



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC  
ENVIRONMENT**

**CIRCULATED SCHEDULE NO. 26/08**

**Date to Members: 27/06/08**

**Member's Deadline: 03/07/08**

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 **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.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area 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
- g) Applications for the following major development:
  - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
  - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

## **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 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 Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email [planningapplications@southglos.gov.uk](mailto:planningapplications@southglos.gov.uk). Please do not phone your requests, as messages can be lost or misquoted.
- 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

## CIRCULATED SCHEDULE

**DATE: 27/06/08**

**SCHEDULE NO. 26/08**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [Planningapplications@southglos.gov.uk](mailto:Planningapplications@southglos.gov.uk).

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

---

### COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
<b>Have you discussed the application(s) with the case officer and/or area team leader?</b>			
<b>Have you discussed the application with the ward members(s) if the site is outside your ward?</b>			

**Please note: - Reason for Referral**

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

**SIGNATURE .....**

**DATE .....**

## **IMPORTANT NOTE REGARDING RESPONSE DEADLINES**

As a result of a review of the Circulated Schedule procedure, Legal Services have advised us that the wrong response deadlines are being set. The Constitution allows referrals to be made by any member within 5 working days of the issue of the Circulated Schedule. The first working day includes the date the schedule is issued. Therefore, since in most cases the schedule is published on a Friday, the deadline (assuming no bank holidays) would be the end of Thursday, not the end of that week. The deadline for responses has been changed to reflect this latest advice to ensure referrals are being made within the timeline allowed for by the Constitution.

## **IMPORTANT NOTE REGARDING POTENTIAL STRIKE**

It is possible that the Council's services will be affected by planned strike action by Unison members on 16<sup>th</sup> and 17<sup>th</sup> July. As a result of Management action to limit the impact of this on customers, it is intended that the Circulated Schedule for that week will be prepared for issue on the Wednesday (two days earlier than normal) with the deadline for referrals being the end of Tuesday in the week following.

**Dates and Deadlines for Circulated Schedule  
For Proposed Strike on 16<sup>th</sup> and 17<sup>th</sup> July 2008**

<b>Schedule Number</b>	<b>Date to Members 12 noon on</b>	<b>Members Deadline 5 pm on</b>
29/08	Wednesday 16 July 2008	Tuesday 22 July 2008

# Circulated Schedule 27 June 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK08/1261/F	Approve with conditions	8 Lansdown Road, Kingswood, South Gloucestershire, BS15 1XB	Kings Chase	
2	PK08/1263/F	Approve with conditions	18 Edgewood Close, Longwell Green, South Gloucestershire, BS30 9XR	Longwell Green	Oldland Parish Council
3	PK08/1357/CLP	Refusal	Edwards Barn, Westend Farm, Westend Road, Wickwar, South Gloucestershire, GL12 8LD	Ladden Brook	Wickwar Parish Council
4	PK08/1385/F	Approve with conditions	123 Church Farm Rd, Emersons Green, South Gloucestershire, BS16 7BE	Emersons Green	Mangotsfield Rural Parish Council
5	PK08/1411/O	Approve with conditions	Land Adjacent to 15 Alexandra Place, Soundwell, South Gloucestershire, BS164QL	Staple Hill	
6	PK08/1430/F	Approve	Building 2, Riverside Court, Bowling Hill, Chipping Sodbury, South Gloucestershire, BS37 6JX	Chipping Sodbury	Sodbury Town Council
7	PT08/1229/F	Approve with conditions	50 Redwick Road, Pilning, South Gloucestershire, BS35 4LQ	Pilning and Severn Beach	Pilning and Severn Beach
8	PT08/1318/F	Approve with conditions	10 Station Road, Patchway, South Gloucestershire, BS34 6LP	Bradley Stoke Central and Stoke Lodge	Patchway Town Council
9	PT08/1355/F	Approve with conditions	Vale View, Cutts Heath Road, Buckover, South Gloucestershire, GL12 8PX	Charfield	Falfield Parish Council
10	PT08/1401/F	Approve with conditions	Marian Cottage, Harry Stoke Road, Stoke Gifford, South Gloucestershire, BS34 8QH	Frenchay and Stoke Park	Stoke Gifford Parish Council

**CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008**

<b>App No.:</b>	PK08/1261/F	<b>Applicant:</b>	Mr B Vincent
<b>Site:</b>	8 Lansdown Road, Kingswood, South Gloucestershire, BS15 1XB	<b>Date Reg:</b>	10th May 2008
<b>Proposal:</b>	Conversion of existing roof space to form 1no. studio flat and associated works. (Resubmission of PK07/2623/F).	<b>Parish:</b>	
<b>Map Ref:</b>	64729 74723	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2008



© 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**

**PK08/1261/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure as a result of objections received from local residents regarding the proposed development.

### **1. THE PROPOSAL**

1.1 This planning application seeks planning permission for the conversion of existing roof space to form 1 no. studio flat with associated works.

1.2 The application site relates to a two storey terraced dwelling within Kingswood.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Design  
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
H5 Residential Conversions  
T8 Car Parking Standards  
T12 Transportation Development Control

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

3.1 The following relevant planning history relates to the application site

3.2 PK07/1501/F Conversion of house into flats  
Withdrawn

3.3 PK07/2472/F Conversion of flat into 2 flats  
Approved October 2007

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
The application site does not come under a Parish/Town Council

#### **Other Representations**

4.2 Local Residents  
4 letters have been received from local residents raising the following planning objections regarding the proposed development which have been summarised by the Planning Officer as follows:  
-Sewerage system  
-Additional car parking problems  
-Flats will require bins this will cause environmental problems  
-Loss of privacy in rear garden  
-Property was built as a family home and not intended as flats  
-Fire issues  
-Overlooking



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan (January 2006) allows for the conversion of existing residential properties subject to a number of criteria relating to residential and visual amenity and transportation issues being satisfied.

### 5.2 Visual Amenity

The application site relates to a two storey terraced dwelling. The only proposed external alterations to the main dwelling relate to the insertion of two roof lights on the front and rear elevation to enable the loft conversion. Members are advised to consider that a recent planning application (PK07/2472/F) relating to this site was granted planning permission for the conversion of the existing property into two flats and is currently being implemented. That scheme involves the provision of two car parking spaces within the front garden along with bin storage.

5.3 This application proposes an additional car parking space which will be provided within the rear garden plus two bins at the front. Whilst objections have been raised regarding issues of overdevelopment of the site, it is considered that the proposed works will have no greater impact on the visual amenities of the site and surrounding area than the already approved scheme.

### 5.4 Residential Amenity

As the proposed conversion relates to a one bedroom studio flat, there is no requirement for the provision of private amenity space for the future occupiers of that development. The application proposes the provision of bin facilities at the front.

5.5 Although the application proposes the installation of roof lights on the rear elevation it is considered that as they will not allow for direct overlooking that the proposed conversion will have no greater impact on the adjacent occupiers than the existing situation.

5.6 The Planning Officer does have concerns for the future occupiers of the proposed conversion due to its poor outlook and restricted size. However the Council is unable to raise an objection on these grounds as there is no local plan policy that can be applied that would address this issue, and therefore in the absence of a robust local plan policy the Council would be unable to defend the application at appeal.

### 5.7 Transportation Issues

At the time of the previous application for the conversion of the house into two flats, no objection was raised by the Highway Officer on highway grounds as two car parking spaces were proposed. A number of objections have been received from local residents regarding the current parking problems in this area. As part of this application an additional space is proposed within the rear garden and on this basis again no objection is raised.

