharge of condition 3) Cladding and Render and condition 4) Windows and external Doors, of Planning Permission 17/01984/FUL.

18/00934/FUL 22nd June 2018 REF

First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include

an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.

18/01376/AMEND 18th July 2018 PAMEND

Non material amendment to planning permission 17/01984/FUL, changes include alterations to the cladding, removal of fascia detailing, addition of coping stone finish and relocation of soil pipe to the rear.

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)

Climate Change (2022)

4. CONSULTATIONS

Building Control

22nd October 2024 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

22nd October 2024 - No Objection.

Parish Council

6th December 2024

Objection:

Charlton Kings Parish Council had not been notified of the revisions to this application. However, the previous version the application had the air-con units drawn on the existing plans. We now understand that while they are already in place, this application is for retrospective consent for them. We have concerns as to their proximity to the neighbouring property and the resultant potential for noise disturbance to the neighbours. Therefore, we feel they should be relocated to another elevation to remove this potential loss of amenity.

Please note, we further understand that the three units have now been replaced with one larger unit, but this does not resolve this objection.

We also note that the deeper balcony affords a greater line of site across to the rear of No.70, resulting in a loss of privacy, but this could be resolved with screening to the southern end of the balcony.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters were sent to 3 neighbouring land users upon validation of the application, 2 letters of objection were received in response to this notification process. The concerns have been summarised, but are not limited to the following:
- Air conditioning units already installed without consent and not included in the description of development. Neighbour concerns raised regarding visual impact and disturbance of these units.
 - Loss of privacy as a result of the proposed amendments to rear balcony/terrace.
 - Size/design of the remodelled/extended dwelling – its impact on the character of the area and impact on neighbouring amenity.
- 5.2 Upon receipt of revised/additional information, letters were again sent to 3 neighbouring land users. A further response from the neighbouring land user at number 70 Sandy Lane has been received. The concerns reflect and expand on the issues already summarised above.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Planning History

- 6.4 Planning permission was granted for a two storey side extension, single storey front and rear extension and external alterations under planning reference 16/02197/FUL. Permission was later granted under planning reference 17/01984/FUL for a similar but revised scheme. A later application for a further revised scheme was submitted under planning reference 18/00934/FUL, this proposed to increase the height of the flat roof extension to the front. This application was refused at planning committee; the refusal reason relating to scale, design, lack of subservience and impact on the area.

6.5 Design and impact on the area

- 6.6 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.’
- 6.7 The application site relates to a reasonably large two storey detached property located on a corner plot within a residential area. The existing building, originally constructed in brick with tile hanging, has more recently been extended and modernised as a result of planning permission granted under ref: 17/01984/FUL. The extended and remodelled building is now finished in render and composite cladding, with concrete roof tiles and grey aluminium windows and doors.
- 6.8 The applicant is seeking planning permission for external alterations and a replacement roof. The most significant change is the replacement roof. The main roof of the existing building is a pitched roof with gable ends, with the previously added extension to the front having a flat roof form. The proposed works now seek to add a pitched roof over

the first-floor flat roof section of the property and to change the main roof from gable to hipped. The overall height of the roof will be higher than that of the existing roof and the finish is slate.

- 6.9 Officers duly note the neighbour comments and concerns raised with regard to subservience; however, in this instance, due to the nature of the work, which in the main relates to roof alterations, subservience is not a specific requirement. Subservience is usually a requirement for further extensions to a property, such as single storey and two storey extensions, or detached outbuildings. In this instance, where the form, design and appearance of the dwelling is proposed to be altered, officers are generally considering the application as though it was a replacement dwelling. Therefore, the consideration is whether the extended and remodelled dwelling achieves an acceptable scale, form and design for the plot and in its context.
- 6.10 The proposed plans show the relationship of the altered dwelling alongside the neighbouring property at number 70 Sandy Lane. This shows that the neighbouring property is located on slightly higher land, with the properties further south sat on rising land.
- 6.11 The proposed new roof form is considered to be acceptable in design terms and given its context, whereby neighbouring properties vary in scale, form, design and height, the increase in height and its altered form is not considered to be harmful to the design or character of the area or street scene.
- 6.12 Further external alterations are proposed, this includes the addition of an extended canopy over the garage door entrance and the addition of new canopy/porch area to the front entrance. In addition, further composite timber cladding and stone block cladding features are proposed to the external elevations. To the rear, an altered first floor balcony and ground floor pergola/canopy structure is proposed. These proposed alterations are considered to be acceptable in design terms, however specific material details are necessary and therefore a condition has been recommended.
- 6.13 The Parish Council reviewed the application and initially raised no objection, but later provided a further comment objecting to the application. The comments relate to the air conditioning units, which, as already noted above, are not the subject of this application. A comment is also raised with regards to the balcony amendments, this is discussed below.
- 6.14 Overall, the proposed amendments are considered to be acceptable and in officers view result in an improved overall design and appearance of the property. The proposal is therefore 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).
- 6.15 Impact on neighbouring property**
- 6.16 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.
- 6.17 No concerns are raised by officers with regards to the proposed alterations to the external elevations. The proposed amendments that could give rise to potential amenity concerns are the replacement roof, which would be higher than existing, and the proposed amendment to the rear first floor balcony, which would be slightly enlarged and repositioned. The properties most likely to be affected are 70 Sandy Lane and 1 Hartley Close.

