



**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. 04/17**

**Date to Members: 27/01/2017**

**Member's Deadline: 02/02/2017 (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](mailto: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:

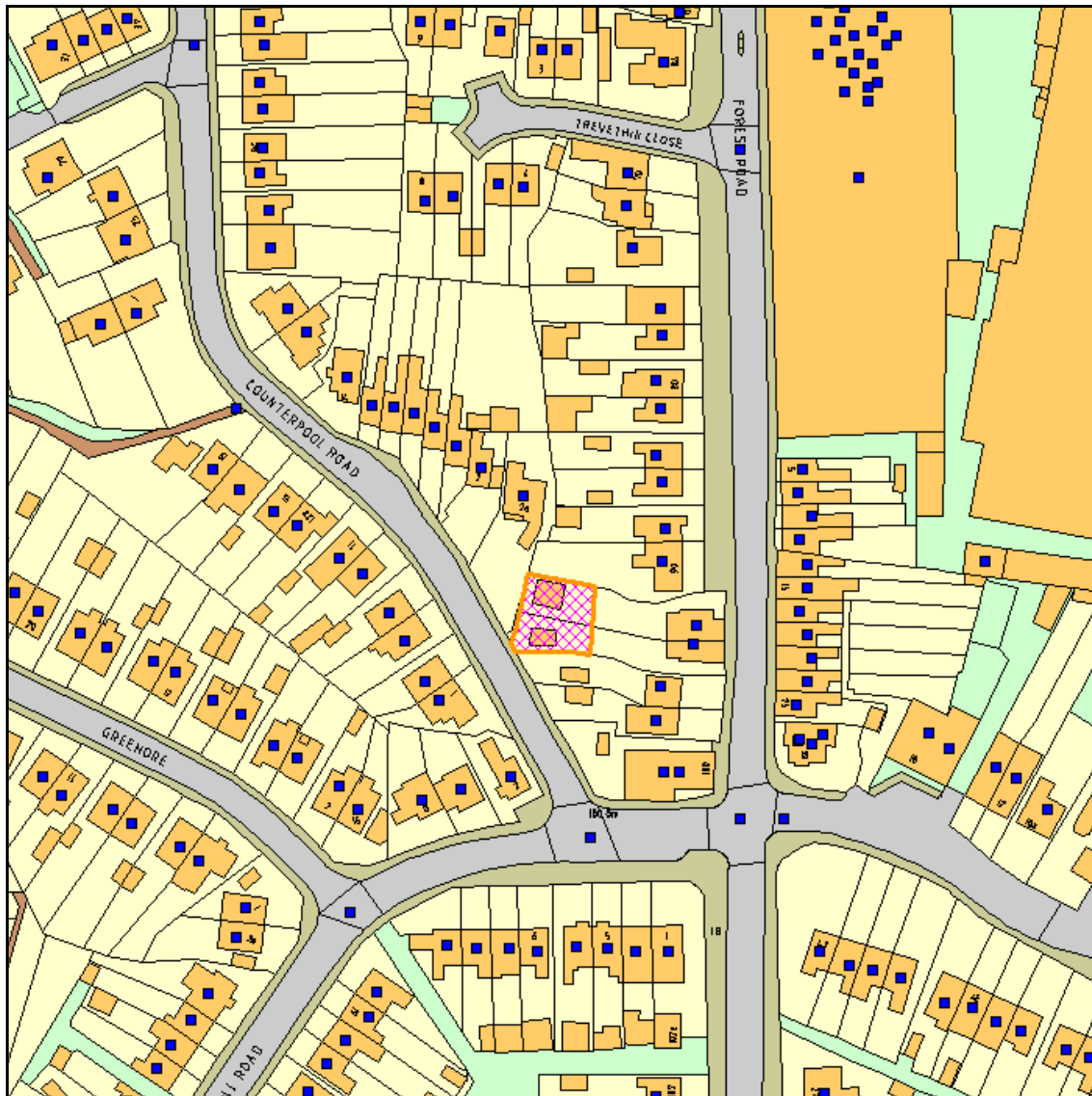
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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](mailto: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 - 27 January 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK16/1709/F</b>	Approve with Conditions	Land To Rear Of 92/94 Forest Road Kingswood South Gloucestershire BS15 8EH	Woodstock	None
2	<b>PK16/3818/CLE</b>	Approve	The Old Stables Catchpot Lane Old Sodbury South Gloucestershire BS37 6SQ	Cotswold Edge	Sodbury Town Council
3	<b>PK16/4486/F</b>	Approve with Conditions	The Bungalow 28 Blackhorse Lane Downend South Gloucestershire BS16 6TZ	Emersons	Emersons Green Town Council
4	<b>PK16/6417/FDI</b>	Approve	Boundary Of Wick Quarry Wick South Gloucestershire BS30 5SJ	Boyd Valley	Wick And Abson Parish Council
5	<b>PK16/6539/CLP</b>	Approve with Conditions	59B Station Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NB	Ladden Brook	Wickwar Parish Council
6	<b>PK16/6556/F</b>	Refusal	Dodington Manor Dodington Lane Dodington South Gloucestershire BS37 6SB	Westerleigh	Dodington Parish Council
7	<b>PK16/6557/LB</b>	Refusal	Dodington Manor Dodington Lane Dodington South Gloucestershire BS37 6SB	Westerleigh	Dodington Parish Council
8	<b>PK16/6747/PDR</b>	Approve with Conditions	22 Guest Avenue Emersons Green South Gloucestershire BS16 7GA	Emersons	Emersons Green Town Council
9	<b>PT16/5435/F</b>	Approve with Conditions	Land Adjacent To 1 West View The Common Patchway South Gloucestershire BS34 6AW	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common
10	<b>PT16/6260/F</b>	Approve with Conditions	Brickhouse Farm Old Gloucester Road Winterbourne South Gloucestershire BS36 1RU	Frampton Cotterell	Frampton Cotterell Parish
11	<b>PT16/6375/TRE</b>	Approve with Conditions	37 Footes Lane Frampton Cotterell South Gloucestershire BS36 2JG	Frampton Cotterell	Frampton Cotterell Parish
12	<b>PT16/6567/PDR</b>	Approve with Conditions	32 New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	Charfield	Charfield Parish Council
13	<b>PT16/6697/F</b>	Approve with Conditions	9 Meadowsweet Avenue Filton South Gloucestershire BS34 7AN	Filton	Filton Town Council
14	<b>PT16/6701/R3F</b>	Deemed Consent	Christ The King Rc School Easton Hill Road Thornbury Bristol South Gloucestershire	Thornbury North	Thornbury Town Council
15	<b>PT16/6735/CLP</b>	Refusal	63 Wright Way Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
16	<b>PT16/6736/CLP</b>	Refusal	4 Hawksmoor Lane Stoke Gifford South Gloucestershire BS16 1WS	Frenchay And Stoke Park	Stoke Gifford Parish Council

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PK16/1709/F	<b>Applicant:</b>	Messr Jenkins And Warren
<b>Site:</b>	Land To Rear Of 92/94 Forest Road Kingswood South Gloucestershire BS15 8EH	<b>Date Reg:</b>	4th May 2016
<b>Proposal:</b>	Erection of 1 no. detached bungalow with new access and associated works	<b>Parish:</b>	None
<b>Map Ref:</b>	364526 173153	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd June 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/1709/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following objections received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached bungalow with new access and associated works to the rear of Nos. 92 and 94 Forest Road in the established settlement of Kingswood and a Development High Risk Coal Area.
- 1.2 During the course of the application revisions were received by the Council which addressed the coal risk and transport concerns expressed by internal consultees and Councillors in terms of submission of a Coal Mining Risk Assessment, proposed parking layouts and inclusion of bicycle parking.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012  
Planning Practice Guidance

#### 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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

##### South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4	Residential Development within Existing Residential Curtilages
T7	Cycle Parking
T12	Transportation Development Control for New Development

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/1307/F Refused 23/07/2010  
Erection of 1no. detached dwelling with associated works.

*Refusal reason no. 1*

*By reason of its siting and design, the proposed dwelling if permitted, would not be sufficiently in-keeping with the established pattern or appearance of development within the locality, and as such would represent an incongruous element within the street scene to the detriment of the visual amenity and character of the neighbourhood, contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010 and the requirements of the South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007 and PPS3 - Housing as revised 9 June 2010.*

- 3.2 PK08/3146/F Approved with Conditions 23/01/2009  
Subdivision of existing dwelling to form 2no. self contained flats. Erection of first floor rear extension to provide additional living accommodation.

- 3.3 PK08/2820/F Refused 24/11/2008  
Erection of 1no. dwelling with access and associated works.

*Refusal reason no. 1*

*The proposal to divide the existing curtilage of the property to provide an additional dwelling, represents a cramped form of development, which by reason of loss of privacy from overlooking, overbearing impact and overshadowing, would have a significant adverse impact on the amenity of the occupiers of neighbouring residential property, contrary to Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

*Refusal reason no. 2*

*By reason of its siting and design, the proposed dwelling if permitted, would not be sufficiently in-keeping with the established pattern or appearance of development within the locality, and as such would represent an incongruous element within the street scene to the detriment of the visual amenity of the neighbourhood contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007.*

*Refusal reason no. 3*

*Insufficient information has been submitted to fully assess the impact of the proposal on an adjacent Sycamore Tree of high visual amenity value to the locality. This is contrary to the requirements of Policies L1 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the South Gloucestershire SPD Note 'Trees on Development Sites' adopted Nov 2005.*

3.4 K2852 Approved with Conditions 22/08/1979  
Erection of a single garage.

#### 4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council  
The area is unparished

4.2 Other Consultees

Highway Structures

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Drainage Officer

No objection.

Highway Engineer

Objection:-

No. 94 Forest Road consists of two flats, each allocated a space – 1no. to the front and another to the rear. Concerned the rear space will be lost as a result of the new development and the access arrangement for bungalow remains unclear.

*Updates:*

Revised plans indicate the existing parking arrangement for No. 92 Forest Road remains unchanged, each of the flats retains a space and the proposed bungalow will be provided with two spaces. Proposal seems to conform to Residential Parking Standards.

Proposed access to bungalow appears to be currently or was formerly used by at least one, if not two garages. Seems same situation would pertain in the future i.e. access to two spaces so it would be different to sustain an objection on this basis.

Planning Enforcement

No comment received.

Coal Authority

Objection:

Application site falls within a defined Development High Risk Area. Applicant submitted a factual letter from Bristol Coal Mining Archives in support of the application. Letter provides basic coal mining information in relation to site, but does not provide an assessment of the risks to any provided new development. Coal Mining Risk Assessment needed.

*Updates:*

*Coal Mining Risk Assessment concludes that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the*

*exact situation on site. Condition securing site investigation and remedial works prior to commencement of development recommended.*

## **Other Representations**

### 4.3 Local Residents

Three letters, two objecting and the other neutral, have been received from local residents. The points raised are as follows:

#### Residential Amenity

- Overlooking neighbouring properties Nos. 90 and 96 Forest Road and 2a Counterpool Road
- Close proximity to Nos. 2a Counterpool Road and 96 Forest Road.
- Neighbours occupation may disturb future occupiers of bungalow
- Noise and disturbance during construction

#### Transport

- Development will increase on-street parking
- When No. 94 Forest Road was split into flats, it was stated that there was additional parking available at the rear of No. 94 with access from Counterpool Road. Will these spaces be made up elsewhere?

#### Other matters:

- Thought new Government was putting a stop to planning permission for dwellings being built in back gardens
- Possible borehole on site
- No. 2a Counterpool Road's garage not shown on plans
- Land slopes upwards towards applicants' houses. Will a retaining wall be required?

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance are the previous applications and their refusal reasons which this application has sought to address. The agent/applicant has worked hard with Officers to make changes and produce an acceptable form of development.

- 5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply. As such, paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan remains the starting point for assessment.



- 5.3 Policy CS1 of the Core Strategy demands the 'highest possible standards of design and site planning'. A number of criteria compose high quality design which includes form, scale, massing, density and overall layout. Saved policy H4 is supportive of residential development within existing residential curtilages providing the scheme would not have an adverse impact on the character of the area, on the amenity of neighbours or have negative highway impacts which is also considered under saved policy T12.
- 5.4 The NPPF (2012) promotes sustainable development and great importance is attached to the design of the built environment. It emphasizes this by stating *Good design is a key aspect of sustainable development and expects high quality and inclusive design for all development, including individual buildings.* Amongst others, the NPPF expects development should *add to the overall quality of the area... respond to local character and history, and reflect the identity of surroundings... [and be] visually attractive as a result of good architecture.* It goes on to state that *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- 5.5 The proposal being the creation of a new dwelling counts in its favour, but concerns from local residents regarding traffic generation and impact on amenity must be assessed and these are discussed in detail below.
- 5.6 Design and Visual Amenity  
This proposal is for a single storey dwellinghouse to be positioned to the rear of the garden areas serving Nos. 92 and 94. These properties face onto Forest Road, but single detached garages for each are served by Counterpool Road running to the rear. Counterpool Road has a number of double storied houses of varying styles, materials and designs.
- 5.7 The applicant proposes a two-bed 'Z' shaped dwelling that would have a footprint of approximately 75 sq metres, achieve a height to eaves of about 2.3 metres and a ridge height of 4.8 metres. The main view of the new dwelling would be off Counterpool Road, but concrete panels and brick rendered walling with railings would somewhat screen the house.
- 5.8 The two-bed dwelling would have a gable and wing with two parking spaces in front. The front elevation would be traditional Bradstone walling and the other elevations would be 'K' rendered, buttermilk finish. Double roman concrete Breckland Brown would finish the roof. It is acknowledged that the new house would differ in scale to its immediate neighbours, but given the proposal would be constructed in similar materials to its neighbour No. 2a Counterpool Road, it is considered that the new dwelling would not appear significantly different or out of place to such a degree as to warrant the refusal of the application. In terms of the overall design, scale and massing, it is therefore considered appropriate.
- 5.9 It is acknowledged that garden development is challenging and is rarely successful primarily due to impact on amenity and transport. In this case, the site benefits from an existing access off Counterpool Road and equally separated from neighbouring properties by an acceptable distance.

It is acknowledged that this site has been subject to a couple of applications, always for a bungalow form. Officers have taken into consideration the local and national planning aims which encourage development both within existing residential gardens and within established built-up areas. Other bungalow forms were considered unacceptable, but this dwelling has overcome the issues raised by Officers and the proposal is now considered to accord with a sustainable type of development.

5.10 Residential Amenity

The closest property to the proposed new dwelling is to the front at No. 2a Counterpool Road. Concerns have been raised regarding privacy and proximity. It must be noted that the corner of the new bungalow would be only 50mm away, but it would be orientated at 45 degrees to this neighbour. This neighbour is set back some distance within their plot, partially screened by existing fencing so any impact on light entering the front garden is not considered to be significant. Likewise, a ground floor bathroom window is proposed in the side elevation facing this neighbouring front garden, but it is not considered that this would materially impact the existing levels of privacy afforded to the occupiers. The same neighbours also expressed concern that the use of No. 2a's driveway adjacent would disturb future occupiers and although there may be some limited disruption experienced, the expected volume would not be considered to give rise to any unacceptable noise or disturbance to the detriment of residential amenity.

5.11 Neighbours to the north at No. 90 Forest Road are currently screened existing high fencing. Where incomplete, 1.8 metre high fencing panels to match are proposed. A condition will be attached to ensure all new boundary treatment is completed before the dwelling is first occupied. One comment has stated there would be overlooking. Nevertheless, the distance between No. 90 and the proposed bungalow would be about 12.5 metres and thereby sufficient to not cause any adverse amenity issues for this occupier.

5.12 The host properties to the east, Nos. 92 and 94 Forest Road would be over 15 metres distant with new 1.8 metre high fencing separating them from the new single storey dwelling. The proposal is considered not to impact negatively on these occupiers.

5.13 Another property on Forest Road, No. 96, shares the southern boundary with the application site. Concerns have been raised that the proposal would result in issues of inter-visibility or overbearing. The property benefits from a generous rear garden and would be at over 17 metres distant, screened by existing high fencing. Given the degree of separation, orientation and dividing boundary, it is considered that a single storey dwellinghouse would not give rise to overshadowing, loss of light or impact on privacy to these neighbours.

5.14 It is acknowledged that the gardens for Nos. 92 and 94 would be divided and about 66 sq metres of amenity space would remain to serve No. 92 and 29 communal sq metres for the 2no. flats in No. 94. The rear garden space for the proposed new dwelling would provide about 129 sq metres. Emerging policy indicates that two bedroom flats should have 5 sq metres plus private shared communal space, while two bed properties should have 50 sq metres.

Officers note that the garden areas of No. 92 and the proposed bungalow are of an appropriate size to comply with the suggested standards, but neither flat in No. 94 would have any private outside amenity space. Where developments are not able to provide external amenity space on site, alternative provision can be acceptable. In this case, No. 94 benefits from a large private communal area to the west. The site also has good links into Kingswood centre and its lack of private amenity space is therefore balanced against these nearby facilities.

5.15 Noise and disturbance during the construction phase has been cited as an objection reason. It is inevitable that development causes some noise and disturbance but a condition attached to the decision notice will ensure that the hours of construction are kept within reasonable times to minimise disruption to neighbours.

5.16 The proposed development is considered to not have a negative impact on the residential amenity of neighbouring dwellings and sufficient amenity space would be provided for the new and existing properties. However, in order to protect the amenities of other properties, permitted development rights will be restricted to prevent further windows or alterations to the roof. The proposal is, therefore, considered to accord with policy and can be recommended for approval.

5.17 Sustainable Transport

Parking:

The proposed development would be for 1no. two-bed property requiring 1.5 parking spaces. The 1.5 requirement is always rounded down to the nearest whole number. Two parking spaces are to be provided to the front of the property. As a result of the development the existing parking provision for the two-bed flats in No. 94 would be removed, but two new spaces would be created deeper in the plot. The two parking space arrangement for No. 92 would remain unchanged. Officers accept the retention of the status quo for No. 94 given two vehicles can already park down the side hence the access to the spaces is possible and a third car could be parked in tandem to the rear of the allocated flat spaces. The proposed parking therefore conforms to adopted residential parking standards and it is considered an objection on this basis is unattainable. The provision of the parking spaces and bin and cycle storage for all the properties will be conditioned.

5.18 Access:

The proposed development would be accessed via an existing vehicular opening off Counterpool Road. Given the access is currently or was formerly used by one, if not two, garages, the same situation would pertain in the future i.e. access to two parking spaces. It would therefore be very difficult to sustain any objection on this basis.

5.19 Concern has been raised that the development will increase parking on the street and cause further congestion. The proposed development generates the demand for two parking spaces. It has been shown above that the application site can accommodate two vehicles on site and the access is acceptable.

This clearly weighs in its favour. It is therefore considered that the provision of two parking spaces would meet the needs arising from the property and would not generate additional traffic to the extent it would create congestion on the highway network that a transportation objection could be raised or sustained. Planning has no jurisdiction with regard to where and how others use or misuse the highway.

5.20 Coal Referral Area

The application site falls within a defined Development High Risk Area. The Coal Authority had previously objected to the application due to the lack of a Coal Mining Risk Assessment. In response, the application submitted a Coal Mining Risk Assessment on 22/08/2016.

5.21 Having reviewed the available coal mining and geological information, the report identifies that there is a potential risk to the development from past coal mining activity. It, therefore, recommends that intrusive site investigations are carried out in order to establish the exact situation in respect of the coal mining legacy issues on the site.

5.22 The Coal Authority advises a condition is attached to the decision notice securing these intrusive site investigation works prior to commencement of development. The applicant should agree with The Coal Authority's Permitting team the nature and extent of the site investigations as part of the permissions process.

5.23 In the event that shallow mine workings are encountered, the findings of the site investigations should inform any remedial measures required to treat them to ensure the safety and stability of the proposed development. These will also be conditioned to ensure they are undertaken prior to the commencement of the development.

5.24 Other Matters

One commenter has stated that they thought Government did not support development in gardens. Changes have occurred in both national and therefore local planning policies since the previous refusals and they now encourage more efficient use of land and space in built-up areas. This has been as a general response to the housing shortage nationwide and South Gloucestershire is required to fill its quota by providing new homes. Clearly this must not be at the expense of important issues such as poor design, impact on amenity or impact on highway safety/on-street parking. The above assessment has concluded in each of the relevant sections that the proposal accords with policy on each of the above stated areas and refusal on these grounds could not be substantiated in an appeal situation.

5.25 The matter of whether a borehole is on the application site has been raised. As a planning application, this assessment is only concerned with how the proposal accords with adopted national and local planning policy. Checking borehole records does not fall under this very specific remit.

- 5.26 Concern has been raised that the block plans do not depict No. 2 Counterpool Road's attached front garage. It appears that the block plans have been taken from a map that only depicts simple building outlines. However, at the site visit the integral garage was noted, but given the neighbouring property is set back from the beginning of the western boundary, it is not considered that the proposed single storey dwelling would appear dominant or intrusive for these occupiers. Revised plans, therefore, were not considered necessary.
- 5.27 Other properties to the east are set on higher ground than the application site. One commenter has asked whether a retaining wall will be built to maintain the difference in ground level and if their new fencing will be installed above. Construction and maintenance of boundary and retaining walls is not covered by planning permission or Building Regulations, but may be subject to the provisions of the Party Wall Act 1996.
- 5.28 Planning Balance  
The above assessment has acknowledged that the new dwelling would be a positive addition to the housing supply shortage, but as a single dwelling this benefit can only be awarded minimal weight. It is considered that the proposed dwelling would be of a good design with materials to blend in with those at No. 2a Counterpool Road. High quality design and appearance is important and weight is awarded in favour for this reason. The scheme would not have a negative impact on the amenity of closest neighbours given the distance separating these respective properties and the consideration given to the position or room use in the new property. Again this counts in its favour. An acceptable access arrangement and sufficient off-street parking can be achieved on site for the new property which against counts in favour of this scheme. Finally, the risk to the development from past coal mining activity has been of great concern and the application has been willing to work with Officers to achieve a satisfactory Coal Mining Risk Assessment. In conclusion, the previously identified negative elements have been satisfactorily addressed under this application and the scheme can be recommended for approval.

## 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 conditions attached to the decision notice.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **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. Pre-commencement condition - Coal investigation  
Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

### Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

3. Pre-commencement condition - Coal remediation  
Following the site investigations required by Condition 2, and prior to the commencement of development, a report of the findings of the investigations shall be submitted to and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

### Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

4. Boundary treatment  
The proposed boundary treatment shown on the plan Combined Plans (drwg no. 01; received 14/04/2016) shall be completed before the building is first occupied.

### Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

5. **Parking**  
The off-street parking facilities (for all vehicles, including cycles) shown on the plan Proposed Dwelling and Parking Arrangements (drwg no. 01PA; received 23/01/2017) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

**Reason**

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. **Cycle parking**  
The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

**Reason**

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T7 of the South Gloucestershire Local Plan (Adopted) 2006.

7. **Bin storage**  
The development shall not be occupied until bin storage has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the National Planning Policy Framework; and the Waste Collection Guidance for New Developments SPD (Adopted) 2015.

8. **Hours of operation**  
The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

9. Permitted development rights removal

Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, and C) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.





## **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 existing use of land, buildings and stables as residential.
- 1.2 The land and buildings are associated with a dwelling known as The Old Stables located to the north west of Catchpot Lane in Old Sodbury. The application site is within the Bristol/Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). There is also a public right of way that runs along the eastern boundary of the site.
- 1.3 The applicant has sought this certificate of lawfulness on one ground as stated within Section 9 of the submitted application form. This ground relates to the claim that 'the use began more than 10 years before the date of this application', meaning the use of the land and buildings are immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 ("the Act"). Therefore, the applicant claims that in accordance with section 191(2) of the Act the use and buildings are lawful.
- 1.4 A site location plan was submitted with the application which identifies the area of land, buildings, and structures subject to this application – such features are included within a red line.

