



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 37/17

Date to Members: 15/09/2017

Member's Deadline: 21/09/2017 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

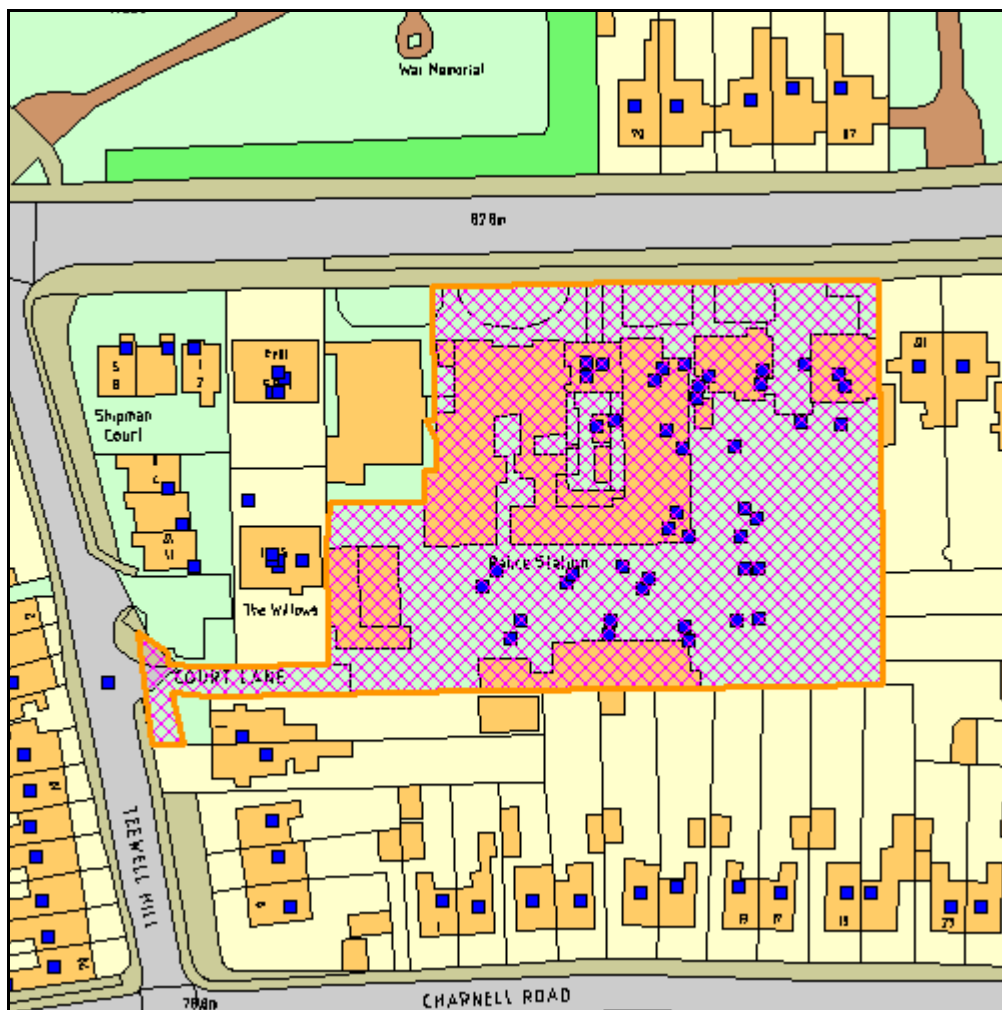
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE - 15 September 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2503/RVC	Approve with Conditions	Staple Hill Police Station 108 - 110 Broad Street Staple Hill South Gloucestershire BS16 5LX	Staple Hill	None
2	PK17/2905/F	Approve with Conditions	9 De Verose Court Hanham South Gloucestershire	Hanham	Hanham Parish Council
3	PK17/2911/F	Approve with Conditions	116 Johnson Road Emersons Green South Gloucestershire BS16 7JQ	Emersons	Emersons Green Town Council
4	PK17/3038/F	Approve with Conditions	21 Fouracre Avenue Downend South Gloucestershire BS16 6PD	Downend	Downend And Bromley Heath Parish Council
5	PK17/3124/F	Approve with Conditions	69 Badminton Road Downend South Gloucestershire BS16 6BP	Downend	Downend And Bromley Heath Parish Council
6	PK17/3248/F	Approve with Conditions	40 Tunbridge Way Emersons Green South Gloucestershire BS16 7EX	Emersons	Emersons Green Town Council
7	PK17/3380/TRE	Approve with Conditions	8 Hill View Blackhorse Lane Downend South Gloucestershire BS16 6XX	Emersons	Emersons Green Town Council
8	PK17/3436/CLP	Refusal	1 Park Road Staple Hill South Gloucestershire BS16 5LB	Staple Hill	None
9	PT17/2190/CLP	Approve with Conditions	115 Northville Road Filton South Gloucestershire BS7 0RJ	Filton	Filton Town Council
10	PT17/3276/CLE	Approve with Conditions	Paddock Edge Redhill Lane Olveston South Gloucestershire BS35 4AE	Severn	Aust Parish Council
11	PT17/3716/CLP	Approve with Conditions	12 Brake Close Bradley Stoke South Gloucestershire BS32 8BA	Bradley Stoke South	Bradley Stoke Town Council
12	PT17/3762/CLP	Refusal	Queens Lodge New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/2503/RVC	Applicant:	Griffon Homes (Beloe) Ltd Griffon Homes (Beloe) Ltd
Site:	Staple Hill Police Station 108 - 110 Broad Street Staple Hill South Gloucestershire BS16 5LX	Date Reg:	14th June 2017
Proposal:	Variation of condition 12 attached to planning permission PK15/2762/RVC to substitute approved plan drawing no. MCS502/Drg 01, Rev A with drawing no. A004, and include drawing no's. BR109 and A003 in relation to outside amendments to layout of the former police station only.	Parish:	None
Map Ref:	365439 175864	Ward:	Staple Hill
Application Category:	Major	Target Date:	1st September 2017



REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of 1no. objection from a local resident, contrary to officer recommendation.

It should be noted that these comments relate to the original plans received. Revised plans have since been received, which are considered to overcome the objections of the local resident. Unfortunately, there has not been sufficient time in the process to re-consult. In any case, the application is still referred to the Circulated Schedule to ensure members are aware of these concerns.

1. THE PROPOSAL

1.1 This application seeks permission for the variation of condition 12 attached to application PK15/2762/RVC. Condition 12 lists the approved plans and states that the development should be built in accordance with those plans. This process is one method of obtaining 'minor amendments' to larger and more complicated applications. This is in line with Central Government advice that has identified this method in absence of any specific legislation to apply for minor amendments. This application seeks consent to vary the list of approved plans thereby allowing changes to the approved scheme.

1.2 The reason given for attaching the plans as a condition was as follows:

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS4A, CS5, CS6, CS8, CS9, CS15, CS16, CS17, CS18, CS24 and CS29 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, L9, L13, L15, H4, T7, T8, T12, H5, LC1 and LC2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted residential parking standards SPD.

1.2 In considering this application, the starting point is to consider the relevant condition and reasons for it. A variation of condition application, if granted, has the effect of issuing a new planning permission. Accordingly it is therefore necessary to check whether the other conditions attached to application ref. PK15/2762/RVC are still relevant and necessary and need carrying forward to this new application.

1.3 The proposed changes relate to the locally listed former Staple Hill Police Station only. It is proposed that 1no. approved plan would be substituted and 2no. further plans introduced. They relate to alterations to the proposed layout. They can be summarised as follows:

- Alterations to landscaping to front and sides of building
- Introduction of cycle parking to rear and side of building

- Externalisation of bin storage, to be located alongside building.

1.4 Throughout the course of the application revised plans have been received, following concerns expressed by Officers.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Adopted Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 - Saved Policies

H4 Development within Existing Residential Curtilages

L1 Landscape Protection and Enhancement

L9 Species Protection

L13 Listed Buildings

L15 Buildings of Significance (Locally Listed Buildings)

T7 Cycle Parking

T8 Parking standards

T12 Transportation Development Control

H5 Re-use of buildings for residential purposes

LC1 Provision for community facilities

LC2 Provision for education facilities

South Gloucestershire Local Plan Core Strategy : Adopted December 2013

CS1 High Quality Design

CS4A Presumption in favour of sustainable development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS24 Green Infrastructure, Sports and Recreation Standards

CS29 Communities of the East Fringe Urban Area

2.3 Emerging Development Plan

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP37 Internal Space and Accessibility Standards for dwellings

PSP39 Residential Conversions, Sub-divisions and Houses in Multiple Occupation

- 2.4 Supplementary Planning Guidance
The South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007
Affordable Housing SPD (Adopted)
Residential Parking Standards SPD
Locally Listed Buildings SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/1775/F Approve with Conditions 13.07.2017
Installation of replacement windows into existing openings
- 3.2 PK16/6778/RVC Withdrawn 20.02.2017
Variation of condition to PK13/2851/F (added by non material amendment PK15/1476/NMA) to substitute approved drawing number 80477-002-SW-1916-05-AC-P10 with revised drawing number A102 and A201
- 3.3 DOC16/0188 Discharged 22.08.2016
Discharge of condition 6f (Coping information) and 6i (New external lighting) attached to planning permission PK15/2762/RVC. Variation of condition listing approved plans (added by PK15/1476/NMA) to substitute approved drawings with those received by the Council on 24th June 2015.
- 3.4 DOC16/0170 Discharged 22.08.2016
Discharge of Conditions 04 (Materials) and part of 06 (Conservation details) attached to planning permission PK15/2762/RVC. Variation of condition listing approved plans (added by PK15/1476/NMA) to substitute approved drawings with those received by the Council on 24th June 2015.
- 3.5 PK15/2762/RVC Approve with Conditions 03.09.2015
Variation of condition listing approved plans (added by PK15/1476/NMA) to substitute approved drawings with those received by the Council on 24th June 2015.
- 3.6 PK15/1630/PND No Objection 08.05.2015
Prior notification of the intention to demolish the stable block to the rear of the old police station building.
- 3.7 PK14/4500/NMA No Objection 07.05.2015
Non-material amendment to include all approved plans and documents of the planning permission as a condition.
- 3.8 PK13/4116/F Approve with Conditions 31.10.2014
Demolition of existing building and erection of building for retail (Class A1), Restaurant/Café (Class A3) and Cinema (Class D2) used with car parking area, access, landscaping and associated works.
- 3.9 PK13/040/SCR EIA not Required 21.08.2013
Associated EIA screening opinion.

4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council
The area is unparished

4.2 Lead Local Flood Authority
No objection

4.3 Landscape Officer
No comments received

4.4 The Coal Authority
No comments received

4.5 Conservation Officer
Original Plans

Objection. Summarised as follows

- piecemeal layout which would be detrimental to the overall appearance of the site and is unacceptable.
- no longer any sense of enclosure to the rear of the building and appears as a bland extension to surrounding car park.
- the layout would have a detrimental impact on the setting of the locally listed building
- wall should be reinstated and bin stores moved to a more discrete position.

Revised Plans

No objection. Comments that revised plans are largely acceptable with the reinstatement of the wall and enclosed parking area. Bin stores should be in more discrete location.

4.6 Avon Wildlife Trust
No comments received

4.7 Police Community Safety
No comments received

4.8 Wessex Water
No comments received

4.9 Children and Young People
No comments received

4.10 Tree Officer
No objection

4.11 Community Services
No comments received

4.12 Environmental Protection

No comments received

4.13 Ecology Officer

No objection

4.14 Health and Safety Executive

This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

4.15 Transport Officer

No objection.

Other Representations

4.16 Local Residents

1no. objection from a local resident with regard to the original plans received.

Summarised as follows:

- Parking is beyond that previously permitted. There was an adequate amount of parking as part of the previous scheme.
- Unacceptable loss of boundary wall which is part of the locally listed building.
- 1no. additional parking space would add additional noise.
- Views from surrounding apartments would be of additional cars rather than landscaping previously proposed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning.
3. Relevant to the development to be permitted.
4. Enforceable.
5. Precise.
6. Reasonable in all other respects.