### 5.8 Other issues

#### Drainage

Issues if drainage will be addressed as part of a Building Regulations application.

### Fire Issues

Issues of means of escape will be addressed as part of a Building Regulations application.

#### 5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

#### 5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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.

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

## 7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

### Background Papers      **PK08/126/F**

**Contact Officer:**    Tracey Price  
**Tel. No.**                01454 863424

### 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 and Country Planning Act 1990 (as amended).
2. The off-street parking facilities for all vehicles, shown on the 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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The residential unit hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason

In the interests of residential amenity and to accord with Policy H5 of the South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008**

<b>App No.:</b>	PK08/1263/F	<b>Applicant:</b>	Mrs H Alway
<b>Site:</b>	18 Edgewood Close, Longwell Green, South Gloucestershire, BS30 9XR	<b>Date Reg:</b>	10th May 2008
<b>Proposal:</b>	Erection of a two storey side extension with front dormer window and single storey rear extension to provide additional living accommodation. (Resubmission of PK08/0574/F).	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66082 71432	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th June 2008



© 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**

**PK08/1263/F**

This application has been placed upon the Circulated Schedule due to the receipt of an objection from Oldland Parish Council.

## **1. THE PROPOSAL**

- 1.1 This planning application proposes to erect a two storey side extension and single storey rear extension to a semi-detached dwelling in Longwell Green. The proposed materials are to be a brick and tile to match that of the existing dwelling.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards
- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N/A

## **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council

*“Object... on grounds of concerns regarding the loss of off-street car parking”*

- 4.2 Other Consultees

N/A.

### **Other Representations**

- 4.3 Local Residents

No comments received.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.
- 5.2 Design  
Policy D1 of the Local Plan requires all new development to be well-designed; it lists eight criteria to be considered.

- 5.3 The scale of the proposed extension as well as the choice of materials (to match the existing house) is acceptable. The design of the extension, including the design of the proposed dormer to facilitate the first floor of the extension is considered to be considerably more sympathetic to the visual amenities of the existing dwelling and surrounding area than that of the previously refused proposals under application ref. PK08/0574/F.
- 5.4 The design of the extensions is not considered to be harmful to the visual amenities of the area and therefore the proposal is in accordance with the relevant criteria of Policies H4 and D1 of the South Gloucestershire Local Plan 2006 as well as the South Gloucestershire Design Checklist 2007, which all seek to achieve good standards of design in all development proposals.
- 5.5 Residential Amenity  
There is only a staircase window on the side (west) elevation of the adjacent dwelling, no. 16 Edgewood Close, and therefore the two storey side extension would not harm the residential amenities of the occupiers of this dwelling.
- 5.6 Furthermore, the proposed single storey extension does not protrude from the rear elevation of the existing dwelling so much that it might harm by way of overbearing impact or loss of light.
- 5.7 In light of the angled boundary and the orientation of the adjacent dwelling no. 16 Edgewood Close, and in the interest of protecting the future privacy of the occupiers of this dwelling, it is considered necessary that approval be conditioned requiring no future windows in the east elevation of the two storey extension without the express consent of the local planning authority.
- 5.8 Transportation  
The proposed extension would replace the existing flat roof detached garage and the proposed store is not large enough to provide an off-street car parking space. However, 2 no. off street car parking spaces are proposed to be retained on the driveway access to the dwelling and therefore the proposal would not result in an unacceptable impact upon existing on-street car parking arrangements in the street.
- 5.9 Design and Access Statement  
N/A
- 5.10 Section 106 Requirements  
N/A

## 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.

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

## **7. RECOMMENDATION**

7.1 Planning Permission be GRANTED subject to the following conditions

**Background Papers**      **PK08/1263/F**

**Contact Officer:**    **Donna Whinham**

**Tel. No.**                **01454 865204**

### **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 and 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

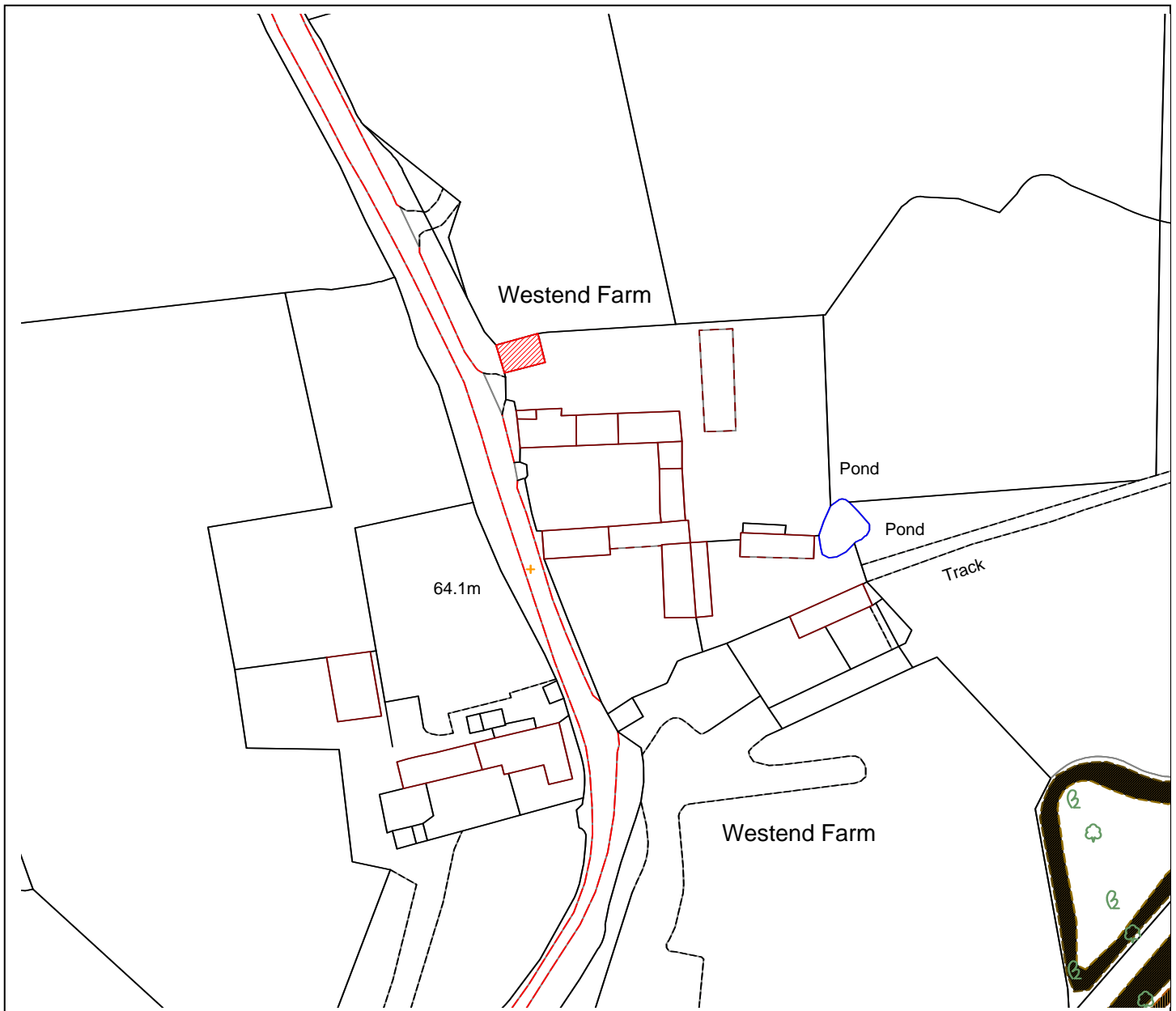
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern elevation of the two storey extension without the express consent of the Local Planning Authority.

