

APPLICATION NO: 24/01670/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 8th October 2024		DATE OF EXPIRY : 3rd December 2024	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Mr N Perkin		
LOCATION:	68 Sandy Lane Charlton Kings Cheltenham		
PROPOSAL:	Alterations to exterior and replacement roof.		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

70 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 26th November 2024

Thank you for the opportunity to comment on the latest amendments uploaded on the 5th November 2024 as set out in the revised consultation letter dated 15th November 2024 for 'Alterations to exterior and a replacement roof and retrospective permission for 3 Air Conditioning Units, inviting comments no later than 26th November 2024.

In this response we set out a high-level summary of our concerns. We then provide more detailed evidence and commentary setting out the full detail of the response to the consultation letter and proposal.

High level Summary of Objection

The design approach that has been adopted pushes all the negative impact towards the adjacent neighbouring property. The proposal will significantly increase the size and dominance of house, enhancing the occupant's amenity and enjoyment of the property. This will, however, be at the detriment to the neighbouring property's amenity and out of character with the surroundings, causing demonstrable harm on the following grounds:

- increasing the height of the extension by 3.4m, creating the largest and most dominant part of the house directly adjacent to the neighbouring boundary;
- doubling the size and changing the orientation of the balcony, significantly increasing the degree of overlooking into the neighbour's private amenity space causing an unacceptable loss of privacy;
- the siting of the 3 air conditioning units (already installed without consent) directly adjacent to the neighbouring boundary that could be located in a much less impactful location.

A development that is out of character with the area (defined by the 1970's estate at the top part of Sandy Lane), adversely affects its appearance and has clear and direct detrimental impacts on the immediate neighbour's amenity is, by definition, contrary to the Development Plan when read as whole. Specific policies that apply are:

- Character and Appearance and Respecting Neighbouring Development: This larger and more impactful scheme does not overcome the previous breach of policies JCS SD4 and Local Plan D1. The inclusion of AC units and a larger balcony exacerbates the negative impact on the neighbouring property.
- Overlooking and loss of privacy: The increase in size, intensity of use and orientation of the enlarged balcony causes demonstrable loss of privacy. Local Plan SL1.
- Noise and disturbance: The siting of the AC units directly adjacent to the neighbouring property. Local Plan policy SL1.
- These policies are also supported by advice contained in the Residential Alterations and Extensions (2008) Supplementary Planning Document.

The planning history has set a clear 'limit' to the extent of development acceptable on this site and adjacent to neighbouring boundary. There have been numerous design iterations considered seeking ways to overcome what was deemed 'unacceptable' bulk / impact by officers and members. The existing two storey front and side extension had been purposely designed with a flat roof to overcome the challenges of overdominance, massing and the need for subservience. These principles have been rigorously tested in numerous reports resulting in a refusal decision, which required the extension to be partially demolished, reducing its height by 400mm during the construction phase.

The current scheme now proposes the much larger roof for that extension. A hipped roof that was previously deemed 'unacceptable' and removed from the design.

It is also important to consider our concerns regarding the description of the proposed works, omissions in the plans and accuracy of the 3D sketches and Photo Montages. These either omit detail or understate the magnitude of the proposal, making it appear less impactful:

- Description: titled 'alterations and a replacement roof' yet makes no reference to the considerable additions & enlargements to the roof, the balcony, its supporting 2 storey wall and the forward projecting canopies. It also includes the installed AC Units which are omitted from the plans.
- Plans: omit important details regarding a) the forward projecting canopies to the garage & porch b) the proposed east elevation that should show the relationship with neighbouring property No.70 including the change of level.
- 3D sketches and Photo Montages: use oblique angles and perspective that grossly misrepresent the height and impact of the extended roof.

Providing an accurate illustration of what is proposed and the relationship with the neighbouring property is critical to the determination of the application, particularly in relation to domination, massing and the impact on neighbouring amenity and character of the surroundings. It is currently not possible to accurately assess the impact with the images provided.

There is also a risk of establishing the dangerous precedent of planning creep or salami slicing. Where the cumulative impact of a scheme has been judged unacceptable as a whole, but it is broken down into small piecemeal parts and submitted as incrementally.

In this case: a) the roof has been separated out from the original extension and is now much larger, b) the hipped roof now becoming the most dominant feature, c) the AC units (already installed) now separated from this application, d) the scope for additional accommodation to be provided in the roof space through permitted development rights and e) the 'creep' of the property towards the highway with forward projections.