5.2 Being mindful of the reasons for attaching the conditions in the first place, when assessing this application Officers will consider the impact of the proposed changes on visual amenity, highway safety, residential amenity and the historic

environment. Following this it will also need to be considered what conditions attached to application PK15/2762/RVC need to be carried forward and if any further conditions need to be attached to any new consent.

5.3 Material Changes in Policy

In addition to the above, it is necessary to consider whether there have been any relevant material changes in policy since the condition was imposed. It is noted that since condition 12 was issued as part of PK15/2762/RVC, the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016 has progressed. The plan has undergone an Examination and is awaiting adoption. As such it cannot be given full weight. In any case, the emerging policies are not considered to form a material change with regard to the reasoning for condition 12.

5.4 Visual Impact and the Historic Environment

The proposed variation of condition 12, would result in alterations to the layout of the locally listed former police station building. The amendments include the alteration of landscaping to the rear, and side, the introduction of cycle storage within the kennel building as well as some externalisation of bin stores to the side of the building.

5.5 Overall, the alterations are considered minimal and it is thought that the proposed layout would be acceptable. The conservation officer has commented that bin stores should be moved away from the side of the building. Whilst this is noted, it is thought that the introduction of 3no. timber bin stores would not be such to detrimentally detract from the character of the building as previously approved. By means of conclusion the alterations are considered visually acceptable.

5.6 Parking and Access

Both the parking provision and access to the site remain largely unchanged to that previously approved, and are considered acceptable. It is noted that the scheme now introduces cycle storage for each of the flats, this is considered beneficial to the development and will promote sustainable transport choices.

5.7 Residential Amenity.

The proposed alterations are minimal and it is considered that they would not have a detrimental impact to the residential amenity of future occupants nor surrounding occupiers.

5.8 Other conditions attached to PK15/2762/RVC

Planning permission PK15/2762/RVC was approved subject to 11 other conditions in addition to condition 12. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to PK15/2762/RVC for relevance on this decision.

5.9 Condition 1

Condition 1 relates to an age restriction for the Proposed Later Living Development. The reasoning of such is that the amount of parking and amenity

space provided is specifically tailored to meet the needs of a later living development. This remains the case and it is considered necessary to recommend that the condition is carried forward.

5.10 Conditions 2, 3, 5, 7, 9, 10 & 11

These are all compliance conditions in relation to Coal Mining, Tree Protection, Samples of Stonework, Materials to Match Original Building, Ecology, Construction Hours and Off Street Parking. It is recommended that it is necessary for all these conditions to be carried forward.

5.11 Conditions 4 & 6

These conditions were both prior to commencement of the development. They requested that the provision of details and samples of the roofing and external facing materials used, as well as conservation details, were submitted to, and approved in writing by the Local Planning Authority.

5.12 It is noted that both of these conditions have been discharged as part of ref. DOC16/0188 and DOC16/0170. As such, it is recommended that these conditions are not carried forward.

5.13 Condition 8

This condition reads as follows:

Prior to its reinstatement and repair, large scale details of the entrance porch on the east elevation of the former Police Station shall be submitted to and approved in writing by the local planning authority. The replacement sash window shall match the existing original sash windows in respect of materials used, detailed execution and finished appearance.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

5.14 The reasoning for imposing this conditions remains, and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the condition be amended as requested.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The residents of the later life apartments marked as 'Proposed Later Living Development' on plan No A01-1916-01 shall comply with the following age restriction: The minimum age limit for a single or eldest partner is 60 years with a minimum age limit of 55 years for a second person living in the same apartment

Reason

The amount of on site parking and amenity space provided is specifically tailored to meet the needs of a later living development. Occupation of the properties on an unrestricted basis would require further consideration of the impact on parking provision and the provision of adequate private and useable amenity space. In accordance with the requirements of Policies CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted)

2. Development must be carried out exactly in accordance with the Further Site Investigation and Contamination Appraisal Report dated 6th November and received by the Council on 12th November 2014 in relation to application PK13/2851/F.

Reason

To ensure that the development takes place in a safe way on stable land and to comply with the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

3. All tree protection measures already erected on site shall remain in place for the duration of the construction period. No dig solutions shall be utilised for all works within the root protection areas of the trees to be retained on site.

Reason

The submitted plans show the retention of a number of trees on site - one of which is subject to a Tree Preservation Order. It is necessary to ensure that the works as carried out are not detrimental to the health or longevity of these trees in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan, and Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

4. The stonework shall be carried out exactly in accordance with the samples agreed on site. For the avoidance of doubt, the Ashlar is as per that agreed on site on Friday 8th May 2015, the coursed stone is as per that agreed on site on Wednesday 1st April 2015, and the rubble stone is as per that agreed on site on Thursday 20th August The approved sample panels shall be kept on site for reference until the stonework is complete.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

5. All new external works and finishes, and works of making good of the former Police Station, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

6. Prior to its reinstatement and repair, large scale details of the entrance porch on the east elevation of the former Police Station shall be submitted to and approved in writing by the local planning authority. The replacement sash window shall match the existing original sash windows in respect of materials used, detailed execution and finished appearance.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

7. Development must be carried out exactly in accordance with the Habitat Management and Biodiversity Strategy supplemented by the Biodiversity Plan received by the Council on 12th November 2014 in relation to application PK13/2851/F.

Reason

To comply with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted)

8. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Monday to Friday, 09.00 to 13.00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the existing level of residential amenity afforded to the neighbouring dwelling to satisfy the requirements of Policy CS1 of the South Gloucestershire Core Strategy (Adopted)

9. The off street parking and bin storage areas must be provided before the development is first occupied and thereafter retained for that purpose.

Reason

To ensure the provision of an adequate amount of off street parking in the interests of Highway Safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) and to satisfy the requirements of the Residential Parking Standards SPD

10. The development hereby approved shall be implemented strictly in accordance with the plans and reports identified below;

Site Location Plan, A01-1916-00 - Site Location Plan, A01-1916-02 - Site Survey ground floor, A01-1916-03 - Site Survey first floor, A01-1916-18 - Broad street Perspective looking West, A01-1916-19 - Broad Street Perspective looking East, A01-1916-20 - Perspective from Page Park, 8166/01 - Tree Constraints Plan, Transport Statement, Statement of Community Involvement, Drainage Strategy Report, Financial viability Assessment, Valuation Report, Bat Presence Survey, Planning Statement, Extended Phase 1 Habitat Survey, Tree Survey, Coal Mining Risk Assessment, Construction Method Statement, Design and Access Statement.

Received by the Council on 21st August 2013

SW-1916-05-AC-17100 - Site Demolition Plan

Received by the Council on 24th June 2015

SW-1916-05-AC-150revA - East Elevation, SW-1916-05-AC-002revE - Proposed Ground Floor Plan, SW-1916-05-AC-152revA - Coloured North and South Elevations, SW-1916-05-AC-151revA - West Elevation, SW-1916-05-AC-149revA - South Elevations, 005revB - Coloured Elevations, Sw-1916-05-AC-005revF - Proposed Roof Plan, SW-1916-05-AC-003revE - Proposed First Floor Plan, SW-1916-05-AC-004revF - Proposed Second Floor Plan, SW-1916-05-AC-147revA - North Elevations, SW-1916-05-AC-153revA - Coloured East and West Elevations, 3147203revl - Drainage Layout

Received by the Council on 24th August 2015

A001 - Proposed Landscape/Block Plan, BR109 - Bin Store Elevations, A003 - Proposed Layout

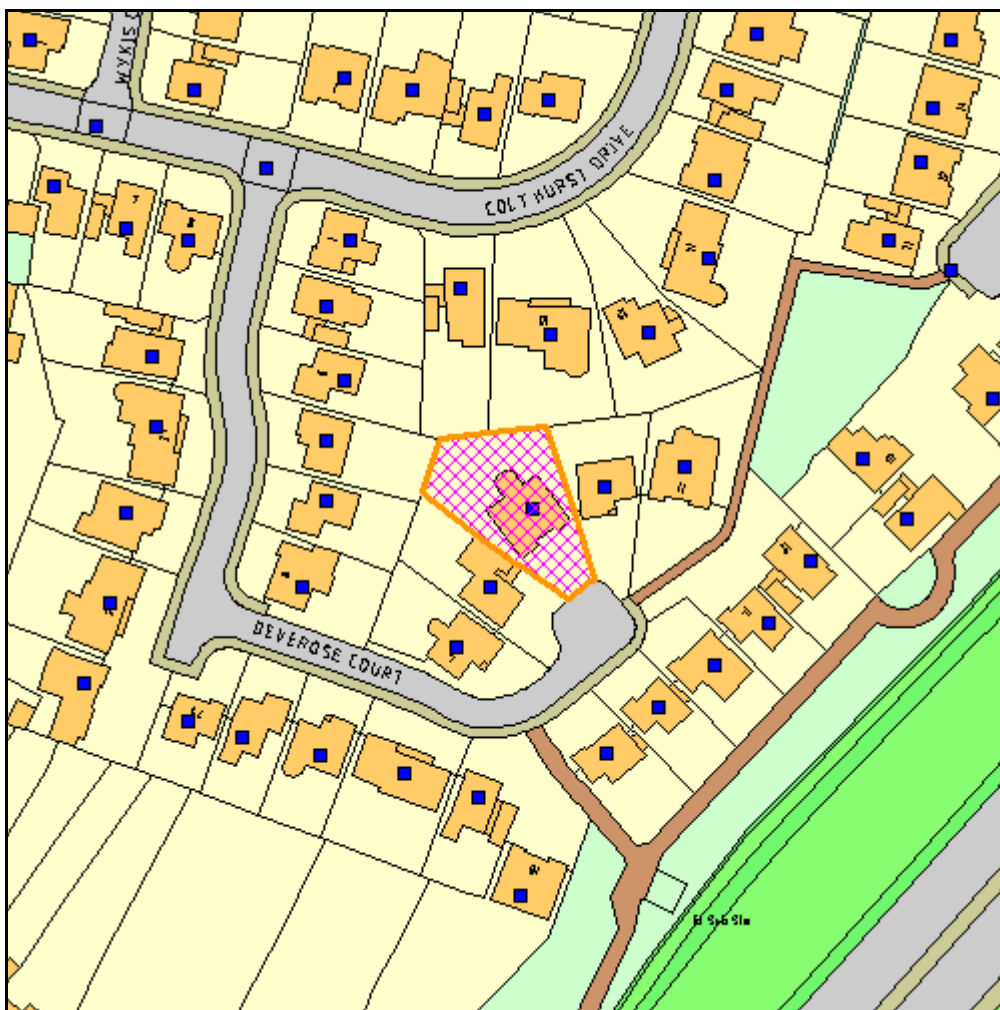
Received by the Council 11th September 2017

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS4A, CS5, CS6, CS8, CS9, CS15, CS16, CS17, CS18, CS24 and CS29 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, L9, L13, L15, H4, T7, T8, T12, H5, LC1 and LC2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted residential parking standards SPD.

CIRCULATED SCHEDULE NO. 37/17 - 15 SEPTEMBER 2017

App No.:	PK17/2905/F	Applicant:	Mr & Mrs Morgan
Site:	9 De Verose Court Hanham Bristol South Gloucestershire BS15 3SW	Date Reg:	24th July 2017
Proposal:	Erection of a single storey side and rear extension to form additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	365077 171965	Ward:	Hanham
Application Category:	Householder	Target Date:	14th September 2017



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N.T.S.

PK17/2905/F

INTRODUCTION

This application appears on the Circulated Schedule, as a result of a consultation response received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear extension to form additional living accommodation
- 1.2 The property is a relatively modern, detached dwelling, located on a cul de sac, containing similar properties, within the residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 K5181/1 – Extension to attached side garage and first floor extension above. Approved 24/10/88

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter of objection has been received as follows:
'The block diagram I fear doesn't convey the true sizes of the plot, the property as it exists and the new development. Could you please ask for a scale drawing to give a correct overview of the block diagram. In principle I feel the development is oversized for the size of the plot and two thirds of the size would be more appropriate. Going across the main house and not the back of

the garage.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design

The proposals are considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house and surrounding properties. The proposals are of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.3 Residential Amenity

It is considered that the submitted plans are sufficient for the purposes of determining the planning application. The extension would be approximately 4.1 metres in depth, to virtually the full width of the dwelling, inclusive of the garage area, with a lean to roof against the rear wall of the house. Notwithstanding this any planning permission would not grant rights to access or use land not within the applicants control or affect existing legal ownership areas and boundaries.