### **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 PK15/4143/F                      Withdrawn                      09/11/2015  
Erection of rear oak framed canopy. Demolition of existing barn and erection of replacement detached outbuilding.
- 3.2 P92/2271                      Approval Full Planning                      09/12/1992  
Erection of single storey rear extensions to provide two bedrooms with en-suite bathroom facilities and kitchen and lobby. (In accordance with revised plans received by the council on 4 and 6 November 1992).
- 3.3 P92/2154                      Refusal of Full Planning                      16/09/1992  
Erection of building for housing of tractor and storage of garden equipment and implements.

- |     |  |                         |            |
|-----|--|-------------------------|------------|
| 3.4 | P88/3384   | Approval Full Planning  | 11/01/1989 |
|     | Erection of single storey rear extension to provide dining room.         |                         |            |
| 3.5 | P87/1012   | Approval Full Planning  | 11/02/1987 |
|     | Erection of stables for horses.  |                         |            |
| 3.6 | N6050/1  | Approve with Conditions | 24/04/1980 |
|     | Conversion of existing barn to dwelling. Installation of septic tank.    |                         |            |
| 3.7 | N6050  | Approve with Conditions | 25/10/1979 |
|     | Change of use of existing barn to dwelling; installation of septic tank. |                         |            |

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

- 4.1 Statutory Declaration completed by Mr G.D.C. Holbrook who has lived within the adjacent Dennison Cottage since 1983. Summary:
- Statements regarding ownership;
  - Areas of land identified have been used as residential garden and form part of the residential curtilage of the property for in excess of 20 years.
- 4.2 Two Statutory Declarations completed by A.J. Wigmore who has recently purchased the host site (2013), Mr Wigmore did state that he has lived in the area since 1977. Summary:
- Mr Wigmore knew the previous owners of the site since 1981;
  - In 1988 Mr Wigmore did some gardening work within the spring and summer;
  - As an outdoor enthusiast, since 1993 Mr Wigmore has walked the footpath to the west of the application site and confirms the land in question has been used as a family garden.
- 4.3 The applicant has submitted the aerial photographs for 2005, 2006, 2009, 2013, 2014.

#### **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 The LPA has no contrary evidence, however, the LPA does have aerial photographs of the site from 1991, 1999, 2005, 2006, 2008/9, and 2014.

#### **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Sodbury Town Council  
No objection.
- 6.2 Public Rights of Way  
None received.
- 6.3 Open Spaces Society  
None received.

6.4 Dodington Parish Council

None received.

6.5 Natural England

No objection, however the following issues should be considered:

- Encourage green infrastructure provisions at the site;
- Standing advice should be applied with regard to the proposal's impact on protected species;
- Should assess if the proposal would have an impact on the AONB.

7. **EVALUATION**

7.1 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, buildings and stables is residential (Use Class C3).

7.2 Relevant Legislation to this Application for a Certificate of Lawfulness

Section 191(1) of the Act states that a person may make an application to the LPA to ascertain whether:

- (a) Any existing use of buildings or other land is lawful;
- (b) Any operations which have been carried out in, on, over or under land are lawful; or
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

7.3 The applicant has made an application under section 191(1)(a), as land and buildings are all included within the description of development. The applicant has sought this certificate of lawfulness on the grounds that the residential use begun more than 10 years before the date of this application.

7.4 However, officers note that from reviewing the history of the site, the garage which is attached to the stables was built without express planning permission being granted, as such it represents a breach of planning control. As such section 191(1)(b) is also relevant as the garage, which is within the red line, is considered to represent 'any operations'.

7.5 With this in mind, the key tests to apply regard the time limit of immunity. Such time limits are set out within section 171B of the Act.

7.6 Section 171B(1) states:

*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after*

*the end of the period of four years beginning with the date on which operations were substantially completed.*

7.7 Accordingly, if the garage subject to this certificate application has been substantially complete for a period in excess of four years, the garage, as a built structure, should be seen as immune from enforcement action.

7.8 Section 171B(3) states:

*In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*

7.9 Accordingly, if the land and buildings subject to this certificate application has been within a residential use, constituting a breach of planning control, for ten years or more, the certificate should be granted with regard to such land.

7.10 There is an exception to the time limits set out under section 171B, these are listed within section 171BC(1)(a) of the Act. This exception is where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken the required enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.11 When assessing applications for certificates of lawfulness, the onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained within the Planning Practice Guidance (PPG) states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt". The PPG gives further guidance:

*In the case of applications for existing use, if a local planning authority has not evidence itself, nor any from others, to contradict or otherwise make an 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.*

7.12 The remaining report will assess the application with regard to sections 171 and 197 of the Act. When assessing available evidence, officers will consider the advice contained within the PPG.

7.13 Description of Land and Buildings Included within this Certificate

For ease of assessment officers find it pertinent to divide the land and buildings associated with certificate into sections.

7.14 The first section includes the host dwelling and the immediately associated curtilage largely to the east and north of the host dwelling and adjacent to the highway. The identified land and buildings within this paragraph are considered

to lawfully be within a residential use (Use Class C3) by nature of planning permission ref. N6050/1. This development approved the conversion of the host building to a dwelling house and the associated curtilage to the north and east was included within this application. Indeed the 1991 aerial photographs reflect this curtilage. As such officers do not find this section of the submitted red line to be in question, the building and associated curtilage were lawfully permitted to be used in a residential manner under planning ref. N6050/1. Accordingly, the remaining assessment will not question the lawfulness of this element of the site.

- 7.15 However, from reviewing the aerial photographs, it is clear that as of 1999 a new building is in situ within the residential curtilage of the host building. From reviewing the planning history at the site, this did not benefit from planning permission. This building remains in situ today. As such this will be included within the remaining assessment.
- 7.16 There is a section of land to the west of the host dwelling that terminates at the hedgerow immediately to the west of the dwelling. Further to this, this patch of land is demarcated by fencing, this patch of land terminates to the north at a hedgerow. The known lawful use of the land is understood to be agricultural according to the Council's records.
- 7.17 To the south west of the dwelling is a stable with an attached garage and a paddock that is separated by the larger field to the west by fencing. The known lawful use of the land is understood to be for the keeping of horses. This land is not isolated from the main dwelling house, there is an internal driveway that runs from Catchpot Lane, to the south east of the stables, past the western elevation of the main dwelling house, this driveway then loops around the northern and eastern elevations of the main dwelling connecting with Catchpot Lane once again to the south east of the main dwelling.
- 7.18 Assessment
- 7.19 *Outbuilding to the North of the Host Building*
- 7.20 This outbuilding was in situ as of 1999 as is evident within the Council's aerial photographs, this building the remains in situ largely unchanged today. The Authority is in receipt of no information to suggest its use is anything other than residential, as was evident when visiting the site.
- 7.21 With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities this outbuilding has been in situ for in excess of four years within a residential use, meaning by virtue of section 171B(1) of the Act the building would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the outbuilding to the north of the host building.
- 7.22 *Land Immediately to the West of the Host Dwelling*
- 7.23 As of 1991 this land is part of wider agricultural field, cows are evident within this larger field. The 1999 the aerial records demonstrate that the field is fenced

off as it is today, the land looks more like a residential lawn with domestic paraphernalia littering the land, this is evident in all aerial records from 1999 onwards, and indeed today the land represents a residential garden associated with the main dwelling. Accordingly, officers find there to be a breach evident in 1999 as the character of land is of domestic and residential nature, the land retains this character throughout all aerial records following 1999.

7.24 Accordingly, officers find there to be sufficient unambiguous evidence to find that on the balance of probabilities this breach of planning control which represents the change of use of the land from agricultural to residential, has occurred for a time period in excess of 10 years with no planning enforcement action being taken. As such, under section 192(2) of the Act, a certificate of lawfulness should be granted for an existing residential use with regard to the adjacent garden space to the west.

7.25 *Stables, Garage and Associated Land*

7.26 The stables to the south west of the host building were permitted under planning ref. P87/1012, these are in situ within the 1991 aerial photographic records for the site. The plans for this consent included the land immediately to the west and south of the stable, including land identified within the submitted site location plan. As such with regard to this application for a certificate of lawfulness, officers must assess if firstly a breach of planning has occurred consisting of a change of use from the keeping of horses to residential. Prior to doing this, officers find it expedient to consider the garage attached to the stables.

7.27 Aerial photographs demonstrate that as of 1999 a garage is in situ attached to the stables on the northern elevation, this extension to the building did not benefit from planning permission meaning it represents a breach in planning control. It has however been in situ for over 4 years, meaning as a structure it is immune from enforcement action, however officers find it necessary to consider the use of the building along with the use of the whole building including the stables, and the land immediately to the west and south of the stables included within the paddock.

7.28 The 1999 aerial photographic records reflect a change in the character of the land associated with the stables and garage. Specifically, the land adjacent to the stables and garage appears to be separated from the remaining paddock to the south through the erection of fence. The next available aerial photographic records are in 2005 where it is clear that the land and buildings are no longer used for the keeping of horses, trees have been planted throughout the paddock; a small compost heap is evident within the south eastern section of the paddock; and a number of cars are parked outside of the garage to the east. From visiting the site, the trees within the middle section of the paddock are largely fruit trees, with a copse of trees within the southern section. The aerial photographs from 2006 reflect a near identical situation to that of the 2005 aerial records, although, it is evident that the trees have now grown and a small vegetable patch is to the west of the building. The 2008 aerial records show two large vegetable patches immediately to the south of the host stables, and as with the 2005 and 2006 aerial records, the grass appears well-kept in a

similar manner to that of the garden space to the north. The 2014 aerial records are largely consistent with the 2005, 2006 and 2008 records, although in addition to the two vegetable patches there is also a greenhouse within the paddock and a vehicle using the access.

- 7.29 The character of the paddock certainly does not represent that of a paddock associated with the keeping of horses. Further to this, the building is unlikely to support the keeping of horses given its isolation from the wider field to the west. As well as this, the position of cars parked adjacent to the building suggests the planning unit associated with the main dwelling has expanded to the south, possibly including the stables. This change is apparent within the 2005 records, and as such officers find that the use of the land and buildings within the paddock are no longer within an equestrian use. This represents a breach of planning control, however it must be considered if the information available supports the claim that this change of use to the stables, attached garage and wider paddock is to a residential use or not.
- 7.30 The applicant has submitted two statutory declarations. The first statutory declaration just refers to ownership through discussing title deeds, its impact on distinguishing the use of the subject land and buildings is not overly helpful. The more recently submitted statutory declaration confirms the applicant purchased the site in 2013, and goes onto discuss the applicant's knowledge of the site and area. The declaration states that the applicant has known the application site since the age of 8, working at the site in the spring and summer of 1988 doing gardening work at the site at the age of 15. The applicant goes onto state that since 1993 he has regularly walked the permissive public footpath that runs to the west of the site providing views of the land and buildings subject to the assessment. From this he confirms he knows the area well, having first-hand knowledge of the site. The applicant then states that from walking this footpath he can confirm that the land in question has been maintained as a family garden from at least 1993 onwards.
- 7.31 In addition to this, a neighbouring occupier, who has lived in the adjacent Dennison Cottage for 33 years, has submitted a statutory declaration. With regard to the land in question, this neighbour has stated that this land has 'been included within the residential curtilage of the residential property for in excess of 20 years'.
- 7.32 Officers find it pertinent to return to the guidance within paragraph 006 of the PPG:
- 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.*
- 7.33 Officers find the Authority's available evidence to not actively contradict the applicant's version of events. However, officers cannot state with certainty that the use of the stables/garage and adjacent land have been within a residential



use for in excess of 10 years. For example, there are occasions where land is maintained in similar fashion to how a garden is, but it is not truly residential for the purposes of planning. Similarly, officers cannot conclude with certainty how the stables and garage has been used, however, the existence of cars adjacent to the garage could suggest a residential use. What does add weight to the applicant's argument is the fact that a greenhouse and a number of vegetable patches are within the paddock, however these are not in situ until 2008 onwards.

7.34 Although lacking in detail, the submitted statutory declarations add weight to the applicant's case in that both of the people who completed such declarations have local first-hand knowledge of the application site. Both of these declarations state that the paddock area was within the curtilage of the main dwellinghouse and also maintained as a garden.

7.35 Officers find that in 2005 at the latest, a breach of planning control occurred within the paddock area. Specifically the use as for the keeping of horses ceases, as the paddock is effectively turned into an orchard. Such an orchard would not be conducive with an equestrian use, and it is also unlikely that the stables and garage would also be used for the keeping of horses given its relative isolation to wider field to the west. Similarly, it is evident that vehicles are parking adjacent to the garage and in close proximity to the main dwelling which suggests such cars are in connection with the main dwelling. Officers do question if this represents a material change of use to a residential use as the applicant submits. However, in the absence of any evidence to the contrary, officers find that on the balance of probability, there is no good reason to refuse the applicant's case for the existing use.

7.36 Assessment Findings

On the balance of probabilities, the submitted claims that the buildings and land are within a residential use and are immune from enforcement action by virtue of section 171B(1) of the Act with regard to buildings and other operations; and section 171B(3) with regard to the use of the land, of the Act are correct. With this in mind, in accordance with section 191(2) of the Act the use and buildings are lawful, and certificate of lawfulness should be granted.

## **8 RECOMMENDATION**

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

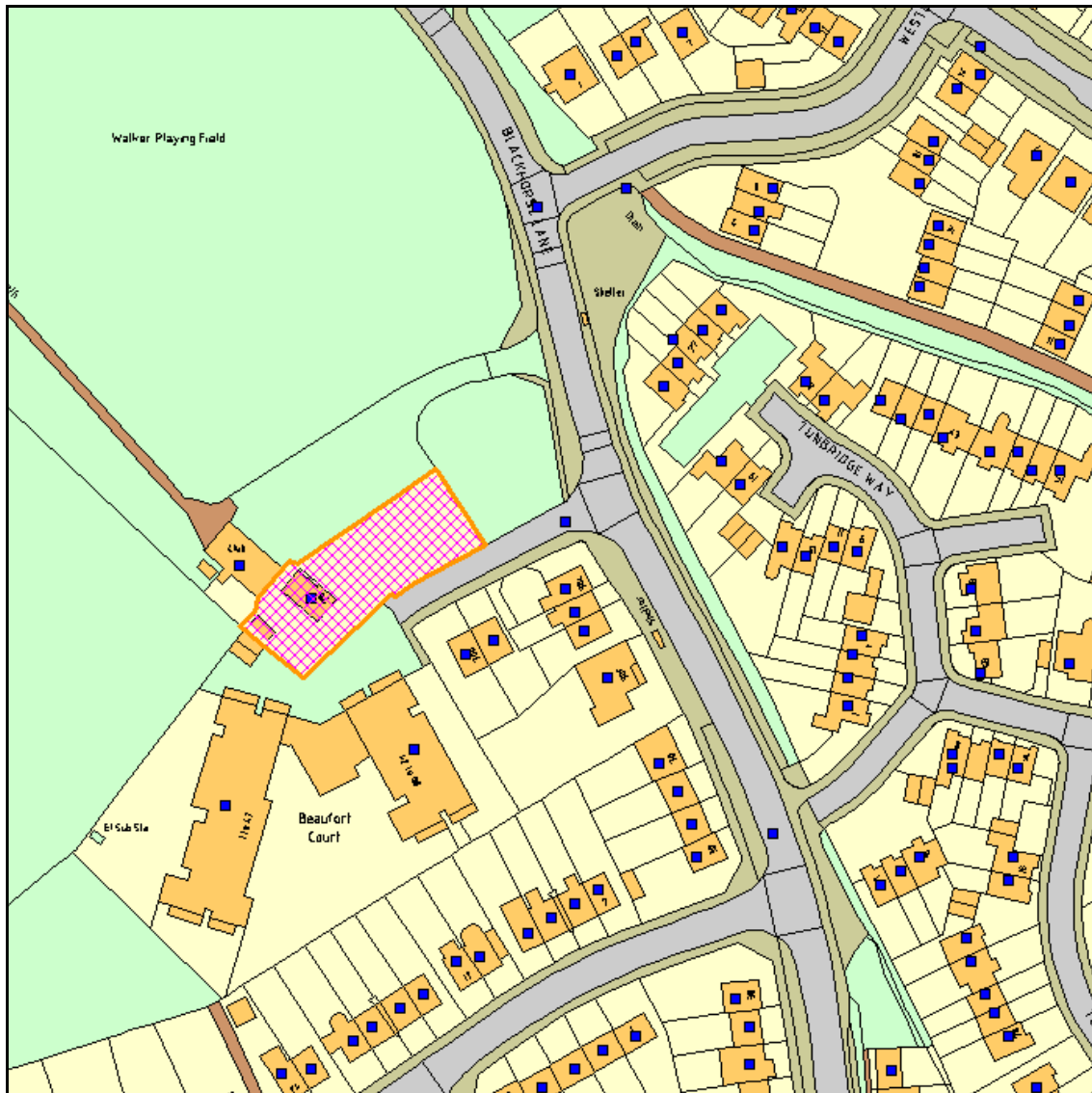
**Contact Officer: Matthew Bunt**  
**Tel. No. 01454 863131**

### **CONDITIONS**

1. On the balance of probabilities it has been demonstrated that the buildings and land have been in residential use in connection with the dwellinghouse known as The Old Stables for the requisite period of time and are therefore immune from enforcement action by virtue of section 171B(1) of the Act with regard to buildings and other operations; and section 171B(3) with regard to the use of the land.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PK16/4486/F	<b>Applicant:</b>	Merlin Housing Society
<b>Site:</b>	The Bungalow 28 Blackhorse Lane Downend Bristol South Gloucestershire BS16 6TZ	<b>Date Reg:</b>	2nd August 2016
<b>Proposal:</b>	Demolition of existing bungalow and garage and erection of 5no. dwellings with access, parking and associated works.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366283 177743	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd September 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/4486/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as comments of objection have been received. These are contrary to the officer's recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of the existing bungalow on the site and the erection of 5 dwellings (resulting in the net gain of 4 dwellings when the loss of the existing bungalow is accounted for). The application site is accessed from Blackhorse Lane in Downend. The site is within the existing urban area of the east fringe of Bristol. A tree subject to a Tree Preservation Order stands to the northeast of the site.
- 1.2 The 5 dwellings would be in the form of a terrace of 3 houses to the western end of the site, roughly in the position of the existing bungalow, each containing 2 bedrooms, and a pair of semi-detached houses to the eastern end one containing 3 bedrooms and the other 2.
- 1.3 Access is provided from a spur from Blackhorse Lane. This spur also serves Beaufort Court and 30A and 30B Blackhorse Lane plus the vehicular parking for 30C.
- 1.4 The application has been submitted by Merlin Housing Society, a registered provider. Whilst the number of dwellings proposed would fall below that to trigger a legal agreement to secure the provision of affordable housing in accordance with policy CS18, the dwellings proposed under this application would be affordable homes and due weight must be attached to this factor.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 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  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L9 Species Protection
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T12 Transportation

2.3 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) August 2007
- Residential Parking Standard SPD (Adopted) December 2013
- Waste Collection SPD (Adopted) January 2015
- CIL Charging Schedule/CIL & S106 SPD (Adopted) March 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history on this site

**4. CONSULTATION RESPONSES**

4.1 Emersons Green Town Council

Objection: serious concerns over lack of private amenity space and parking provision

4.2 Ecology Officer

No ecological constraints; conditions should be attached to any permission granted

4.3 Highway Structures

Maintenance of structures adjacent to the public highway will be the responsibility of the property owner

4.4 Housing Enabling

No requirement for affordable housing is generated from this development although it should be noted that the proposal would provide 100% affordable houses

4.5 Lead Local Flood Authority

No objection; SUDS condition should be applied

4.6 Sustainable Transport

No objection; condition should be applied to secure parking spaces

4.7 Tree Officer

No objection; arboricultural conditions should be applied

**Other Representations**

4.8 Local Residents

6 comments of objection to this development have been received which raise the following points:

- access should be provided through the football club

- adverse impact on highway safety
- affect local green space designation
- breach of policies CS1, CS4A, CS5, CS8, CS9, CS14, CS15
- change to character of the neighbourhood and loss of 'quiet' nature of this part of Downend
- concern over maintenance
- criticism of Merlin's community involvement
- design quality
- development causing concern to elderly residents
- documents unavailable on the website; unfair as interested parties unable to comment
- impact of construction works
- impact on safety of school children
- increase traffic
- level of development should be reduced
- loss of open aspect
- loss of parking without alternative facilities
- loss of views
- noise impact
- overdevelopment in terms of density
- overlooking and loss of privacy
- overshadowing
- unnecessary to permit housing development on this site

In addition, a petition containing 70 signatures of the residents of Beaufort Court objecting to the development has been received. The residents raise concern regarding:

- restriction or blocking of access
- residents own 33 cars but there are only 23 parking spaces
- overflow parking takes place along access spur or on the former garage site to the rear which is subject to development proposals
- on-street parking occurs when football club use their ground
- new access result in the loss of 3 to 4 on-street parking spaces
- Blackhorse Lane is a busy road and additional parking would disrupt it
- privacy issues due to proximity to Beaufort Court

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the demolition of the existing bungalow and the erection of 5 dwellings at a site in Downend.

### Principle of Development

5.2 The application site is situated in the existing urban area of the east fringe of Bristol. Under policy CS5, which sets the locational strategy for development in the district, new development is directed towards the existing urban areas and defined settlements. Therefore, based on the location of the site, the proposal is in conformity with the provisions of the development plan and the proposal is acceptable in principle.

- 5.3 Site specific considerations are still relevant in the determination of this application and the proposal should be assessed against the relevant policies in the development plan.
- 5.4 However, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. As a result paragraph 49 of the NPPF is engaged and the policies in the development plan which act to restrict the supply of housing should be considered out of date. When policies are out of date, the presumption in favour of sustainable development (as set out in paragraph 14 of the NPPF) applies. Under the presumption, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal or specific guidance in the NPPF indicates development should be resisted.
- 5.5 The proposed development should therefore be determined against the analysis set out below.

#### Benefits of Development

- 5.6 Should the proposed development be permitted, it would result in the net gain of 4 dwellings towards overall housing supply in the district. Given the scale of the development, the nature of the site, and the funding arrangements for the developer, it is incredibly likely that the additional dwellings would be provided within a 5 year period.
- 5.7 Therefore the benefit of the application is the provision of 4 affordable dwellings in a sustainable location within the urban area on previously developed land.

#### Potential Adverse Impacts

- 5.8 The presumption in favour of sustainable development requires the decision taker to balance the benefits of the development against the adverse impacts. It is therefore necessary to assess the other aspects of the proposal to identify if any harms would result from the development should it be permitted.

#### *Design, Layout and Density*

- 5.9 In terms of appearance, the proposed terrace would be finished externally in a mix of brick and render with a tiled gabled roof. A similar approach is used for the pair of semis, however, this includes a forward facing gable on plot 1.
- 5.10 Houses in the surrounding area are predominantly finished in brick, although there is some use of render at the start of Westons Hill Drive. The application site forms a relatively separate parcel of land, accessed from the spur road with little street frontage to the main drag of Blackhorse Lane. The use of render as an external facing material is acceptable. The proposed dwellings are suburban in appearance; this is not out of character with the locality. The appearance of the proposed dwellings are not considered to result in harm to the visual amenity of the locality. Design is therefore given neutral weight in terms of the presumption in favour of sustainable development.