We are disappointed that as a reaction to our initial concerns, the only change made has been to increase the height of a single fencing panel on our boundary, making it unusually high. Considering the extent and cost of the proposed works, in particular construction and screening arrangements for the users of the enlarged balcony, this is far from adequate.

We do however, believe there remains considerable scope to amend this proposal, significant reducing the negative impact on the neighbouring property and surroundings. Until such changes are made the application is contrary to the Development Plan, does not take account of the planning history and should be refused.

Accuracy of plans and description of proposal

It is important to raise our concerns regarding the proposal's description and accompanying plans. The consultation letter dated 5th November refers to 'Alterations to exterior and a replacement roof. Retrospective permission for 3 no. air conditioning units'. This is not an accurate description of the proposed works, making it sound far less significant.

Extensive additions and extensions are proposed including:

- The creation of two hipped roof structures increasing the roof height over the previous extension up to 3.4m, with overhanging eaves projecting 400mm.
- The creation of a new balcony (doubling the size of the existing structure) incorporating a large two storey structural wall projecting from the rear of the property 4.3m high and 2.3 wide.
- Forward projecting canopies over garage and porch - bringing front of property in line with neighbouring property, above and in front of the existing boundary wall.
- Omission from plans of already installed Air Conditioning Units.

The plans, 3D sketches and photo montages provided all have omissions and inaccuracies:

- Plans: Not clearly showing the proposed forward projecting additions. Also not including the neighbouring property in the all-important front facing (east) elevations. The relationship between the two properties cannot be properly assessed. The east facing elevation should include No.70. Even allowing for the considerable change in levels this would show the new roofline projecting above the ridge line of the neighbouring house.
- 3D sketches: using oblique angles and perspective (being viewed from below the property) result in a very inaccurate illustration of the scale of the proposal.
- Photo montages: also provide a similar misrepresentation of heights and do not properly show the relationship between the neighbouring house (No.70) and largest part of the roof extension. They are taken from extremely tight angles, not showing the highest point of the roof correctly in relation to the neighbouring property.

It is also important that an accurate description is provided as this is confusing and results in people believing it is a 'replacement roof' i.e. no real change in size, scale or shape and 'alterations' implies changes not considerable additions, enlargements and extensions. This description of the proposal should be accurately changed and a new

consultation letter sent out prior to the application being determined. It should also reflect that the air conditioning units are no longer included in this proposal.

Loss of Privacy

There is an existing balcony that is 0.9m deep (not shown on the south facing existing elevation) accessed from one of the upstairs bedrooms. This is an original feature of the house type and acts only as a 'Juliet' balcony and is not large enough to use for socialising / entertaining and is not frequently used.

The proposed balcony doubles the depth to 2m, creating a 10sq m elevated patio area designed for socialising / entertaining. It will have a large two-storey high screen wall engineered behind it (north) protecting the privacy of those on the balcony from views of pedestrian and residents on Sandy Lane and Hartley Close. The change of shape and size shifts the orientation and outlook by 90 degrees to the south, towards Leckhampton Hill, directly across (No. 70) the neighbouring property's private amenity space.

This is in clear conflict with Policy SL1 states that development will only be permitted where it would: a) not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.

Both Policy SL1 and SPD state that: 'a minimum distance of 21m between dwellings which face each other where both have windows with clear glazing'. Although not directly relevant it establishes a minimum starting point for the more intensive nature of overlooking that might occur from a balcony. Only 18m is achieved from the extended balcony to the outdoor private amenity space of No.70.

The Council's SDP provides more guidance again using the 21m between windows, but introduces an additional criterion: 'windows are a minimum of 21m apart WITH at least 10.5m from a window to a boundary.'

The enlarged balcony does not meet this basic dwelling to dwelling or window to window, minimum requirement. Although there is no specific guideline for balconies the SPD for Extensions and Alterations states that: 'Balconies can threaten the privacy of neighbours, but skilful design can prevent overlooking across a boundary'.

It is a firmly established planning principle (upheld in appeal decisions) that the outdoor space to the rear of a house should be protected as a private habitable space. Also that the nature of overlooking from a balcony is greater and more intensive than that of an upstairs window, when occasional oblique views occur.