5.4 The plot is considered of sufficient size to accommodate the single storey extension within the rear curtilage. The length, size, location and orientation of the proposals, are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance.

5.5 Transportation.

The proposals the subject of this application would not alter the existing parking provision or requirements for the site.

5.6 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

2. 7.1 That planning permission is granted.

Contact Officer: Simon Ford

Tel. No. 01454 863714

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

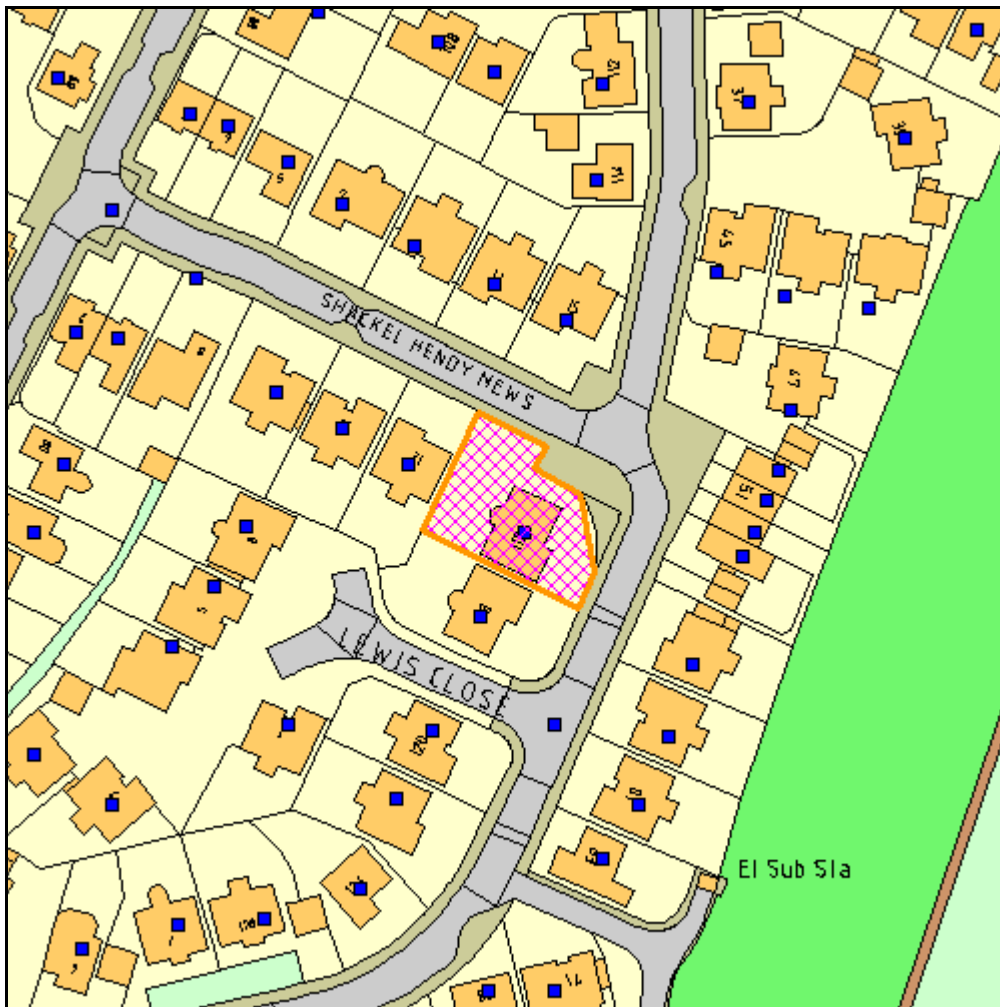
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/2911/F	Applicant:	Mr M Darby
Site:	116 Johnson Road Emersons Green Bristol South Gloucestershire BS16 7JQ	Date Reg:	10th July 2017
Proposal:	Erection of garden wall.	Parish:	Emersons Green Town Council
Map Ref:	367038 176248	Ward:	Emersons Green
Application Category:	Householder	Target Date:	1st September 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a garden wall at no. 116 Johnson Road, Emersons Green.
- 1.2 The application site consists of modern, detached property set within a fairly spacious corner plot. The site is situated in the established residential area of Emersons Green.
- 1.3 Amended plans were submitted to the Local Planning Authority on 6th September 2017. The amendments to the scheme involve the repositioning of the proposed garden wall.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- L5 Open Areas within the Existing Urban Area
- T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP

plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK00/1971/RM

Erection of 33 no. dwellings with associated works (Reserved Matters)

Approved: 14.11.2000

3.2 K7528

COMPREHENSIVE DEVELOPMENT FOR RESIDENTIAL/DISTRICT
CENTRE/PUBLIC HOUSE

Approved: 05.10.1995

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Objection, this estate was originally designed to have lots of green areas with an 'open feel'. Members feel the proposed wall will be out of keeping with the street scene and that 2 metres would be too high. If permission is granted then the wall should be set back and the line of hedging kept.

4.2 Other Consultees

Sustainable Transport

No objection

Archaeology

No comment

Other Representations

4.3 Local Residents

One comment of objection has been submitted by a local resident. The main concerns raised are outlined below:

As part of the Land Registry Transfer Deed all properties constructed by David Wilson Homes Ltd in this area had a number of Covenants to which they were subject in order to preserve the character of the estate. The one which is relevant here is:

13.8.1.5 The Transferee must keep grassed any unenclosed parts of the garden of the property excluding planted areas and areas of hardstanding

and must keep all parts of the garden neat and tidy and must maintain in the position as previously existing or erected by the Transferor any Boundary Structures (together with any garden hedges fences and walls not forming the boundary with an adjoining plot on the Estate) in good condition repairing or renewing to their original specification as necessary and further in respect of any hedges shall not allow growth to exceed 3 metres in height.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The application seeks permission for the erection of a garden wall. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 **Design, Visual Amenity and Impacts on Open Space**

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, policy L5 of the Local Plan outlines that development that has an adverse impact on the character and quality of open areas within the existing urban area will not be permitted.

Original Plans

5.3 Due to the location of the wall along the northern boundary of the site, Shackel Hendy Mews is considered to be the street most affected when considering the impact of the proposal on the streetscene/quality of open areas, as opposed to Johnson Road. Originally submitted plans involved the extension of the garden wall up to the boundary between the application site and the highway (Shackel Hendy Mews). An existing hedgerow would have been partially removed in order to accommodate the construction of the wall.

5.4 Shackel Hendy Mews is characterised by trees and hedgerows located at the edge of the highway – separating the highway from front garden areas. There are no other examples of 2m high brick walls situated adjacent to the highway along Shackel Hendy Mews. It was considered that a new wall as originally proposed would detract from the open nature of the development, and would appear as an overly prominent, incongruous feature within the Shackel Hendy Mews streetscene. On this basis, the proposal was considered contrary to policy CS1 of the Core Strategy, as well as policies H4 and L5 of the Local Plan.

Revised Plans

5.5 Revised plans involve the setting back of the proposed wall from the highway by 2 metres. As such the existing hedgerow and line of trees situated along the northern boundary of the site would be retained. Whilst the concerns raised regarding the loss of the 'open feel' of the estate have been taken in to

account, it is considered that the setting back of the wall sufficiently mitigates the harmful impacts on the streetscene and the open area to the side of the main dwelling. As the proposed wall would be set behind the existing hedgerow and line of trees, it would be significantly screened from public view. On balance, the revised scheme is considered to comply with policy CS1 of the Core Strategy and policies H4 and L5 of the Local Plan.

5.6 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.7 It is noted that the proposed wall would be constructed in close proximity to the boundary with no. 12 Shackel Hendy Mews, situated directly to the north-west of the application site. However the proposed wall would extend along a fairly small portion of the front garden of the neighbouring property. This is considered to be a fairly common situation in urban areas, and it is not considered that the proposed wall would significantly overbear or overshadow on to neighbouring land. Whilst it is noted that the presence of the wall would reduce the outlook from a front-facing ground floor window at the neighbouring property, it is noted that the outlook is currently reduced by the existing hedgerow and tree line. On this basis, it is not considered that the erection of the wall would significantly worsen the situation. On balance, it is not considered that the proposed development would significantly prejudice the residential amenity currently enjoyed by neighbouring residents.

5.8 In addition to the above, the proposed development would not significantly impact upon the retention of private amenity space at the site. Overall, the proposal is considered to comply with policy H4 of the Local Plan.

5.9 Transport

The erection of the proposed garden wall would have no impact on the parking arrangements at the site. Furthermore, despite being situated on a corner plot, it is not considered that the proposed wall would significantly restrict the view of passing motorists, and would therefore not cause a potential highway safety hazard.

5.10 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.11 With regards to the above this planning application is considered to have a neutral impact on equality.

5.12 Other Matters

The concerns raised regarding an existing Covenant imposed on properties within the estate have been taken in to account. However this is considered to be more a matter of private land law as opposed to a planning matter. As such, the existence of any potential Covenant has no bearing on the assessment of this planning application. Equally the grant of planning permission would not remove the restrictive covenant, or alter private land rights/restrictions nor the requirement for the applicant to ensure that he has all the requisite consents in place to carry out the work.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

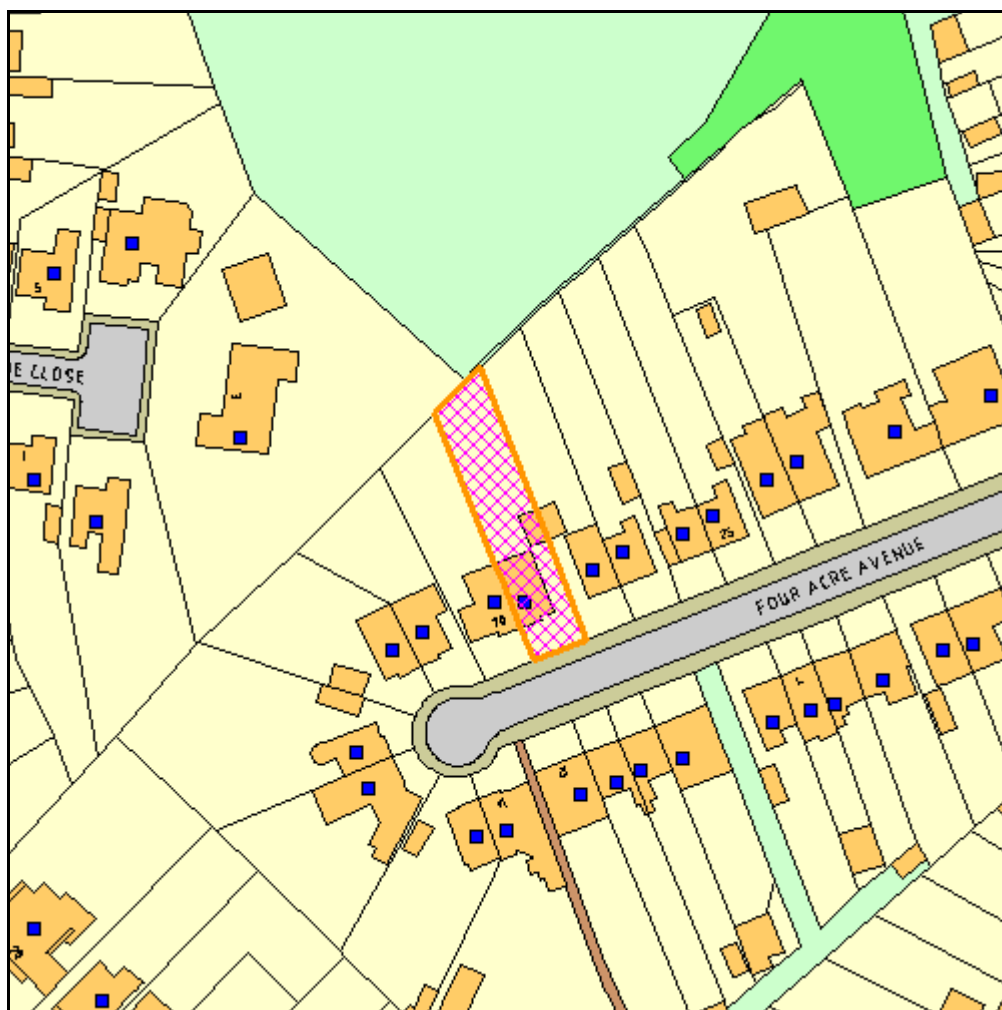
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/3038/F	Applicant:	Mr Matthew Cox
Site:	21 Fouracre Avenue Downend Bristol South Gloucestershire BS16 6PD	Date Reg:	18th July 2017
Proposal:	Erection of two storey side and single storey rear extension to form additional living accomodation and installation of rear and side dormers.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365320 177718	Ward:	Downend
Application Category:	Householder	Target Date:	24th August 2017