- 5.11 Concern has been raised about the density of development. This is intrinsically linked to the layout of the proposal. If permitted, the proposal would equate to a density of 56 dwellings per hectare. Planning policy requires development to make the most efficient use of land. The application site is in a sustainable location. It is well served by public transport, being located close to bus stops on Blackhorse Lane. It is also within walking and cycling distance of services and facilities. Given the sustainability of the site, high density housing is considered appropriate and would not result in harm in terms of the presumption in favour of sustainable development.
- 5.12 In terms of the site layout, the forthcoming *Policies, Sites and Places Plan* – which will shortly be examined by an independent Planning Inspector – intends to introduce a minimum size standard for residential gardens under policy PSP43. Under this policy, a 2-bedroom dwelling should have 50 square metres of private amenity space and a 3-bedroom dwelling 60 square metres. Plots 2 to 5 are 2-bedroom dwellings and all of the proposed gardens exceed or meet the minimum standard proposed under this policy. Plot 1, a 3-bedroom dwelling, does not meet the size standard at 43 square metres. However, there is a large area of public open space opposite the primary school in close proximity of the site. Policy PSP43 has yet to undergo examination or be adopted by the Local Planning Authority. It therefore carries limited weight.
- 5.13 On the basis that there is public open space nearby, and that the relevant policy is still in the plan production process, the sub-standard size of the garden for plot 1 is not considered to be overly harmful.

#### *Living Conditions*

- 5.14 Development that has an adverse impact on the amenities of nearby occupiers is likely to result in harm when considered in the context of the presumption in favour of sustainable development.
- 5.15 Privacy and overlooking is a primary factor in assessing the impact of development on residential amenity. Beaufort Court is comprised of two main buildings 3-storeys in height linked by a single storey block. The gable ends of the main buildings face the application site and in each of these there are 4 windows (2 on each floor above ground floor). When compared to the windows on the long elevations, these windows appear secondary in nature, being smaller with the majority of the gable elevation being finished in either brick or hanging tile. Whilst these windows may serve rooms of primary living accommodation they are not considered to be principal windows serving the residential units in Beaufort Court.
- 5.16 The proposed dwellings are located, at their closest, between 14 and 16 metres from Beaufort Court. The western block of Beaufort Court is at an obtuse angle to the proposed development and therefore the potential intervisibility is lower. The eastern block is at a more acute angle to the proposed development which means that there would be some impact on residential amenity. The size of the windows in Beaufort Court and the angle of the relationship acts to reduce this harm, however there would still be some limited harm to occupiers of the eastern block.

- 5.17 Given the layout of the site, it is not considered that the development would adversely affect the amenities of nos. 30A, 30B, or 30C.
- 5.18 Some harm has been identified in relation to residential amenity. In terms of applying weight to this factor, the level of harm is not considered to be prejudicial. Therefore the harm is given moderate weight.

#### *Transport and Parking*

- 5.19 The main transportation issue connected with this development is parking. Concern has been raised by local residents that the development would result in the loss of on street parking and could lead to restricted access to parking areas serving nearby dwellings.
- 5.20 Parking is required commensurate with the number of bedrooms in a dwelling. A 2-bedroom house requires 1.5 spaces and a 3-bedroom house requires 2; this equates to 6 spaces for the 2-bedroom properties and 2 for the 3-bedroom. As 5 dwellings are proposed a further visitor space is required. This leads to a total requirement of 9 parking spaces.
- 5.21 Plans indicate the provision of the requisite parking spaces and therefore the development is acceptable in this regard as it mitigates its own impact. Residents have raised concern over the loss of on-street parking; this can only be afforded very little weight as the development itself has been found to have no impact (as the impact is mitigated).
- 5.22 Concern has also been raised over traffic movements. The development would generate 3 to 4 movements in each peak period. This level of traffic generation is not considered significant and would not prejudice the free and safe flow of traffic on the highway. Visibility at the junction of the spur road and Blackhorse Lane is acceptable.
- 5.23 It is noted that the traffic management department has in the council's capital funding programme a scheme for reviewing waiting restrictions in the Emersons Green ward; such a review would include the spur and main roads. Therefore, no concern is raised with regard to safety.
- 5.24 To ensure that the necessary parking spaces are provided, a condition should be attached. Subject to this condition, the proposed development would not result in an adverse impact and is therefore a neutral factor.

#### *Ecology and Landscape*

- 5.25 The application would involve the demolition of the existing building on site. While the site lies within the urban area it is adjacent to a playing field and wider area of public open space leading to the Leap Valley. No ecological designations cover the site but an assessment of the site's ecological potential is required.
- 5.26 A preliminary ecological appraisal has been submitted. The survey concluded that the bungalow, garage and outbuildings had negligible potential to support roosting bats and no evidence of use was found during an internal/external



inspection. The ecological appraisal includes a series of mitigation measures for bats, birds and hedgehog. These mitigation measures should form part of a condition to ensure the development does not result in a harm to biodiversity. Subject to such a condition, the development would not have an adverse impact on ecology or biodiversity and this is therefore a neutral factor in terms of the presumption in favour of sustainable development.

- 5.27 On receipt of the application, the tree office was consulted with regard to the potential of the application to cause harm to the nearby oak tree. A Tree Preservation Order was made and the tree is now protected. The applicant submitted additional arboricultural information to address the potential impact of the development on the tree and hedges surrounding the site. Subject to a condition requiring the proposed mitigation measures to be carried out, the development would not result in an adverse impact on the trees and hedges. Therefore this is a neutral factor in determining this application.
- 5.28 Plans indicate that the communal areas will be subject to some landscaping and that a 'Mobilane' fence would be erected along the boundary with the playing fields. Details of this can be secured by condition and therefore would not result in a harm.

#### *Drainage*

- 5.29 A condition to require the developer to use a Sustainable Urban Drainage System has been requested. It is not considered that a condition would be necessary on development of this scale as it would satisfactorily be covered by Building Regulations. Therefore, as the matter is addressed in other legislation, the development would not result in harm related to drainage and flood risk. This factor is therefore given neutral weight in the determination of this application.

#### Sustainable Development

- 5.30 The application site is in an area where, under the locational strategy for development, housing would be directed. Development on this site does not therefore conflict with the provisions of the development plan.
- 5.31 In accordance with the presumption in favour of sustainable development, the potential impacts of the proposal have been considered above. It is recognised that there would be some harm to residential amenity; however, given the characteristics of the site and the relationship with nearby buildings, the harm has been given a moderate weight. The other factors listed above have been found not to result in harm and therefore act neither to support nor resist development.
- 5.32 The benefit of the proposal has been identified above. As a result of the development there would be a net gain of 4 dwellings towards housing supply in the district. This weighs in favour of granting planning permission. Furthermore, the development is being undertaken by a registered provider and would provide 100% affordable housing in the form of shared ownership.

Whilst this cannot be secured through a legal agreement as the number of dwellings does not trigger a contribution in the urban area under policy CS18, the provision of affordable housing weighs heavily in favour of granting planning permission.

- 5.33 It is therefore concluded that the moderate harm identified does not significantly and demonstrably outweigh the benefit of the provision of 4 affordable dwellings. Therefore in accordance with the NPPF the development is sustainable and planning permission should be granted.

#### Other Matters

- 5.34 A number of items have been raised in the consultation responses which have not been fully addressed above. These will be considered here.
- 5.35 The proposed access is acceptable and therefore an alternative access is not required.
- 5.36 Adjacent to the site is a playing field. This site was nominated for designation as a Local Green Space in the forthcoming Policies, Sites and Places Plan (LGSD199). The designation is not at this time being included in the green space allocations due to land owner objection. The development is therefore not considered to prejudice the Local Green Space.
- 5.37 Future maintenance would be a matter for the landowner and therefore is not given weight in determining this application. The concern over the pre-application community engagement undertaken by the applicant is not in this instance considered to be a reason to resist development.
- 5.38 Development can cause distress to nearby occupiers; however, the application undergone consultation in accordance with the council's procedures and therefore is not considered to have caused undue concern to nearby occupiers.
- 5.39 Strategic housing allocations seek only to provide some of the housing need for the district; they do not act to prevent alternative development sites coming forwards.

## **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 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### 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. Prior to the application of any external finish, details (in the form of a photographic materials schedule) of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

3. Prior to the commencement of the relevant part of the development, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments; and, areas of hardsurfacing; shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. Planting shall be carried out by the end of the first planting season following the first occupation of any of the dwellings hereby permitted. For the avoidance of doubt, the scheme of landscaping shall include the enhancement recommendations outlined in section 5.2 of the preliminary ecological appraisal dated November 2014 and addendum dated 22 July 2016 by the AWT Ecological Consultancy. This shall include a new species-rich hedgerow and a scheme of bat and bird (house sparrows and house martins) enhancements.

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.

4. The development hereby permitted shall be carried out in accordance with the recommended mitigation and avoidance measures for bats, birds, and hedgehog as set out in section 5.1 of the preliminary ecological appraisal dated November 2014 and addendum dated 22 July 2016 by AWT Ecological Consultancy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the National Planning Policy Framework.

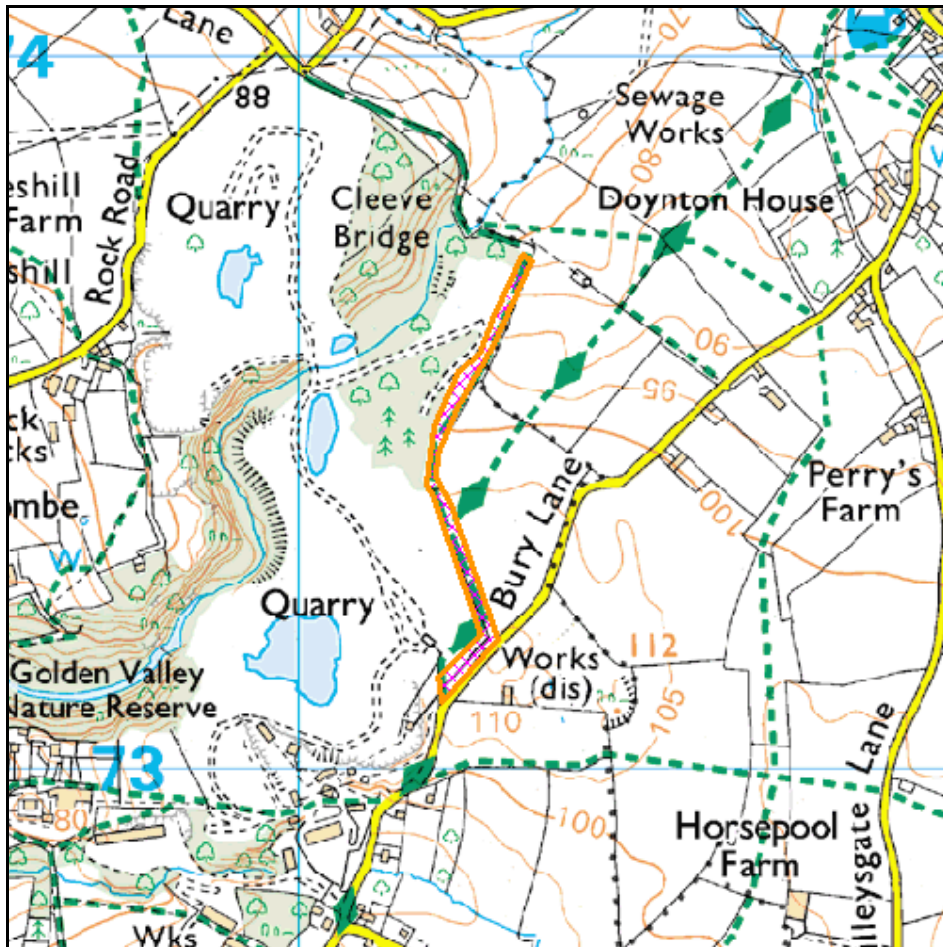
5. The off-street parking facilities (for all vehicles, including cycles) shown on plan 1551-P100 hereby approved shall be provided before any of the dwellings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 04/17 - 27 JANUARY 2017**

<b>App No.:</b>	PK16/6417/FDI	<b>Applicant:</b>	Wick Quarry Limited
<b>Site:</b>	Boundary Of Wick Quarry Wick Bristol South Gloucestershire BS30 5SJ	<b>Date Reg:</b>	25th November 2016
<b>Proposal:</b>	Diversion of footpath LDN5	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370896 172718	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	17th January 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/6417/FDI

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

### **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpath LDN5.
- 1.2 The footpath is located at Wick Quarry and the application seeks a relatively minor diversion to reflect quarry activity in relation to the precise route

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Circular 01/2009 - DEFRA
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
LC12 Recreational Routes  
T6 Cycle Routes and Pedestrian Routes
- 2.3 South Gloucestershire Local Plan Core Strategy Adopted December 2013  
Policy CS8 Improving Accessibility

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Various and numerous historic quarrying consents associated with the adjacent sites active quarrying status
- 3.2 PK16/4909/MW - Prior Notification for erection of security boundary fence 2.4m in height Part 17 (Class C) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 10<sup>th</sup> November 2016.

### **4. CONSULTATION RESPONSES**

- 4.1 Wick Parish Council  
No objection

#### **Other Representations**

- 4.2 Public Rights of Way  
No objection

#### **British Horse Society**

LDN5 is a bridleway, not a footpath. The diversion appears minor so I have no objection. The gates at each end of this section should be regular bridleway gates.

At present the gate at the north end of this section of bridleway is a very difficult field gate. Can a condition be put to change this to a bridleway gate

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle Matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to. The footpath issue has been identified in context with the historic use of the site for a quarry.

### 5.2 The Proposal

The applicant has been in consultation with PROW regarding the proposals for this site, and I am happy that the application meets the legal tests for a diversion under S257 Town and Country Planning Act 1990.

- 5.3 The southern section of the proposed route will be set back from the edge of the cliff in order to accommodate new security fencing. The northern section of the bridleway passes through light woodland and will be re-aligned from the definitive route onto the track that has been used as the alternative to the legal alignment.

- 5.4 Public Rights of Way Officers are to propose works to improve the surface and a bridle gate adjacent to the field gate, when the Order has been completed.

- 5.5 Given the above, it is considered that the diversion is suitable in terms of amenity and necessary in the light of existing planning permissions and development of the site.

## 6. CONCLUSION

- 6.1 The recommendation to raise no objection 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 material considerations set out in the report.

- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 and CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 as alternative routes would be provided.

**7. RECOMMENDATION**

- 7.1 That no objection be raised to the proposed diversion of footpath LDN5, and that the Head of Legal Governance and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of these footpaths as illustrated on map submitted with the diversion application.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**





## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness and as such according to the current scheme of delegation it 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 rear dormer and 2no. front roof lights at 59B Station Road, Wickwar would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The proposal site is located within the Village of Wickwar on the periphery but outside the conservation area of the settlement.

### **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)

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/2473 – Approval – 14/09/1988 – Erection of side extension to provide lounge with bedroom above.
- 3.2 P84/1230 - Approval – 04/06/1984 – Erection of two detached wellings with garages. Formation of vehicular access.
- 3.3 N511/4 – Approval – 21/06/1979 – Erection of 3 terraced houses and alteration to existing vehicular and pedestrian access (in accordance with the revised plans received by the Council on 18th June 1979).
- 3.4 N511/3 – Refusal – 25/01/1979 – Erection of six flats; construction of parking areas and alteration of existing vehicular and pedestrian access.

- 3.5 N511/2 – Refusal – 14/09/1978 – Erection of 6 flats. 1 semi-detached house and construction of new vehicular and pedestrian access.
- 3.6 N511 – Approval – 12/12/1974 – Erection of one detached dwellinghouse and garage.

#### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No Comment Received
- 4.2 Other Consultees  
No Comments Received

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 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 not consideration of planning merit, the application is based on the facts presented. This 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.
- 5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class B of the GPDO (2015).
- 5.3 The proposed development consists of the introduction of a rear dormer and 2no front rooflights to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions etc. to the roof of a dwellinghouse provided it meets the criteria detailed 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 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 proposal would not exceed the height of the highest part of the existing roof.

**(c) Any part of the dwellinghouse 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 proposal will be situated to the rear elevation and does not front a highway.

**(d) The cubic content of the resulting roof space would 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 proposal would not exceed 50m<sup>3</sup>

**(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, flu or soil and vent pipe;**

Not applicable.

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

The host dwelling is not on article 2(3) land, as it is located just outside of the conservation area.

**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;**

The materials used will be of a similar appearance.

**(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, measure 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 side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and 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 to be installed.**

Not Applicable

## **6. RECOMMENDATION**

- 6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

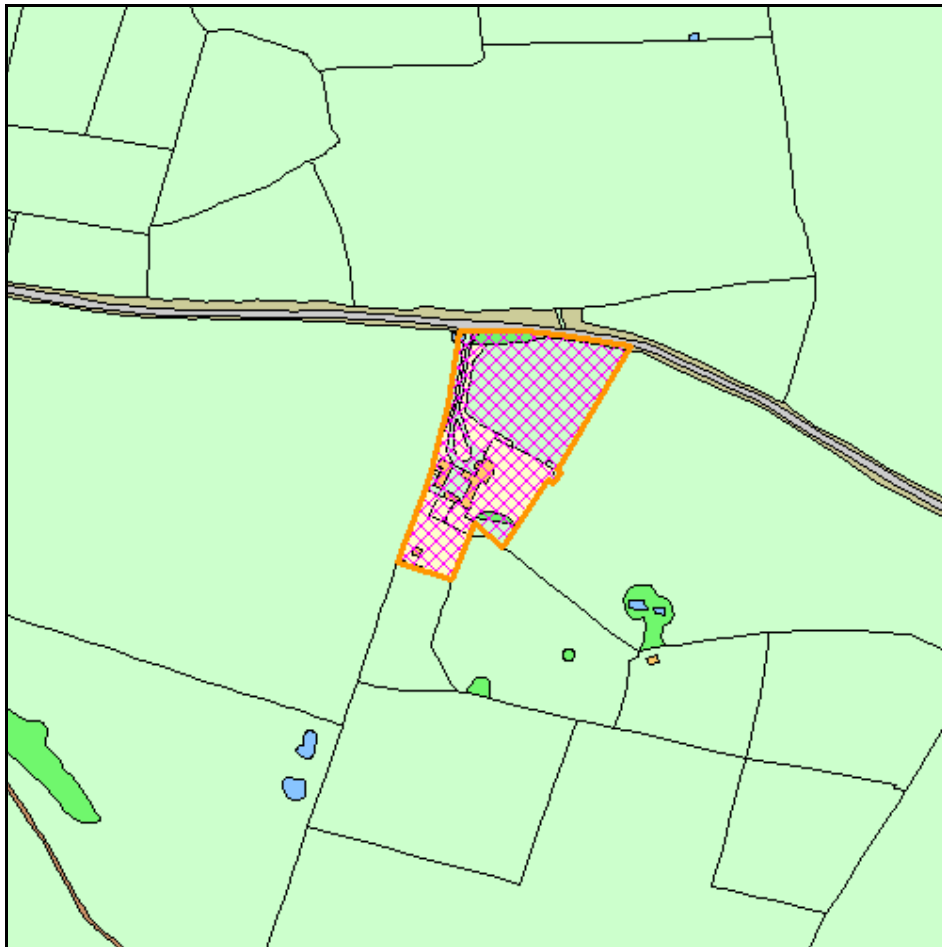
Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed extension would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PK16/6556/F	<b>Applicant:</b>	Dodington Commercial Property Ltd Dodington Park Estate
<b>Site:</b>	Dodington Manor Dodington Lane Dodington Bristol South Gloucestershire BS37 6SB	<b>Date Reg:</b>	5th December 2016
<b>Proposal:</b>	Reconfiguration of main house to include new staircase, demolition of outbuildings to the North end, extension to south end and alterations to fenestration. A landscaping scheme to include relocation of gate piers and attached wall to courtyard and extension to former stable block.(Re Submission of PK16/0302/F)	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	374123 180312	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th January 2017

---



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. **N.T.S.** **PK16/6556/F**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for significant works to a residential dwelling which happens to be a grade II listed building known as Dodington Manner, formerly Dodington Rectory. As well as the former Rectory, the associated Coach House is also grade II listed, as are the gate piers which effectively connects the Rectory with the Coach House and demarcates the service courtyard.
- 1.2 The Coach House and gate piers are within the residential curtilage of the dwellinghouse, as is the garden space immediately to the south and east. The proposed development is comprehensive, actively seeking to remodel, demolish and reconfigure multiple aspects of this historic group of buildings. The proposal will be discussed in more detail within the main body of the report.
- 1.3 As well as this application for planning permission, there is also an application for listed building consent that is pending determination, planning ref. PK16/6557/LB. Further to this, a planning application and application for listed building consent were submitted to the Authority in 2016, and withdrawn shortly after. These applications were withdrawn in light of objections from officers and Historic England. The Authority, together with Historic England, engaged in pre-application advice with the applicant in response to these applications being withdrawn. Unfortunately, it appears that such pre-application advice has been disregarded. The proposal is largely the same as the previously submitted proposal, the only change being minor internal amendments to the first floor layout of the service wing.
- 1.4 The description of the development includes internal works, such works do not require planning permission, however such works will be assessed within the associated listed building consent.
- 1.5 The application site is outside of a designated settlement boundary and within the Bristol/Bath Green Belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

NPPF	National Planning Policy Framework March
PPG	Planning Practice Guidance

#### **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
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12	Transportation
H4	Development within Existing Residential Curtilages
L1	Landscape
L9	Species Protection
L13	Listed Buildings

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually 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 plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013  
 South Gloucestershire Design Checklist SPD (Adopted) August 2007  
 Development in the Green Belt SPD (Adopted) June 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK16/6557/LB Pending  
 Reconfiguration of main house to include new staircase, demolition of outbuildings to the North end, extension to south end and alterations to fenestration. A landscaping scheme to include relocation of gate piers and attached wall to courtyard and extension to former stable block.(Re submission of PK16/0305/LB).
- 3.2 PK16/0305/LB Withdrawn 25/04/2016  
 Erection of an extension to southern elevation of the main house, together with the replacement of south-western wing roof and also the demolition of a single storey northern wing along with the wide scale fenestration remodelling to the main house. Partial demolition of coach house to facilitate three single storey attached rear extensions and associated internal alterations. Erection of hipped



roof on central core of main house. A landscaping scheme including the demolition and relocation of the listed gate piers and construction of partial wall; as well as the construction of terracing and balustrades on the eastern elevation of the main house. Removal of secondary staircase; reconfiguration of primary staircase; and removal of internal partition and walls and the changing of floor levels.

- 3.3 PK16/0302/F Withdrawn 25/04/2016  
Erection of an extension to southern elevation of the main house, together with the replacement of south-western wing roof and also the demolition of a single storey northern wing along with the wide scale fenestration remodelling to the main house. Partial demolition of coach house to facilitate three single storey attached rear extensions. Erection of hipped roof on central core of main house. A landscaping scheme including the demolition and relocation of the listed gate piers and construction of partial wall; as well as the construction of terracing and balustrades on the eastern elevation of the main house.
- 3.4 P96/1956/L Listed Building Consent 13/08/1996  
Rebuilding of garden wall and demolition of lean-to outbuildings.