It is therefore essential to consider the impact that will be caused by the larger, more intensively used balcony. This will be used as an elevated terrace for relaxing and socialising, that can accommodate seats / sofas / table and chairs. It will double in size, being capable of comfortably accommodating 6 people. This could be a group of people, enjoying a drink, socialising for long periods of time. This is vastly different in size, shape and useability to the existing Juliet style balcony.

An extensive two-storey structural privacy wall is to be engineered, screening the balcony and its users from the sight of users of Sandy Lane and Hartley Close. This would provide a well screened and private environment to enjoy the balcony and its views. Yet, this design principle is not applied to the privacy of the neighbours and the line of sight

into their private amenity space. This principle is in direct conflict with the objectives of Policy SL1 and D1: seeking to respect neighbouring development and protect neighbours from loss of privacy.

The only amendment made to this whole application when resubmitted, is the proposed increase in height to 2.6m, of a single fencing panel at the boundary between no. 68 & 70. It simply pushes the impact of the mitigation directly onto the neighbouring property, with one unusually higher fencing panel on our boundary, when those enjoying the new enlarged balcony have unrestricted views of Leckhampton Hill across our garden. This adds further detriment to our amenity and does not adequately overcome the additional overlooking and loss of privacy.

Considering the significant costs and extensive engineering is going into the creation of the new balcony and its large wall, screening its occupants from onlookers, single fence panel comes over as lacklustre and inappropriate mitigation. As a minimum the design of the balcony needs to be amended, and the screening incorporated into the balcony itself to stop direct overlooking into the neighbour's private amenity space, on the sightline of Leckhampton Hill along the rear of the houses.

We do not think it is appropriate or reasonable to seek to push the mitigation on to our boundary with very high single fencing panel. The applicant has advised they are looking to include a planting scheme to on the boundary, which is welcomed as this would provide a soften the impact overtime as it matures. However, this is not included in the application and therefore cannot be secured or conditioned. Also in isolation it is not sufficient to overcome the main objection.

Impact on neighbouring property and character of surroundings (including planning history of 16/2197 and 18/934)

As the immediate neighbour we are very familiar with the previous schemes brought forward for this property. Since December 2016 there have been four different schemes and seven applications seeking to significantly extend and rebuild this property. Finally in 2018 a much reduced yet significant 'contemporary box styled' two storey front and side extension was agreed upon and completed.

The reduction in height achieved by using a 'contemporary flat roof design' was the justification that overcome the concerns regarding the scale and over dominance to the neighbouring property (No.70). It achieved this by not having a traditional roof. Enabling it to be built close to the neighbouring property. In the report to committee officers stated:

'In light of the changes, the mass, scale and impact on neighbouring amenity is now considered to be acceptable, and a successful response to debate at planning committee. The revised scheme now includes a recessed balcony and a contemporary first floor flat roof form, which if executed successfully, will lift the proposal architecturally.'

The approved scheme was brought back to planning committee during the construction phase as it had been built 400mm higher than the approved drawings. The scheme was refused because of that increase in height:

"The proposed increase in height would result in the extension exceeding the eaves height of the existing building and would therefore result in a poor form of development

which fails to achieve the desired level of subservience to the existing building. The proposal would also fail to respond adequately to the character and appearance of the surrounding area, and detracts from the visual amenities of the locality. As such the proposal conflicts with policy CP7 of the Local Plan, SD4 of the adopted Joint Core Strategy and advice contained in the Residential Alterations and Extensions (2008) Supplementary Planning Document, and advice contained in the NPPF"

The unauthorised extension was adapted and height reduced in accordance with the approved plans. This clearly marked the extent of development considered acceptable. It was deliberately designed not to have a traditional roof, to reduce the impact of dominance and provide subservience.

We are now faced with another proposal to significantly enlarge the property, introducing further bulk and dominance over the two-storey side and front extension. The current scheme now proposes a large, hipped roof over the 'Contemporary Box' styled flat roof extension increasing the height by 3.4m. It also has large overhanging eaves / soffits projecting further 400mm towards our property. What was a 'subservient' extension will now become the largest and most dominant feature of this significantly extended house, bringing the impact closer to the neighbouring (our) property. This is in further conflict with the reason the previous scheme was refused and the Local Plan policies supporting that decision.