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.

## CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008

<b>App No.:</b>	PK08/1357/CLP	<b>Applicant:</b>	Mr M Atkinson
<b>Site:</b>	Edwards Barn, Westend Farm, Westend Road, Wickwar, South Gloucestershire, GL12 8LD	<b>Date Reg:</b>	19th May 2008
<b>Proposal:</b>	Certificate of lawfulness for proposed use of self contained annexe and ancillary office as a separate unit of residential accommodation.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	71363 88033	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th July 2008



© 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

PK08/1357/CLP



## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 This application seeks confirmation that the self-contained annex and ancillary office standing within the grounds of Edwards Barn can be occupied and/or sold off as an entirely separate unit of residential accommodation.
- 1.2 It is the applicants case that as no conditions were attached to the previous planning consents (see section 3) to restrict the occupation or use of the annex and ancillary office to being ancillary to the use of the main dwelling, planning permission is not required to divide this building off from the rest of the site.

### **2. POLICY CONTEXT**

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

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

- 3.1 There is a complicated history to the site that needs to be understood before the application can be analysed;
- 3.2 In 1996 an application was submitted to convert a large barn (now know as Edwards Barn) to a dwelling containing a self-contained annex and ancillary office. Application reference number P96/1242. The self contained annex and ancillary office referred to in the description of development is the annex subject of this current application.
- 3.3 South Gloucestershire Council refused the application (P96/1242) and the decision was taken to appeal. The inspector allowed the appeal relating to unit 1 – the site subject of this appeal, and granted permission for the ‘conversion of a barn to a dwelling containing a self-contained annex and ancillary office’.
- 3.4 Following the appeal decision, the planning permission was not implemented. Instead, the site owner sought planning consent for the ‘renewal of planning permission P96/1242 which was given the reference number PK02/1209/REP.
- 3.5 Application PK02/1209/REP was identical to application P96/1242 that was approved at appeal. The description of development read as follows, ‘Conversion of barn to dwelling. Self contained annex and ancillary office (unit 1) Renewal of planning permission P96/1242 dated 15<sup>th</sup> September 1997’. PK02/1209/REP was granted permission in May 2002.

- 3.6 A final application was submitted in 2007 – PK07/3191/F for the following ‘Conversion of barn to dwelling, self contained annex and ancillary office (unit 1). (Amendments to previously approved scheme PK02/1209/REP).’ This application was approved by the Council in December 2007

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

- 4.1 Wickwar Parish Council  
No response received.

##### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development for a Proposed Use is to establish whether or not the proposal can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.
- 5.2 Firstly it is necessary to establish the extent of the planning unit. It is the opinion of the Council that the planning unit is that as defined in planning applications P96/1242 and PK02/1209/REP and as shown on the plans submitted with those planning applications.
- 5.3 It is the Councils position that only one dwelling has planning permission within this unit – the annex and office being ancillary to the use of the one dwelling on the site. This is clarified in paragraph 17 of the inspectors report in relation to application P94/1242 which states that, ‘*As planning permission is only being granted for one unit....*’. It is clear from this statement that planning permission only exists for one dwelling unit on the site.
- 5.4 It is true that none of the planning applications previously approved had a condition attached stating that the use of the annex must remain ancillary to the occupation of the main barn. South Gloucestershire Council did not to attach such a condition as such a condition is not considered necessary because to sub-divide the site would require planning permission in its own right.
- 5.5 Section 55 (3)(a) of the Town and Country Planning Act 1990 ‘*Meaning of Development*’ quotes the following - ‘(a) *the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;*’. Section 55(2)(d) when referring to buildings that already exist, the term incidental has been given interpretation by the courts which embraces primary accommodation, so long as there has been no material change of use of the house planning unit or the formation of a separate self-contained living unit.

5.6 In light of the above extract from the 1990 Town and Country Planning act the proposal to sell or use the annex entirely separately to the main building known as Edwards Barn would involve the subdivision of the site into two separate dwellinghouses which constitutes a material change in the use of the site. The works would involve the formation of a separate self-contained living unit for which full planning permission is required.

5.7 Conclusion

It is therefore considered that the proposal falls within the categories of development for which full planning permission is required.

**6. RECOMMENDATION**

6.1 That a Certificate of Lawfulness for Proposed Development is refused.

**Background Papers      PK08/1357/CLP**

**Contact Officer:    Marie Bath**  
**Tel. No.                01454 864769**

**CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008**

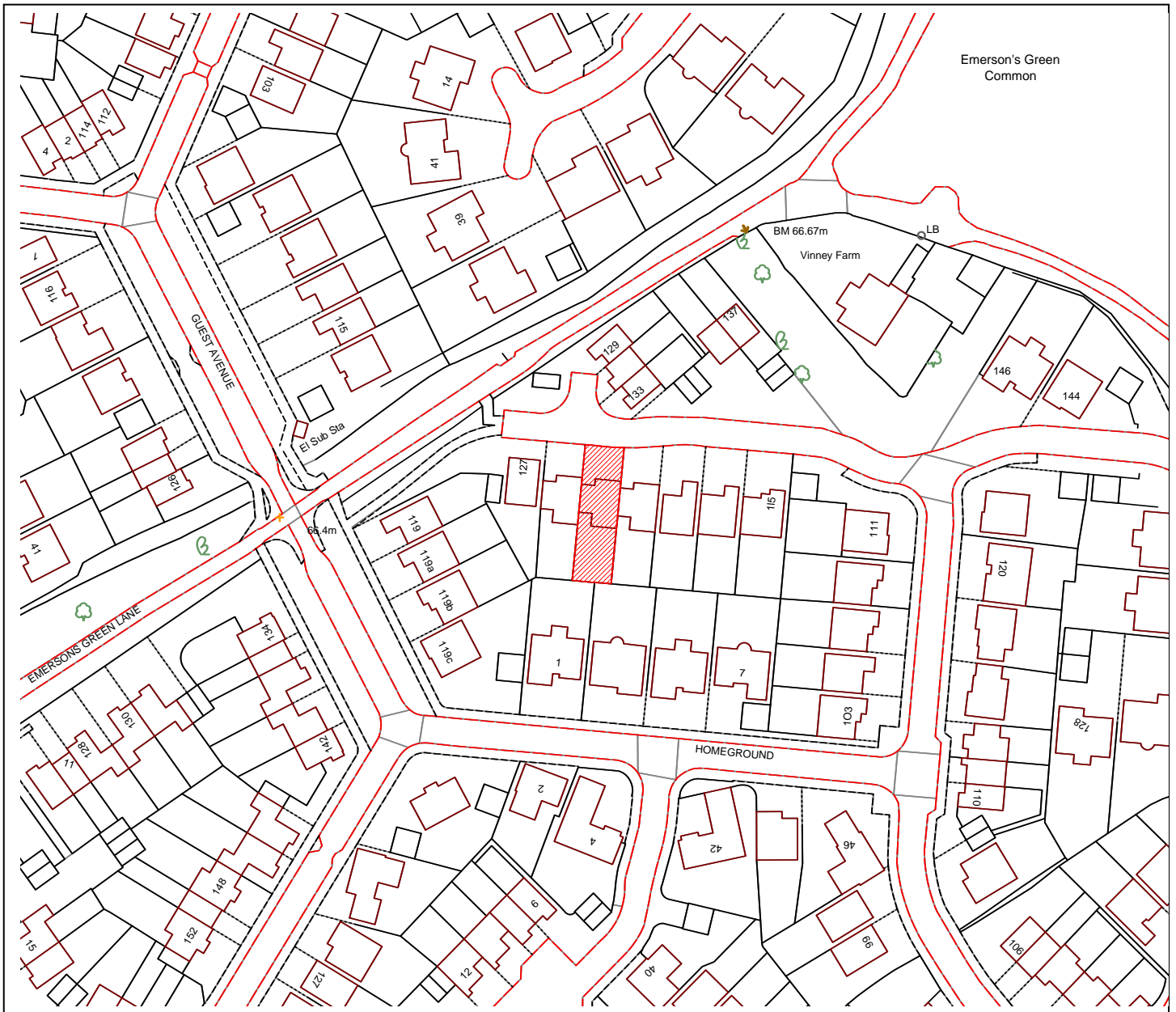
**App No.:** PK08/1385/F  
**Site:** 123 Church Farm Road, Emersons Green, South Gloucestershire, BS16 7BE