#### **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
Members are supportive of the all the works proposed.
- 4.2 Sustainable Transport  
As the current proposals do not significantly change the size of this property or alter its access arrangements, we consider that is unlikely to materially alter its traffic patterns. Consequently, we have no highways or transportation comments about this application either.
- 4.3 Conservation and Listed Building Officer  
Objection: Dodington Manor, Coach House and gate piers are all grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of the degree of harmful intervention, demolition and alteration, including extensive changes to the plan form, floor levels, architectural features and elevations of the listed buildings, would be detrimental to their character and special architectural and historic interest contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy L13 of the Adopted South Gloucestershire Local Plan and policies CS1 and CS9 of the Adopted Core Strategy.  
Although the comments of the Conservation Officer feature strongly throughout the heritage discussion within this report, officers would also encourage members to review the Conservation Officer's comments in full, these are available within the online case file.
- 4.4 Ecological Officer  
No objection subject to conditions. It is considered that the information supporting the application does pass the three European Protected Species licensing tests. Despite the number of bat species present within the buildings,

the development has the potential to provide roosting opportunities for these species, including the local lesser horseshoe bat, for a long time to come.

#### 4.5 Historic England

Objection. We continue our overall support of the proposed investment into this designated heritage asset, the repair of the historic fabric, and the retention of the house as a single family dwelling. The previous application for listed building consent was withdrawn following fundamental concerns over some of the more significant aspects of the proposed works. The remit of Historic England, in the case of works to a Grade II listed building is advising where there are elements of proposed demolition. Our previous advice responded to such works, and as these aspects of the proposals remain largely unchanged, **we would object to the revised application**. We believe that the house is capable of some changes to facilitate a modern family home within the existing plan form with some modest modifications. Once again, we would be more than happy to engage with the applicant and their agent, and meet to discuss a solution that would better sustain the conservation of the historic building.

Of particular note with regard to this application are the following comments from Historic England:

*The revised application has retained the proposal to demolish the north service wing, a more modest single storey addition, although instrumental in creating enclosure to the service courtyard. It also screens the service area from the principal entrance, a common and important architectural tool found in many country houses. The demolition works would also extend to the removal of the stone piers that serve as entrance into the service courtyard and demarcates the two distinct parts of the house. These are individually designated Grade II, and we consider their removal and relocation unacceptable. Again, no cogent case has been provided for these works, and we therefore consider this to be contrary to Para 132 of the National Planning Policy Framework (NPPF), which requires that 'any harm or loss should require clear and convincing justification.' The cumulative impact of the loss of enclosure and separation of the higher status domestic accommodation and service areas would be detrimental to the significance of the heritage asset. The retention of the enclosure the service courtyard is critical to sustaining the conservation of the heritage asset.*

Officers would also encourage members to review Historic England's comments in full, these are available within the online case file.

### **Other Representations**

#### 4.6 Local Residents None received.

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for a significant level of development to a number of grade II listed buildings, including gate piers, within the residential curtilage of a dwelling. The application site is also within the Green Belt.

5.2 Principle of Development

The application site has been vacant for a number of years, but still represents a dwelling with and associated outbuilding and garden space. As such officers find Policy H4 of the Local Plan to be relevant. This policy is supportive in principle of residential development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.3 Policy CS5 and CS34 of the Core Strategy are consistent in that they both resist inappropriate development in the Green Belt. Paragraph 89 of the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted.

5.4 Policy CS1 'High Quality Design' of the Core Strategy states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Officers also find Policy CS9 'Managing the Environment and Heritage' of the Core Strategy as well as Policy L13 'Listed Buildings' of the Local Plan to be relevant. Both of these policies aim to resist development that materially harms heritage assets, including listed buildings.

5.5 In a similar tone, paragraph 132 of the NPPF makes it clear that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The paragraph goes on to state that 'substantial harm to or loss of a grade II listed building...should be exceptional'. Paragraph 133 of the NPPF is also material, in that it makes clear that substantial harm to a designated heritage asset, such as a grade II listed building, should be refused, unless substantial public benefits are identified that outweigh the harm or loss of the heritage asset.

5.6 Overall, the proposal is acceptable in principle subject to the development having an acceptable impact with regard to: the Green Belt; residential amenity, highway safety, visual amenity and importantly the setting and significance of the heritage assets.

5.7 Historical Significance of the Rectory

The date of the original phase of construction of the Rectory appears to be difficult to pin down with a degree of accuracy, although records within the Gloucestershire Archives indicate that date of 1827 for the start of construction. The building would have been the rectory for St Mary's church in Dodington Park. It is likely that further alterations and additions occurred in the 1840s to the building and site, predominantly relating to the erection/completion of the Coach House and stables; the finishing of the main house, as well as the creation of the servants' wing. Indeed mortgage papers dated 1842 recorded the loaning of monies to the Reverend who owned the site at that time in order to undertake the works discussed above.

- 5.8 The group therefore comprises the main Rectory building, designed in the Classical Revival or Neo-Classical style and constructed from ashlar limestone with sandstone dressings, vermiculated sandstone plinth and hipped slate roofs. The form of the Rectory building has a resemblance to Wyatt's designs for the grade I listed Church at Dodington Park, and reflects an inspiration for the residence of the clergyman to reflect 'tasteful advantage' but also to provide a visible link of connection between the church and the pastor. This is evident within the design of the building where the northern section of the building is certainly more grand than the remaining building.
- 5.9 Attached to the south of the main building is a two storey servants' wing with a much more modest appearance. On the western side of the building is a single storey projection, which includes a waiting room, WC and coal house. At the south end of the servants' wing is a portico that was added in 1842, a further single storey projection then extends to the west and was clearly intended to have more subservient function including a dairy, gardeners shed, Brewhouse, office and other more functional uses. Indeed these additions were improvements clearly required by the Ecclesiastical Commissioners Act 1836 which required waiting rooms for parishioners, offices (kitchen, scullery, china pantry, larder, linen closet, wine or beer cellar and coalhouse), and other improvements. This phase of development at the Rectory can therefore be considered to be of social interest and value, as well as of architectural and historic interest since it embodies a period of regulation and reform within the church following the Reform Act of 1832.
- 5.10 The layout of the grounds around the Rectory can be seen in the first edition, colour 1880 OS map. This shows the group of buildings more or less as it stands today, with the house to the north and the ancillary wings forming a square shaped courtyard to the south. The rectory faces east onto a formal lawn bounded on the north, east and south by a ha-ha, allowing unrestricted views out over the surrounding fields which appear to have been planted with trees to give a parkland feel to the setting. Three entrances to the site appear on the north side of the group. The furthest east appears to be a secondary track or path lined by widely spaced trees. To the north east appears a wider entrance and access track, with an avenue of closely spaced trees. This entrance sweeps down towards the house and will have provided views of the east facing garden front with its portico perhaps intended as an "eye catcher" and book-end to the building. It cuts an S shaped path, leading to the west entrance where it loops around a circular bed or feature and then joins the third entrance leading directly north back onto the lane. This arrangement changed very slightly by the 1900s, with the closure of the middle entrance (the eastern entrance remained a footpath). To the south of the group of buildings is the enclosed kitchen garden. This has an interesting crinkle-crankle wall aligned roughly east-west and was probably used for growing fruit on the south-facing side. A somewhat serpentine wall (albeit far less pronounced) appears to form the east side of the walled garden. The crinkle crankle wall and remnants of the other kitchen garden walls survive to varying degrees.
- 5.11 It is important to consider that the building survives relatively unaltered with only a few alterations to window positions and internal partitions and it appears, therefore, to be essentially as the architect and owner intended. The heritage

statement suggests that that the quality and potentially the significance of the building is somehow diminished as a result of the building not adhering to, or reflecting the high architectural standards of the time, or its perceived 'country-house' status. This suggestion is not an accurate reflection of this group of heritage asserts. Rather officers consider that the building has been designed to give a sense of high status likely reflecting the aspirations of the house's first residents and the potentially the style of the church to which it was connected. However, the building and wider site also reflects that the fact that the building has been designed to a budget, and to respond to the functional requirements of a rectory or a parsonage under the Ecclesiastical Commissioners Act 1836. This has resulted in some interesting, and at times odd, internal architectural features or detailing such as the main staircase arrangement, window heights, ceiling heights etc. These may be seen by some as negative attributes, but they can also be seen as providing an insight into the social history of the building and the owner's aspirations of creating a version of a grand country house but on a more human scale and perhaps reflecting the pious nature of the owner.

5.12 The external architectural formality of the Manor's design, combined with the clear demarcation of the hierarchy of the buildings that make up the whole composition, give the site an aesthetic value that is of a high order, given how little has been altered since its original construction. As a group of listed heritage assets the complex also has historic value due to its connection to Dodington Park and St Mary's church, together with an historic communal value associated with the religious connection to the parish church and the parish community.

5.13 The Proposed Works

The proposal is suggested to bring a vacant building back into use. The proposals submitted are comprehensive and involve alteration, remodelling, demolition and reconfiguring multiple aspects of this historic group of buildings.

5.14 *Main House*

5.15 The majority of the works to the main house are internal, these will be assessed within the associated listed building application. However, what is proposed is the opening up of the blind windows within the proposed 'reading room'; the replacement of the external doors and the lowering of first floor windows cills. The roof structure over the central atrium is also altered, with a hipped slate roof replacing or oversailing the present flat roof structure.

5.16 *Servants Wing and South Range*

5.17 As with the main house a host of internal works are proposed, however, the external appearance to these sections will drastically change. At ground floor, the single storey courtyard addition is removed in its entirety, the external door converted to a window, internal walls removed and the west front windows all replaced with doors. At the southern end of this wing, a new two storey extension with a Regency style bow front is to be added behind the portico, to serve as a main bedroom suite at first floor and an extended kitchen at ground floor. The external walls facing the Brewhouse are removed, and the group of

small outbuildings are connected back to the main house through the removal of walls and the introduction of a new roof structure. New openings are proposed in the south and north facing elevations.

#### 5.18 *Courtyard and Stables*

5.19 The listed gate piers and attached walls are to be demolished and the piers relocated to the entrance to the site. A scheme of soft landscaping is to be introduced into the courtyard. The Coach House and stables are to be converted to an annex, with a triple bay extension along the back of the coach house to provide a garage, garden store, WC and shower room. The coach house is opened up internally at ground floor level to provide a studio, whilst the first floor is converted to 3 bedrooms each with ensuite with new openings in the internal walls providing connections through to each room. The cill height of the windows to the front of the building are lowered and a new staircase introduced to connect the two floors internally. The external staircase is retained and repaired.

#### 5.20 *Garden*

5.21 The east facing garden front of the main house is given a new terrace with central sweeping staircase, balustrades and flights of steps to the north and south. This will necessitate removing the present semi-circular vermiculated stone steps leading to the existing doors. The wall defining the walled garden is removed and a new section of walling introduced to the south. The two areas of the garden thus become more directly connected.

#### 5.22 Heritage Assessment

The proposal would significantly alter the character and appearance of the application site in an attempt to achieve the desired enrichment of the buildings heritage significance and the rescuing of the 'failed ambition of the first resident to create an aspirational home' as set out in the applicants' *Vision*.

5.23 Officers disagree with the inference that the original plan for this building was flawed from the outset, and the claim that the resultant buildings did not meet the high aspirations of the owner is conjectural given the fact that it has served as a generously sized home with very little alteration for nearly 200 years. Whilst aspects of the architecture may be questionable and not classically 'correct', these quirks are more likely to be the result of the social and financial circumstances of the owner, the skill of the architect/builder, the functional requirements of the building as a result of its role in the community and the legislative framework of the time. It is the combination of these factors that make the building unique and whilst they may jar to the trained eye of an architect and in comparison with the fine contemporary buildings of the larger estates, to a lay person they are more likely to be taken at face value and appreciated as a piece of classical architecture on a human and domestic scale.

#### 5.24 *Main House*

5.25 The proposals to the main house are largely aiming to gain grand bedrooms which the applicants suggest to be a shortcoming in the design and execution of the main house. However, there is no evidence to suggest that the existing arrangement is not as originally intended. After all the dwelling would have been designed to reflect the role and nature of the resident, a reverend. Accordingly, it is possible that excessive ornamentation, decoration and architectural extravagance may not have suited the owner and this is perhaps reflected in the surviving character of the building.

5.26 The applicant's attitude of architectural 'improvement' and aspirations of grandeur, therefore impacts on the significance of the building. For example, the alteration of sill levels of the windows in the first floor of the east facing elevation, and the head heights of those in the ground and first floor west elevation is unjustified, and has a materially harmful impact on the character and appearance of the building. Aspects of the present building, such as the beaded ashlar panels above the windows are used in the design of the single storey wings on the east facing elevation as well as above the door and windows on the west elevation. They would appear to have been a deliberate feature of the original building design, with those on the west elevation probably a direct response to the lower first floor level over the hall. The applicant suggests these to misgivings of the original design, rather officers are of the opinion such design features were intentional.

5.27 The works to the roof comprise the introduction of a hipped roof in lieu of the flat roof but no structural details are supplied to demonstrate whether the building can support this nor how it might affect the historic fabric of the building. The elevations also appear to exaggerate the size of the new roof as the roofline doesn't appear to take into account the parapet gutter. Nevertheless, officers would question whether the introduction of the hipped roof is necessary and whether improvements to the flat roof such as increased the fall/drainage etc. would be just as effective and also protect the present character of the listed building.

#### 5.28 *Servants' Wing, South Range and Piers*

5.29 The alterations to the servants' wing and south range are perhaps even more dramatic than the main house. With the introduction of a tall two storey pavilion with bow fronted south elevation, the loss of multiple internal partitions at ground floor, new doors onto the formal lawn, the re-roofing and reconfiguration of the remaining south range and the complete demolition of the single storey courtyard addition.

5.30 The extent of works and demolition remains substantial and the proposal will, dramatically and irreversibly change the subservient and ancillary character of this wing of the building, creating a sense of formality, status and domesticity in what is unquestionably the 'service' and functional heart of the building. The extensive loss of historic fabric, and the resultant impact on the original plan form, design and appearance of the building will, have a demonstrably harmful impact on the character and significance of the listed building.

- 5.31 The portico, for instance, is described by the applicant as a sham feature that has an awkward visual and physical relationship with the service wing and fails to provide a convincing termination or an appropriate sense of balance to the long east elevation of the listed building. Again officers would respectfully disagree. It is unlikely that the architect intended the portico to balance the elevation when one considers how this elevation would have been seen in context. The portico remains an eye-catcher and perhaps a piece of classical folly that would have been glimpsed obliquely from the sweeping tree-lined entrance drive and which would have elevated the sense of grandeur without great expense. It also provides a functional connection between the kitchen garden and the formal garden and, intentionally or otherwise, provided some shade and shelter to the new dairy behind.
- 5.32 The new pavilion will draw the eye away from this feature and will artificially raise the status of this part of the building such that the entire east front reads as an extension to the formal domestic area of the house. The dramatic change in character to the south front, and the impact on the single storey former Brewhouse and remains of the attached outbuilding is equally harmful. The formal regency bow front completely transforms the character and sense of hierarchy in this elevation whilst the new roof structure also destroys the simple, low key and detached appearance of the outbuildings. The loss of the historic doors and windows (those in the Brewhouse being later additions) also removes any evidence of the original structures, plan form and appearance and further changes the character of this functional wing overlooking the walled kitchen garden.
- 5.33 The removal of the single storey addition, courtyard wall and grade II listed piers radically alters the character and special interest of the service area of the group. This addition, a result of the 1842 phase of works following the Ecclesiastical Commissioners Act 1836, provides a clear and strong delineation between the formal entrance to the main house and the secondary, service areas. Despite some differences between the original design and the completed building, and the possible rebuilding of one of the piers, the present arrangement still provides a good sense of enclosure to the service yard and protects the hierarchy of the two spaces. Indeed, Historic England who rarely object to the proposals concerning grade II listed buildings, have specifically criticised the demolition of the service wing and the removal of the stone piers that serve service entrance.
- 5.34 In a similar manner to Historic England, officers find there to be no justification for the demolition of this addition (which provides an insight into the social and functional history of the site), nor for the demolition and relocation of the separately listed gate piers and attached walls. The proposal to substantially open up this courtyard and to merge it to the drive at the front of the house fails to protect the historic separation and status of these two parts of the site which will have an adverse and harmful impact on the significance and setting of the listed buildings. Whilst planting is proposed to be introduced into this new courtyard area officers are of the opinion that this will be a poor and inadequate substitute for the existing walls and piers.



### 5.35 *Courtyard and Stables*

5.36 The proposals for the Coach House entail the rebuilding of the rear single storey additions to provide garages, stores, shower and WC and the conversion of the main building to annex accommodation and a studio at ground floor level. A new staircase is to be introduced in the northern bay of the building and ensembles are provided to all bedrooms.

5.37 Internally the extent of the works proposed are vast and concerning, consideration will be paid to such internal issues within the assessment of the listed building application. Externally, the lowering of the window cills to the front elevation is unacceptable and will give them a distinctly domestic character and scale which would be incongruous and harmful to the special interest of the building. The existing inward opening vent windows should be retained and refurbished. The additions at the rear of the building take the form of three connected gables and replace the rather crude assemblage of blockwork walls and modern roof structures. One wall, however, is of traditional construction and is proposed for complete removal. This aligns with the original party wall between the cart house and piggeries and is being removed to create the large garage. This wall should be retained rather than removed, especially when it seems that the garden store could be made larger to avoid such a loss.

### 5.38 *Garden*

5.39 The proposal to introduce a terrace with swept steps and balustrades would require the removal of the pair of semi-circular stone steps leading up to the ground floor rooms either side of the central bay. These existing steps are constructed in the vermiculated sandstone that is also used as the plinth for the rest of the main block and which provides a visible base to the ashlar stonework and is an integral part of the building design. The ground level has been reduced slightly on this side requiring an addition step but the building sits comfortably in the landscape, grounded by the vermiculated plinth. The arrangement of the central projecting bay with the semi-circular steps either side remains a pleasant and subtle composition that echoes the modest character of the building.

5.40 The large new terrace, steps and balustrades would become a very prominent and intrusive addition, obscuring the entire plinth on the east front and requiring the demolition of the existing steps. The character of this garden front would be entirely changed and there is a distinct impression reinforced in this part of the scheme that the applicant is trying too hard to elevate the status of the building as part of the grand Vision for Dodington Manor.

5.41 The proposed site plan also proposes changes to the walls to the former kitchen garden, reinstating a length of wall closest to the south-facing crinkle crinkle wall but removing a section close to the portico. The separation of the formal private garden from the working kitchen garden is an important part of the layout of the site and setting of the listed building. The historic access between the two appears to have been provided by the small door in the side of the portico (the door in the wall possibly a later addition), thus keeping the

connection discreet and unobtrusive. The removal of the remaining section of wall attached to the portico as part of the redesign of this end of the building is regrettable.

#### 5.42 *Summary*

5.43 The proposals for Dodington Manor are ambitious and there is a clear desire to introduce a sense of grandeur and status befitting a country house in this location. The building is in an advancing state of disrepair and the proposals would bring the building back into use as a single residential dwelling which is desirable.

5.44 The proposed alterations are, however, extensive in their scope, entailing alterations to practically all aspects of the interior and exterior of the main house, the coach house and the gate piers, all of which are grade II listed buildings. The applicant's desire to improve on the original 'flawed' architecture of the building and to correct what are perceived as failures in the design and execution of the original and later phases of construction fails, however, to respect the present character of the listed building and the evidence it holds from a social as well as an historical and architectural perspective.

5.45 The building is 'quirky' in its design and in the way internal rooms and features are designed but it has served its original purpose for nearly 200 years without substantial intervention. The external treatment and design of the building reflects its original purpose which had to have an almost multi-aspect approach where certain elements of the parsonage are grand, and other elements are designed to appear less grand in an effort to be more identifying with parishioners, a further aspect of the building is the more functional service wing and end of the building.

5.46 Trying to correct these aspects of the building simply because they do not conform to our current understanding and appreciation of classical architecture, removes all evidence of the owners/architects designs and of their ambition to create an air of a gentleman's residence albeit without great expense.

5.47 The degree of intervention, loss of historic fabric, changes to the plan form and elevations of the buildings is such that the proposals will result in harm to the significance of these designated heritage assets, contrary to policy L13 of the adopted Local Plan and Policies CS1 and CS9 of the adopted Core Strategy.

#### 5.48 The Heritage Balance

The level of harm, having regard to the extent of alterations, loss of fabric and change to the character of the building will be substantial and this engages paragraphs 132 and 133 of the NPPF. Under paragraph 132 of the NPPF, substantial harm to or loss of a grade II listed building should be exceptional.

5.49 Paragraph 133 of the NPPF states that:

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss*

*is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

5.50 The proposal would bring the building back into use which would ensure its long-term future and thus its protection as a designated heritage asset. This constitutes a public benefit of sorts, but this alone is not sufficient to outweigh the substantial harm caused to the property to facilitate this use, nor will the changes better reveal or enhance the significance of the heritage asset to sufficiently high level. Furthermore, the building will be used as a private residence and thus the proposed changes will principally benefit the applicant.

5.51 As the harm to the heritage assets is not considered necessary to achieve substantial public benefit, the development can only be approved where the tests set out within the bullet points of paragraph 133 all apply.

5.52 In this case, it has not been demonstrated that the nature of the heritage asset prevents all reasonable use of the site, nor that a viable use of the heritage assets can be found through appropriate marketing. The building was purchased privately and has been vacant for a number of years. It has not been tested on the open market, and whilst it is in need of repair and restoration, it has not been satisfactorily demonstrated that the building cannot viably function in its present form without the substantial alterations and enhancements being proposed in this application. Grant funding or charitable/public ownership may be difficult to achieve and whilst it is undeniably beneficial to bring the building back into use, this is not outweighed by the scale of the harm and loss resulting from the proposed scheme.

5.53 Accordingly, the development should be refused in accordance with paragraph 133 of the NPPF.

5.54 Green Belt

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.

5.55 The first component of the disproportionate test involves a volume calculation and concludes: an addition resulting in a volume increase less than 30% or

more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.

- 5.56 In the interests of clarity the case officer has defined the 'original dwelling' from the provided definition within the Development in the Green Belt SPD which states:
- 5.57 'The term 'original dwelling' refers to the volume that a dwelling was when the original planning permission for its construction was given, or for older homes the volume that the dwelling was on July 1st 1948'.
- 5.58 This definition is in keeping with the definition provided by the NPPF of an 'original building'. With regard to this calculation, officers include the existing Coach House within what is considered to be the original dwelling.
- 5.59 The original dwelling is considered to have a volume of approximately 3473m<sup>3</sup> (calculation provided by agent). The extension proposed cumulatively have a volume of 3673m<sup>3</sup>. Meaning the proposal, represents a 5.7% volume increase above the original dwelling.
- 5.60 The Council's Green Belt SPD states: 'an addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension''. Accordingly, given the relatively minor comparative increase in volume, the proposed development is considered to represent a proportionate addition with regard to the volume test within the SPD.
- 5.61 The second component of the disproportionate test regards the appearance of the proposal: 'it should not be out of proportion with the scale and character of the original dwelling'. Page 8 of the Development in the Green Belt SPD gives further guidance on how character and design should be assessed, it makes it clear that design and character does not just relate to scale and form, but also officers should ask the question of 'does it [the proposal] use appropriate details and materials'.
- 5.62 Whilst officers have serious reservations with regard to the proposal's design, in terms of the Green Belt, and specifically paragraph 89 of the NPPF, officers find that the development is acceptable with regard to the second component of the disproportionate test.
- 5.63 The third component of the disproportionate test relates to the existing extensions and outbuildings within the curtilage. The existing outbuilding has been included within the appropriate volume calculations as instructed by the Development within the Green Belt SPD.
- 5.64 Overall, the proposal is considered to represent a proportionate addition that would be materially harmful to the Green Belt.

