

<b>APPLICATION NO:</b> 13/00576/FUL		<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 13th April 2013		<b>DATE OF EXPIRY:</b> 8th June 2013
<b>WARD:</b> College		<b>PARISH:</b> None
<b>APPLICANT:</b>	FW Homes Limited	
<b>AGENT:</b>	Mr Luke Hemming	
<b>LOCATION:</b>	Land adjacent to 3 Mead Road, Cheltenham	
<b>PROPOSAL:</b>	Demolish existing garage and build new 2 bedroom dwelling	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1. The site is small and triangular shaped; there is currently a garage located on the site. The development is such that the proposed dwelling would occupy a large amount of the available site. It still remains the Officer's view that the site is really not of sufficient size to satisfactorily accommodate a dwelling. Because of the size of the site it follows that development proposed is bound to be contrived; it would be somewhat alien within the street scene and would be a cramped form of development. As a direct result of the cramped nature of the development it could have an adverse impact on neighbour's amenity. Furthermore, it is considered that the proposal would fail to comply with the provisions of Local Plan Policies CP4 and CP7 and the provisions of the adopted SPD on Garden and Infill Development in Cheltenham.

1.1.2. However, given the fact that permission for a dwelling on this land has been granted and more importantly the fact that that permission (ref: 10/01754/FUL) is still extant (permission will not expire until January 2016), the determining issues must concentrate not, on whether or not the site adjacent to 3 Mead Road is a building plot, but whether the dwelling currently proposed is worse in terms of design and impact on adjoining neighbours and its surroundings than that which has been approved. The principle of development of the site by a dwelling house has clearly been established by the grant of permission in 2011.

1.1.3 An application for an alternative design of dwelling unit on the site was submitted in 2012 (12/00859/FUL). That application was refused permission in August 2012 contrary to Officer's recommendation and despite the opinion of the Architect's panel that the proposal up for consideration at that time was by far the best that they had seen. The refusal reason reads as follows:

*"The orientation of adjacent properties is such that the new dwelling would completely dominate the outlook from neighbouring property, its mass and proximity also contributing to a diminution of sunlight to the rear of No 3 Mead Road. The development would have an adverse impact on the living conditions of the adjoining residents by reason of its position and scale. It therefore conflicts with Policy CP4 of the Cheltenham Borough Local Plan Second Review which seeks to ensure that new development would not harm the amenity of adjoining land users."*

1.1.4 A subsequent appeal that was lodged was, however, turned away by the Planning Inspectorate as the application submitted to the Local Planning Authority failed to include

the required Access and Design Statement. A fresh, complete, application has therefore now been submitted for determination.

## 1.2. Design and layout

- 1.2.1. The dwelling proposed in the current application is basically very similar to that in the 2012 submission but with some changes in an attempt to address the concerns raised by Committee Members in August last year. It has been designed basically as a combination of two elements. Firstly a two storey element with a pitched roof having a ridge at right angles to the frontage thus presenting a gable to front and rear with roof slopes to either side. The second element is that part of the house adjoining the backs of gardens to existing properties in Old Bath Road, arguably the occupiers of which would be most affected by the development. That element is to be single storey with a sedum covered flat roof and a small sloping section over the stair access to the first floor in the pitched roof part.
- 1.2.2. Thus whilst it is true that the dwelling would be higher than that in the extant permission (the 2012 application showed a height difference of only 900mm) in order to answer Members' concerns the applicants state that they have lowered the proposed building by 375mm. This has been achieved by lowering the ridge by 225mm and lowering the whole structure by 150mm. The highest point of the proposed house is the apex of the pitched roof (the ridge) running from front to back within the plot. The applicant's agent has submitted a plan illustrating the difference in height between the approved scheme and that now up for consideration. Whilst that shows that the part of the house adjacent to No 3 Mead Road would be higher than that approved but that the part of the dwelling adjoining the rear gardens of the 3 houses in Old Bath Road would actually be considerably lower by approximately 1.3 metres. In addition it should be noted that the ridge of the proposed house would still be 2.7 metres lower than the existing ridge of No 3 Mead Road.
- 1.2.3 The applicants point out that the pitch of the roof has been reduced to bring the ridge height down, with a new eaves height of 4050mm above ground level. The gable to the rear elevation has been clipped with a "barn-hip" detail to reduce the impact of the ridge line, in turn this has created a rear eaves detail with height of 5000mm. This is 800mm higher than the permitted scheme – once again attention is drawn to the important design feature of the previously permitted scheme which has the increasing eaves detail along the Bath Road properties boundary, and has the consequence of "standing up" the rear elevation. To further combat this 800mm increase the foot print of the property has been moved 150mm further forward on the site, this helps to reduce the level of impact that the proposed dwelling would have.