**Applicant:** Mr R Doano  
**Date Reg:** 21st May 2008

**Proposal:** Conversion of existing garage to form additional living accommodation.

**Parish:** Mangotsfield Rural Parish Council  
**Ward:** Emersons Green  
**Target Date:** 11th July 2008

**Map Ref:** 66750 76758  
**Application Category:** Minor



© 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**

**PK08/1385/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule as there is public comment that is contrary to the officer recommendation in this report.

### **1. THE PROPOSAL**

1.1 This application relates to a two-storey detached property with side garage linking to the neighbouring properties. It is proposed to convert the garage into a study and wash room.

1.2 The property is within an established residential estate in Emersons Green.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards

2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

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

3.1 N/A

### **4. CONSULTATION RESPONSES**

4.1 Mangotsfield Rural Parish Council

No comments received

4.2 Other Consultees

No comments received

#### **Other Representations**

4.3 Local Residents

No 125 object on the grounds of noise, loss of value to property, external appearance (with the insertion of a pedestrian door instead of the garage door) and potential use of the study for a home-based business

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

### 5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed; it lists eight criteria to be considered.

5.3 The proposal would alter the appearance of the property in two ways, a new window on the rear elevation, and a new window and new door replacing the garage door on the front elevation. Although a third party has commented on this change, it is not considered to have an adverse impact upon the visual amenities of the area.

### 5.4 Residential Amenity

A comment has been received from a third party in respect of potential noise impact, both on the occupiers of no. 123 and no. 125. Nonetheless, it is considered that there would be no detrimental impact upon amenity as a consequence of the proposal being allowed as the scheme would be controlled through the building regulation process..

### 5.5 Transportation

The existing driveway to the front of the garage is considered adequate as an off-street parking space and there also appears to be sufficient scope to provide an additional space within the residential curtilage. This will be controlled through a suggested condition. In these circumstances it is not considered that the proposal would have an unacceptable impact in terms of providing adequate car parking provision and therefore the proposal is in accordance with the objectives of Policy T8 of the South Gloucestershire Local Plan – Parking Standards.

### 5.6 Other Issues Raised

Although comments have been received in respect of other matters, namely loss of value and the potential for business use, it is noted that the devaluation of property is not a material consideration, and secondly, the use of the study for a business purpose may itself require planning permission, depending on the intensity of the use. The ‘possibility’ of a business use is not a material consideration in the determination of this application.

### 5.7 Design and Access Statement

N/A

### 5.8 Section 106 Requirements

N/A

## 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.

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

## 7. **RECOMMENDATION**

- 7.1 Consent is GRANTED subject to the following conditions:

### **Background Papers**      **PK08/1385/F**

**Contact Officer:**    **Donna Whinham**  
**Tel. No.**                **01454 865204**

### **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 and 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

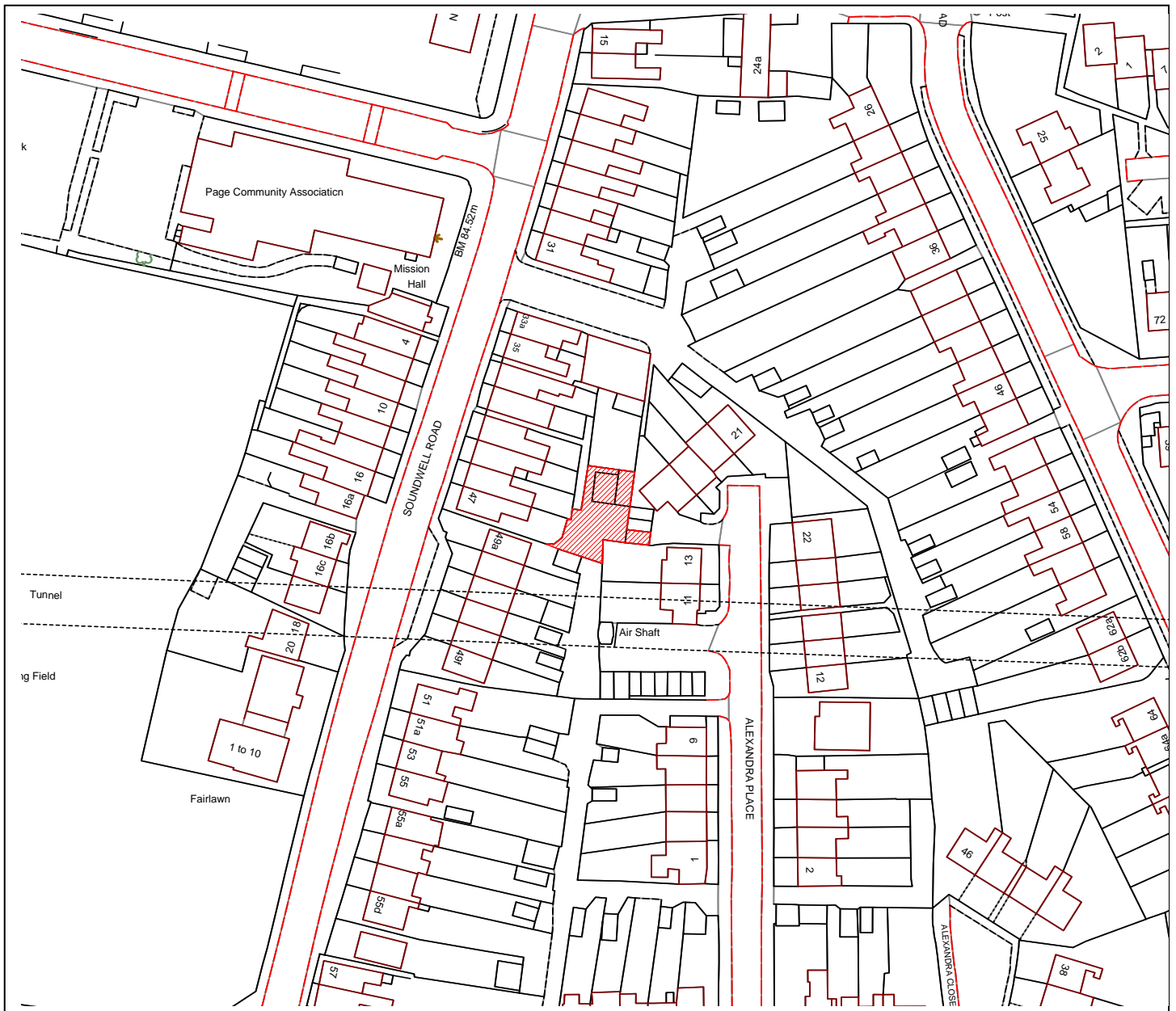
3. In addition to the existing established off-street car parking space that is provided in the form of the existing driveway, details of an additional off-street car parking space measuring at least 2400mm x 4800mm shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This additional space shall be provided prior to the commencement of the development hereby approved.