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REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE

This application is due to appear on the Circulated Schedule due to the objections of a neighbouring resident, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side and single storey rear extension to form additional living accommodation and installation of rear and side dormers.
- 1.2 The application site relates to a two-storey semi-detached dwellinghouse, which has already been extended with an existing side elevation dormer window and rear rooflight. The application proposes to add a fifth bedroom on the first floor, as well as enlarging living accommodation on the ground floor.
- 1.3 The application site relates to a semi-detached dwellinghouse located within the established residential area of Downend. There are no other statutory or non-statutory designations.
- 1.4 During the course of the application, the Officer has advised that the proposed scheme is amended and the rear dormer is reduced in size. Revised plans have been received. The application will be assessed on the revised plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2015

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K4668 Erection of single storey rear extension and front porch
Approved 07.11.1984
- 3.2 K4668/1 Erection of dormer extension to side elevation
Refused 16.10.1995
- 3.3 K4668/2 Erection of dormer extension to side elevation
Approved 08.03.1996

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

- 4.2 Sustainable Transport
Objection.

The proposed garage does not comply with the Council's residential parking standards and cannot therefore be included towards the parking requirements for this dwelling. The level of parking provided (2no. spaces) is considered unsatisfactory for the size of the proposed five bedroom dwelling. The proposal is recommended for refusal.

This refusal could be overcome if the existing vehicular access is extended along the whole frontage of the site enabling three vehicle parking spaces to be provided.

Other Representations

- 4.3 Local Residents

One neighbouring resident has objected and has made the following comments:

- Consultation letter dated 18th July on received on 5th August, allowing only 3 days to reply;
- Proposed two storey extension appears overbearing and out of character within context of neighbouring properties;
- Ridge line of proposed extension appears to be too high giving the appearance of a continuation of the main structure instead of a sympathetic extension;
- Proposed side dormer is overly large which gives the rear and front elevations the appearance of a gable end and not a hipped roof structure;
- Over-development for a property this size;
- Property already been extended to provide 4no. bedrooms;

- Extension is for a 5th bedroom and garage could be turned into a 6th bedroom, turning the property into a HMO;
- The road is a cul-de-sac and cannot cope with additional parking.

Non-planning issues:

- Demolition of existing asbestos roof garage is not indicated;
- Need to provide a fence between the end of my garage and the return of the proposed extension for security purposes;
- An external pier for structural support is required;
- No mention is made about waterproofing and rendering my garage which will become external;
- Roof junction with my fibre glass roof finish must be sealed since that will become the new eaves.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of double storey side and double storey rear extensions to form additional living accommodation. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

Design

- 5.2 The proposal is for a two storey side and single storey rear extensions and installation of rear and side dormer windows. During the course of the application, the side dormer has been reduced from 3.8 metres wide to 2.9 metres wide. The existing side dormer measures 2.4 metres wide. Materials and detailing are shown to match the host dwelling.
- 5.3 It is acknowledged that the proposed extensions are large and would extend the dwelling right up to the side boundary. There are local examples at the end of the cul-de-sac of large side and extensions similar to the proposal and these are a material consideration. Also, the side dormer is existing and the proposed garage would infill the existing drive. The proposed extensions would take the dwelling to its maximum size given the size of the curtilage and neighbouring properties.
- 5.4 The proposed extensions will form modern additions to the traditional semi-detached dwellinghouse. Overall, it is considered that the proposal remains in keeping with the host dwelling and has been appropriately designed.
- 5.5 Impact on Residential Amenity
The application relates to a semi-detached dwelling situated within an established residential area of Downend. The nearest neighbouring properties are no. 20 to the west (attached neighbour) and no. 22 to the east. The application seeks to extend the property along the side with a two storey extension, extending the garage to the front elevation and erecting a single storey rear extension. There are also two dormer windows (side and rear).

- 5.6 It is acknowledged that the proposed extensions are large, but are considered to remain in keeping with the host dwelling. There would remain a gap where no. 22's drive is to the east. The neighbour has raised concern about the proposed extensions having an overbearing impact. It is not considered that the proposal would have a detrimental impact on the living standards of these occupiers. No. 22 does have one first floor and one ground floor windows in the side elevation and it is acknowledged that the proposal would bring the massing of the host dwelling closer to these. However, given these are secondary windows in the side, it is not considered that the development would appear adversely overbearing or oppressive as such. Given the orientation of the host dwelling and proposed extensions, they are unlikely to significantly impact on existing natural light levels.
- 5.7 Given the above, the Officer considers the proposal to be acceptable and is unlikely to have a significant or negative impact on the existing neighbouring properties and their residential amenity.
- 5.8 Sustainable Transport
The application proposes to increase the number of bedrooms in the dwelling from four to five. The rear single garage would be extended along the side elevation of the dwelling, removing some of the existing driveway. The proposed garage does not meet the internal measurements for a single garage measuring only 2.5m x 5m, and therefore cannot contribute towards the off-street parking provision as per the guidance contained in the Residential Parking Standards SPD. A revised block plan has been submitted which includes parking within the garage and two parking spaces in front of the dwelling.
- 5.9 There remains room within the curtilage of the dwelling to provide two off-street parking spaces. Whilst the third space falls below the minimum dimensions, the Officer must make a balanced decision given the context of the proposal and the application site. Concern has been raised by a neighbouring resident that this will cause additional on-street parking. Guidance contained within the NPPF paragraph 32 states that *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*.
- 5.10 It is considered that overall, the proposal can provide at least two off-street parking spaces and the property would benefit from a garage, albeit smaller than the minimum parking standards set out. It is considered that the lack of a third parking space will result in a *severe* transport impact by a consequential increase in on street parking. Overall, the proposal is considered acceptable in terms of highway safety.

Other Matters

- 5.11 The neighbouring resident has raised a number of non-planning concerns, of which several appear to be civil matters and building control related issues that cannot be dealt with via this application, but are more appropriately addressed through other relevant legislation.

5.12 A concern has been raised that the garage could potentially be converted into a sixth bedroom and used as a House In Multiple Occupation (use class C4). The Local Planning Authority is required to assess the application before it – which is for an extension to the existing residential property (class C3). The permitted development rights for changes of use to small HMO (class C4) apply to most dwellinghouses. This concern would potentially apply to all residential extensions to class C3 dwellinghouses, and is given limited weight on this basis. There appears to be no reason to suppose this would be the case on the basis of the floorplans submitted for approval.

5.13 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.14 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **APPROVED**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall be implemented strictly in accordance with the following plans:

Site Location Plan (2022 L(0) 1); Existing Floor Plans and Elevations (2022 L(0) 3; received on 29th June 2017.

Revised Proposed Block Plan (2022 L(0) 2A); received by the Council on 16th August 2017.

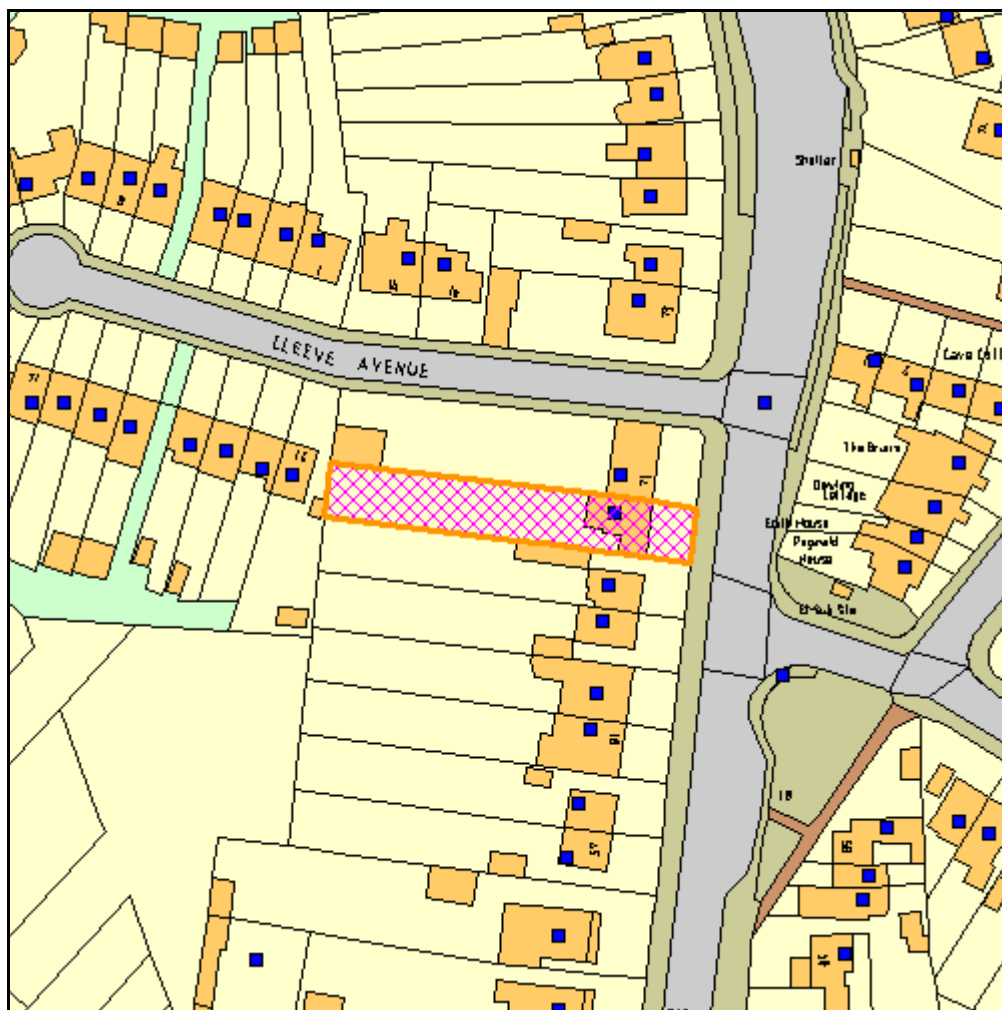
Revised Proposed Floor Plans and Elevations (2022 L(0) 4A); revised 17th August 2017.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/3124/F	Applicant:	Mr C Jones
Site:	69 Badminton Road Downend Bristol South Gloucestershire BS16 6BP	Date Reg:	18th July 2017
Proposal:	Erection of single storey rear and side extension to provide additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365173 177050	Ward:	Downend
Application Category:	Householder	Target Date:	30th August 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey side and rear extension to form additional living accommodation at no. 69 Badminton Road, Downend.
- 1.2 The application site consists of a semi-detached property set towards the front of a large plot. The application site is situated within the established residential area of Downend.
- 1.3 Revised plans were requested and received by the Local Authority on 1st September 2017. The revisions made involve a reduction in the depth of the proposed rear extension.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the

assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 K4874

SINGLE STOREY SIDE EXTENSION (Previous ID: K4874)

Approved: 28.08.1985

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents

One comment of objection has been submitted by a local resident. The main concerns raised are outlined below:

- The height and depth of the proposed extension will further obscure daylight in to neighbouring lounge. This is already significantly limited by the overgrown trees along the full length of the boundary.
- The drawings do not show any setting out dimensions for the foundations adjacent to the boundary and no request or agreement has been made in the event that they are to extend across the boundary.
- Excavation of the foundations along the boundary is likely to cause disruption to paving and existing shrubs - no request or agreement has been made for this eventuality.
- Construction of the extension wall adjacent to the boundary will probably require some form of access and or scaffolding positioned on the property of No 71. No request or agreement has been made for this eventuality.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The application seeks permission for the erection of a single storey side and rear extension. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an

assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposal consists of a 'wrap-around' extension. The majority of the extension would project from the rear of the property, with a small section projecting to the side of the property. The rear element would be visible from the public areas offered along Cleeve Avenue, however given its scale, it is not considered that its erection would significantly impact upon the streetscene or the character, distinctiveness or amenity of the immediate surrounding area.