## 1.3. Impact on neighbouring property

- 1.3.1. It is not surprising that neighbours, once again raise objection to a dwelling on this site. Copies of the representations received have been circulated to Members.
- 1.3.2. The applicant in the submitted Design an Access Statement gives considerable attention to the impact that the proposed house would have on the amenity of the occupiers of no 3 Mead Road. This is not surprising bearing in mind the wording of the 2012 refusal reason. It is considered that it would be appropriate to copy hear the comments contained in that D&A Statement.

*"1) The flank wall of the masonry single storey extension has a high level window and half glazed door. These windows do not serve as the only form of light to a habitable room, in*

*any event using the 45 degree rule of thumb the eaves would not be considered to be overbearing, there is also velux rooflight which is unaffected. In the original parent dwelling the first floor has a small window serving a stairwell, further up there is a huge incongruous dormer extension which is higher than the ridge line of the proposal and in any event serves a stair. One reason for refusal was of application 12/00859/FUL was for the proposal dominating the outlook from 3 Mead Road. Given that the primary habitable rooms all have their windows to the front and rear elevation of the original dwelling and the proposal is sited on land adjacent to the dwelling it is impossible to see proposal and it has no impact of consequence in respect of amenity to the building elements discussed above, therefore it is argued with revisions now introduced the scheme is more than acceptable from the principle of development being established under application 10/01754/FUL.*

*2) This leaves us to consider the impact on the single storey conservatory located to the rear of the property which has a polycarbonate roof and is completely glazed on all elevations. A conservatory by its very nature is not a habitable room in respect of planning consideration. The conservatory is approx 1000mm from the boundary and the outlook from side elevation is directly at fence to height of 1800mm with additional vegetation. The proposal does not have any impact on the light received to this room, in any event, the proposal is located due south of the conservatory but so is the building that the conservatory is attached to. Considering the glazing on the boundary located above 1800mm and the roof which has an eaves height of approx 2300mm, as well as two other glazed elevations there can not seriously be a refusal for impact on light. To further satisfy this argument the location of proposed dwelling is such that to have any significant visual impact while sat in the conservatory one would have to be sat facing the fence/rear wall of the single storey extension looking up and out over the fence back towards Mead Road – this can hardly be considered as dominating the outlook from this property.*

*3) It must therefore follow that if the impact on the buildings is not compromised to an unacceptable level that the impact on the garden can not be considered to have been impacted in such a way so as to create an unacceptable 'diminution of sunlight to the rear of 3 Mead Road'. 3 Mead Road casts its own shadows and has an impact on its own diminution of sunlight as a result of the extent of on site development, the proposal by virtue of the design changes does have a marginal increase in impact over the permitted scheme but this still falls behind the impact on light caused by the development already undertaken taken at 3 Mead Road.*

*4) Finally scale and position were cited as reasons for refusal for application 12/00859/FUL. The design changes improve on the concerns raised here. However, by its very nature there will be an impact – there is a dwelling where previously there was not one – this does not automatically mean that because you can see it from a garden or in the street scene that it has an adverse impact. This point is intrinsically linked to the assessment of sunlight to the rear 3 Mead Road above. The proposal is marginally higher than the permitted scheme, however, the overall package of the design is widely accepted as an improvement on the permitted scheme. It is therefore objective as to whether or not a slightly higher but more coherent design will have less impact than a complicated roof/wall/eaves detail that will draw the eye to the mass of the construction as opposed to a simpler arrangement that does not draw the eye”.*

- 1.3.3. Despite contentions by neighbouring residents there will be no direct overlooking resulting in loss of privacy from the dwelling proposed. In terms of the impact cited by neighbours as a result of activity and general noise arising from the use of the restricted garden, this scheme would be no different from that which has been approved.

- 1.3.4. It is considered that the proposed scheme would cause no greater harm to neighbours' amenity than the scheme already approved. In that event, it would be argued that local plan policy CP4 has been satisfied.

#### 1.4. Access and highway issues

- 1.4.1 Access and highway considerations do not differ from those considered previously. The Highway authority comments: The site is served by good public transport facilities and is considered to be accessible.

The proposed development will use the existing access point of a vehicle crossing from Mead Road which is an unclassified Highway. There are no records of any accidents at this point and in addition it would appear that the current site access is operating without any problems. The replacement of the existing garage facility with a single dwelling is not likely to significantly increase the volume of traffic accessing the site. Therefore no Highway objection is raised.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. There is a fundamental point that has to be given considerable weight in determining this application. The site has the benefit of an extant permission to develop. That grant of permission in January 2011 (10/01754/FUL) clearly establishes the principle of development of the site by a modest, detached dwelling. It is considered that, on balance, the current proposal is better in terms of design and potential impact on neighbours than that already granted permission. It is recommended therefore that permission should be granted for the dwelling now proposed subject to the conditions that appeared in the main Committee report. In addition, however, it is considered that the following condition should also be imposed in the event of permission being granted. This should ensure that the levels and heights claimed by the applicant's agent in the submission are adhered to.
10. Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.