- 5.65 Ecology  
Ecological information in support of the application has been provided in Bat Inspection and Survey Report (IES Consulting, January 2017).
- 5.66 The building inspection was completed for the main manor house and outbuildings, bar certain areas of the upper floor of the coach house due to unstable flooring, and inaccessible areas of the main manor's roof space. The main building has several opportunities for bats to roost under loose or missing tiles. The voids in the main manor were generally well cobwebbed and lacked any evidence of bats internally. The boiler house is a single storey extension to the main building with a pitched tiled roof. No obvious access points for bats were visible and the room is very light. However, one dead lesser horseshoe bat was found in the 2014 inspection, as well as, at most, 10 droppings. Use by single bats is suggested.
- 5.67 The stables, tack room and store room are present in the outbuildings attached to the southern end of the main house. The building is single storey with some flying access points. Two lesser horseshoes were found roosting within the store room and clusters of droppings. The Coach House is a two storey building in a state of disrepair. Access to the building for bats is good and a cluster of approximately 200 droppings was located on the first floor. DNA testing confirmed the droppings as those from a brown long-eared bat, although droppings characteristic of lesser horseshoe were also present. The corrugated lean-to has potential as a night roost, although no evidence of bats was found.
- 5.68 The Coach House, boiler room and store room were all confirmed as lesser horseshoe bats. The Coach House was also a roost for brown long-eared bats. Activity surveys confirmed that the manor house is a roost for common and soprano pipistrelle, serotine, *Myotis* sp. and *Plecotus* sp. (most likely brown long-eared). The coach house was confirmed as a roost for low numbers of common pipistrelle. All roosts were considered to be non-breeding roosts for low numbers of bats.
- 5.69 As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful. Accordingly, the Authority must ensure that the required mitigation strategy passes the relevant tests set out within under Regulation 53/56 of the Habitat Regulations 2010. The Council's Ecologist has performed such an assessment and has found that the development meets the required tests subject to a number of conditions that will imposed should planning permission be granted.
- 5.70 Residential Amenity  
The proposal will not materially harm the residential amenity of any nearby occupiers due to its isolation.
- 5.71 Transport  
The proposal will convert the Coach House and increase the number of bedrooms within the main dwelling meaning as a household, there would be eight bedrooms. An eight bedroom dwelling would require a minimum of three car parking spaces to be provided within the residential curtilage of the

dwellinghouse. In excess of three car parking spaces can be provided on site, as such officers have no objection to the proposal with regard to car parking.

5.72 Officers do however find it appropriate to suggest a condition that requires the Coach House to be utilised in an ancillary manner only in relation to the main dwellinghouse. The purpose of this is to prevent the Coach House to be used as a self-contained dwelling.

5.73 Other Matters

Procedurally it must be realised that the majority of this development cannot proceed without listed building consent being granted, even if planning permission were granted. In the case that listed building consent was granted for the proposal, the Authority would have a duty to refer the application to the Secretary of State for Communities and Local Government for determination as Historic England have objected to the proposal.

5.74 Planning Balance

Overall, the Rectory, Coach House, gate piers and courtyard are understood to be largely unchanged since they were completed in approximately the 1840s. As such the heritage assets at the site are an excellent reflection of not just architecture relating to parsonages in the early 19<sup>th</sup> century, but also social change and the circumstances of the Reverend at this time. Accordingly, the architectural features that the applicant finds to be 'flaws' of the buildings original conception, are actually historical features that reflect the context of the proposal in its respective time period and social and religious setting. This represents an important element of the historic and social context of the buildings significance as should therefore be preserved, the proposal fails to recognise this and as a result would materially diminish the application site's historic significance.

5.75 As such, the proposed development represent substantial harm to a number of designated heritage assets. It has been established that the development would result in limited public benefit meaning the harm associated with the proposal is not outweighed. This assessment is also consistent with that of Historic England, who rarely object to proposal regarding grade II listed buildings, and the Council's Conservation Officer. With this in mind, officers find that the development should be refused.

## 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 **refuse** 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 It is recommended that planning permission is **REFUSED** for the reason listed below/ on the decision notice

**Contact Officer: Matthew Bunt**

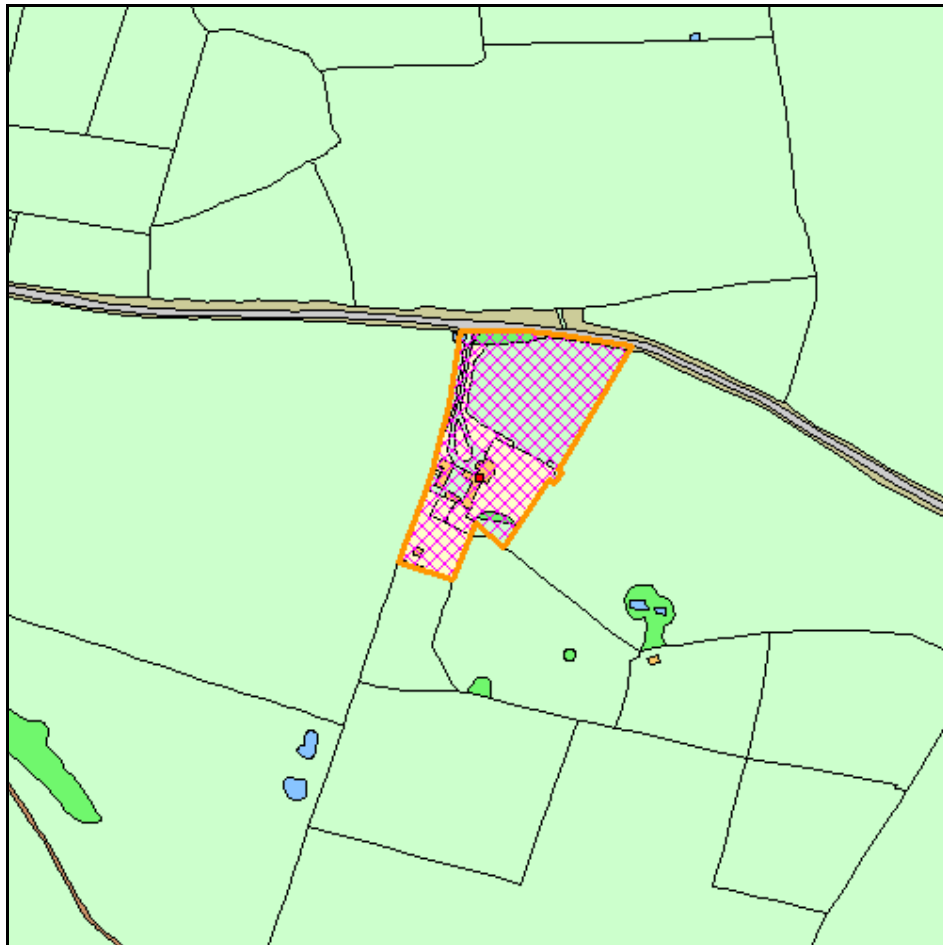
**Tel. No. 01454 863131**

### **REFUSAL REASONS**

1. Dodington Manor, Coach House and gate piers are all grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of the degree of harmful intervention, demolition and alteration, including extensive changes to the plan form, floor levels, architectural features and elevations of the listed buildings, would be detrimental to their character and special architectural and historic interest. As such the proposal would result in substantial harm to these identified designated heritage assets, contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013. Further to this, the development offers limited public benefit and fails to meet to the tests provide within paragraph 133 of the National Planning Policy Framework, meaning the development should be refused in order to accord with paragraphs 132 and 133 of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PK16/6557/LB	<b>Applicant:</b>	Dodington Commercial Property Ltd Dodington Park Estate
<b>Site:</b>	Dodington Manor Dodington Lane Dodington Bristol South Gloucestershire BS37 6SB	<b>Date Reg:</b>	5th December 2016
<b>Proposal:</b>	Reconfiguration of main house to include new staircase, demolition of outbuildings to the North end, extension to south end and alterations to fenestration. A landscaping scheme to include relocation of gate piers and attached wall to courtyard and extension to former stable block.(Re submission of PK16/0305/LB)	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	374123 180312	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th January 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK16/6557/LB**



## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

As the accompanying full planning application for the development proposed within this application for listed building consent has been submitted to the Circulated Schedule, officers also find it pertinent to also submitted this application to Council's circulated schedule procedure.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for significant works to a residential dwelling which happens to be a grade II listed building known as Dodington Manner, formerly Dodington Rectory. As well as the former Rectory, the associated Coach House is also grade II listed, as are the gate piers which effectively connects the Rectory with the Coach House and demarcates the service courtyard. Works are also proposed to the Coach House and the gate piers.
- 1.2 The Coach House and gate piers are within the residential curtilage of the dwellinghouse, as is the garden space immediately to the south and east. The proposed development is comprehensive, actively seeking to remodel, demolish and reconfigure multiple aspects of this historic group of buildings. The proposal will be discussed in more detail within the main body of the report.
- 1.3 As well as this application for listed building consent, there is also an application for planning permission that is pending determination, planning ref. PK16/6556/F. Further to this, a planning application and application for listed building consent were submitted to the Authority in 2016, and withdrawn shortly after. These applications were withdrawn in light of objections from officers and Historic England. The Authority, together with Historic England, engaged in pre-application advice with the applicant in response to these applications being withdrawn. Unfortunately, it appears that such pre-application advice has been disregarded. The proposal is largely the same as the previously submitted proposal, the only change being minor internal amendments to the first floor layout of the service wing.
- 1.4 The description of the development includes landscaping works, such works do not require listed building consent, however such works will be assessed within the associated planning application.
- 1.5 The application site is outside of a designated settlement boundary and within the Bristol/Bath Green Belt.
- 1.6 From the outset it is important to highlight that should the Authority be minded to approve this application, it will have to be referred to the Secretary of State for Communities and Local Government for determination as Historic England have objected to the proposal.

## 2. POLICY CONTEXT

### 2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990  
NPPF National Planning Policy Framework March 2012  
PPG National Planning Proactive Guidance

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

L12 Conservation Areas  
L13 Listed Buildings

#### South Gloucestershire Local Plan Proposed Submission Draft: Policies, Sites and Places Plan

PSP1 Local Distinctiveness  
PSP17 Heritage Assets and the Historic Environment

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually 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 plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK16/6556/F Pending  
Reconfiguration of main house to include new staircase, demolition of outbuildings to the North end, extension to south end and alterations to fenestration. A landscaping scheme to include relocation of gate piers and attached wall to courtyard and extension to former stable block.(Re submission of PK16/0302/F).
- 3.2 PK16/0305/LB Withdrawn 25/04/2016  
Erection of an extension to southern elevation of the main house, together with the replacement of south-western wing roof and also the demolition of a single storey northern wing along with the wide scale fenestration remodelling to the main house. Partial demolition of coach house to facilitate three single storey attached rear extensions and associated internal alterations. Erection of hipped roof on central core of main house. A landscaping scheme including the demolition and relocation of the listed gate piers and construction of partial wall; as well as the construction of terracing and balustrades on the eastern elevation of the main house. Removal of secondary staircase; reconfiguration

of primary staircase; and removal of internal partition and walls and the changing of floor levels.

- 3.3 PK16/0302/F Withdrawn 25/04/2016  
Erection of an extension to southern elevation of the main house, together with the replacement of south-western wing roof and also the demolition of a single storey northern wing along with the wide scale fenestration remodelling to the main house. Partial demolition of coach house to facilitate three single storey attached rear extensions. Erection of hipped roof on central core of main house. A landscaping scheme including the demolition and relocation of the listed gate piers and construction of partial wall; as well as the construction of terracing and balustrades on the eastern elevation of the main house.
- 3.4 P96/1956/L Listed Building Consent 13/08/1996  
Rebuilding of garden wall and demolition of lean-to outbuildings.

#### **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
Members are supportive of the all the works proposed.

##### Conservation and Listed Building Officer

Objection: Dodington Manor, Coach House and gate piers are all grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of the degree of harmful intervention, demolition and alteration, including extensive changes to the plan form, floor levels, architectural features and elevations of the listed buildings, would be detrimental to their character and special architectural and historic interest contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy L13 of the Adopted South Gloucestershire Local Plan and policies CS1 and CS9 of the Adopted Core Strategy.

Although the comments of the Conservation Officer feature strongly throughout the heritage discussion within this report, officers would also encourage members to review the Conservation Officer's comments in full, these are available within the online case file.

##### Historic England

Objection. We continue our overall support of the proposed investment into this designated heritage asset, the repair of the historic fabric, and the retention of the house as a single family dwelling. The previous application for listed building consent was withdrawn following fundamental concerns over some of the more significant aspects of the proposed works. The remit of Historic England, in the case of works to a Grade II listed building is advising where there are elements of proposed demolition. Our previous advice responded to such works, and as these aspects of the proposals remain largely unchanged, **we would object to the revised application**. We believe that the house is capable of some changes to facilitate a modern family home within the existing plan form with some modest modifications. Once again, we would be more than

happy to engage with the applicant and their agent, and meet to discuss a solution that would better sustain the conservation of the historic building.

Sustainable Transport

No comment.

**Other Representations**

4.2 Local Residents

None received.

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks Listed Building Consent for a significant level of development to a number of grade II listed buildings, including gate piers, within the residential curtilage of a dwelling.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically, when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Historical Significance of the Rectory

The date of the original phase of construction of the Rectory appears to be difficult to pin down with a degree of accuracy, although records within the Gloucestershire Archives indicate that date of 1827 for the start of construction. The building would have been the rectory for St Mary's church in Dodington Park. It is likely that further alterations and additions occurred in the 1840s to the building and site, predominantly relating to the erection/completion of the Coach House and stables; the finishing of the main house, as well as the creation of the servants' wing. Indeed mortgage papers dated 1842 recorded the loaning of monies to the Reverend who owned the site at that time in order to undertake the works discussed above.

5.4 The group therefore comprises the main Rectory building, designed in the Classical Revival or Neo-Classical style and constructed from ashlar limestone with sandstone dressings, vermiculated sandstone plinth and hipped slate roofs. The form of the Rectory building has a resemblance to Wyatt's designs for the grade I listed Church at Dodington Park, and reflects an inspiration for the residence of the clergyman to reflect 'tasteful advantage' but also to provide a visible link of connection between the church and the pastor. This is evident within the design of the building where the northern section of the building is certainly more grand than the remaining building.

5.5 Attached to the south of the main building is a two storey servants' wing with a much more modest appearance. On the western side of the building is a single

storey projection, which includes a waiting room, WC and coal house. At the south end of the servants' wing is a portico that was added in 1842, a further single storey projection then extends to the west and was clearly intended to have more subservient function including a dairy, gardeners shed, Brewhouse, office and other more functional uses. Indeed these additions were improvements clearly required by the Ecclesiastical Commissioners Act 1836 which required waiting rooms for parishioners, offices (kitchen, scullery, china pantry, larder, linen closet, wine or beer cellar and coalhouse), and other improvements. This phase of development at the Rectory can therefore be considered to be of social interest and value, as well as of architectural and historic interest since it embodies a period of regulation and reform within the church following the Reform Act of 1832.

- 5.6 The layout of the grounds around the Rectory can be seen in the first edition, colour 1880 OS map. This shows the group of buildings more or less as it stands today, with the house to the north and the ancillary wings forming a square shaped courtyard to the south. The rectory faces east onto a formal lawn bounded on the north, east and south by a ha-ha, allowing unrestricted views out over the surrounding fields which appear to have been planted with trees to give a parkland feel to the setting. Three entrances to the site appear on the north side of the group. The furthest east appears to be a secondary track or path lined by widely spaced trees. To the north east appears a wider entrance and access track, with an avenue of closely spaced trees. This entrance sweeps down towards the house and will have provided views of the east facing garden front with its portico perhaps intended as an "eye catcher" and book-end to the building. It cuts an S shaped path, leading to the west entrance where it loops around a circular bed or feature and then joins the third entrance leading directly north back onto the lane. This arrangement changed very slightly by the 1900s, with the closure of the middle entrance (the eastern entrance remained a footpath). To the south of the group of buildings is the enclosed kitchen garden. This has an interesting crinkle-crankle wall aligned roughly east-west and was probably used for growing fruit on the south-facing side. A somewhat serpentine wall (albeit far less pronounced) appears to form the east side of the walled garden. The crinkle crankle wall and remnants of the other kitchen garden walls survive to varying degrees.
- 5.7 It is important to consider that the building survives relatively unaltered with only a few alterations to window positions and internal partitions and it appears, therefore, to be essentially as the architect and owner intended. The heritage statement suggests that that the quality and potentially the significance of the building is somehow diminished as a result of the building not adhering to, or reflecting the high architectural standards of the time, or its perceived 'country-house' status. This suggestion is not an accurate reflection of this group of heritage asserts. Rather officers consider that the building has been designed to give a sense of high status likely reflecting the aspirations of the house's first residents and the potentially the style of the church to which it was connected. However, the building and wider site also reflects that the fact that the building has been designed to a budget, and to respond to the functional requirements of a rectory or a parsonage under the Ecclesiastical Commissioners Act 1836. This has resulted in some interesting, and at times odd, internal architectural features or detailing such as the main staircase arrangement, window heights,

ceiling heights etc. These may be seen by some as negative attributes, but they can also be seen as providing an insight into the social history of the building and the owner's aspirations of creating a version of a grand country house but on a more human scale and perhaps reflecting the pious nature of the owner.

5.8 The external architectural formality of the Manor's design, combined with the clear demarcation of the hierarchy of the buildings that make up the whole composition, give the site an aesthetic value that is of a high order, given how little has been altered since its original construction. As a group of listed heritage assets the complex also has historic value due to its connection to Dodington Park and St Mary's church, together with an historic communal value associated with the religious connection to the parish church and the parish community.

#### 5.9 The Proposed Works

The proposal is suggested to bring a vacant building back into use. The proposals submitted are comprehensive and involve alteration, remodelling, demolition and reconfiguring multiple aspects of this historic group of buildings.

#### 5.10 *Main House*

5.11 The proposal is to remodel the main central staircase and introduce a new section of stone cantilevered stairs to 'correct' what is seen by the applicant to be an uncomfortable and ill-considered arrangement and to raise the floors, windows, door openings and fireplaces in the west facing rooms to correspond to the new floor levels. There is no evidence within the fabric of the building to demonstrate that the present floors have been lowered, and the spaces within the rooms on this west front appear to be original and as designed. The changes to the floor level would also extend into the large room on the southern side of the main house before it connects to the servants wing. This room, with its spacious qualities, high ceilings and high windows has a different character to the rest of the domestic accommodation on the first floor and may have had a functional role perhaps as a school room, meeting room, office or prayer room. There is reference to a 'nursery' also included in the architect's instruction which may relate to this room. Its position close to the head of the secondary staircase (leading from the 'waiting room') and with direct access also into the core of the main house would point to a functional space associated with the role of the Rectory as opposed to it being part of the domestic accommodation. The small connecting door and access off the lower landing level provides an obvious route from the body of the main house into this public room for the incumbent whilst the parishioners would have been taken through the waiting room and up the servant's staircase. Elsewhere, the internal WCs in the ground floor entrance and the room above are removed, the door in the north elevation of the proposed library is blocked and replaced by a window and the original butler's pantry (kitchen) is reconfigured as part of a comprehensive rearrangement of partitions, floor levels and staircases at this junction with the servant's wing. The east front is altered with the opening up of the blind windows in the proposed 'reading room', the arrangement of shutters in the proposed library are removed, the external doors replaced and the cills of the first floor windows lowered to 'improve consistency between the windows of

the centre and flanking wings'. The roof structure over the central atrium is also altered, with a hipped slate roof replacing or oversailing the present flat roof structure.

#### 5.12 *Servants Wing and South Range*

5.13 As with the main house a host of internal works are proposed, however, the external appearance to these sections will drastically change. At ground floor, the single storey courtyard addition is removed in its entirety, the external door converted to a window, internal walls removed and the west front windows all replaced with doors. At the southern end of this wing, a new two storey extension with a Regency style bow front is to be added behind the portico, to serve as a main bedroom suite at first floor and an extended kitchen at ground floor. The external walls facing the Brewhouse are removed, and the group of small outbuildings are connected back to the main house through the removal of walls and the introduction of a new roof structure. New openings are proposed in the south and north facing elevations.

#### 5.14 *Courtyard and Stables*

5.15 The listed gate piers and attached walls are to be demolished and the piers relocated to the entrance to the site. The Coach House and stables are to be converted to an annex, with a triple bay extension along the back of the coach house to provide a garage, garden store, WC and shower room. The coach house is opened up internally at ground floor level to provide a studio, whilst the first floor is converted to 3 bedrooms each with ensuite with new openings in the internal walls providing connections through to each room. The cill height of the windows to the front of the building are lowered and a new staircase introduced to connect the two floors internally. The external staircase is retained and repaired.

#### 5.16 *Garden*

5.17 The east facing garden front of the main house is given a new terrace with central sweeping staircase, balustrades and flights of steps to the north and south. This will necessitate removing the present semi-circular vermiculated stone steps leading to the existing doors. The wall defining the walled garden is removed and a new section of walling introduced to the south. The two areas of the garden thus become more directly connected. It should be noted that these works do required listed building consent.

#### 5.18 Heritage Assessment

The proposal would significantly alter the character and appearance of the application site in an attempt to achieve the desired enrichment of the buildings heritage significance and the rescuing of the 'failed ambition of the first resident to create an aspirational home' as set out in the applicants' Vision.

5.19 Officers disagree with the inference that the original plan for this building was flawed from the outset, and the claim that the resultant buildings did not meet the high aspirations of the owner is conjectural given the fact that it has served as a generously sized home with very little alteration for nearly 200 years. Whilst aspects of the architecture may be questionable and not classically

'correct', these quirks are more likely to be the result of the social and financial circumstances of the owner, the skill of the architect/builder, the functional requirements of the building as a result of its role in the community and the legislative framework of the time. It is the combination of these factors that make the building unique and whilst they may jar to the trained eye of an architect and in comparison with the fine contemporary buildings of the larger estates, to a lay person they are more likely to be taken at face value and appreciated as a piece of classical architecture on a human and domestic scale.

#### 5.20 *Main House*

5.21 The proposals to the main house are largely aiming to gain grand bedrooms which the applicants suggest to be a shortcoming in the design and execution of the main house. However, there is no evidence to suggest that the existing arrangement is not as originally intended. After all the dwelling would have been designed to reflect the role and nature of the resident, a reverend. Accordingly, it is possible that excessive ornamentation, decoration and architectural extravagance may not have suited the owner and this is perhaps reflected in the surviving character of the building.

5.22 The applicant's attitude of architectural 'improvement' and aspirations of grandeur, therefore impacts on the significance of the building, notably the floor levels in half of the first floor rooms, the windows in the west facing elevation and the secondary staircase. 'Improvements' to the architecture of the building proposed elsewhere in the building also involve the loss of original fabric and changes to the external appearance of the building.

5.23 For example, the alteration of cill levels of the windows in the first floor of the east facing elevation, and the head heights of those in the ground and first floor west elevation is unjustified, and has a materially harmful impact on the character and appearance of the building. Aspects of the present building, such as the beaded ashlar panels above the windows are used in the design of the single storey wings on the east facing elevation as well as above the door and windows on the west elevation. They would appear to have been a deliberate feature of the original building design, with those on the west elevation probably a direct response to the lower first floor level over the hall. The proposal to alter the stair, raise the internal floor levels, to increase the window proportions and to alter window cill/head heights on the west elevation are all interconnected and relate to the applicant's desire to 'correct' the original architecture of the building on the presumption that it demonstrates a lack of skill on the part of the original architect. Whilst it is accepted that the present stair arrangement is odd, there is the counter-argument that the design of the building was intentional, that it was designed partly with a functional purpose in mind, and that it reflects a provincial and restrained architectural approach.