5.4 It is also considered that, in terms of appearance, the proposed extension sufficiently respects the character of the host dwelling. It is considered that the scale and design of the extension allow for it to appear as an appropriate, proportionate addition to the property. Additionally, the materials proposed in the external finish of the extension would match those used in the external finish of the host dwelling. Overall, the proposal is considered to satisfy design criteria outlined in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.5 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.6 When considering the impacts of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are no's 71 and 67 Badminton Road, situated to the north and south of the application site respectively.

Rear extension – original plans

5.7 The concerns raised in relation to loss of light to neighbouring rooms have been taken in to account. It is noted that the proposed rear element as originally proposed would have been of a significant scale, and would have extended for 5.7 metres in close proximity to the boundary with no.71. It is noted that the extension would project above existing boundary treatments, and that this would have had some overbearing impacts on the neighbouring property. On balance, it was considered that a rear extension of the depth and height originally proposed would have had an unacceptable impact on the residential amenity of immediate neighbours.

Rear extension – revised plans

5.8 Revised plans involve the reduction in the depth of the rear extension to 4.4 metres. Submitted plans also indicate that the height of the extension will be

reduced to the minimum practicable level. It is considered that these amendments to the scheme sufficiently reduce the impacts on residential amenity in terms of overbearing and overshadowing. Whilst the side wall of the extension would protrude above boundary treatments, any increased sense of enclosure is reduced by the 1.3 metre reduction in depth. In addition to this, given the single storey nature of the extension, it is not considered that its erection would result in any loss of privacy enjoyed at neighbouring properties through an increased sense of overlooking.

Side extension

5.9 The proposed side extension would be set away from the boundary shared with no. 67 Badminton by approximately 1.2 metres. It is considered that this degree of separation significantly reduces the potential for the extension to overbear or overshadow on to the neighbouring property. It is also not considered that the erection of the side extension would result in any increased sense of overlooking.

5.10 However given the proximity of the proposed extensions to neighbouring boundaries, it is considered both reasonable and necessary in this instance to attach a condition to any decision, restricting working hours during the period of construction. This is in order to protect the residential amenity of immediate neighbours.

5.11 In addition to this, it is considered that sufficient outdoor private amenity space would be retained at the site following the implementation of the proposal. Overall, the proposal is considered to comply with policy H4 of the Local Plan.

5.12 Transport

Due to the nature and location of the proposed works, it is not considered that the proposal would have any significant impacts in terms of on-site parking provision or highway safety.

5.13 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.14 With regards to the above this planning application is considered to have a neutral impact on equality.

5.15 Other Matters

Concerns raised in relation to the excavation of foundations have been taken in to account. However this is a factor that will be considered further by a building

control officer as part of a building regulations application, and as such is not a planning consideration. Concerns regarding the positioning of scaffolding and means of access through neighbouring land have also been taken in to account. However this type of issue is considered to form a civil matter, and is therefore not a planning consideration.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

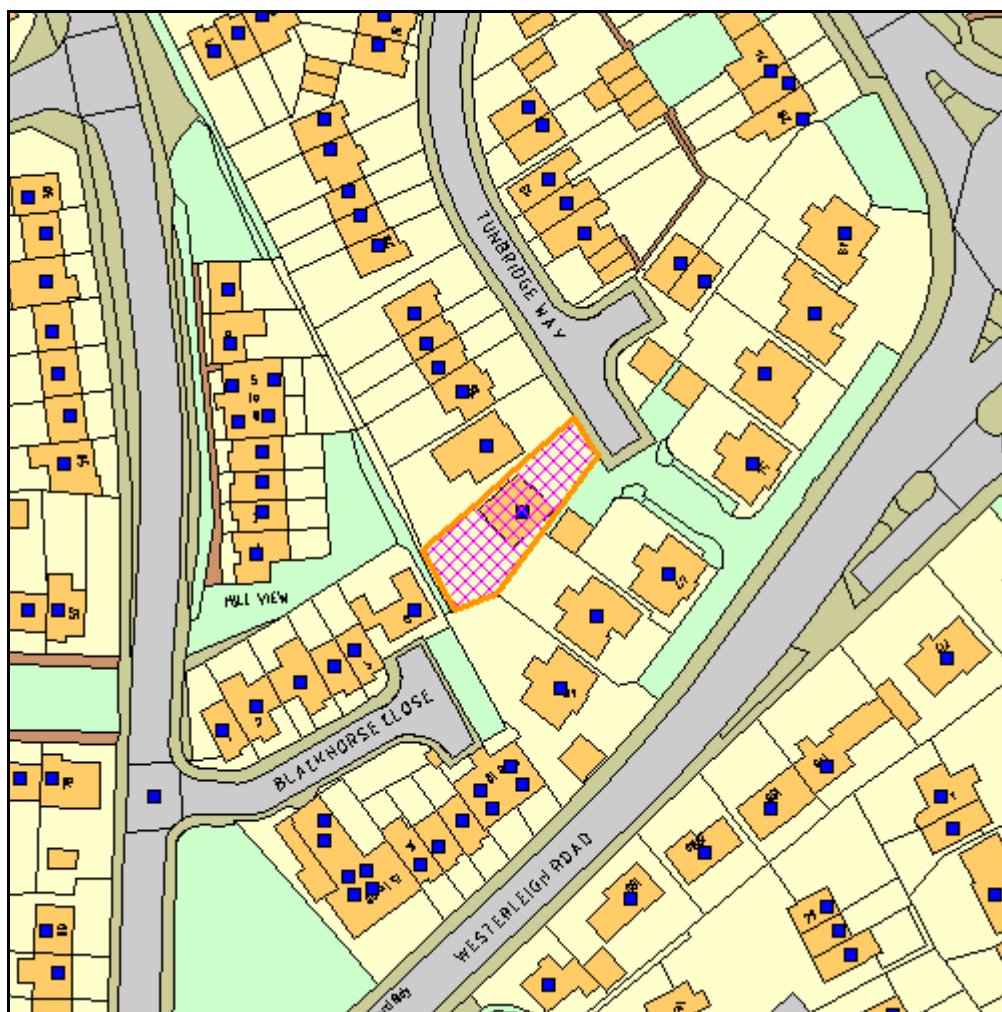
2. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/3248/F	Applicant:	Mr & Mrs marks
Site:	40 Tunbridge Way Emersons Green Bristol South Gloucestershire BS16 7EX	Date Reg:	20th July 2017
Proposal:	Erection of single storey rear and side extension to provide additional living accommodation.	Parish:	Emersons Green Town Council
Map Ref:	366455 177606	Ward:	Emersons Green
Application Category:	Householder	Target Date:	6th September 2017



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PK17/3248/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of consultation response received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of single storey rear and side extension to provide additional living accommodation.
- 1.2 The property is a relatively modern, volume built, detached dwelling located on a cul-de-sac, within the residential area of Emersons Green.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No objection.

Other Representations

- 4.2 Local Residents
One letter of objection from local residents have been received, as follows:
*'1. Accuracy of the plans:
We are concerned that the plans submitted do not accurately reflect the orientation of the existing property within its plot, and thus are misleading as to the scale and impact of the proposed extension. For example there currently exists a boundary fence at the bottom of the plot at no. 40*

creating an obtuse angle with the right hand side boundary (as opposed to the right angle shown). The effect of this is in reality is to foreshorten the plot, noticeably reducing the plot area.

Equally, though understandably, the plans do not reflect existing buildings adjacent to the two plots (no.40 and no.44) and as such the impact of the proposal both visually and in terms of increased building density.

2. Continued maintainability of the shared boundary:

Maintenance of the boundary fence separating the two properties (no.40 and no.44), for which we are responsible, is complicated not only due to the tapering effect against existing structures at no.40 but also due to a height differential between the two plots along its length. Access for maintenance has historically proven challenging and we are concerned that substantial development up against the boundary, particularly at the pinch point, would at best significantly exacerbate this.

3. Loss of outlook from the residential areas of our property:

The design of the proposal calls for the construction of a gable end wall for the extension along almost the entire length of the shared boundary, rising several feet above the fence line. The pitched roof structure further increases this height. Siting this almost 2m closer to the boundary than the existing building at no.40 serves to visually amplify this effect making it significantly more imposing. In concert with existing buildings surrounding our property this has the net effect of walling in our plot, robbing us of any desirable aspect in the primary living areas at the rear of the property. A sizable section of our garden is below house height, and thus would suffer even more severely from being overshadowed. Whilst recognising ours is not a rural dwelling with panoramic vistas, neither is it a high density urban dwelling where one might expect a walled garden. We suggest this proposal unfairly impinges on our outlook, penalising our property specifically in a manner not in keeping with the area.

Appreciating this is difficult to quantify, based on the plans we have attempted to illustrate this with before and after photographs taken at seating height from our reception room. They fairly reflect the impact on the entirety of the living space at the back of our property.

In summary, we would nominally have no objection to some extension of 40 Tunbridge Way were the plans sympathetic and in keeping with the surround area. We would though respectfully ask that the current proposal is rejected.'

(Photos were attached and have been received, these are available on the Council's website)

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Residential Amenity

The amenity concerns raised by the neighbouring property, above, are noted. The width of the side extension of the property is just under 2 metres, with lean to roof against the side of the existing house. The depth of the extension off the rear wall of the house would be 4 metres. The total length of the side wall of the proposed extension on or near to the shared boundary on the south eastern elevation of the property would be approximately 6.8 metres at single storey height. The height of the side wall would be approximately 2.3 metres with the lean to roof sloping away from the shared boundary toward the side wall of the house. The side of the proposed single storey extension would be approximately 10 metres away from the rear of the neighbouring dwelling in this direction. The wider outlook referred to is across neighbouring gardens as opposed to open or public land and there is no right to a view in planning terms, any impact must therefore be judged in terms of whether the proposals would in planning terms be considered overbearing on adjacent properties. Of note and material consideration is the existence of permitted development rights that could enable construction of boundary treatments of up to 2 metres, without the requirement for planning permission. Given the above, it is not considered in this instance that the extent of development proposed, taken into context with the distance, location and orientation of the two properties, that the extension would have a significant or material overbearing impact such as to warrant and sustain an objection and subsequent refusal of the application on this basis.

5.3 Planning permission would not grant rights to carry out works or access land not within the applicants control for the purposes of maintenance. The proposals remain within the curtilage of the application property. Maintenance of shared boundaries is a civil matter. The plans are considered acceptable for the purposes of determining the planning application.

5.4 Design / Visual Amenity

The proposals would incorporate a single storey extension with lean to roof against the side and rear wall of the existing dwelling. Materials would match the existing dwelling. The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the streetscene such as to warrant and sustain an objection and refusal of the application on this basis.

5.5 Transportation

The existing off street parking requirements and arrangements will be unchanged and sufficient off-street parking provision remains available to serve the property.