It raises the roof height a further 3m beyond the height deemed unacceptable in the refused scheme. Although the details are not clear from the plans - it is also proposed bring build permanent forward projecting canopies to the garage and porch. The garage canopy will be built onto the boundary wall, projecting forward and above it, increasing the cumulative impact of scale and massing.

Furthermore, a smaller, less impactful version of this scheme (a two-storey side and front extension with a new hipped roof over) was originally considered by officers in 2017 as being 'unacceptable'. The officer report to planning committee stated:

'The original submission as part of this application included a two-storey extension to replace the existing single storey double garage. The extension projected forward of the front elevation of the existing property and included a hipped roof form. This part of the proposal raised significant concerns with officers due to its size, form and overall design. Officers did not consider this part of the scheme to a read as a sympathetic or subservient addition to the existing building and would result in unacceptable harm to the character of the existing street scene.'

The distinctive character of the surroundings is established by the properties at the top of Sandy Lane, Hartley Close and those to the south side of Highland Road. All are part of a 1970's estate with repeated house designs; characterised by low angled pitched roofs, all with space between the properties. Many of these properties have been extended and remodelled all, without exception, observing the design guidance and retaining their original character (space between buildings, low roof angles and subservient extensions). Even the very modern rebuild at no. 4 Hartley Close shows strong subservience in its design with the more prominent pitched roof section having lots of space around it, well away from any neighbouring boundary.

It is important to walk around this small estate to gain a feel for the character, to understand the spacing, form and scale of the houses and how they have been improved and extended.

As set out above, the application property has already been extended to a much greater size than any other property in this estate. The proposal will amplify this visual impact further, with the two-storey extension becoming the largest and most prominent feature of the house, resulting in the original dwelling becoming subservient to the extension, shifting the massing and impact to the neighbouring property. Compared with other the other properties in the estate it will be significantly larger and more imposing than any other property, spanning widest plots with the largest two-storey house and built form.

Subservience was a key issue in the determination of the previous scheme. It has also been the key determining consideration for other two-storey side extensions at neighbouring sites 1 Hartley Close, 2 Highland Road and 4 Highland Road - all with very similar characteristics. In all cases it was deemed important that the 'extension' met the policy requirements for subservience, appearing either lower / smaller / set back from the main / parent house.

Policy D1 states:

'Development will only be permitted where it: a) adequately reflects principles of urban and architectural design; and b) complements and respects neighbouring development and the character of the locality and / or landscape.'

The SDP Extensions & Alterations sets '5 Basic Design Principles'. The first 'Maintain Character' listing the 'shape and pitch of the roof' and the 'eaves and parapet' details are important. The second principle is 'Subservience' stating that extensions should play a 'supporting role' and should not 'dominate the original house' and that 'extensions should not be higher than the original dwelling'.

The rationale for refusing application 18/00934 remains directly relevant to the consideration of the new application and there is a legitimate expectation that applications will be treated on a consistent basis. This was also the case with the original scheme under 16/2197, judged as 'unacceptable' by officers and committee.

The current scheme further exacerbates the over domination, massing and concern regarding subservience. The extension now becoming significantly larger with a greater impact, shifting that massing closer to neighbouring property. There are clearly other design options far less impactful on the neighbouring property that would be far more in keeping with the surroundings.

Incremental Planning Creep / Salami Slicing (setting a dangerous precedent)

Consideration must be given to the cumulative impact of the extensions built and proposed; comparing this with what has been previously judged to cause 'unacceptable harm'. Through numerous design iterations, a refusal of consent and the need to reduce the height of the existing extension, the extension built clearly sets the 'limit' of acceptable development; which has been tested against the Design Guide, Local Plan, JCS and NPPF policies and agreed by Planning Committee.

Along with a new balcony and large screen wall, this scheme simply proposes the roof for the extension that was previously deemed 'unacceptable' and removed from the design. However, it is now much larger and more impactful than the original proposal.

There is a risk that proper consideration of the cumulative impact will be lost. By breaking down a much larger proposal (the intentions set out in the original submission back in 2016), and instead presenting it in smaller pieces, each time arguing the additional harm is minimal (in this situation an extension and increase in height of the roof). Nothing has changed since the original scheme was submitted in 2016 and the extension built in 2018.

We are now advised that the Air Conditioning Units have now been removed from this application, even though they have been installed without planning consent and included in the revised planning consultation letter circulated. This approach will decouple and minimise the consideration to the overarching concerns, the impact on neighbouring amenity and visual impact.