5.24 Internally, the subdivision of the large first floor room and changes to floor levels will irreversibly alter this space and remove all evidence of the room's original function. This still retains a non-domestic character, whose function can be appreciated through the character and appearance of the space, the layout of the building and the historic evidence of the architect's drawings



- 5.25 The works to the roof comprise the introduction of a hipped roof in lieu of the flat roof but no structural details are supplied to demonstrate whether the building can support this nor how it might affect the historic fabric of the building. The elevations also appear to exaggerate the size of the new roof as the roofline doesn't appear to take into account the parapet gutter. Nevertheless, officers would question whether the introduction of the hipped roof is necessary and whether improvements to the flat roof such as increased the fall/drainage etc. would be just as effective and also protect the present character of the listed building.
- 5.26 *Servants' Wing, South Range and Piers*
- 5.27 The alterations to the servants' wing and south range are perhaps even more dramatic than the main house. With the introduction of a tall two storey pavilion with bow fronted south elevation, the loss of multiple internal partitions at ground floor, new doors onto the formal lawn, the re-roofing and reconfiguration of the remaining south range and the complete demolition of the single storey courtyard addition.
- 5.28 Whilst some concessions have been made at first floor level with the retention of the existing corridor arrangement, the extent of works and demolition remains substantial and the proposal will, dramatically and irreversibly change the subservient and ancillary character of this wing of the building, creating a sense of formality, status and domesticity in what is unquestionably the 'service' and functional heart of the building. The extensive loss of historic fabric, and the resultant impact on the original plan form, design and appearance of the building will, have a demonstrably harmful impact on the character and significance of the listed building.
- 5.29 The portico, for instance, is described by the applicant as a sham feature that has an awkward visual and physical relationship with the service wing and fails to provide a convincing termination or an appropriate sense of balance to the long east elevation of the listed building. Again officers would respectfully disagree. It is unlikely that the architect intended the portico to balance the elevation when one considers how this elevation would have been seen in context. The portico remains an eye-catcher and perhaps a piece of classical folly that would have been glimpsed obliquely from the sweeping tree-lined entrance drive and which would have elevated the sense of grandeur without great expense. It also provides a functional connection between the kitchen garden and the formal garden and, intentionally or otherwise, provided some shade and shelter to the new dairy behind.
- 5.30 The new pavilion will draw the eye away from this feature and will artificially raise the status of this part of the building such that the entire east front reads as an extension to the formal domestic area of the house. The dramatic change in character to the south front, and the impact on the single storey former Brewhouse and remains of the attached outbuilding is equally harmful. The formal regency bow front completely transforms the character and sense of hierarchy in this elevation whilst the new roof structure also destroys the simple, low key and detached appearance of the outbuildings. The loss of the historic doors and windows (those in the Brewhouse being later additions) also

removes any evidence of the original structures, plan form and appearance and further changes the character of this functional wing overlooking the walled kitchen garden.

5.31 The removal of the single storey addition, courtyard wall and grade II listed piers radically alters the character and special interest of the service area of the group. This addition, a result of the 1842 phase of works following the Ecclesiastical Commissioners Act 1836, provides a clear and strong delineation between the formal entrance to the main house and the secondary, service areas. Despite some differences between the original design and the completed building, and the possible rebuilding of one of the piers, the present arrangement still provides a good sense of enclosure to the service yard and protects the hierarchy of the two spaces. Indeed, Historic England who rarely object to the proposals concerning grade II listed buildings, have specifically criticised the demolition of the service wing and the removal of the stone piers that serve service entrance.

5.32 In a similar manner to Historic England, officers find there to be no justification for the demolition of this addition (which provides an insight into the social and functional history of the site), nor for the demolition and relocation of the separately listed gate piers and attached walls. The proposal to substantially open up this courtyard and to merge it to the drive at the front of the house fails to protect the historic separation and status of these two parts of the site which will have an adverse and harmful impact on the significance and setting of the listed buildings. Whilst planting is proposed to be introduced into this new courtyard area officers are of the opinion that this will be a poor and inadequate substitute for the existing walls and piers.

### 5.33 *Courtyard and Stables*

5.34 The proposals for the Coach House entail the rebuilding of the rear single storey additions to provide garages, stores, shower and WC and the conversion of the main building to annex accommodation and a studio at ground floor level. A new staircase is to be introduced in the northern bay of the building and ensembles are provided to all bedrooms.

5.35 The proposed internal alterations involve the creation of two new openings at ground floor through the internal walls that currently divide the building into the central coach house and the two separate stables either side, the blocking up of the two existing doors in the attic, the removal of all internal partitions and the introduction of two new doorways in the internal walls to provide interconnection between the 3 bedrooms. A new staircase is to be introduced in the northern bay of the building and ensembles are provided to all bedrooms. There is no objection in principle to the conversion of the building to secondary annex accommodation but the extent of internal alteration is a concern, especially the loss of the cellular plan form and historic separation of the rooms on the ground floor. The openings between the central and outer bays are not acceptable by virtue of the harm to the plan form and they should be omitted – there is no inherent need for the bedrooms to directly access the studio area and a single door in the back of the coach house/studio could provide access to a WC in the rear additions. The first floor partitions appear to be a mix of

original and modern fabric and they are to be removed to provide three bedrooms. The justification for the interconnection between all bedrooms is unclear as it necessitates closure of existing doors and loss of fabric to create new openings. The layout and/or number of bedrooms should be revised to better respect the original openings. The use or re-use of match-board cladding to the new partitions would respect the original character of the building.

5.36 Externally, the lowering of the window cills to the front elevation is unacceptable and will give them a distinctly domestic character and scale which would be incongruous and harmful to the special interest of the building. The existing inward opening vent windows should be retained and refurbished. The additions at the rear of the building take the form of three connected gables and replace the rather crude assemblage of blockwork walls and modern roof structures. One wall, however, is of traditional construction and is proposed for complete removal. This aligns with the original party wall between the cart house and piggeries and is being removed to create the large garage. This wall should be retained rather than removed, especially when it seems that the garden store could be made larger to avoid such a loss.

#### 5.37 *Garden*

5.38 The proposal to introduce a terrace with swept steps and balustrades would require the removal of the pair of semi-circular stone steps leading up to the ground floor rooms either side of the central bay. These existing steps are constructed in the vermiculated sandstone that is also used as the plinth for the rest of the main block and which provides a visible base to the ashlar stonework and is an integral part of the building design. The ground level has been reduced slightly on this side requiring an addition step but the building sits comfortably in the landscape, grounded by the vermiculated plinth. The arrangement of the central projecting bay with the semi-circular steps either side remains a pleasant and subtle composition that echoes the modest character of the building.

5.39 The large new terrace, steps and balustrades would become a very prominent and intrusive addition, obscuring the entire plinth on the east front and requiring the demolition of the existing steps. The character of this garden front would be entirely changed and there is a distinct impression reinforced in this part of the scheme that the applicant is trying too hard to elevate the status of the building as part of the grand Vision for Dodington Manor.

5.40 The proposed site plan also proposes changes to the walls to the former kitchen garden, reinstating a length of wall closest to the south-facing crinkle crinkle wall but removing a section close to the portico. The separation of the formal private garden from the working kitchen garden is an important part of the layout of the site and setting of the listed building. The historic access between the two appears to have been provided by the small door in the side of the portico (the door in the wall possibly a later addition), thus keeping the connection discreet and unobtrusive. The removal of the remaining section of wall attached to the portico as part of the redesign of this end of the building is regrettable.

#### 5.41 *Summary*

- 5.42 The proposals for Dodington Manor are ambitious and there is a clear desire to introduce a sense of grandeur and status befitting a country house in this location. The building is in an advancing state of disrepair and the proposals would bring the building back into use as a single residential dwelling which is desirable.
- 5.43 The proposed alterations are, however, extensive in their scope, entailing alterations to practically all aspects of the interior and exterior of the main house, the coach house and the gate piers, all of which are grade II listed buildings. The applicant's desire is to improve on the original 'flawed' architecture of the building and to correct what are perceived as failures in the design and execution of the original and later phases of construction fails. However, to respect the present character of the listed building and the evidence it holds from a social as well as an historical and architectural perspective, the applicant's approach to this development is unsuitable.
- 5.44 The building is 'quirky' in its design and in the way internal rooms and features are designed but it has served its original purpose for nearly 200 years without substantial intervention. The external treatment and design of the building reflects its original purpose which had to have an almost multi-aspect approach where certain elements of the parsonage are grand, and other elements are designed to appear less grand in an effort to be more identifying with parishioners, a further aspect of the building is the more functional service wing and end of the building.
- 5.45 Trying to correct these aspects of the building simply because they do not conform to our current understanding and appreciation of classical architecture, removes all evidence of the owners/architects designs and of their ambition to create an air of a gentleman's residence albeit without great expense.
- 5.46 The degree of intervention, loss of historic fabric, changes to the plan form and elevations of the buildings is such that the proposals will result in harm to the special architectural or historic interest of Dodington Manor, the Coach House and the gate piers. It is highly desirable to preserve these listed structures and their settings, and as such with regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, officers find that the proposed development should be refused listed building consent.
- 5.47 Officers also find it necessary to state that within the accompanying planning application officers have made and assessment with regard to paragraphs 132 and 133 of the NPPF. This assessment has established that as the harm to the heritage assets is not considered necessary to achieve substantial public benefit, and the development fails the tests of paragraph 133, the development should be refused.
- 5.48 Overall, the Rectory, Coach House, gate piers and courtyard are understood to be largely unchanged since they were completed in approximately the 1840s.

As such the heritage assets at the site are an excellent reflection of not just architecture relating to parsonages in the early 19<sup>th</sup> century, but also social change and the circumstances of the Reverend at this time. Accordingly, the architectural features that the applicant finds to be 'flaws' of the buildings original conception, are actually historical features that reflect the context of the proposal in its respective time period and social and religious setting. This represents an important element of the historic and social context of the buildings significance as should therefore be preserved, the proposal fails to recognise this and as a result would materially diminish the application site's historic significance.

## **6 CONCLUSION**

6.1 The recommendation to **REFUSE** listed building consent has been taken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically with regard to Section 16(2) which requires Local Planning Authorities to determine applications with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7. RECOMMENDATION**

7.1 It is recommended that Listed Building Consent be **REFUSED** for the reason listed below/on the decision notice.

**Contact Officer: Matthew Bunt**

**Tel. No. 01454 863131**

## **REASONS FOR REFUSAL**

1. Dodington Manor, Coach House and gate piers are all grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of the degree of harmful intervention, demolition and alteration, including extensive changes to the plan form, floor levels, architectural features and elevations of the listed buildings, would be detrimental to their character and special architectural and historic interest. As such the proposal would result in substantial harm to these identified designated heritage assets. The application is, therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PK16/6747/PDR	<b>Applicant:</b>	Mr Ward
<b>Site:</b>	22 Guest Avenue Emersons Green Bristol South Gloucestershire BS16 7GA	<b>Date Reg:</b>	16th December 2016
<b>Proposal:</b>	Installation of a rear dormer to facilitate loft conversion.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366659 177452	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>		<b>Target Date:</b>	7th February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/6747/PDR

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to 2no objections which been received, contrary to the Officers recommendation.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The proposal seeks full planning permission for the installation of a rear dormer window to facilitate a loft conversion at 22 Guest Avenue, Emersons Green. Permitted Development Rights have been removed at the property under application ref. K8041/1.
- 1.2 The application site relates to a relatively modern, two-storey, semi-detached property which is located within the built up residential area of Emersons Green. It has brick elevations and UPVC windows. Surrounding properties are also relatively modern, but vary in scale and design.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Adopted Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS29 Communities of the East Fringe of Bristol Urban Area  
  
South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Emerging Development Plan  
  
Proposed Submission Policies, Sites and Places Plan (June 2016)  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standard SPD (Adopted) December 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history

#### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No Objection

#### **Other Representations**

- 4.2 Local Residents  
2no. objections have been received from Local Residents. Concerns as follows:
- Scale of dormer window
  - Out of character with surrounding area

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the Policies, Sites and Places (PSP) Plan allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual amenity  
The proposed dormer window would sit to the roof slope of the rear elevation of the property. It would have a width of 3.85 metres and a maximum depth of 3.2 metres. It would have a sloped flat roof design and would have a maximum height of 2.2 metres. It would be a large addition to the roof of the property, and as such those concerns from local residents are noted. However, it is not considered that it would be out of proportion with the existing property.
- 5.3 The proposal introduce 1no window to the rear elevation which would match those on the existing property, and would be formed on render materials. Whilst comments from neighbours are understood, the dormer window would sit to the rear of the property and it is noted that it may be visible to occupiers of Pendock Court, but it is not considered that it would be visually intrusive to the surrounding streetscene. Accordingly, the development conforms to the requirements of Policy CS1 of the adopted Core Strategy.
- 5.4 Residential Amenity  
The property is orientated as such that its rear elevation faces towards Pendock Court, however, it does not directly overlook any of the properties within the cul-de-sac. Accordingly, it is not considered that it would impact privacy or result in additional overlooking. Especially given it would only introduce 1no additional window. Considering the above, overall, the proposal is not considered to reduce the existing level of residential amenity and is deemed acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006 as well as the emerging Policy PSP8 of the PSP Plan (June 2016).



### 5.5 Transport and Parking

Plans show that the development would result in 1no additional bedroom at the property, increasing the total number to 3. The Councils Residential Parking SPD sets out that for a property with this number of bedrooms 2 off-street parking spaces should be provided at the site. The case officer noted on site that the property has 1no. attached garage and hardstanding sufficient to park 1no. car. With this in mind, no objection is raised in relation to highway matters.

## 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 attached to the decision notice.

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**

## 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).

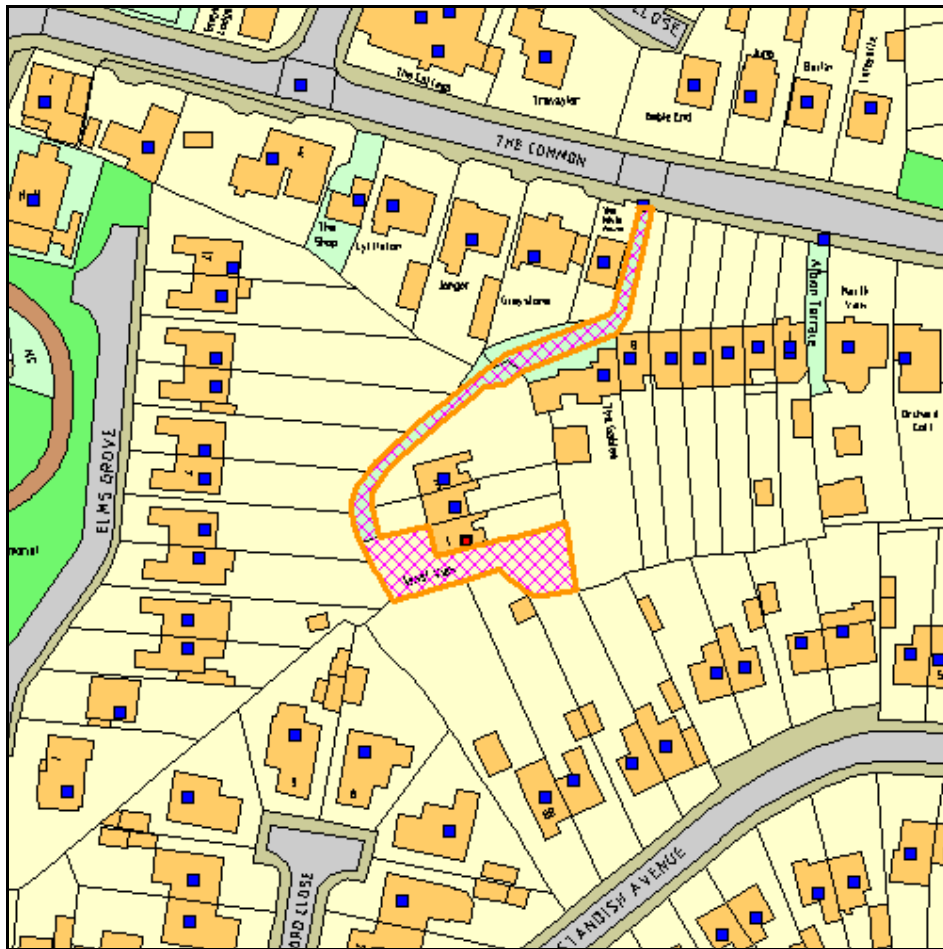
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/5435/F	<b>Applicant:</b>	Mr G Kingscott
<b>Site:</b>	Land Adjacent To 1 West View The Common Patchway Bristol South Gloucestershire BS34 6AW	<b>Date Reg:</b>	30th November 2016
<b>Proposal:</b>	Erection of 1no new dwelling and associated works (amendment to previously approved scheme PT16/0823/F) (retrospective)	<b>Parish:</b>	Stoke Lodge And The Common
<b>Map Ref:</b>	360907 182379	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th January 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/5435/F

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as a comment of objection has been received; this is contrary to the officer's recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a new dwelling attached to an existing terrace of cottages on The Common in Patchway. This application seeks to make an amendment to a previously approved scheme, PT16/0823/F. The proposed amendment seeks to drop the eaves and ridge height of the proposed dwelling.
- 1.2 The application site is located within the existing urban area of the north fringe of Bristol. No further land use designations cover the site.
- 1.3 This application is retrospective in nature as it is apparent from the officer's site visit that the proposed development is nearing completion.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

T12 Transportation  
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/0823/F Approve with Conditions 13/05/2016  
Erection of 1no. end terrace dwelling and associated works
- 3.2 PT12/3167/F Approve with Conditions 30/11/2012  
Erection of 1 no end terrace dwelling and associated works

#### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Lodge and The Common Parish Council  
None received
- 4.2 Archaeology Officer  
No objection
- 4.3 Highway Structures  
Informative note to be attached
- 4.4 Lead Local Flood Authority  
No objection; surface water drainage should be clarified
- 4.5 Transportation  
No objection as development previously approved; cycle parking should be conditioned; refuse will need to be transported to The Common for collection; access for a fire tender may not be possible and a sprinkler system may need to be installed.

#### **Other Representations**

- 4.6 Local Residents  
One comment of objection has been received which raises the following matters:
- overlooking to the detriment of privacy
  - fence has been damaged

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the erection of a new end-of-terrace dwelling adjoining no.1 West View, The Common, Patchway. It seeks to amend the design previously approved under PT16/0823/F.
- 5.2 Principle of Development  
The application site lies within the existing urban area of the north fringe of Bristol. Under policy CS5 which establishes the strategic locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations. In addition, policy CS17 would also allow for development within existing residential gardens subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.
- 5.3 It should also be noted that development on this site has previously been deemed to be acceptable in principle under the grant of planning permission PT12/3167/F and PT16/0823/F. The permission from 2012 has now expired as it was not implemented within 3 years of the date it was granted. However, the development is retrospective as the dwelling is now nearing completion as does not accord with the plans approved under PT16/0823/F.

- 5.4 At present, the council is unable to demonstrate a 5-year supply of deliverable housing land and therefore, in accordance with paragraph 49 of the NPPF, the policies within the development plan – insofar as they relate to housing – are out of date. Proposals for residential development should therefore be assessed in light of the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.
- 5.5 The presumption in favour of sustainable development states that when the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused.
- 5.6 Therefore, despite the site being located in an area deemed suitable for development, this application must be assessed against the presumption in favour of sustainable development as set out in the remainder of this report.
- 5.7 Design  
The amendments to the design result in the eaves and ridge height of the proposed dwelling to sit below those on the existing dwelling. This has the result of making the proposed dwelling appear more subservient to the existing terrace than the previously approved scheme.
- 5.8 Policy CS1 requires proposals to meet the highest possible standards of site planning and design and policy H4 requires development to respect the character and appearance of the existing dwelling. Overall, the proposal does respect the character and appearance of the existing dwelling although the reduction in the eaves height is considered to result in a dilution of the design quality of the original scheme.
- 5.9 Notwithstanding this, should an application come forwards for a side extension to the dwelling, it is likely that to reach an acceptable standard, the authority would seek to ensure that the extension is set back from the main elevation and set down from the roof.
- 5.10 With this in mind it is difficult to conclude that the amended design would result in harm to the visual amenity of the area, particularly given that the site is not highly visible from the public realm. Weight must also be attached to whether or not the authority would be able to successfully defend an appeal.
- 5.11 Taking these factors on board it is concluded that despite the proposal not being of as high quality design as the previous scheme, the overall design quality is acceptable.
- 5.12 The materials used are appropriate. The layout remains the same as that previously approved. These factors therefore remain unchanged and are acceptable.

- 5.13 Residential Amenity  
Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers, the application site, or which would fail to provide future occupiers of the dwelling with an acceptable standard of living conditions.
- 5.14 The previous permissions on this site have not raised concern with regard to residential amenity. The proposed amendment does not make a material difference to the impact on residential amenity. The proposal is not considered to result in undue overlooking or a loss of privacy.
- 5.15 No objection is raised to this amendment with regard to residential amenity.
- 5.16 Transport and Parking  
With regard to highway considerations there are 2 main aspects to consider. The first is highway safety and the second, parking provision. Access to the site is provided by a minor lane leading off The Common and weaving through the existing built form to the cottages. The lane is narrow with few opportunities to pass. Indeed, its winding nature also leads to poor visibility in places. However, this lane is historic in nature and serves only a handful of residential properties. As it only serves a small number of dwellings, it is considered to be very lightly trafficked.
- 5.17 No objection was previously raised against the development with regard to transport and parking and the development was not previously considered to give rise to a severe impact on highway safety. The block plan indicates that sufficient off-street parking would be provided.
- 5.18 Therefore no objection is raised to the development on the basis of transport and parking.
- 5.19 Overall Planning Balance  
As previously stated, the local planning authority cannot demonstrate a 5-year supply of deliverable housing land and therefore applications for residential development must be determined against the presumption in favour of sustainable development.
- 5.20 The proposal before the authority has the benefit of the provision of 1 additional dwelling. Whilst this is a limited contribution towards the housing needs of the district, it is still considered a benefit. Furthermore, given the location of the site within the existing urban area with good access to existing services and sustainable travel options, and the increased housing density that would result from the proposal, this development is considered sustainable development when considered against the NPPF definition of sustainable development as set out in paragraph 7.
- 5.21 The proposed amendments are not considered to significantly and demonstrably outweigh the benefit of the proposal and therefore planning permission should be granted.