Reason

In the interests of meeting prevailing off-street car parking requirements for all new development proposals.

**CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008**

<b>App No.:</b>	PK08/1411/O	<b>Applicant:</b>	Mr J Iveson
<b>Site:</b>	Land Adjacent to 15 Alexandra Place, Soundwell, South Gloucestershire, BS16 4QL	<b>Date Reg:</b>	23rd May 2008
<b>Proposal:</b>	Erection of 1no dwelling (Outline) with layout and means of access to be determined. All other matters reserved. (Resubmission of PK07/1089/O).	<b>Parish:</b>	
<b>Map Ref:</b>	64900 75711	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th July 2008



© 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**

**PK08/1411/O**



## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from local residents regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks outline planning permission for the erection of one dwelling with matters of "layout" and "means of access" to be determined. This application is a re-submission of a recently refused application PK07/1089/O.
- 1.2 The application site relates to a parcel of land that is in the middle of a residential area. The land is occupied by a large wooden garage which is used for car repairs and paint spraying.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Design  
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design  
T12 Parking Standards  
H2 Residential development within Existing Urban Areas  
H4 Development within Existing Residential Curtilages

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

- 3.1 The following planning history relates to the application site:
- 3.2 PK03/0574/O      Erection of one dwelling with siting and means of Access  
Refused April 2003 on highway grounds, visual amenity and residential amenity.
- 3.3 PK07/1089/O      Erection of 1no dwelling (Outline) with layout and means of access to be determined. All other matters reserved.  
Refused June 2007 on highway grounds, visual amenity and residential amenity.  
Dismissed at appeal March 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
No Town/Parish Council.

**Other Representations**

- 4.2 Local Residents  
Six letters have been received from local residents raising the following objections to the proposed development:  
-Drainage & sewerage problems

- Existing trees are a problem.
- Inspector's refusal reason still stands
- Highway safety
- Scale of development out of character
- Noise and disturbance
- Plans incorrect with regards boundary wall.
- Should planning be granted height should be restricted
- Turning area cuts across land
- Loss of trees
- Future maintenance of garden boundary wall

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within existing urban areas subject to a number of criteria being satisfied.

5.2 This outline application seeks matters of "*layout*" and "*means of access*" to be determined with all other matters reserved. However details of the external appearance and scale of the proposed building have also been submitted.

5.3 Members are advised to consider that this application is a re-submission of a recently refused application (PK07/1089/O) for the same works. That application was refused and subsequently dismissed at appeal. It should be noted however that the Inspector accepted the principle of residential development on this site in terms of layout and the only issue of concern related to the provision of a turning head and adequate on site amenity space which is discussed in detail under paragraph 5.12 & 5.14-5.15 of this report. That appeal decision is therefore a material consideration in the determination of this current application.

5.4 The following amendment is the only change that has been made to this current application:

- Turning and parking details have been submitted

### 5.5 Layout

The application site relates to a parcel of land sandwiched in the middle of the built up residential area of Soundwell. The site is occupied by a large double wooden garage with attached shed. The application forms state that the existing use of the land is used for "car repairs and paint spraying". A supporting letter has also been submitted by the applicant advising that this use has been carried out on the site since 1971 without a break.

5.6 This application seeks permission for a detached dwelling. The submitted details illustrate a single storey L shaped dwelling. At the time of the previous application (PK07/1089/O) a planning objection was raised on the grounds that the proposed development by reason of its siting would be out of keeping with the existing character and pattern of residential development within the immediate surrounding area.

5.7 The Planning Inspector made the following assessment:

*Although this was an outline proposal, the submissions show a relatively small architecturally designed L shaped bungalow of contemporary style. While this would undoubtedly be different to the more traditional properties surrounding the site, it would respond well to its context and clearly address the site constraints in relation to privacy and overlooking.*

*There would be very restricted views from publicly accessible areas, and as existing development has limited consistency in terms of style and orientation, I consider that it would not harm the local character or appearance of this area. It would represent an efficient use of previously developed land and I consider it to be in accordance with Policy D1 in this regard.*

5.8 Based on the Inspector's findings the Council is unable to raise an objection to the principle of a single storey dwelling as proposed on this site.

5.9 Residential Amenity

At the time of the previous application (PK07/1089/O) a planning objection was raised on the grounds that the proposed development by reason of the proposed vehicular access serving the application site would have a detrimental impact on the existing residential amenities of no.13 in terms of further levels of noise and disturbance.

5.10 The Planning Inspector made the following assessment:

*No.13 Alexandra Road is located next to the proposed access and shares a wall with the garage identified for demolition. This property already experiences vehicle movement to the rear associated with the access lane, however this proposal would introduce noise and disturbance to the side garden associated with the access to the new dwelling. This is currently a garage that, although reported as disused at present, would or could have similar activity associated with it. Therefore provided a suitable wall is maintained, I do not consider that the proposal would result in any material increase in disturbance to no.13. Overall therefore I consider that this proposal would be in accordance with Policy H2 of the Local Plan in this regard*

5.11 The Planning Inspector was also of the view that as the proposed development is single storey it would not result in overlooking or privacy concerns to nearby properties. He also accepted that the introduction of new properties to the rear of others can result in noise and disturbance, however in relation to the rear gardens of Soundwell Road, it was considered that the existing garages and access lane in this area would already establish a pattern of use that would not be materially changed by this proposal.

5.12 In terms of the provision of satisfactory levels of on site private amenity space, it is considered that as the proposal relates to a two storey dwelling that satisfactory levels have been provided.

5.13 It is therefore considered that a single storey dwelling in this location would not have an adverse impact on the existing amenities of neighbouring occupiers in terms of loss of privacy/overbearing impact or noise and disturbance.

5.14 Transportation issue

At the time of the previous application the Highway officer considered the proposed turning area restricted in size. The Planning Inspector advised the following:

*During my visit I observed that the site was very small and I consider that the provision of such a turning head may affect the level of amenity space available for future occupants, In the absence of fully detailed plans relating to this narrow access and the parking and turning provision within the site, I consider it inappropriate to impose a condition to address this. Consequently I find that the proposal would not be in accordance with Policy D1 or T12 in that it would present a risk*

5.15 As part of this revised application details of the proposed parking and turning area have been provided. The Council's Highway Officer has advised that those details are considered acceptable and raises no objection on highway grounds.

5.16 Drainage

Concerns have been raised regarding drainages and soakaways on the site by nearby neighbours. As this is an outline application no drainage details have been submitted as part of this application. The Council's Engineering Consultancy have raised no objection in principle and advised that the applicant should consider the use of sustainable drainage schemes (SUDS) or soakaways must be considered. A condition will be imposed requiring the submission of full drainage details.

5.17 The site is within a former mining area. A condition will be imposed requiring the submission and approval of a mining report.

5.18 Landscaping Details

This is an outline application with matters of landscaping reserved for subsequent approval. It should be noted however that there do not appear to be any significant trees on the site. The scheme indicates the removal of a conifer tree on the site, to which no objection would be raised by the Council.

5.19 Other issues

5.20 Asbestos Roof

A condition will be imposed regarding the removal of the asbestos roof of the existing garage.

5.21 Removal of neighbour's garden

Concerns have been raised by the owner of no.13 regarding the submitted plans which indicate that the proposed turning area will cut across their land. Should planning permission be granted such permission does grant permission to carry out works on or over land not within the applicant's ownership and would require the permission of the owner of the land.