Considering the magnitude of the works proposed of a building with an external perimeter of c. 75m, it is difficult to understand why the air conditioning units could not be in a less impactful position. However, they were installed in the one place that has the most impact on the neighbouring property and the least impact on the application property. This is in clear conflict with Policy SL1, causing unacceptable and avoidable harm to the neighbour's amenity and living conditions.

It would make sense to consider the AC units as part of the application for changes to the roofspace. The ducting & M&E plant runs through the roof space and that the large two-storey screen wall proposed to the north elevation could alternative options for siting the units at ground floor location where it could be screened, moving it away from the neighbouring boundary.

The impact of this piecemeal approach and risk of setting an undesirable precedent will not end here. The significant extra height (insisted upon as an essential design requirement by the applicant) is clearly capable of providing extensive additional accommodation within the roof space, further increasing the density and impacting on the character of the surroundings. This might be followed for a proposal for dormer windows to the roof space, with the benefit of great views of Leckhampton Hill; and so on. Each incremental step more difficult to resist as it would be either permitted development, or just another minor application.

Summary

The scheme does not meet the requirement of the JCS, Local Plan and SDP. It pushes all the negative impacts towards the neighbour's boundary creating a significant loss of amenity from the enlarged balcony, the siting of the AC units and the creation of the highest and most dominant part of the house adjacent to that boundary. The amended scheme has failed to provide any meaningful changes or mitigations.

The resultant building is now considerably larger in height, bulk and scale compared to other properties causing harm to the character of the areas. It fails to take account of the planning history of the site which has deemed smaller less intrusive proposals as 'unacceptable'. We believe there still scope to amend this proposal, reducing the negative impacts and protecting neighbouring amenity, but without these changes the scheme should be refused.

Comments: 26th October 2024

Planning Application ; 24/01670/FUL, 68 Sandy Lane Charlton Kings

We live at 70 Sandy Lane the neighbouring property (to the south). We have a number of observations and concerns regarding the proposal. Since receiving the consultation letter, we have met with the applicants & their agent to discuss the scheme. We are keen to support them in enhancing the appearance of the house, however, have shared our initial concerns with some aspects that will impact us. The agent has advised he is working on some potential amendments that will hopefully address the issues raised. We are setting out our observations and concerns prior to the end of the consultation period, these are as follows:

Air Conditioning Units:

The three air conditioning units were installed earlier in the year. These require planning consent, therefore should be included to be part of the proposal's description; seeking retrospective consent. Three significant units have been sited at first floor level facing the side elevation of our house. The three units are visible from our rear garden and have been positioned directly adjacent to our boundary. They have a more commercial than residential appearance. Due to the number and size of the units they are out of keeping with the residential character of the surroundings.

Considering the size of the property and its extensive perimeter we feel these units could have been easily located where they do not have a direct impact (visual or disturbance) on a neighbouring property. They are sited on the smallest shared boundary (which also means they can only be at first floor). This is the only boundary where the siting would have any impact on a neighbouring property.

We are also not certain of the potential noise that could be generated when operational; particularly when all three are in operation.

We would ask if they could be moved to a different location which is less impactful from both a visual and potential noise disturbance perspective.

1st Floor Balcony

The scheme proposes to increase the size of the existing modest balcony, doubling the existing depth. It would project 2m from the rear first floor elevation. Although it is at the northern end of the property (away from our boundary) there is a direct line of sight into our rear private amenity area at the back of our house. We do sit out here regularly and value the privacy provided. We accept that there is an existing balcony - but due to the limited depth and design, it is only occasionally used and is not suitable for sitting / relaxing / socialising. The increased balcony size would result in a much more useable space, used more regularly and for longer periods (the illustrations show a seating arrangement). This would result in a loss of privacy to the neighbouring property. It would change our sense of privacy and enjoyment of this private space.

New roof enlarged roof

The scheme proposes a new higher slate roof over the main house and the flat roofed 'box' styled extension (which is adjacent to the boundary with our property). There is a

long planning history relating to this two-storey side extension with numerous schemes (including a retrospective refusal requiring part of the construction to be demolished and scheme resubmitted). The key issues related to the size / design of the two-storey element next to the boundary, its visual impact and the need for subservience to the original dwelling.