#### 5.22 Other Matters

A comment has been received that a neighbour's fence has been damaged during the construction works. This is a civil matter between landowners and therefore is not given weight in the determination of this planning 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 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 It is recommended that planning permission is GRANTED subject to the conditions listed on the decision notice.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### CONDITIONS

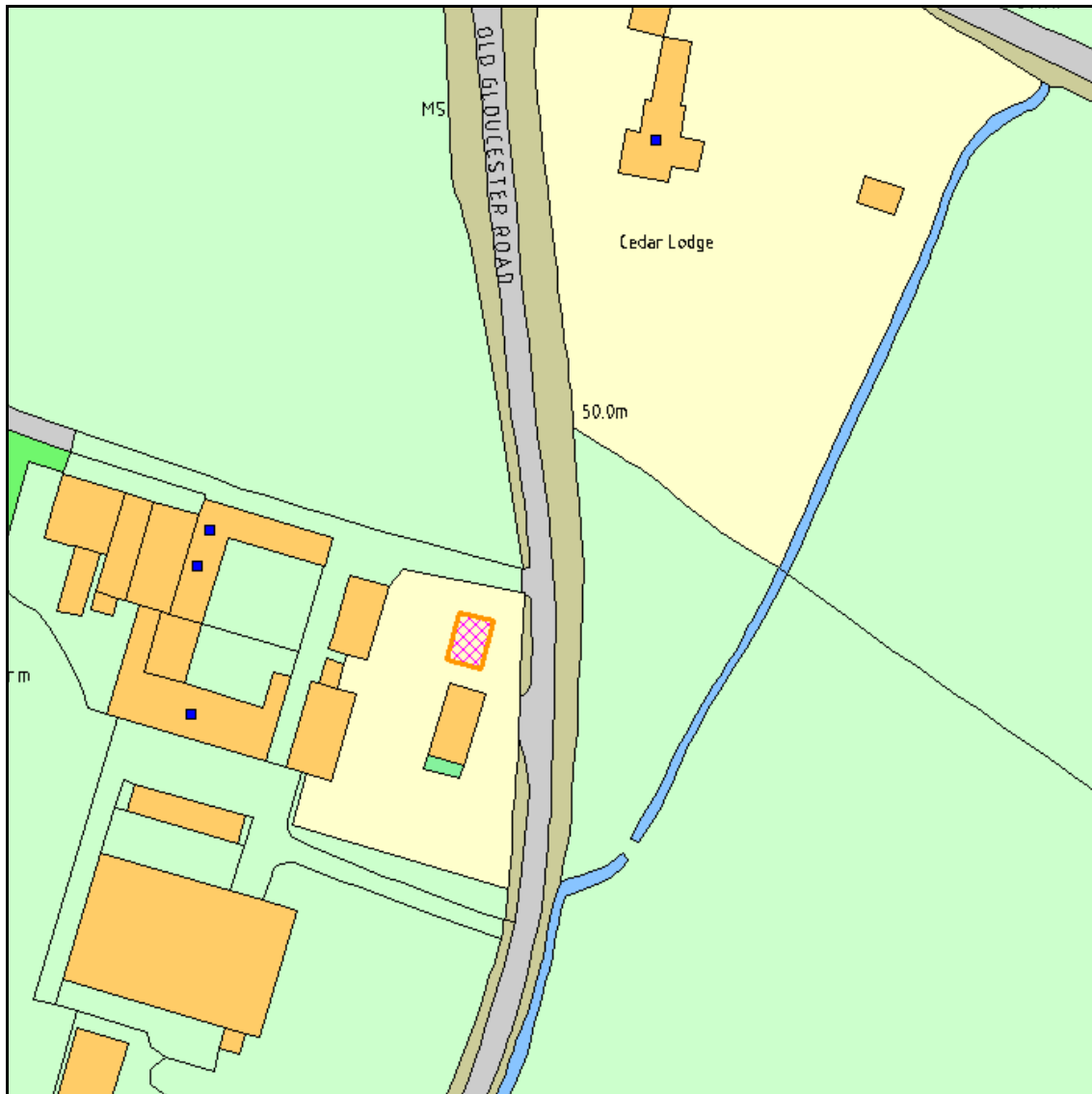
1. The off-street parking facilities (for all vehicles, including cycles) shown on plan Proposed Site Block Plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

#### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6260/F	<b>Applicant:</b>	Rockfield Farms Ltd
<b>Site:</b>	Brickhouse Farm Old Gloucester Road Winterbourne Bristol South Gloucestershire BS36 1RU	<b>Date Reg:</b>	16th November 2016
<b>Proposal:</b>	Erection of double garage with storage area above	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	364473 183422	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th January 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6260/F



## **REASON FOR REORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a detached garage with storage above. Initial plans illustrated a triple garage, however subsequent plans received illustrate a scaled down proposal with a double garage and side door to the garden store about 1.5 metres smaller than the initial plan.
- 1.2 The application site comprises a white rendered, two-storey detached dwellinghouse located off Old Gloucester Road, near Winterbourne. The site is located outside of the defined settlement boundary. The site is located within the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
The Parish Council objects. This is a new development in the greenbelt which will have an unwelcome impact on the local area.

#### Sustainable Transportation

We note that this application seeks to erect a detached garage and garden store in the grounds of Brickhouse Farm which is located on the B4427 Old Gloucester Road near Gaunts Earthcott. We understand that this garage will be accessed from an existing farm access to the north of the farmhouse, rather than directly from a public highway.

Our review indicates that this garage is accompanied by a fairly extensive driveway which will allow vehicles to turn round so avoiding the need to leave the site in reverse gear. Moreover, provision of this driveway and garage will mean that cars no longer need to use the informal layby outside the house for long-stay parking. We consider this to be beneficial in safety terms. Conversely, our review also indicates that the applicants have not provided any information about visibility from the existing access along the B4427 Old Gloucester Road. This is a matter of concern. However, as this access already exists we are not in a position to object to this omission. We are comforted by the fact that if long-stay vehicles are removed from the informal layby outside the house, this will improve visibility in a southward direction which in-turn will improve safety on the B4427, as well as from the access. As consequence, we have no highways or transportation objections to this proposal.

#### Tree Officer

The applicant is advised to erect fencing (12x the stem diameter at 1.5m) to protect the existing conifer trees from disturbance or damage during the construction of the garage. The trees are semi-mature and should not be seen as a constraint to the proposal.

### **Other Representations**

- 4.2 Local Residents  
No comments received

## **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. The site is also located within the Green Belt, so additional consideration will need to be given in this respect of Green Belt policy.

### 5.2 Green Belt

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. The NPPF states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is appropriate development in the Green Belt.

- 5.3 Residential extensions are considered appropriate forms of development in the Green Belt unless they are considered disproportionate. The planning history of the site does not illustrate previous residential development of the dwelling or

within its associated curtilage. The proposed garage building is located approximately 5 metres to the north of the existing dwelling, in a relatively large associated plot. It is estimated that a volume increase over the original dwelling of in the region of 30% would result. The garage is not considered to be an addition that would result in a disproportionate addition to the property in Green Belt terms. It is not considered that this in its own right could be considered significant such as to be considered disproportionate development to the remainder of the existing dwelling house and curtilage. The detached garage itself is not therefore considered disproportionate to the main dwelling. Given therefore the nature of the proposal, the nature and size of the existing dwelling, the size of the curtilage and the relationship between the dwelling and the proposed garage, in this instance the proposals are considered to be acceptable in scale and relation to the existing dwelling addition as such and does not impact upon the openness of the Green Belt and is therefore is not considered to be inappropriate development.

#### 5.4 Residential Amenity

Given the overall scale of the extension and its relationship with the existing dwelling and surrounding properties, it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

#### 5.5 Design

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

#### 5.6 Transportation

The garage would be set well within the relatively large curtilage and use of existing access is proposed, there is also sufficient off street parking to serve the property, in accordance with the required standards.

#### 5.7 Trees

A couple of semi mature conifers exist within the application site, in relative proximity to the proposed building. These are not considered pivotal to the consideration of the application in terms of any landscaping or screening they offer. Conditions are therefore not recommended in this respect. An advisory note is recommended to provide guidance on their protection during construction.

## 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 Core Strategy, set out above, and to all the relevant material considerations set out in the report for the following reasons:

## **7. RECOMMENDATION**

- 7.1 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).

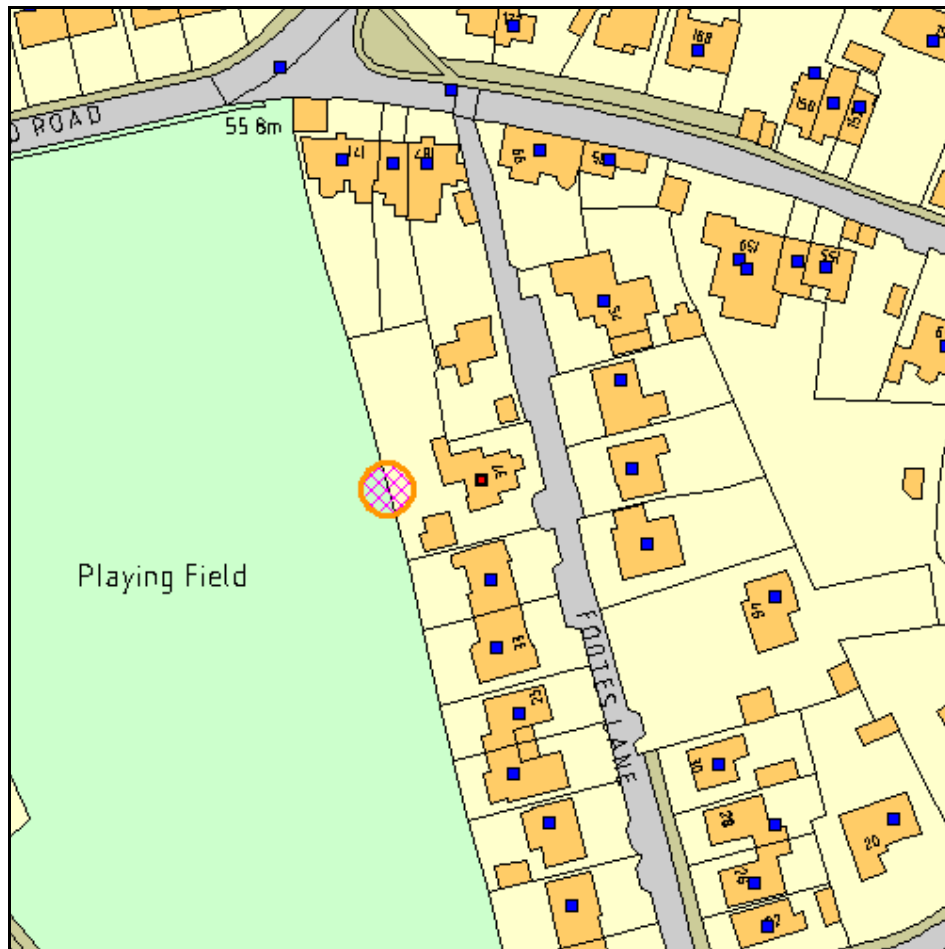
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6375/TRE	<b>Applicant:</b>	Beesmoor Playing Field Committee
<b>Site:</b>	37 Footes Lane Frampton Cotterell Bristol South Gloucestershire BS36 2JG	<b>Date Reg:</b>	13th December 2016
<b>Proposal:</b>	Works to 2no Hedging Oaks to crown lift to 4m. Covered by SGTPO 07/12 dated 21/8/12.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366925 181303	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	2nd February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT16/6375/TRE**

## **1. THE PROPOSAL**

- 1.1 Works to 2no English Oaks to crown lift to 4m. Covered by SGTPO 07/12 dated 21/8/12.

## **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 No relevant planning history

## **4. CONSULTATION RESPONSES**

### **4.1 Frampton Cotterell Parish Council**

Objection received stating the following reasons:

- i. No notice has been served on the Parish Council as land owners.
- ii. No reasons given as to why these works are required.

### **Other Representations**

### **4.2 Local Residents**

None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Works to 2no English Oaks to crown lift to 4m. Covered by SGTPO 07/12 dated 21/8/12.

### **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 2 oak trees are mature and sharing the same canopy. They contribute positively to the landscape.

- 5.4 The proposed works will provide clearance for the football pitch and also alleviate some of the shading issues experienced by the resident of Footes Lane.

- 5.5 These works are not considered detrimental to either the trees' health or the amenity they provide to the locality.

5.6 To address the concerns of Frampton Cotterell Parish Council the following applies:

- i. Any permissions granted here are in planning terms only. In order to carry out the works further permission will be required from the tree owners unless the works can be carried out from neighbouring land and only constitutes cutting back to a boundary line.
- ii. The reasons for the works are stated in section 7 of the application form and are to alleviate excessive shading to a adjacent garden and to clear overhanging branches from the football pitch.

## **6. RECOMMENDATION**

6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

**Contact Officer: Phil Dye**  
**Tel. No. 01454 865859**

## **CONDITIONS**

1. 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.

2. 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. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6567/PDR	<b>Applicant:</b>	Mr Mark Young
<b>Site:</b>	32 New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	<b>Date Reg:</b>	12th December 2016
<b>Proposal:</b>	Installation of 2no. rooflights and door to existing detached garage. (Retrospective)	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372293 192650	<b>Ward:</b>	Charfield
<b>Application Category:</b>		<b>Target Date:</b>	1st February 2017



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PT16/6567/PDR



## **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 The application seeks retrospective planning permission for the installation of 2no. rooflights and a door to an existing detached garage.
- 1.2 The application site comprises a two-storey semi-detached dwellinghouse situated on the northeastern side of New Street, Charfield. A detached garage is located to the north-west of the main dwelling.
- 1.3 The proposed works meet the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, and would therefore, ordinarily, constitute permitted development. However the insertion of rooflights on to the garage at this property were restricted under planning application ref PT11/3686/F, condition 5.
- 1.4 As the insertion of the door is not deemed to materially alter the external appearance of the garage, it is not deemed to constitute development and will therefore not be assessed within the remit of this planning application.

### **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

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT11/3686/F                      Erection of two storey rear extension with first floor balcony to provide additional living accommodation. Erection of garage.  
Approved: 10.01.2012

Condition 5 attached to this approval decision restricted the insertion of windows to the side (northwestern and southeastern) elevations or the roof of the permitted garage. It was considered necessary to restrict the insertion of new windows in the garage as they could potentially allow for views into the neighbouring garden to the northwest.

- 3.2 PT14/2556/NMA                      Non material amendment to PT11/3686/F to install two velux windows to the roof of the garage and install side door.  
Objection: 01.08.2014

This was not considered to be a non-material amendment. A planning application was therefore deemed to be required to allow neighbouring occupiers to be consulted and to allow the privacy impacts to be properly considered. The proposed access door is considered to be non-material.

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No comment received

#### **Other Representations**

- 4.2 Local Residents  
One comment of objection was received. This comment outlined the view that retrospective planning permission should only be approved on the basis that the building is restricted to use as a garage and not subsequently have a change of use to residential.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks retrospective permission for the installation of 2no. rooflights and a door to an existing detached garage. 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. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. 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 Due to the screening effects of the main dwelling and large entry gate, as well as the siting of the rooflights on the north-western side of garage roof, the rooflights are not visible from the public areas offered along New Street. A public right of way runs through a field located to the north east of the application site. However due to the minor nature of the works and the distance between the application site and this right of way, the rooflights would unlikely be visible when viewed from this location. As such it is considered that the insertion of the rooflights to the north-western side elevation of the garage has no impact on the streetscene or the character of the immediate surrounding area.

5.4 Due to the minor nature of the alteration, it is also not deemed that the installation of the 2 rooflights to the north-western elevation of the garage roof has any impact on the character and distinctiveness of the garage or the main dwelling. In light of this, the development is deemed to conform to 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 of the occupiers of neighbouring properties, the main property under consideration is No. 34 New Street located to the north west of the application site.

5.7 It is not deemed that the insertion of the rooflights on to the northwestern elevation of the garage roof would impact upon the residential amenity of the neighbouring occupiers through an increased sense of overbearing or overshadowing. Additionally, the insertion of the rooflights does not result in any loss of outdoor private amenity space at the application site.

5.8 The main consideration in this instance is whether or not the rooflights result in an unacceptable loss of privacy at No. 34 New Street through a sense of overlooking on to the garden of this property. The distance between the north-western elevation of the garage and the boundary with No. 34 is approximately 5 metres.

Submitted floor plans do not indicate that the garage in question incorporates a first floor level. Due to their location approximately 3.4 metres above ground floor level and the 45 degree angle of the rooflights, it is not deemed that their installation would create any increased sense of overlooking on to garden of No. 34. Even were a first floor to be constructed within the garage, due to the modest size and 45 degree angle of the windows, it is not considered that the levels of overlooking from a first floor level would be unacceptable. However it is recognised that the installation of further windows of differing style and location could impact upon the residential amenity of No. 34. As such, a condition will be attached to any decision restricting the installation of any windows on the garage, other than those indicated in the submitted plans. Subject to this, with regard to impacts upon residential amenity, the development is deemed to satisfy criteria set out in policy H4 of the Local Plan.

#### 5.9 Transport

Due to the minor nature of the works, it is not considered that the alterations to the detached garage would impact upon parking provision or highway safety. During a site visit it was noted that the application site benefits from a number of parking spaces. As such a condition requiring the garage to be used solely for the parking of motor vehicles in association with the subject property is not considered necessary.

#### 5.10 Objection comments

One comment submitted by a local resident raised concern over the potential usage of the garage for residential purposes. Condition 3, attached to the original decision granting planning permission for the construction of the garage (PT11/3686/F), restricts the occupation of the garage at any time other than for purposes incidental to the residential use of the dwelling known as 32 New Street. It is deemed that the occupation of the garage for other purposes, providing that they are incidental to the residential use of the main dwelling, would be acceptable. As such, no further condition restricting the use of the garage is deemed to be necessary. However for the avoidance of doubt, the aforementioned condition will be attached to any decision relating to 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** 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 garage in question shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 32 New Street.

Reason

In the interests of the residential amenity of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

2. No windows other than those hereby approved shall at any time be inserted in the side (north western and south eastern) elevations or the roof of the garage at No. 32 New Street.

Reason

To preserve the privacy of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6697/F	<b>Applicant:</b>	Mr C Barberi
<b>Site:</b>	9 Meadowsweet Avenue Filton Bristol South Gloucestershire BS34 7AN	<b>Date Reg:</b>	14th December 2016
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360594 179459	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd February 2017



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT16/6697/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is due to appear on the Circulated Schedule due to an objection from a local resident contrary to the Officer's assessment.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two storey rear extension to provide additional living accommodation.
- 1.2 The application relates to an end of terrace, set in a row of four two storey dwellings, in the urban area of Filton. On the south side of Meadowsweet Avenue there are similar terraced dwellings, with semi-detached dwellings to the north on The Mead.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the environment and heritage
- CS25 Communities of the North Fringe of Bristol Urban Area

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

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

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

#### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No comment received.

#### **Other Representations**

- 4.2 Local Residents  
One comment of objection received from a local resident concerned about the extension and Juliet balcony overlooking their back garden, side entrance and rear of their property on The Mead, resulting in a loss of privacy.

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The proposals stands to be assessed against the above listed policies and all material considerations. Policy H4 of the adopted Local Plan 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 the highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The proposal is considered to comply with the principle of development, subject to a detailed analysis below.
- 5.2 Design/Visual Amenity  
The proposal would create a two storey rear extension. The first floor part of the extension would be 1 metre shorter than the ground floor. There is a small existing ground floor lean-to extension which will be replaced. The proposed extension would measure approximately 6.1 metres wide, 4.0 metres long (ground floor) and 3.0 metres long (first floor), 5.7 metres to the eaves and overall height of 8.2 metres. The rear extension would have a hipped roof, as existing. The rear elevation would include a Juliet balcony; there would be no additional windows on the side elevations.
- 5.3 Both neighbouring dwellings (No's 7 and 11) have small single storey rear extensions. The depth of the first floor extension is modest at 3 metres and is unlikely to appear bulky or overbearing or result in a loss of light to the neighbouring dwellings. Overall, the proposed design is considered in keeping with the host dwellings and is considered to be of an appropriate standard of design.
- 5.4 Residential Amenity  
A local resident has raised an objection about the proposed two storey rear extension, in particular the first floor element and the inclusion of a Juliet balcony. The application site backs on to properties on the west side of The Mead and properties on the east side of Boverton Road. The two storey rear extension will face north, however there is also a rear access lane which divides properties on Meadowsweet Avenue and The Mead. The rear elevation will be approximately 14 metres away from the boundary of the rear garden of No. 6 The Mead and over 20 metres from their first floor rear elevation.



Juliet balconies do not permit external access, they are more like a window than a balcony. However, it is noted that as the ground floor extension projects beyond the first floor there is opportunity to later create a balcony. Such a development could impact on both the adjoining neighbours and neighbours to the north's privacy. As such, a condition will be attached restricting the use of the ground floor extension roof being used as a balcony.

- 5.5 It is considered unlikely that there would be inter-visibility between bedrooms or a significant reduction in privacy. Views from the Juliet balcony to the north would be the same if viewed from a window and there is still a significant separation distance with properties to the rear. Overall, the proposed extension is unlikely to negatively impact on the existing level of residential amenity afforded to neighbouring residents. Ample private amenity space would remain to serve the host dwelling.

## **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**

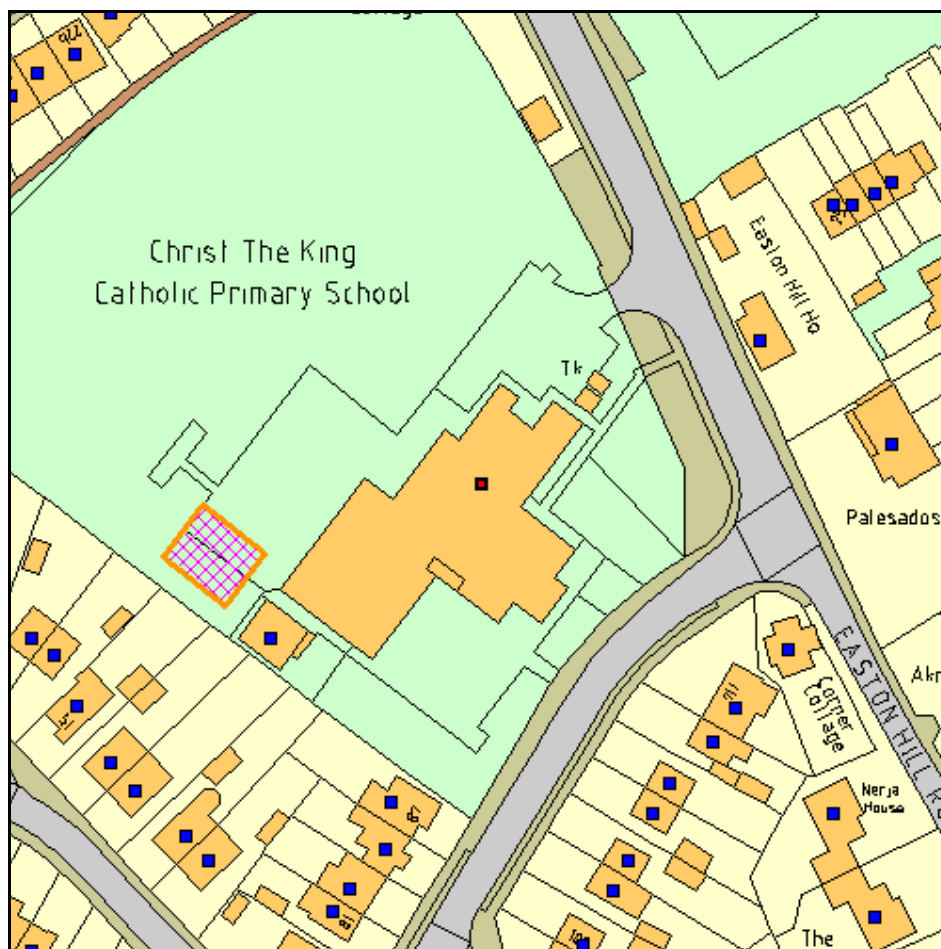
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6701/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Christ The King Rc School Easton Hill Road Thornbury Bristol South Gloucestershire BS35 1AW	<b>Date Reg:</b>	14th December 2016
<b>Proposal:</b>	Erection of modular classroom with ramped access	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364549 190455	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT16/6701/R3F**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule in accordance with the Council's Scheme of Delegation as the applicant is South Gloucestershire Council itself. In addition, 2no objections have been received, contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a classroom with ramped access at Christ the King Primary School.
- 1.2 Christ the King Primary School comprises a main school building and a classroom building accompanied by associated car parking, landscaping and playing areas. It sits between Easton Hill Road and Oakleaze Road within the settlement boundary and established residential area of Thornbury.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Adopted Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

LC4 Proposals for Educational and Community Facilities within Existing Urban Areas

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS23 Community Buildings

CS32 Thornbury

#### 2.3 Emerging Development Plans

##### Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

#### 2.4 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N7026 Approve with Conditions 23.10.1980

Erection of a wooden shed for the storage of sports equipment.