5.22 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

### 5.23 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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.

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

## 7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

### Background Papers      **PK08/1411/O**

**Contact Officer:**    **Tracey Price**  
**Tel. No.**                **01454 863424**

## CONDITIONS

1. Approval of the details of the scale and appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any building to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

5. Notwithstanding the provisions of Article 3 and Parts 1 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G) 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

Due to the restricted nature of the site in terms of size and to protect the privacy and amenity of neighbouring occupiers and future occupiers of the development and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area and protect residential amenities of neighbouring occupiers and to accord with Policies D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The building shall not be occupied until the associated car parking areas and turning area have been provided and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours 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 minimise disturbance to neighbouring occupiers and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

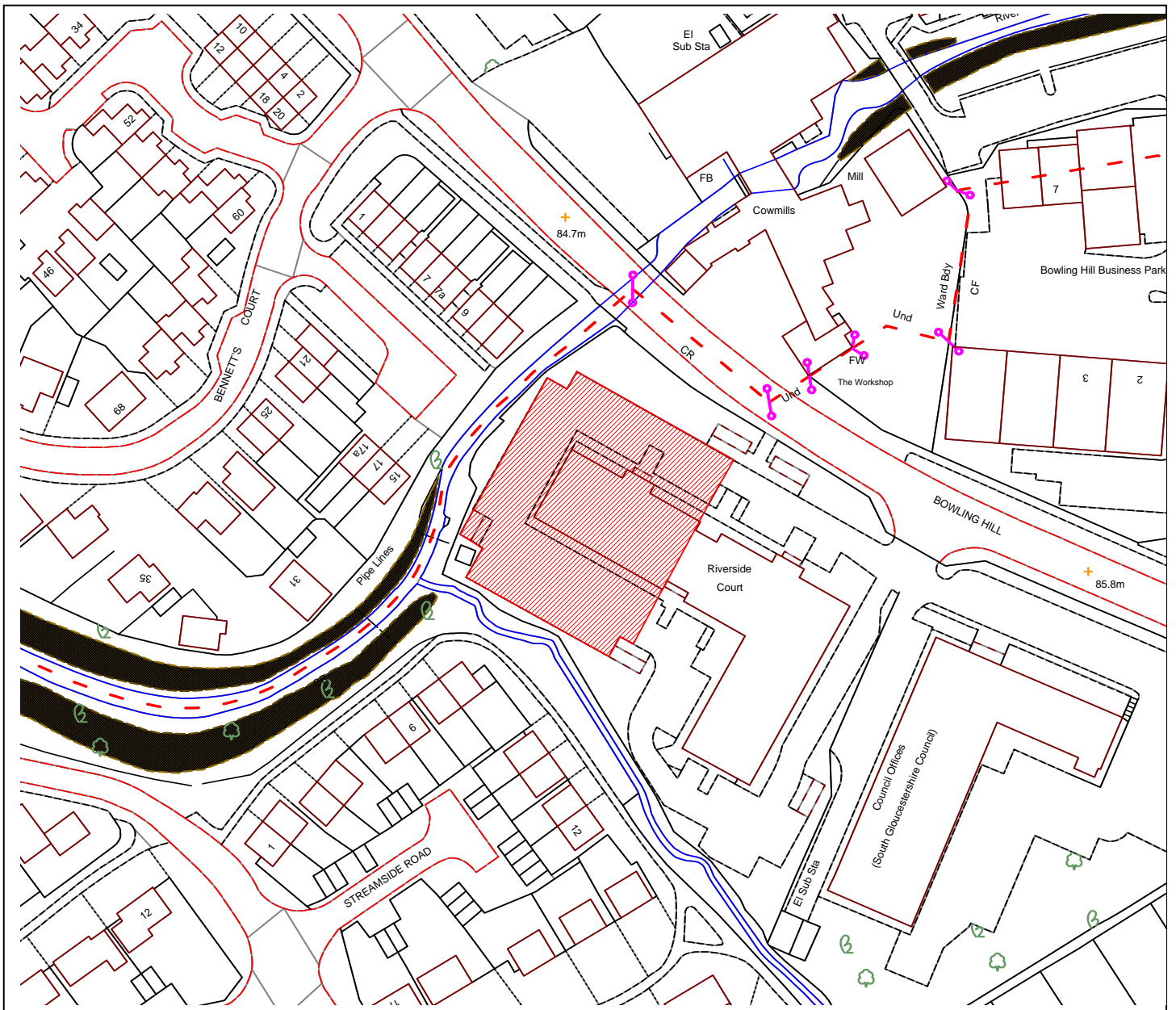
11. Prior to the commencement of any works on the site a mining report must be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008

<b>App No.:</b>	PK08/1430/F	<b>Applicant:</b>	Merlin Housing Society Ltd
<b>Site:</b>	Building 2, Riverside Court, Bowling Hill, Chipping Sodbury, South Gloucestershire, BS37 6JX	<b>Date Reg:</b>	27th May 2008
<b>Proposal:</b>	Installation of 3no. air conditioning units, 2no. wall louvres and 2no. eaves louvres all to rear elevation.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	72161 82271	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2008



© 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

PK08/1430/F



## **INTRODUCTION**

This application is reported on the Circulated Schedule as an objection has been received to the proposal.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the installation of three additional air conditioning units on the rear elevation of the part of Riverside Court occupied by Merlin Housing. The building is constructed of brick. Car parking is arranged around its perimeter. The location of the air conditioning units, which are already installed, is at ground level taking their places in a row of existing units. In between the site and the nearest residential properties is a row of parking, the distributor road around the building, another row of parking, a fence and mature landscaping screen and the River Frome.
- 1.2 Also part of this application are louvers to be located in the weatherboard just below the soffit and two more between first and second floor. These elements would be virtually invisible from outside the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design

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

- 3.1 PK00/1600/F Erection of two storey office building and associated car parking  
Approved subject to Section 106 Agreement

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Object to the proposal due to noise pollution which would be experienced by residents in houses in the vicinity. Request that Environmental Health are consulted on this proposal.
- 4.2 Other Consultees  
Environmental Protection  
I have visited the site today and all the items on the application appear to be already in situ and operational. Having stood next to the units there does not appear to be any problem relating to noise, so I would have no objections to this application.

#### **Other Representations**

- 4.3 Local Residents  
No replies received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application stands to be assessed against the policy listed above, D1, in the light of all material considerations. In this case, the material considerations are that there are existing air conditioning units in the same location, therefore the effect of noise generated by the proposed two would be experienced against the existing background level. The policy sets two tests to be met, the effect on residential amenity and its appearance.

### 5.2 D1: Visual Amenity

As covered above, the proposed units stand in a row of existing air conditioning units of a similar size. When vehicles are parked next to the building, they are screened. At all times, the screening vegetation means that they are not visible to occupants of the houses located at the rear of the site. As a result, it is considered that the proposal would does have any harmful impact on the appearance of the building, nor on visual amenity generally. As noted at 1.2 the other elements proposed are of such a small scale that they would be virtually invisible from outside the site.

### 5.3 D1: Residential Amenity

When originally installed at the time the office block was erected, there were problems with the air conditioning units. Following complaints, the panels on the units were found to be vibrating. They were tightened up and both the noise nuisance and the complaints ceased. The air conditioning units are currently on a timer, which ensures that they are switched off automatically at night. It is considered that a condition requiring the same for the new units could be the best way to maintain current levels of residential amenity adjoining the site. However, given the demonstrably low level of noise generated by the air conditioning units, such a condition would be unnecessary, as even in full operation it is considered that the proposal does not have a harmful impact on existing levels of residential amenity. Connecting the units to the existing timer therefore appears as an informative, as it could not reasonably be insisted on.