5.6 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

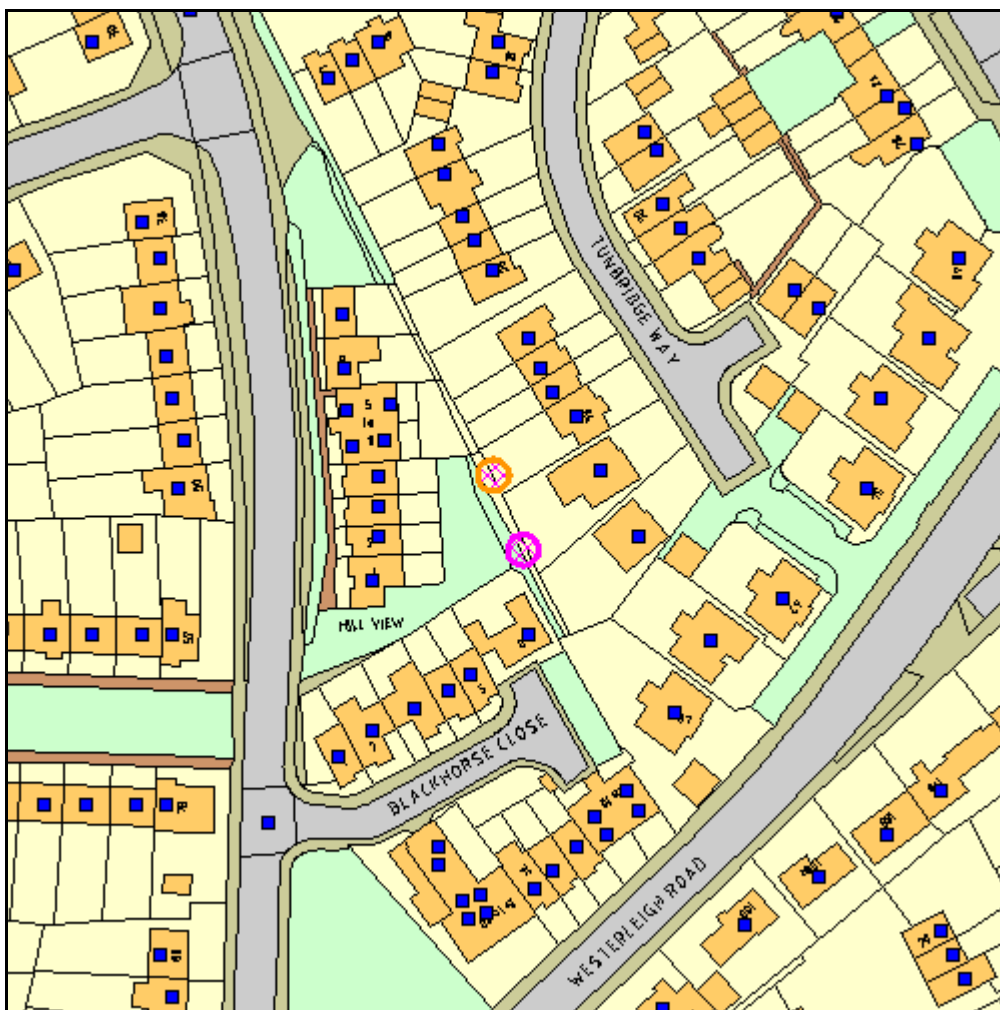
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/3380/TRE	Applicant:	Mrs Louise Williams
Site:	8 Hill View Blackhorse Lane Downend Bristol South Gloucestershire BS16 6XX	Date Reg:	3rd August 2017
Proposal:	Works to reduce 1no. Ash crown by 2 metres in width and 3 metres in height and works to fell 1no. Sycamore tree covered by Tree Preservation Order KTOPO 01/91 dated 29/04/1991	Parish:	Emersons Green Town Council
Map Ref:	366414 177628	Ward:	Emersons Green
Application Category:		Target Date:	14th September 2017



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PK17/3380/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

This application has been referred to the circulated schedule because comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to reduce 1no. Ash crown by 2 metres in width and 3 metres in height and works to fell 1no. Sycamore tree covered by Tree Preservation Order KTPO 01/91 dated 29/04/1991.
- 1.2 The trees are adjacent to the parking bays at Hill View, Blackhorse Lane, Downend, Bristol, South Gloucestershire, BS16 6XX.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/0071/TRE, Site Address: Hill View Development, Blackhorse Lane, Downend, South Gloucestershire, BS16 6UA, Decision: COND, Date of Decision: 17-FEB-2003, Proposal: Remove 3 No. limbs on Ash tree (T292) and reduce crown by 2:5/3:0 metres - adjacent finished building line, lift crown by 3 metres on Sycamore tree (T293) covered by Tree Preservation Order (KTP03/91)., CIL Liable:
- 3.2 PK13/1846/TRE, Site Address: 6 Blackhorse Close, Downend, Bristol, South Gloucestershire, BS16 6WD, Decision: REFU, Date of Decision: 16-JUL-2013, Proposal: Works to fell 1no. Ash tree covered by Tree Preservation Order KTPO03/91 dated 29 July 1991, CIL Liable:

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council Planning Committee has no objection subject to the approval of the South Gloucestershire Council Tree Officer.

Other Representations

- 4.2 Local Residents

Comments have been received from two local residents objecting to the removal of the Sycamore on the grounds that the tree provides screen and wildlife habitat. There is no objection to the proposed reduction of the Ash tree.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to reduce 1no. Ash crown by 2 metres in width and 3 metres in height and works to fell 1no. Sycamore tree.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The Sycamore stands within a row of trees between the Hill View development and the rear gardens of some properties in Tunbridge Way.
- 5.4 The tree is in decline with significant deadwood throughout the crown and no likelihood of recovery. The dysfunctional wood is likely to degenerate further and branches will start to drop.
- 5.5 A condition of the removal of the Sycamore will be for a replacement tree to be planted.
- 5.6 The works to the Ash tree is considered to be reasonable management of a tree the growth of which has been compromised by the proximity of new development.
- 5.7 A condition of the works to the Ash will be that it is carried out by a competent person and to the appropriate industry standards – BS3998:2010.

6. RECOMMENDATION

- 6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

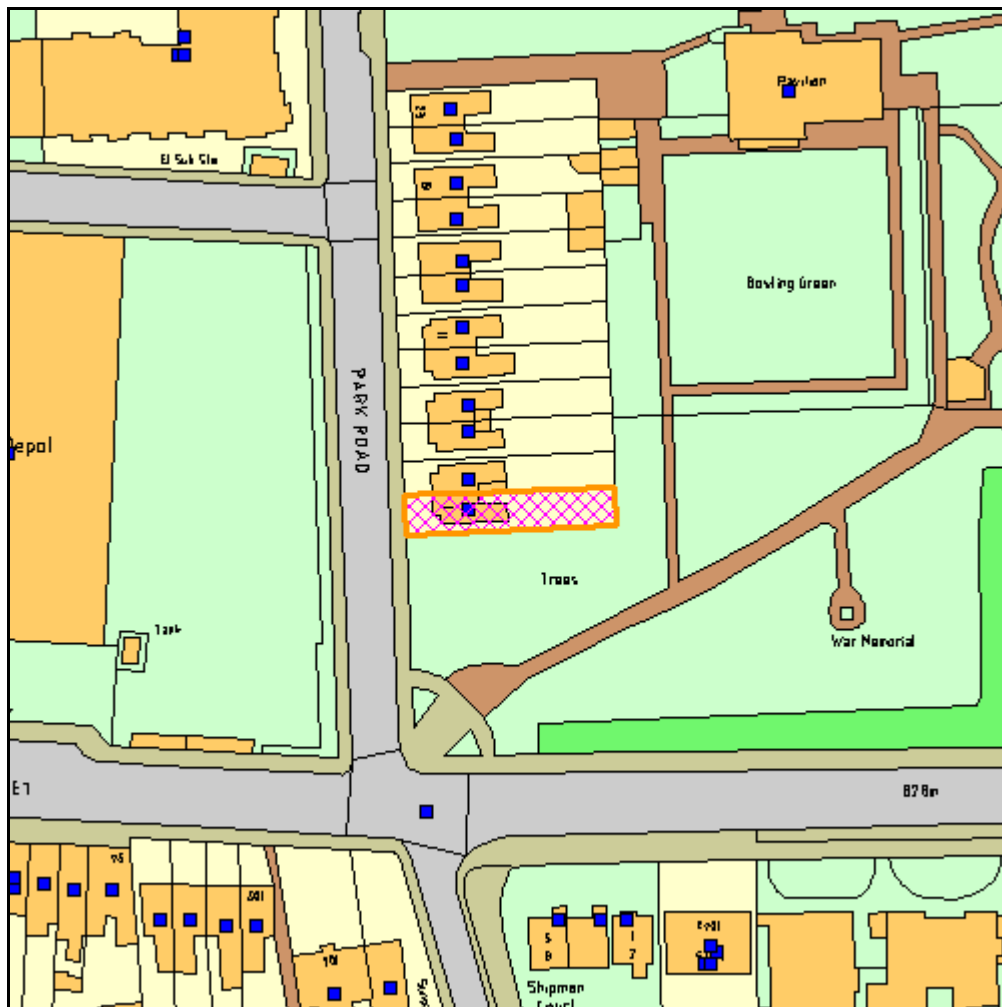
3. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PK17/3436/CLP	Applicant:	Mrs King
Site:	1 Park Road Staple Hill Bristol South Gloucestershire BS16 5LB	Date Reg:	11th August 2017
Proposal:	Application for a certificate of lawfulness for a proposed rear dormer.	Parish:	None
Map Ref:	365360 175938	Ward:	Staple Hill
Application Category:		Target Date:	3rd October 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to facilitate a loft conversion would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans Received 21 July 2017
PROPOSED PLANS AND ELEVATIONS AP03

Plan Received 08 Aug 2017
EXISTING PLANS AND ELEVATIONS

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The issue is to determine whether the proposed rear dormer falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015; which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof; provided it meets the criteria set out below:

B.1 Development is not permitted by Class B if –

(a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

(b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer would not exceed the highest part of the roof.

(c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer window would be located to the rear of the property, as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

(d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) **40 cubic metres in the case of a terrace house, or**
- (ii) **50 cubic metres in any other case**

The property is a semi-detached dwelling. The dormer would not exceed 40 cubic metres in volume.

(e) It would consist of or include –

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

(f) the dwellinghouse is on article 2(3) land

The host dwelling is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

Submitted plans indicate that the proposed dormer, including its windows will be constructed using a GRP flat roof in a dark grey colour with slate grey hanging tiles. These materials are not of a similar appearance to the existing dwellinghouse, which has brick elevations with brown, roman style roof tiles.

(b) the enlargement must be constructed so that –

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated; and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The rear dormer would be approximately .2 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

(c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**

- (i) **obscure-glazed, and**
- (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposal does not involve the insertion of a window to the side elevation of the dwellinghouse.