The scheme results in an imposing and impressive looking house. The steeper roof angles used to the existing house and new roof over the extension increase the scale and size of the property, resulting in a house that is considerably larger and higher than the other nearby properties. The side extension now becomes the most dominant feature of the house with a large, hipped roof over; no longer being subservient to the original property. Subserving is a policy requirement for two-storey side extensions and was the determining issue relating to the previous scheme when consent was granted. The proposal will create greater massing with the most dominant part of a very large house, now being sited over what was originally a single storey garage adjacent to our boundary. The size of the resultant building will be out of keeping with the other properties and character of the area.

We do however believe that with an amendment to the design an attractive and satisfactory scheme can be achieved by reducing the angle of the roof pitch and depth of the overhang of the eaves. This would minimise / limit the subserving issue, reducing the visual impact and become more in keeping with the surrounding properties.

Summary:

In its current form the scheme does not meet the local plan policies and supplementary design guidance in relation to loss of neighbouring amenity and visual impact on the surroundings. It has also not taken account of the extensive planning history relating to the two-storey side extension and its impact (particularly massing and subserving) of side extensions. However, we believe that with some changes to the design and re-sitting of the air condition units, these issues can be easily overcome.

We would ask that these concerns are taken in account in considering the determination of this application and design process leading to any amendments.

Kind regards

70 Sandy Lane

1 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 28th October 2024

Our house in Hartley Close neighbours this property to the west. Having reviewed the planning documents, there are some concerns that we wish to lodge.

The Rear First Floor Balcony:

The applicant proposes replacing the existing small metal railed balcony with a more substantial and overbearing construction, projecting 2m from the house. The consequence of this increased size will create an elevated communal space to be used more regularly and for longer periods. It will overlook neighbouring properties and lead to potential increases in noise levels. This will be to the detriment of those properties', including our own, amenity of privacy and enjoyment within their own outside spaces.

Air Conditioning Units:

Other comments have noted the recent installation of three air conditioning units. We ask that any retrospective planning application, including re-siting, takes account of the visual and noise impact of these units to all the neighbouring properties in what is a residential environment.

25 Old Burlington Street
London
W1S 3AN

Comments: 25th November 2024
Letter attached .

Your ref:
Our ref: MD/it
DD: 07747564122
E: mike.derbyshire@bidwells.co.uk
Date: 22/11/2024

Mr Ben Warren
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Mr Warren,

68 Sandy Lane, Cheltenham reference 24/01670/FUL

Your email response of 2.41 19.11.24 to Mr Atkins has been forwarded to me as I was not copied into your response but was part of the original circulation list.

My client has asked for my view on this matter a planner with 36 years' experience (with 16 years in Local Government and 20 years in consultancy) and whether I am able to provide any objective observations. Please treat this as a holding response as my client may wish to expand. I would like to make the following points:-

Thank you for your response, however I do believe residents are entitled to express their views and seek clarification regarding the determination of planning applications and the rigour and objectivity in which policies have been interpreted. My clients are the neighbours clearly most impacted by this development and I would expect that the Local Planning Authority be completely open to any concerns or challenge raised by them and consider these in an objective manner.

The first issue that jumps out at me is that you state you are still in the assessment stage (i.e. have not pre-determined your view) but proceed at some length to defend the Authority's position, which from any reading of the email, appears to be one of support for the scheme. I would have thought a more appropriate response would have to acknowledge my client's email and their concerns and then spend some time considering them fully. I come back to the notion of pre-determination at the end.

With regards to the relevance of the planning history and application 18/00934/FUL in particular, the refusal notice says:

"The proposed increase in height would result in the extension exceeding the eaves height of the existing building and would therefore result in a poor form of development which fails to achieve the desired level of subservience to the existing building. The proposal would also fail to respond adequately to the character and appearance of the surrounding area, and detracts from the visual amenities of the locality.

As such the proposal conflicts with policy CP7 of the Local Plan, SD4 of the adopted Joint Core Strategy and advice contained in the Residential Alterations and Extensions (2008)



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Supplementary Planning Document, and advice contained in the NPPF." (emphasis added by me).