### 5.4 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

### 5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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.

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

## **7. RECOMMENDATION**

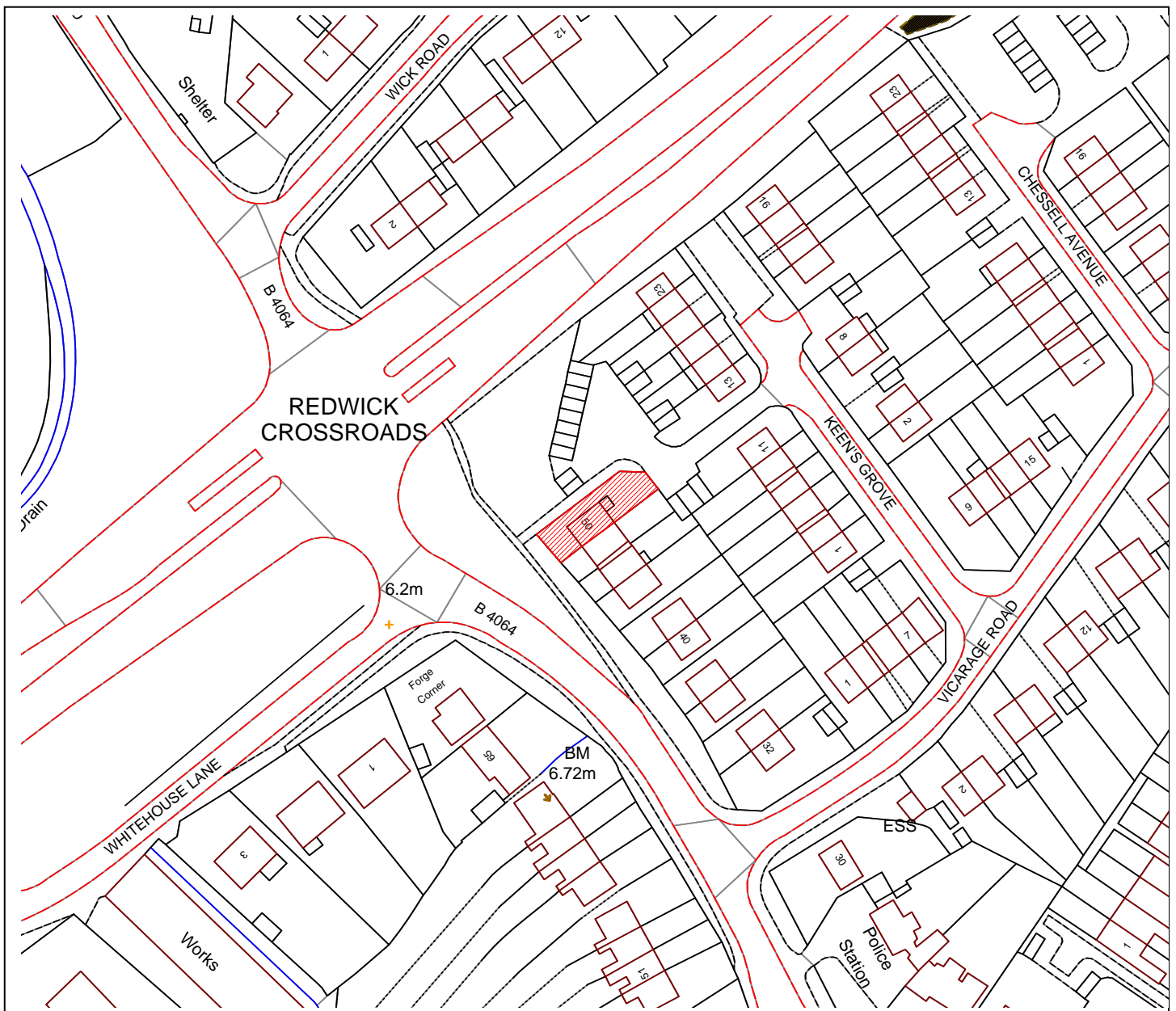
- 7.1 That planning permission is approved. Since the application is retrospective, no commencement condition is required.

**Background Papers**      **PK08/1430/F**

**Contact Officer:**    **Chris Gosling**  
**Tel. No.**                **01454 863787**

## CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008

<b>App No.:</b>	PT08/1229/F	<b>Applicant:</b>	Mr & Mrs Noble
<b>Site:</b>	50 Redwick Road, Pilning, South Gloucestershire, BS35 4LQ	<b>Date Reg:</b>	7th May 2008
<b>Proposal:</b>	Erection of two storey side and single storey front and rear extensions to provide additional living accommodation	<b>Parish:</b>	Pilning and Severn Beach
<b>Map Ref:</b>	55256 85305	<b>Ward:</b>	Pilning and Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th June 2008



© 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

PT08/1229/F

This application appears on the circulated schedule in view of an objection from a local resident.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two storey side and single storey front and rear extensions to provide additional living accommodation. The site consists of a end of terrace property within the established residential area of Pilning, it is within the settlement boundary.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Residential curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No response received
- 4.2 Sustainable Transport  
No Objection.
- 4.3 Local Residents  
One letter of objection has been received raising the following:  
: The development will block light to a neighbouring property  
: The drains have not been shown on the plans

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the construction of an extension to an existing residential dwelling. The development would take place within the residential curtilage associated with the existing.
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

### 5.3 Design

It is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. The proposal will be constructed using materials that match those used in the construction of the main house. Thus ensuring that the proposed development blends in well with the original property.

### 5.4 Residential Amenity

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. The proposal does not have an overbearing impact on the surrounding properties nor does it result in a impact on the privacy on surrounding properties.

### 5.5 Transportation

Given the nature of the proposed development, it is considered that it would not result in a material impact in residential amenity terms.