- 6.18 With regards to loss of light, as confirmed in the officer reports for the previous applications (17/01984/FUL and 18/00934/FUL), the side elevation windows of number 70 Sandy Lane do not serve habitable spaces and therefore do not warrant protection in terms of light. With this being the case, the proposed roof alterations do not have any unacceptable impact on any habitable rooms.
- 6.19 In terms of overshadowing and overbearing impact, the application site is to the north of number 70 Sandy Lane, and the roof alterations would be in line with the existing built form; as such, the roof alterations will not result in any unacceptable overbearing impact or overshadowing of number 70 Sandy Lane's private garden. Due to the relationship with number 1 Hartley Close to the west of the site, the distance between these properties and the orientation of 1 Hartley Close, no unacceptable impact on this property will occur.
- 6.20 The application proposes alterations to an existing rear balcony. The alterations will result in an increase in the depth of the balcony by approximately 1 metre and it being repositioned slightly, by moving north towards the highway of Hartley Close, by approximately 3 metres. Concerns are raised by both 70 Sandy Lane and 1 Hartley Close with regards to a loss of privacy from this altered balcony. The proposed balcony would be in excess of 17 metres from the shared boundary with number 70 Sandy Lane and in excess of 13 metres to the rear boundary shared with number 1 Hartley Close. Whilst a minimum distance to a boundary for a balcony is not specified in policy SL1 of the Cheltenham Plan, the minimum distance between a new first floor window and a boundary normally sought is 10.5 metres, this gives a good indication of distances that would maintain neighbouring privacy. The amended balcony would exceed this distance to both boundaries. Given that a balcony already exists in this location and given the relationship with neighbouring land users, the proposed enlargement of the balcony in its amended position is not considered to result in any unacceptable privacy issues, and would not result in any significantly greater loss of privacy than that which already exists. It is noted that the applicant proposes to increase the height of a fence panel located on the shared boundary with number 70 Sandy Lane by 600mm, to limit any perceived overlooking, although this is not considered necessary from an officer's point of view.
- 6.21 Having considered all of the above, whilst the concerns of neighbours have been duly noted, the proposal is considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

Other considerations

6.22 *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 not supported by a sustainability statement and no specific low carbon technologies are proposed. Given the nature of the works, officers do not consider a direct response to be necessary, but note that the works in any case would need to comply with relevant building regulations, which is acceptable.

6.23 *Future works*

- 6.24 Officers acknowledge that the increase in ridge height could facilitate a future loft conversion including dormers and roof lights. Officers consider this could have amenity

impacts and potential impacts on the design and character of the area, and as such, it is recommended that permitted development rights are removed for the insertion of openings or dormer windows within the roof.

6.25 *Public Sector Equality Duty (PSED)*

As set out in the Equality 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 Having considered all of the above, whilst noting the concerns raised by the adjacent land users, officers consider the proposed works will not result in any unacceptable impact on the amenities of neighbouring land users and is considered to be acceptable in design terms. As such, officer recommendation is to permit the application, subject to the conditions set out below.

8. 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 No external facing or roofing materials shall be applied unless in accordance with:
a) a written specification of the materials; and/or
b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved 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).

- 4 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 with or without modification), no additional windows, doors and openings, including dormer windows shall be formed in the roof of the development hereby approved; without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, and in the interests of the character and appearance of the area, having regard to adopted policy D1 and SL1 of the Cheltenham Plan (2020) and adopted policy SD4 and SD14 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.

- 2 The applicant should be aware that the installed air conditioning units require planning permission and therefore this matter should be resolved as soon as possible by the submission of an appropriate planning application.