7. RECOMMENDATION

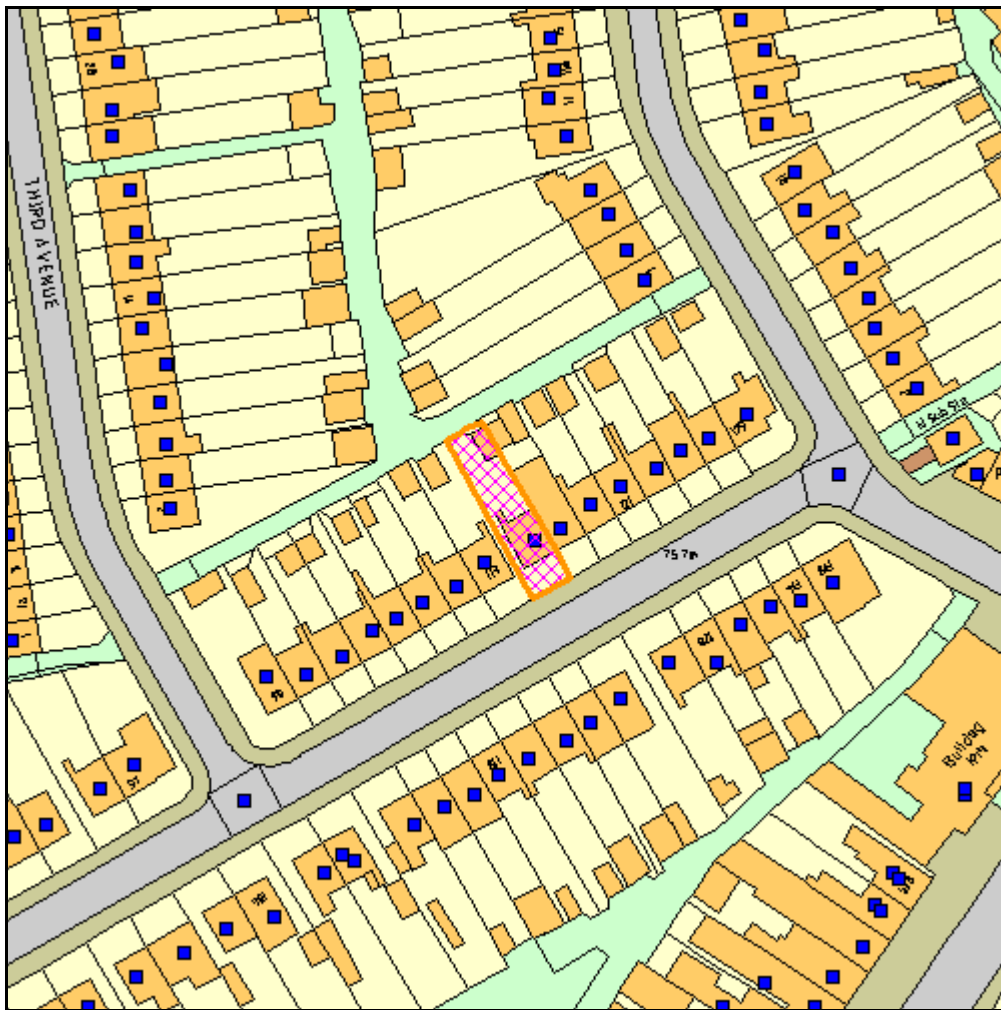
7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason(s):

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the materials used in exterior work would not be of a similar appearance to those used in the construction of the exterior of the dwellinghouse. Therefore, the proposal is contrary to paragraph B.2 (a) of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PT17/2190/CLP	Applicant:	Mr And Mrs Butler
Site:	115 Northville Road Filton Bristol South Gloucestershire BS7 0RJ	Date Reg:	2nd August 2017
Proposal:	The proposed erection of a hip to gable roof extension to facilitate loft conversion.	Parish:	Filton Town Council
Map Ref:	360464 178268	Ward:	Filton
Application Category:		Target Date:	22nd September 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a hip to gable roof extension to facilitate a loft conversion at 115 Northville Road, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history associated with the application site.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comments received

- 4.2 Archaeology
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plans (Drawing no. A2678 - 01)
(Received by Local Authority 12th May 2017)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

6.3 The proposed development consists of the erection of a hip to gable extension. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

B.1 Development is not permitted by Class B if –

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P or Q of Part 3.

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed extension would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed extension would not extend beyond any existing roof slope forming a principal elevation of the dwellinghouse and fronting a highway. As such the proposal meets this criterion.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) 40 cubic metres in the case of a terrace house, or**
 - (ii) 50 cubic metres in any other case**

The property is a terrace house. Volume calculations undertaken by officers indicate the proposed volumetric increase in roof space from that of the original dwelling to be approximately 25.2 cubic metres. As such, the proposal would result in an additional volume of no more than 40 cubic metres. The proposal therefore meets this criterion.

- (e) It would consist of or include –**
- (i) the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal would include none of the above.

- (f) The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

Submitted plans indicate that the proposed hip to gable extension would be finished in interlocking roof tiles to match existing. The materials proposed are considered to be sufficiently similar to those used in the construction of the exterior of the existing dwellinghouse. As such, the proposal is considered to meet this criterion.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated; and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the**

enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposal consists of a hip-to-gable enlargement, and as such points (i) (aa) and (bb) are not relevant. Furthermore, the proposed enlargement does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
- (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposal does involve the insertion of two side-facing windows. However submitted plans indicate that both windows would be obscurely glazed and fixed shut. As such, the proposal meets this criterion.

Roof lights to front elevation

The proposal also involves the installation of roof lights to the front elevation of the property. The roof lights meet the criteria set out in Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a hip to gable extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PT17/3276/CLE	Applicant:	Mr & Mrs Ford
Site:	Paddock Edge Redhill Lane Olveston Bristol South Gloucestershire BS35 4AE	Date Reg:	31st July 2017
Proposal:	Application for a certificate of lawfulness for existing use of land as residential curtilage (Use Class C3).	Parish:	Aust Parish Council
Map Ref:	359968 188714	Ward:	Severn
Application Category:		Target Date:	7th September 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of land associated with Paddock Edge, Redhill Lane, Olveston (Class C3 as defined in Town and Country Planning (Use Classes) Order 1987). The area of land in question is the area predominantly to the north and west of the building.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the land as part of the residential curtilage of Paddock Edge is immune from enforcement action. This is on the basis that the land in question has been used as residential for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

3.1 P84/2708

Erection of agricultural worker's dwelling and garage. Alteration to existing vehicular and pedestrian access. Installation of septic tank. (Outline)

Approved: 24.04.1985

3.2 P87/2553

Erection of agricultural worker's dwelling and garage alterations to existing vehicular and pedestrian access installation of septic tank. (In accordance with the amended plans received by the council on 15TH october 1987) to be read in conjunction with P84/2708

Approval of Reserved Matters: 04.11.1987

3.3 **P98/1718**

Continued occupation of existing dwelling without compliance with condition 1 (agricultural occupancy) attached to planning permission P87/2553 dated 5 November 1987

Refused: 03.09.1998

3.4 **P98/2429**

Continued occupancy of existing dwelling without compliance with condition 1 (agricultural occupancy) attached to planning permission P87/2553 dated 5 November 1987.

Withdrawn: 02.12.2011

3.5 **PT00/1162/F**

Change of use of farm buildings to B1 (Business) use only.

Withdrawn: 19.04.2001

3.6 **PT17/1680/F**

Erection of detached double garage and workshop.

Withdrawn: 18.05.2017

4. **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

4.1 To support this application, the following have been submitted:

- Supporting statement
- Statutory declaration of Walter Ford with supporting diary extract
- Statutory declaration of Adam Ford with supporting photographs
- Statutory declaration of Claire Winser

5. **SUMMARY OF MIXED EVIDENCE**

5.1 The local planning authority holds aerial photographs of the site dated 2005, 2006, and 2008.

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 A comment has been received from Aust Parish Council but it does not constitute evidence.

6.2 The local planning authority holds no contrary evidence of its own.

7. **OTHER REPRESENTATIONS RECEIVED**

7.1 Aust Parish Council

“The council neither supports nor opposes this application which should be determined solely on the evidence. However, the council considers that it is essential that the evidence given in support of any such application should be subject to proper scrutiny. I understand that your council has a database of aerial photographs going back several years, which should be looked at to see if there is any evidence of change of use of this area.

The planning statement says that the land has been used as garden land. What evidence is there for that? Does simply cutting the grass or erecting a fence or using it as an occasional play space show a change of use? Paddocks are also treated in that way.

It is understood that the title to this additional piece of land is registered in a different name from that of Paddock Edge itself. Has it formed part of the single farm payment claim made each year by the owners of the adjoining farm, or has it been excluded from that claim?

These are questions that my council considers should be answered in the evaluation of the applicants' evidence.”

7.2 Local Residents

None received

8. **EVALUATION**

8.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as garden is lawful.

8.2 Breach of Planning Control

No planning permission has been granted for the use of the land as residential garden. Therefore the use of the land in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 The comments of the Parish Council regarding what would specifically show a change of use have been taken in to account. In this case, the erection of a fence around the area of land in question, the cutting of the grass within the

area and the siting of domestic paraphernalia within this area indicate a domestic use.

8.4 Case law should also be considered when assessing whether or not a change of use has in fact occurred. In *McAlpine v Secretary of State for the Environment and another* (1995) it was found by the judge that the curtilage of a building would have three main characteristics. These are:

- a) Curtilage is constrained to a small area about a building
- b) Curtilage has an intimate association with the building
- c) Curtilage should form part of one enclosure with the house

8.5 In this case, whilst the area of land in question is large (roughly 529m²), this is not considered to be an uncommon size for a larger garden associated with a property in a more rural setting. It is also considered that a garden measuring roughly 23 metres in length and width would retain an intimate relationship with the host dwelling. Furthermore, there is no separation between the extended garden and the original garden, with the curtilage forming part of one enclosure with the house. For these reasons, it is considered that the area of land in question can reasonably be considered to form part of the residential curtilage of the building. As such, the main consideration is the land in question has been used as such for a period in excess of 10 years.

8.6 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

8.7 Time Limit of Immunity

The applicant is claiming that the use of the land for residential purposes has occurred since July/August 2006. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.8 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land as garden has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.9 Assessment of Lawfulness

Starting with aerial photographs, a photograph dating from 2005 shows the area of land in question forming part of the large open field to the north-west of

the main dwelling. At this time, the area of residential garden to the north-west of the main dwelling is modest in size, with the north-west boundary of the curtilage of Paddock Edge following the same line as the north-west boundary of the curtilage of an immediately adjacent property.

- 8.10 An aerial photograph dating from 2006 appears to show the residential garden of Paddock Edge having been extended in to the field to the north-west. Whilst no enclosure around this new area of garden, such as a fence, is clearly visible, the grass appears to have been cut, with a trampoline and other paraphernalia situated on the area of land in question. This indicates that this area of land has not been solely used for agricultural purposes and there has been a significant degree of domestic use.
- 8.11 An aerial photograph dating from 2008 appears to show the residential garden of Paddock Edge having been extended further in to the field to the north-west. The area appears to have been enclosed by a fence at its south-western and north-western boundaries, with a line of trees obscuring the north-eastern boundary from view. There is also a clear difference between the grass located within the enclosed area, and the grass located within the field to the north-west; indicating that the grass within the area has been cut. This also indicates a degree of domestic use.
- 8.12 Whilst not providing an unambiguous indication of precisely when the land in question was incorporated in to the residential curtilage of the property, it does provide an indication that the change of use of an initial portion of land occurred between 2005 and 2006, with the change of use of a further area of land occurring at some point between 2006 and 2008.
- 8.13 From the applicant's evidence, it is claimed that the change of use has occurred since July/August 2006. Evidence to support this claim is provided in the form of three statutory declarations with associated photographs and diary extracts.
- 8.14 When making an assessment of, on the balance of probability, the lawfulness of a particular development statutory instruments are given significant weight. This is because it is an offence to knowingly include information within it that is inaccurate. As such the declarations are given significant weight in the assessment of the application. It should be noted that the supporting photographs and diary extract have also been signed, and as such are considered to form part of the declaration and can be given significant weight. The statutory declarations outline that the fence around the land in question was erected during the last week of July 2006, and that the entire area has been utilised as garden land ancillary with Paddock Edge since August 2006. Whilst the sworn declarations do not go into specific detail of activities that have been carried out on the land, they do refer expressly to "garden", "domestic use" and that the purpose of the boundary was to signal the use of the land as part of the residential garden. Play equipment is also referred to in the declarations and in photographic evidence – this is commensurate with the aerial photo evidence.
- 8.15 As is previously noted, aerial photographs indicate that part of the area of land in question was incorporated in to the residential curtilage of the dwelling

between 2005 and 2006, with rest of the area of land incorporated between 2006 and 2008. The statutory declarations submitted in support of the application claim that the land has been continually used as residential garden since July/August 2006. The local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant.

8.16 Assessment Findings

It has been found that a breach of planning control occurred initially between 2005 and 2006, and then further occurred during July/August 2006. The local planning authority is not in possession of any counter evidence, and there is not evidence of any further change of use of the site.

8.17 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

8.18 On the balance of probabilities, the land included within this application has been used as the extended garden of the property known as Paddock Edge for a period of more than 10 years (roughly 11 years and one month). It is therefore considered that the use of the use of the land for residential purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8.19 Other Matters

While the comments of Aust Parish Council are noted in respect of this application, the comments regarding the registration of the land and single farm payments have not be submitted in terms of evidence of the use of the land in this case. It is not for the Local Planning Authority to investigate single farm payments as part of this procedure – but to consider the balance of evidence that is presented to it, and as a result of the consultation process.

Notwithstanding this, the applicant has outlined that Paddock Edge is an agricultural workers dwelling and the applicant/occupant also effectively operates the adjacent farm.