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.2 | PT09/0966/F   | Approve with Conditions | 16.07.2009 |
|     | Erection of 2 metre high rear boundary fence.       |                         |            |
| 3.3 | PT13/2257/ADV                                       | Approve                 | 02.08.2013 |
|     | Display of 1no. non-illuminated fence mounted sign. |                         |            |

#### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council  
No objection

4.2 Arboriculture Officer  
The applicant will need to submit an Arboriculture Report with a Tree protection plan and an arboriculture method statement for all works within the root protection areas of the trees.

##### *Update*

Provided that the installation of the proposed Elliot building is in accordance with the submitted Arboriculture report I am satisfied that it can be achieved without any damage to the existing trees.

4.3 Sport England  
"Having assessed the application for erection of modular classroom with ramped access, Sport England are satisfied that the proposed development meets the following Sport England Policy exception:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

This being the case, Sport England does not wish to raise an objection to this application."

#### **Other Representations**

4.4 Local Residents  
2no. objections were received from Local Residents. One customer objected regarding the following:

- Inaccurate site plan, the tree for removal is within my rear garden. Requested amended plan.

The second objector made the following comments:

- Concerns regarding height of proposed development
- Loss of light

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The National Planning Policy Framework (NPPF) sets out in para. 72 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It also goes on to state that great weight should be given to the need to create, expand or alter schools. The applicant has provided information indicating that there is a need for additional school places in the Thornbury area. Significant weight is therefore given to the fact that the proposal will help meet identified demand.

Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for proposals for the development, expansion or improvement of educational facilities within the existing urban area and defined settlement boundaries. The proposal is considered to represent a sustainable form of development. The main issues to consider are the appearance/form of the proposal and the effect on the visual amenity of the area in accordance with design Policy CS1; the transportation effects, including whether the site is accessible by non-car modes of travel, and the off street parking effects; the effect in terms of residential amenity; and the environmental effects.

### 5.2 Design and Visual Amenity

The proposal involves the erection of a single storey modular classroom which would sit to the south western boundary of the school site and on part of existing hardstanding, currently used as a play area. A similar modular classroom sits close to the proposed siting of the development. The proposal would provide the school with an additional classroom which would have a ramped access, ensuring accessibility to disabled students. It would also provide a store, W.C and cloakroom area.

5.3 The classroom would be set into the existing bank at the site by 0.7 metres, and would have a maximum height of 4.1 metres. It would have a width of 9.3 metres and a depth of 8.8 metres. Information submitted shows that its exterior would comprise of high build textured paint on plywood panels, and would match the existing modular classroom at the site. Overall, it is considered that the development is acceptable in visual amenity terms, in accordance with policy CS1 of the Core Strategy.

### 5.4 Arboriculture

It is noted that plans show 1no tree would be removed as part of the development and a number of other trees roots protected. Following initial comments from an arboriculture officer, the applicant has provided an arboriculture report. The report is acceptable, however it is considered necessary for a condition to be issued to ensure the development is in accordance with such.

5.5 Concerns are noted from a local resident with regard to the incorrect tree being identified for removal. Officers have contacted the agent regarding this matter and it has been confirmed that the tree to be removed is within the school

grounds, and is identified within the Site Layout Plan and Arboriculture report as submitted.

5.6 Residential Amenity

The development would be erected approximately 4 metres from the southern western boundary of the school site. A number of properties on Woodleigh sit beyond this boundary, and their rear elevations face toward the school. Comments from local residents regarding the height of the proposal are acknowledged, however, the classroom would be set into an existing bank at the school and approximately 3.5 metres would sit above ground level. Accordingly, whilst it is noted that the classroom may be visible to properties on Woodleigh, it is not considered that it would result in a detrimental impact to the residential amenity. Particularly given it would be located a minimum of 25 metres from their main rear building lines and appropriate boundary treatment would remain.

5.7 Given the context of the application site and the single storey nature of the development, it would not result in a significant loss of light to nearby occupiers. Overall, the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.

5.8 Transport

It is noted that the proposal would increase employment numbers from 22 to 24, and that 15 car parking spaces as well as cycle parking would remain at the school. Policy T8 of the Local Plan and the emerging Policy PSP16 of the PSP Plan set out standards for parking. The school would continue to meet standards as set out in these Policies.

5.9 It is considered that although there may be some traffic increase as a result of additional pupil numbers, it is unlikely that it would give rise to unacceptable transportation impacts. As such, overall, there is no transportation objection to the development.

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 Planning permission is **GRANTED** subject to the condition on the decision notice.

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**

**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. All works shall be carried out in accordance with the Arboricultural Report which was received by the Council 18th January 2017

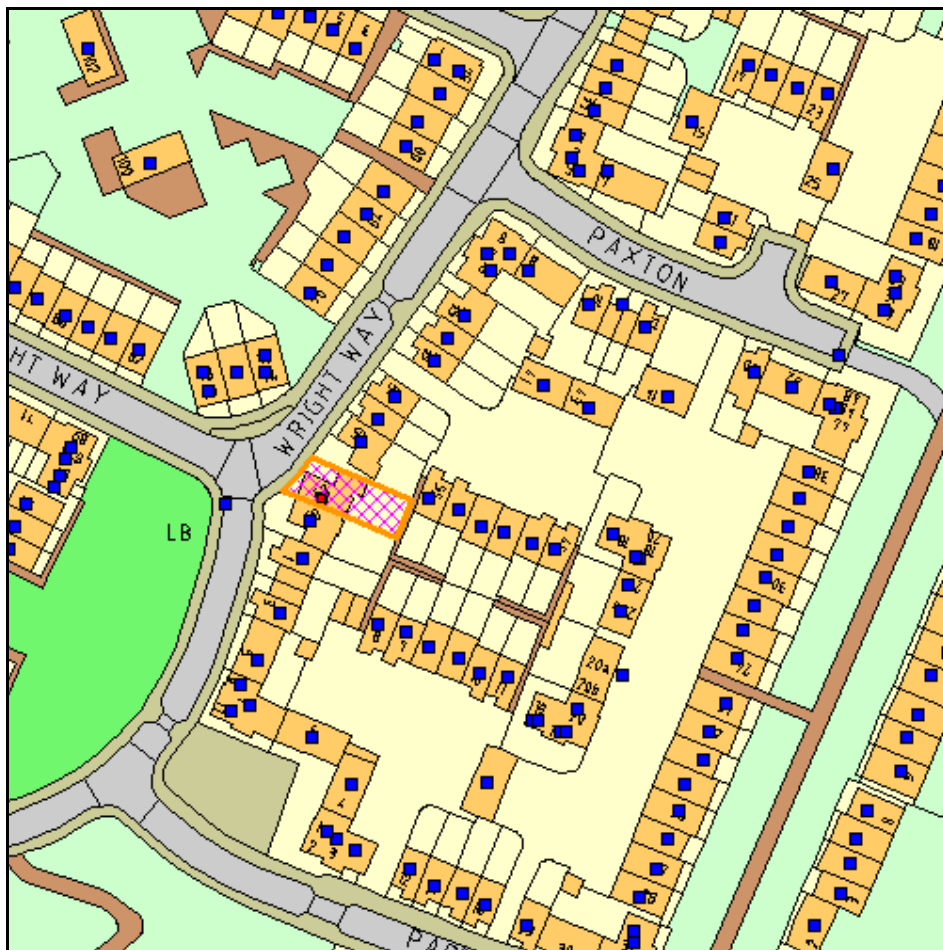
Reason

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



**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6735/CLP	<b>Applicant:</b>	Sophie Chalmers
<b>Site:</b>	63 Wright Way Stoke Gifford Bristol South Gloucestershire BS16 1WE	<b>Date Reg:</b>	21st December 2016
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the conversion of existing garage to a bedroom (no external alterations).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362247 177531	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	10th February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6735/CLP

## **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 conversion of an existing garage to a bedroom at No. 63 Wright Way, Stoke Gifford, would be lawful. The subject property is a 5 bedroom property and is currently in use as a house in multiple occupation. As such the property can be considered as being in Class C4 of the Use Classes Order.
- 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  
National Planning Policy Framework March 2012  
National Planning Policy Guidance.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P99/1510                      Erection of 201 dwellings (approval of reserved matters)  
Approved:    30.09.1999

Condition 2 attached to this decision restricted the use of the garages permitted.

- (2) The garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouses only and shall not be used for any business or commercial purposes.**

The reason given for this condition on the decision notice was to safeguard the residential character of the area and to protect the amenities of the nearby dwellings. It is further noted that condition 3 on P99/1510 required the garages to be provided prior to occupation in order to ensure there was adequate off street parking provided.

- 3.2 P97/2145                      Demolition of hospital buildings and redevelopment of the site for housing (outline).  
Approved:    03.03.1999

#### **4. CONSULTATION RESPONSES**

4.1 Ward Councillors  
No comments received

4.2 Stoke Gifford Parish Council  
Objection - The Parish Council respectfully suggests that conversion to an extra bedroom in an HMO represents the garage being converted for a commercial use. In addition this property is situated right on one of the busiest junctions on the Stoke Park development and at a very short distance from vehicle fumes and noise. In addition one parking space is totally insufficient for a 6 bed HMO, especially when that property is dependent on cars for transport there being no garage space for cycle or bin storage. Council does not believe that the additional room would be safe or habitable should the door not be replaced.

#### **Other Representations**

4.3 Local Residents  
No comments received

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Site Location Plan  
(Received by Local Authority 12<sup>th</sup> December 2016).

#### **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 to determine in this case is in relation to the use of the garage – as it has been confirmed that no external physical works are proposed. Specifically, whether the proposal is contrary to Condition 2 attached to planning application ref. P99/1510 is an important consideration; the reserved matters application granting planning permission for the construction of the dwelling. This condition is outlined in full in paragraph 3.1 of this report. The other issue is to determine whether the conversion of the existing garage at the property to a bedroom would result in a change of use class from C4 (small HMO) to Sui generis (larger HMO) which would amount to a development requiring planning permission.

6.3 The proposal seeks confirmation that an existing garage can be lawfully converted in to a bedroom without the need for planning permission. Condition 2, attached to P99/1510, restricts the use of the garages of the dwellinghouses other than for uses incidental to the enjoyment of the dwellinghouses. A bedroom is considered to constitute primary living accommodation. Relevant case law indicates that the term ‘incidental to the enjoyment of a dwellinghouse’ does not normally relate to primary living accommodation. Examples of this are outlined below:

- *Bradford City Council vs Sorren (2015) (DCS Ref: 400-006-274)*  
DISMISSED

A Lawful Development Certificate (LDC) seeking confirmation that the conversion and extension of a double garage within the garden of a dwellinghouse in west Yorkshire could be used by the appellant as primary living accommodation was rejected because it did not comply with Class E(a) of Part 1 to Schedule 2 of the General Permitted Development Order (GPDO) 1995.

Technical guidance published by government advised that under Class E primary living accommodation such as a bedroom or bathroom were not incidental to the main dwellinghouse. In accordance with *Rambridge v Secretary of State for Environment and East Hertfordshire District Council (1997)*, it would not be required for a purpose incidental to the enjoyment of the dwelling.

- *Brent Council vs Gerios Al-Rachid (2014) (DCS Ref: 200-002-933)*  
DISMISSED

A north London council was successful in seeking the removal of a single storey outbuilding in the rear garden of a dwelling an inspector unconvinced that it was permitted development. Since the building primary living accommodation it did not fall within the scope of Class E.

6.4 As such, the conversion of the garage in to a bedroom is not lawful as it would not constitute an incidental use and is contrary to Condition 2, and would therefore require the granting of planning permission by the Local Authority. The applicant contends that the reason for this condition was to protect the residential character of the development and that the term “incidental” should therefore cover primary accommodation such as a bedroom. It is considered that this argument would be more relevant to a planning application to remove or alter the condition when the merits of such a restriction could be examined; it is not evidence that the proposal is lawful. It is not the purpose of a Certificate of Lawfulness to examine whether the original reason for imposing the condition still holds (or indeed whether there are other material considerations which mean the conditions should remain) as this procedure is more suitably addressed under s73 Planning Act procedure.

The fact that the condition existing is undisputed, and the term “incidental to the enjoyment of a dwelling house” is a well established term in planning practice.

It is normally and widely interpreted to exclude primary accommodation as the above examples show and no evidence has been provided to demonstrate otherwise.

6.5 Sufficient evidence has also not been provided to indicate that the proposal would not constitute a change of use from Use Class C4 to Use Class Sui Generis. It has been noted within the submitted covering letter that the proposed works would allow for the garage to be converted in to a sixth bedroom. HMO's with a total of 3-6 residents fall within Use Class C4, whereas HMO's with more than 6 residents are considered to be larger HMO's, and fall within the Sui Generis Use Class. Whilst a 6 bedroom property would be able to accommodate 6 residents it is reasonably likely that some of the rooms may accommodate 2 residents, including the new bedroom. No evidence has been submitted to substantiate how on the balance of probabilities this proposal will not result in a change of use requiring planning permission.

6.6 Objection Comments

It is not deemed that the conversion of the garage in to a bedroom would represent a commercial use in planning use terms. However the possibility of the conversion resulting in a change of use has been considered within the report. Other concerns generally relate to the planning merits of the proposal. These are not under consideration within the remit of this Certificate of Lawfulness application.

**7. RECOMMENDATION**

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

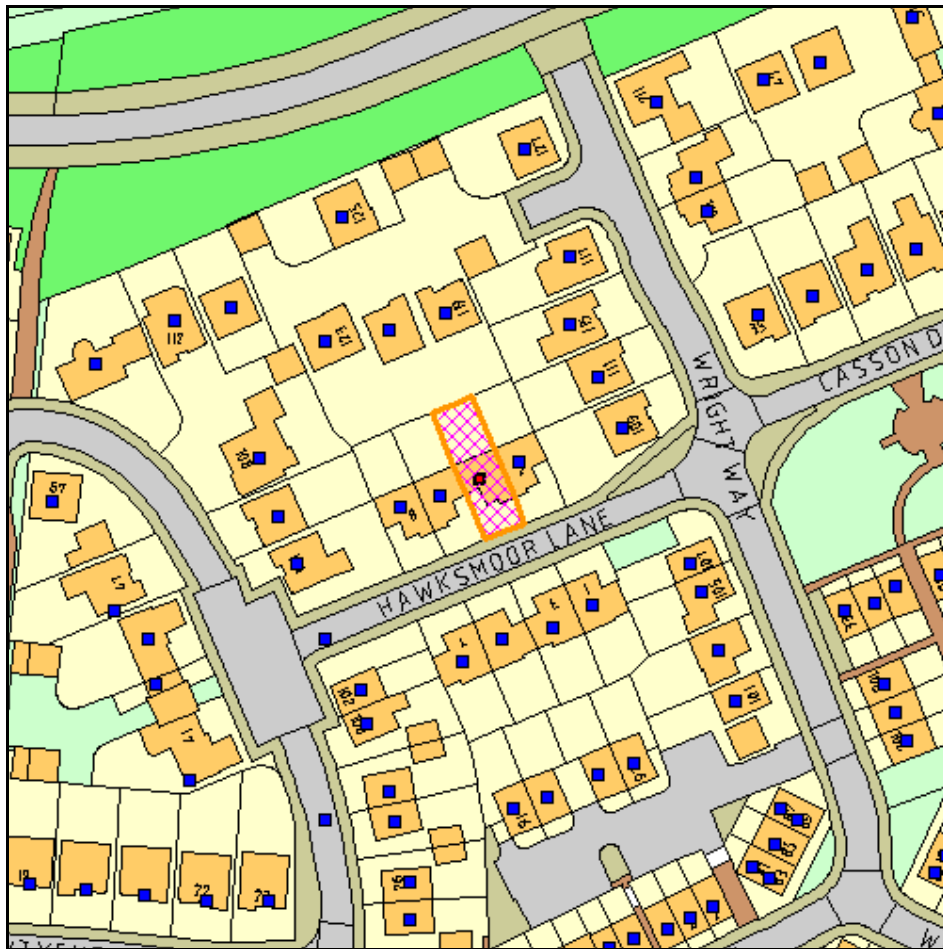
**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

**REASONS FOR REFUSAL**

1. The proposal is contrary to Condition 2 of planning application ref. P99/1510, as the conversion of the garage to a bedroom would represent primary accommodation and not an incidental one. As such the development is not lawful.
2. Insufficient evidence has been submitted to substantiate that on the balance of probabilities as a result of the conversion the use of the property would not change from Use Class C4 to Use Class Sui Generis due to the likely number of residents.

**CIRCULATED SCHEDULE NO. 04/17 – 27 JANUARY 2017**

<b>App No.:</b>	PT16/6736/CLP	<b>Applicant:</b>	Sophie Chalmers
<b>Site:</b>	4 Hawksmoor Lane Stoke Gifford Bristol South Gloucestershire BS16 1WS	<b>Date Reg:</b>	16th December 2016
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the conversion of existing garage to a bedroom (no external alterations).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362104 177642	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	6th February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6736/CLP

## **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 conversion of an existing garage to a bedroom at No. 4 Hawksmoor Lane, Stoke Gifford, would be lawful. The subject property is a 5 bedroom property and is currently in use as a house in multiple occupation. As such the property can be considered as being in Class C4 of the Use Classes Order.
- 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  
National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P99/1353                      Erection of 85 dwellings with associated works and public open space. (approval of reserved matters)  
Approved: 30.09.1999

Condition 2 attached to this decision restricted the use of the garages permitted.

- (2) The garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouses only and shall not be used for any business or commercial purposes.**

The reason given for this condition on the decision notice was to safeguard the residential character of the area and to protect the amenities of the nearby dwellings. It is further noted that condition 3 of P99/1353 required the garages to be provided prior to occupation in order to ensure there was adequate off street parking provision provided.

- 3.2 P97/2145                      Demolition of hospital buildings and redevelopment of the site for housing (outline).  
Approved: 03.03.1999

#### **4. CONSULTATION RESPONSES**

##### **4.1 Ward Councillors**

No comments received

##### **4.2 Stoke Gifford Parish Council**

Objection. The Parish Council notes that while this application has a CIL form submitted (unlike PT16/6735) it has no supporting letter. As with 6735 Council respectfully suggests that conversion to an extra bedroom in an HMO represents the garage being converted for a commercial use. In addition this property is situated in the only road in the development which is subject to very limited parking provision covered by a Residents Parking Scheme. In addition one parking space is totally insufficient for a 6 bed HMO, especially when that property is dependent on cars for transport there being no garage space for cycle or bin storage. Council believe that conversion of the garage at this property will adversely affect the residential amenity of neighbours.

#### **Other Representations**

##### **4.3 Local Residents**

No comments received

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

##### **5.1 Site Location Plan**

(Received by Local Authority 12<sup>th</sup> December 2016).

#### **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 to determine in this case is in relation to the use of the garage – as it has been confirmed that no external physical works are proposed. Specifically, whether the proposal is contrary to Condition 2 attached to planning application ref. P99/1353 is an important consideration; the reserved matters application granting planning permission for the construction of the dwelling. This condition is outlined in full in paragraph 3.1 of this report. The other issue is to determine whether the conversion of the existing garage at the property to a bedroom would result in a change of Use Class from C4 (HMO's) to Sui Generis (larger HMO's) which would amount to a development requiring planning permission.



6.3 The proposal seeks confirmation that an existing garage can be lawfully converted in to a bedroom without the need for planning permission. Condition 2, attached to P99/1353, restricts the use of the garages of the dwellinghouses other than for uses incidental to the enjoyment of the dwellinghouses. A bedroom is considered to constitute primary living accommodation. Relevant case law indicates that the term ‘incidental to the enjoyment of a dwellinghouse’ does not normally relate to primary living accommodation. Examples of this are outlined below:

- *Bradford City Council vs Sorren (2015) (DCS Ref: 400-006-274)*  
DISMISSED

A Lawful Development Certificate (LDC) seeking confirmation that the conversion and extension of a double garage within the garden of a dwellinghouse in West Yorkshire could be used by the appellant as primary living accommodation was rejected because it did not comply with Class E(a) of Part 1 to Schedule 2 of the General Permitted Development Order (GPDO) 1995.

Technical guidance published by government advised that under Class E primary living accommodation such as a bedroom or bathroom were not incidental to the main dwellinghouse. In accordance with *Rambridge v Secretary of State for Environment and East Hertfordshire District Council (1997)*, it would not be required for a purpose incidental to the enjoyment of the dwelling.

- *Brent Council vs Gerios Al-Rachid (2014) (DCS Ref: 200-002-933)*  
DISMISSED

A north London council was successful in seeking the removal of a single storey outbuilding in the rear garden of a dwelling an inspector unconvinced that it was permitted development. Since the building primary living accommodation it did not fall within the scope of Class E.

6.4 As such, the conversion of the garage in to a bedroom is not lawful as it would not constitute an incidental use and is contrary to Condition 2, and would therefore require the granting of planning permission by the Local Authority. The applicant contends that the reason for this condition was to protect the residential character of the development and that the term “incidental” should therefore cover primary accommodation such as a bedroom. It is considered that this argument would be more relevant to a planning application to remove or alter the condition when the merits of such a restriction could be examined; it is not evidence that the proposal is lawful. It is not the purpose of a Certificate of Lawfulness to examine whether the original reason for imposing the condition still holds (or indeed whether there are other material considerations which mean the condition should remain) as this process is more suitably addressed under the s73 Planning Act procedure. The fact that the condition exists is undisputed, and the term “incidental to the enjoyment of a dwellinghouse” is a well established term in planning practice.

It is normally and widely interpreted to exclude primary accommodation as the above examples show and no evidence has been provided to demonstrate otherwise.

6.5 Sufficient evidence has also not been provided to indicate that the proposal would not constitute a change of use from Use Class C4 to Use Class Sui Generis. It has been noted within the submitted covering letter that the proposed works would allow for the garage to be converted in to a sixth bedroom. HMO's with a total of 3-6 residents fall within Use Class C4, whereas HMO's with more than 6 residents are considered to be larger HMO's, and fall within the Sui Generis Use Class. Whilst a 6 bedroom property will be able to accommodate 6 residents it is reasonably likely that some rooms may accommodate 2 residents, including the proposed new bedroom. No evidence has been submitted to substantiate how on the balance of probabilities this proposal will not result in a change of use requiring planning permission.

6.6 Objection Comments

It is not deemed that the conversion of the garage in to a bedroom would represent a commercial use in planning use terms. However the possibility of the conversion resulting in a change of use has been considered within the report. Other concerns generally relate to the planning merits of the proposal. These are not under consideration within the remit of this Certificate of Lawfulness application.

**7. RECOMMENDATION**

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

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

**REASONS FOR REFUSAL**

1. The proposal is contrary to Condition 2 of planning application ref. P99/1353, as the conversion of the garage to a bedroom would represent primary accommodation and not an incidental use to the dwellinghouse. As such the development is not lawful.
2. Insufficient evidence has been submitted to substantiate that on the balance of probabilities as a result of the conversion the use of the property would not change from Use Class C4 to Use Class Sui Generis due to the likely number of residents.