

Ben Warren
Planning Services
Cheltenham Borough Council

Tim & Jo Atkins
70 Sandy Lane
GL53 9DH
17 December 2024

(sent by email)

Dear Ben,

Late Additional Material for Planning Committee 19th December 2024

Observations regarding planning report 68 Sandy Lane 24/01670

I have now had the opportunity to read the officer report for the planning committee on Thursday 19th December.

I am keen to ensure that the planning committee have all the facts of this case before them to enable full consideration of the matters at hand in order that a sound decision is reached. There appear to be a considerable number of omissions from the planning officer report to committee that could have a material impact on the decision it has been asked to take. Many of these were raised as part of the neighbour consultation process, these include (but not limited to):

- That it is the doubling of size and change of orientation of the proposed balcony that will detract from the privacy current enjoyed. Its increased capacity and intensity of use will make overlooking our private amenity space more impactful.
- The difference or change in the nature of overlooking arising from the existing Juliette style balcony compared with the proposed structure, now serving as an elevated patio capable of accommodating seating, entertainment space etc.
- The incorrect application of 'distance between windows' policy of the council. If applied correctly, this would make a significant difference to how potential mitigations could limit the impact and be conditioned.
- That the nature of overlooking from a balcony is more impactful than that from a bedroom or landing window. This is an established planning principle.
- The importance and relevance of the planning history in relation to policy considerations particularly to subservience (covered below).
- That the height that the roof will be increased by 3.4m, as the report only refers to it being 'higher' than the existing, making it harder to get a sense of scale and impact.

I can accept that some of the points we raised as part of the consultation might be lost in summarising – or focus placed on a few. It is however difficult to understand that all these points have been omitted and no weight, discussion or consideration given to them as part of the report and recommendation.

The report also raises some new issues that are directly relevant to the policies of the development plan and JCS. In particular:

- The report suggests that the proposal described as: ‘Alterations to Exterior and Replacement Roof’ should be considered in a policy context as a ‘Replacement House’. The house is not being replaced. Far from it. All external walls, windows, internal walls, internal layout and footprint are to remain. The roof is being changed in its design and extended in height. The balcony is being enlarged and screen wall erected. The remainder of the works are superficial.
- If this scheme were truly for a replacement house – consideration should be given to issues such as Community Infrastructure Levy and Renewables (which are referred to but dismissed in 6.22 due to the nature of the alterations).
- The local planning authority should be very mindful of the dangerous precedent that will be set by approving this scheme with the policy justification that it is a replacement house. It provides a case study of how to secure planning consent for a much larger scale of development than would normally be approved, undermining the longstanding policy requirement of subservience.
- The authority will be inundated with large extensions not set back with large, pitched roofs over the resultant building, using this decision as the policy justification to be considered as a ‘replacement dwelling’.

There is no reference in the main section of the report regarding the planning history. You and the planning committee will recall that the first iteration of this scheme (albeit smaller in scale and lesser in impact on our property) had a hipped roof over the front and side extension. The officer report stated this ‘raised significant concerns’ and was unacceptable in terms of scale and subservience. The scheme was amended as a reaction to this.

Further reports recommending approval were rejected by the committee who sought further alterations be secured. The extension how in situ had to be reduced in size during construction when retrospective consent was refused because the committee found the proposal was too big and had a negative impact on the surroundings. The proposal was not ‘subservient’ to the main dwelling, as the council’s policy requires it to be.

These are material planning considerations that have not been given any weight or commentary in the report. The planning history shows that the issue of subservience, scale and massing were carefully considered issues by the planning committee

members – and there was a fine balance that set the extent of what was considered acceptable and harmful.

It is important that the members of the committee have all the material facts in front of them, so they are able to make a sound and well-balanced decision.

We believe that an appropriate scale and design of the roof is feasible, that can overcome the issues that have been raised. To that end I have attempted to discuss this my neighbour, including minor design changes to the balcony with partial screening as well as planting and screening along my boundary. However, the only mitigation to be included in the revised plans submitted, is a single raised fencing panel which we don't feel is adequate. It is disappointing that an agreeable position regarding mitigations could not be reached. This is not helped by the misinterpretation of the overlooking distances in the report. This would dramatically change the position. I will elaborate on this point at planning committee on Thursday evening.

I would be grateful if you could share this letter as 'late additional material' with Planning Committee members. I look forward to the opportunity to present to the committee on Thursday evening.

Your sincerely

Tim & Jo Atkins