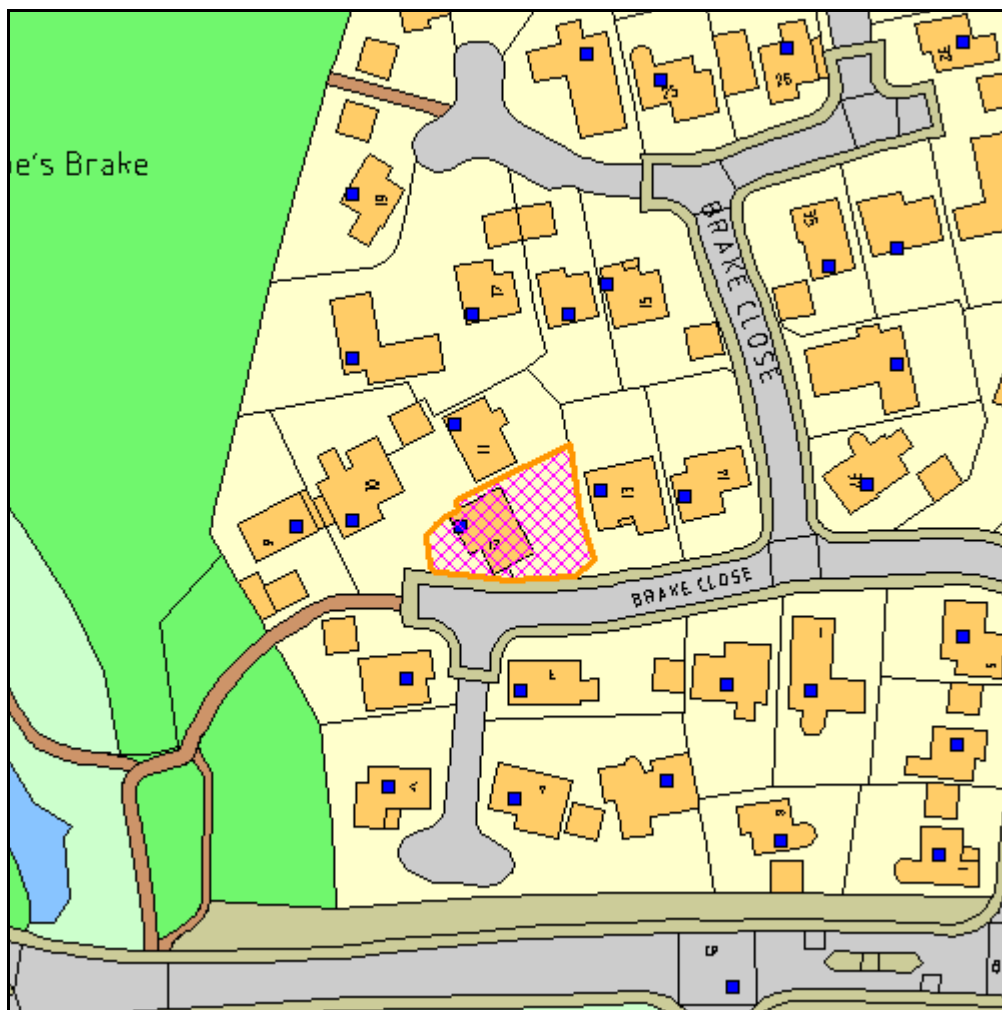
9 RECOMMENDATION

9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PT17/3716/CLP	Applicant:	Mr & Mrs Peters
Site:	12 Brake Close Bradley Stoke Bristol South Gloucestershire BS32 8BA	Date Reg:	21st August 2017
Proposal:	Application for the certificate of lawfulness proposed erection of single storey rear extension with dual pitched roof	Parish:	Bradley Stoke Town Council
Map Ref:	362174 180997	Ward:	Bradley Stoke South
Application Category:		Target Date:	2nd October 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension with dual pitched roof to 12 Brake Close, Bradley Stoke would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 P86/0020/4

Residential development comprising erection of 28 detached bungalows and 19 detached houses on approximately 2.4 hectares (6.1 acres). Construction of associated estate roads, footpaths, boundary walls and garages.

Approved: 03.12.1986

- 3.2 P97/2754

Erection of detached single garage

Approved: 12.06.1998

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Natural England
No Comments

Ecology Officer
No Comments

Other Representations

4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 The Location Plan (Drawing no. P7459/OS/001)
Existing Plans (Drawing no. P7459/E/001)
Proposed Plans (Drawing no. P7459/P/001)

(Received by Local Authority 07th August 2017)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single storey extension to the rear of property with dual pitched roof. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A.1 Development is not permitted by Class A if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted under classes M, N, P, PA or Q of Part 3.

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than

original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse;**
 - or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or forms the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

- h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the original dwellinghouse.

- (k) It would consist of or include—**
- (i) the construction or provision of a verandah, balcony or raised platform,**
 - (ii) the installation, alteration or replacement of a microwave antenna,**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) an alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The submitted application form indicates that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
(i) **obscure-glazed, and**
(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

- (c) **Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

7. RECOMMENDATION

7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

7.2 Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension with dual pitched roof would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 867866

CIRCULATED SCHEDULE NO. 37/17 – 15 SEPTEMBER 2017

App No.:	PT17/3762/CLP	Applicant:	Mr Peter Brown
Site:	Queens Lodge New Passage Road Pilning Bristol South Gloucestershire BS35 4LZ	Date Reg:	11th August 2017
Proposal:	Application for the certificate of lawfulness proposed erection of a detached garage.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354606 186160	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	22nd September 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a detached garage at Queens Lodge, New Passage Road, would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class E

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/1781/CLP
Refusal (21.06.2017)
Application for a certificate of lawfulness for the proposed erection of a garage.

Refusal Reason:

The evidence provided has been insufficient on the balance of probabilities to demonstrate the proposed detached garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the planning unit at Queens Lodge is in a sui generis (mixed use) rather than a Class C3, due to the cattery.

- 3.2 PT16/6607/NMA
No Objection (03.01.2017)
Non Material Amendment to planning permission PT16/1052/F to alter the external appearance of the approved dwelling.

- 3.3 DOC16/0385
Discharge of Conditions Decided (16.12.2016)
Discharge of condition no. 3 (Residential Curtilage) and 4 (Residential Parking) attached to planning permission PT16/1052/F for Demolition of existing garage to facilitate erection of 1no. dwelling.
The former planning unit has now been subdivided to form two new curtilages; one for the new dwelling and a revision of the curtilage for Queens Lodge.
- 3.4 PT16/1052/F
Approved with Conditions (05.07.2016)
Demolition of existing garage to facilitate erection of 1no. dwelling.
This development has commenced, as witnessed by the case officer on 15th June 2017.
- 3.5 PT13/1505/F
Approved with Conditions (05.07.2013)
Erection of single storey side extension to existing outbuilding
- 3.6 PT13/1044/NMA
Objection (24.04.2013)
Non material amendment to PT10/0787/F to the profile and materials of the roof of the proposed extension to be level with the attached garage and a minor change to the windows to include additional boarding.
- 3.7 PT11/0876/F
Approve with conditions (24.05.2011)
Installation of 15 no. photovoltaic panels on garage roof
- 3.8 PT10/0787/F
Approve with conditions (02.06.2010)
Erection of single storey extension to existing outbuilding
- 3.9 PT09/5691/CLP
Withdrawn (17.12.2009)
Certificate of lawfulness for the proposed use of an outbuilding to form ancillary residential accommodation
- 3.10 PT01/2025/F
Approved with Conditions (01.10.2001)
Erection of extension to existing cat kennels
- 3.11 P90/2331
Refusal of Full Planning (26.09.1990)
Change of use of premises from dwelling house to form eight bedsit units.
- 3.12 N2330/4
Refused (22.04.1982)
Erection of a single storey dwelling in connection with existing cattery.
Extension to existing cattery. Construction of a new access (Outline).

- 3.13 N2330/3
Refusal (22.01.1981)
Demolition of existing shed and greenhouse and erection of detached dwelling.
(Outline).
- 3.14 N2330/2
Refusal (21.06.1979)
Erection of detached dwelling (Outline).
- 3.15 N2330/1
Refusal (08.03.1979)
Erection of a dwelling and garage (Outline).
- 3.16 N2330
Refusal (11.03.1976)
Erection of a detached dwelling (Outline).
- 3.17 SG7384/1
Approved (26.07.1968)
Erection of cat kennels and use of disused tennis courts as a cattery
(*Note: This is not on council records, but applicant has provided original decision notice.*)

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comments received.

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Received by the Council on 9th August 2017
- Site Access, Layout and Garages as Proposed
Drawing Number QL-0317-012 Revision A
- Garage Plan as Proposed
Drawing Number QL-0317-013 Revision B
- Proposed Elevations
Drawing Number QL-0317-014 Revision B
- Existing Site Layout
Drawing Number QL-0317-015 Revision O
- Supporting Correspondence

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 A similar proposal (PT17/1781/CLP) was recently refused due to the planning unit being considered "Sui Generis", and therefore, not eligible for PD rights.

6.3 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria set out.

Use

6.4 The proposed layout plan (Drawing No. QL-0317-012 rev A) shows the proposed detached garage. The proposal is situated next to a large outbuilding that is known to be an operational cattery.

6.5 The cattery, due to its size and scale (17.5 metres wide and 15.5 metres deep); is not considered to be ancillary C3; it is sui generis.

6.6 Although the residential curtilage for this application has been altered from the recently refused PT17/1781/CLP to exclude the cat kennels; the previous applications noted in points 3.1; 3.4; 3.5; 3.7; 3.8; and 3.10 show the cattery to be within the curtilage of Queens Lodge Pilning, and not as a separate planning unit. Moreover, the application in point 3.10, the most recent approved application relating directly to the cattery also shows the cattery to be within the curtilage of Queens Lodge; and not within its own curtilage. These applications range from 1st October 2001; to 21st June 2017.

6.7 Although the original application in 1968 (provided by the agent) indicated the cattery as being within a separate planning unit. The Case Officer concludes that the substantial applications proceeding; showing the cattery as being within the curtilage of Queens Lodge, and not a separate planning unit, have superseded the original application. Therefore, as no material changes have occurred since the previous refused application, the cattery remains within the

curtilage of Queens Lodge and it is considered that the site as a whole remains of a Sui Generis use class.

- 6.8 The following sections (6.9, 6.10 and 6.11) are taken from the officer's report regarding PT17/1781/CLP, and outline the reasoning why the site would be considered Sui Generis.
- 6.9 In *Wallington v Secretary of State for Wales* [1991] JPL 942, the 'material change of use' of a dwellinghouse was considered. Namely the keeping within the curtilage of the dwellinghouse of 44 dogs. The Inspector regarded the pivotal question as being whether as a matter of fact and degree it was 'reasonable' to regard the keeping of 44 dogs as a purpose incidental to the enjoyment of a dwellinghouse. In rejecting the argument and dismissing the appeal, Slade LJ, used what people *normally* do in dwellinghouses to decide whether, as a matter of fact and degree the keeping of 44 dogs would be regarded as incidental to the enjoyment of the dwellinghouse.
- 6.10 In the *Wallington* case the Inspector had expressly accepted that to impose a specific limiting number on the amount of dogs being kept at a dwellinghouse before a 'material change of use' had occurred; would be 'arbitrary'. However, went on to state that the keeping of up to 6 dogs on the premises would be allowed without the need for planning permission.
- 6.11 Thus, the land associated with Queens Lodge, Pilning is not being used for solely residential use. Consequently, the land associated with Queens Lodge, including the outbuildings; and Queens Lodge itself is one planning unit; use class sui generis, not C3 dwellinghouses.
- 6.12 As Class E applies only to C3 dwellinghouses, and Queens Lodge falls under the use class sui generis, as evidenced in this report; Class E does not apply. Therefore Queens Lodge, New Passage Road, Pilning Bristol, South Gloucestershire BS35 4LZ does not benefit from Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason(s):
1. The evidence provided has been insufficient on the balance of probabilities to demonstrate the proposed detached garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the planning unit at Queens Lodge is of a sui generis (mixed use) rather than a Class C3, due to the cattery.

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