The SDP for Extensions & Alterations clearly sets '5 Basic Design Principles' at the front of the document. No. 2 is titled 'Subservience'. This relates to all extensions and alterations and is therefore relevant to the proposal (not the later sub-section relating to semi-detached houses). You say that subservience is no longer an issue and will be treating this proposal as a new roof. This is not what the guidance says. Also, in the section "*Maintain Character*", the first bullet point is entitled "*the pitch and shape of the roof*". I note there is a series of photo montages showing the new extension in the street scene but I do not see any methodology supporting this. I would refer you to the Landscapes Institutes guidance "*Guidelines for Landscape and Visual Impact Assessment*". You will be aware of the very clear approach to visualisations set out in the guidance and the strict criteria in relation to the choice of viewpoints, survey detail, camera lens, camera position, lighting levels, geo referencing. None of this is included within the planning submission so these images cannot be relied on at all. What would be helpful is a front elevation comparison which shows the new property in context next to my clients. This has not been carried out but would be very helpful, particularly in relation to the subservience point.

The largest part of this 'new roof' is over an existing two storey extension that was reduced in size and designed with a flat roof to overcome the earlier concern of subservience (which formed the basis of the original refusal). The new structure will be 3.1m higher than the existing flat roof on the extension. A large roof extension has all of the concomitant impacts that an extension would have but, it also involves significant additional height and visual prominence. This roof extension is also clearly capable of providing extensive additional accommodation that unless conditioned would become very substantial floorspace with additional bedrooms, further impacting density and character.

The notion of subservience relates to all extension therefore and quite correctly, the roof is caught by the guidance. The existing extension, the previous reason for refusal and the size of the new proposal are clearly material to the determination. The previous refusal was based on a development being too large and out of character, the current proposal is even larger and clearly not in keeping in scale with the character of the area. Consistency in decision making is a foundation of good planning decisions and it difficult to see how a much larger proposal than the previous refusal is now acceptable in terms expressly set out in the refusal. The new proposal will clearly not meet the subservience test, as the extension becomes the largest and most dominant feature. To suddenly say that this policy is no longer relevant for the reasons given, does feel like the Authority is seeking to navigate its way around valid policy challenges.

The rear balcony and terrace as proposed clearly has a purpose and it must be assumed that it will be used as a sitting out area, with windows opening directly on this terraced area and it will be used in the same way as a patio would be, and at times very intensively. The comparisons therefore with window-to-window or window to boundary distances are not directly relevant and merely provide a minimum starting point. It is the actual nature of the use that must be considered. This will not be occasional views / looking over the adjoining gardens obliquely through a window. People will be standing and sitting on the balcony, socialising at a table enjoying a drink, for potentially long periods; this is manifestly a different order of overlooking, which is significantly more impactful on privacy. I would be grateful if you would acknowledge the intended use of the balcony and terrace for what it is and assess the impact on this basis, not by window to boundary distances that are not directly relevant.

The approach also appears to be supporting the concept of planning creep or, as it is known in an EIA context, salami slicing. By breaking down a much larger proposal (the resultant property), and presenting it in smaller pieces, each time arguing the additional harm is minimal, you miss out on a proper consideration of the cumulative impact and actual impact of the development.

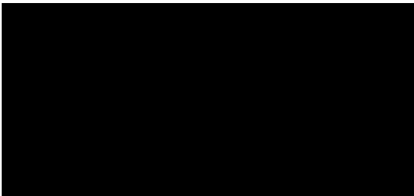
My client is facing a position where they may have an extension directly adjacent to their boundary much larger than earlier version previously refused on scale and character grounds. That extension would have clearly been deemed unacceptable if proposed in the first place (in line with the officer's original report 16/02197) for a side and front extension with a hipped roof over.

I do recall earlier in my career giving positive advice to applicants in good faith, early on in the process, but when other matters subsequently unfolded it made that advice unsound. It is not easy to say to applicants that your earlier advice has changed in the light of new evidence and information but that is entirely the point of the consultation process, it allows for views to be expressed in the expectation that they will be fully considered on their merits. Agents are fully aware that this is how the process works.

The resultant property proposed is too large, it will be significantly larger than any other property on the estate and will be out of character. These are the words used by the LPA in 2018 and are still directly relevant now. With regards to the balcony, we need to move away from assessing the overlooking on a window to boundary basis and consider it for what it is – a large first floor terrace designed for socialising and enjoyment, doubling its capacity with an orientation and views directly across my client's private amenity space. The degree of overlooking will be significant indeed.

I hope you consider these points in detail when making your recommendation.

Kind regards



Mike Derbyshire
UK Head of Planning