### 5.6 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document

### 5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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

## 7. **RECOMMENDATION**

7.1 That Planning Permission is approved subject to the following condition.

**Background Papers**      **PT08/1229/F**

**Contact Officer:    Gareth John**

## **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 and Country Planning Act 1990 (as amended).

**CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008**

**App No.:** PT08/1318/F  
**Site:** 10 Station Road, Patchway, South Gloucestershire, BS34 6LP

**Applicant:** Mr R Bullock  
**Date Reg:** 15th May 2008

**Proposal:** Conversion of existing outbuilding to form residential annexe

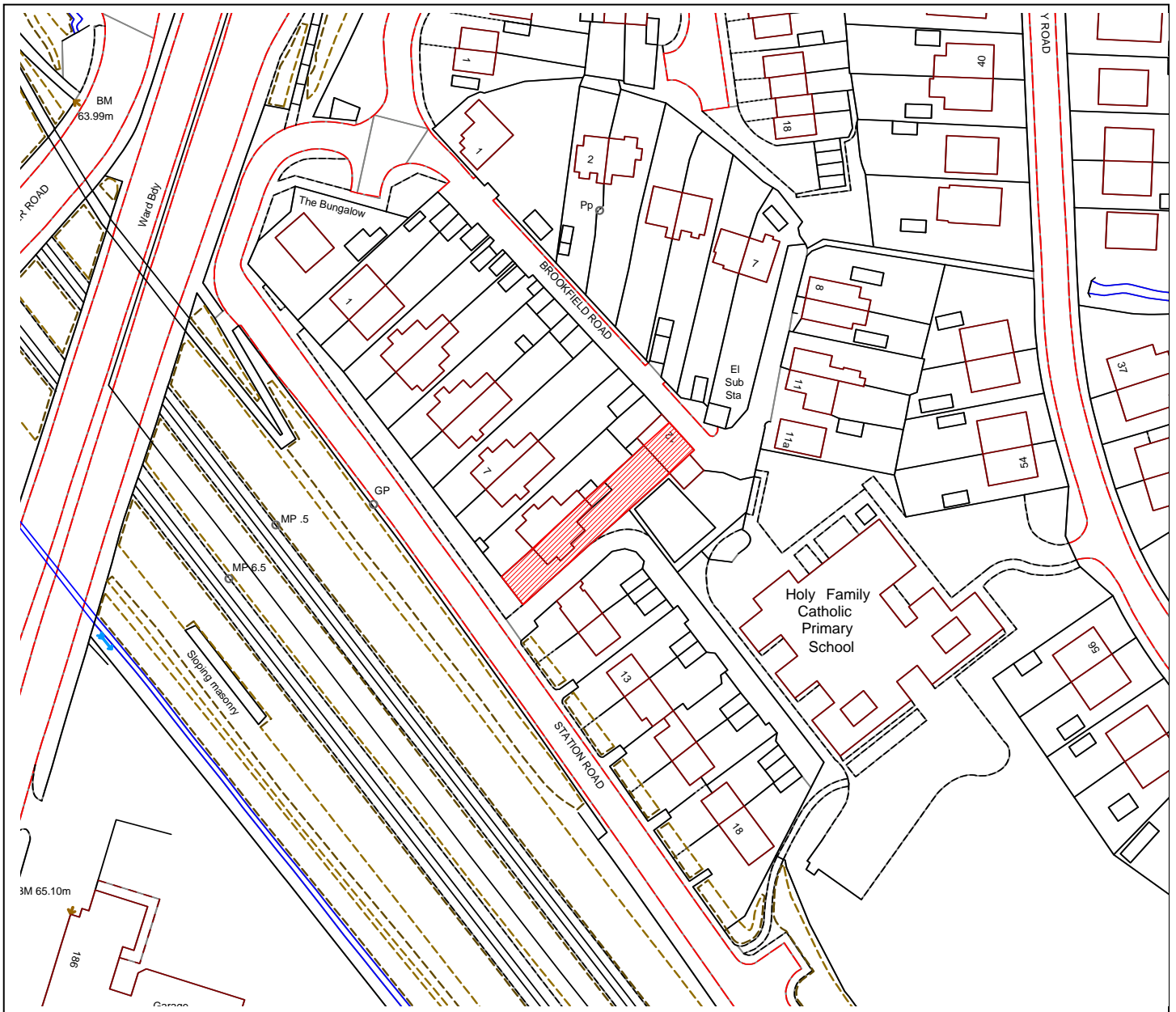
**Parish:** Patchway Town Council

**Map Ref:** 60752 81666

**Ward:** Bradley Stoke  
 Central and Stoke Lodge

**Application Category:** Minor

**Target Date:** 8th July 2008



© 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**

**PT08/1318/F**



The application appears on the Circulated Schedule in view of the concerns raised by the Town Council and one neighbouring resident.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the conversion of an existing outbuilding to provide annexe accommodation.
- 1.2 The application site forms a three-storey semi-detached dwelling on the east side of Station Road, Patchway. The application relates to an outbuilding that sits at the end of the rear garden adjoining Brookfield Road that runs behind.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Residential Curtilages  
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P90/2494: Change of use of premises from residential to residential & training centre in computer and word. Refused: 24 October 1990
- 3.2 P98/1813: Detached garage and store room. Permitted: 21 July 1998
- 3.3 PT04/3026/F: Conversion of existing garage & storeroom to form self-contained one bedroom flat. Refused: 29 October 2004
- 3.4 PT05/1724/F: Conversion of existing garage & store to form new dwelling. Refused: 21 July 2005; Appeal Dismissed: 6 March 2006

## **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
Objection:
  - This is an over development of the site and back land development;
  - It will create an additional unit along Brookfield Road which is very narrow;
  - The description is confusing, the application states 'conversion of study/hobby room to guest apartment' implying that the works have already taken place.
- 4.2 Other Consultees  
Highways DC: no objection subject to the retention of two parking spaces

## **Other Representations**

### 4.3 Summary of Local Residents Concerns:

One letter received expressing the following concerns:

- There would no off road parking resulting in further congestion and restricting access to other residential properties;
- The proposal would impact upon neighbouring privacy;
- It is likely to become a student flat resulting in a potential noise factor.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning policy H4 allows for the principle of residential development subject to issues of design, residential amenity and highway safety. Where extensions are potentially capable of separate occupation but lack an acceptable level of separate parking or amenity space; the Council will impose a condition to ensure that the proposal should only be used as ancillary to the main dwelling.

### 5.2 Design/ Visual Amenity

The application site comprises a three-storey semi-detached dwelling fronting Station Road. The application relates to a detached outbuilding positioned at the far end of its associated rear garden which currently provides a hobby room and bathroom at ground level with a studio above. The works would facilitate the creation of a living room in lieu of the existing hobby room with a kitchenette formed within the rear corner. A bedroom would replace the studio.

5.3 The building was granted planning permission in 1998 (P98/1813) with it to be utilised as a double garage with access via Brookfield Road. Two subsequent applications have sought its conversion to independent living accommodation although both were refused. This was for reasons related to traffic congestion, the impact on the street scene, residential amenity concerns and given that the proposal was considered to comprise an over-development of the site.

5.4 This current proposal wouldn't necessitate any external changes to the building with the garage doors previously removed. Therefore, and in view of policy H4 which does not prevent this type of development, it is considered that there can be no reasonable objection to this proposal. Nonetheless, in view of the lack of separate parking and amenity space, any favourable decision should include a condition to ensure that the proposal remains ancillary to the host dwelling.

5.5 It is worth noting that planning permission would not have been required for the works to date with an application now required given that the facilities proposed as part of this scheme would be tantamount to the creation of a new dwelling. There was one relevant condition attached to the original approval (P98/1813):

*'The garage hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwelling house only and shall not be used for any business or commercial purpose'.*

5.6 Residential Amenity

The outbuilding sits at an appreciable distance from most neighbouring units in view of its end of garden position and with those dwellings behind befitting from lengthy front gardens (these units face the application site). This is with the exception of no. 12 Brookfield Road that sits to the south of the host building.

5.7 Having regard to any impact on this aforementioned neighbouring property, it is noted that this dwelling comprises a detached two-storey property with its main outlook to the front and rear (i.e. away from the application site). Nevertheless, in the absence of any external alterations and with the proposal ancillary to the dwelling, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 The outbuilding already benefits from two rear dormer windows that face the property and which look towards the attached dwelling to the north albeit at an oblique angle. The proposal would not alter this relationship and thus once again, subject to a condition to ensure that the proposal provides only ancillary living accommodation, it is not considered that any significant adverse impact in residential amenity would be caused.

5.9 Highway Safety

There is no transportation objection to the proposal subject to a minimum of two parking spaces being permanently retained to the front of the host dwelling. It is noted that if the application were not to provide ancillary facilities, then the applicant would be required to contribute £900 to mitigate against the highway impact on the Bristol north fringe whilst a further car parking space would also be required.

5.10 Design and Access Statement

A Design and Access Statement is not required as part of this application.

5.11 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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.

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

## 7. RECOMMENDATION

7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT08/1318/F**

**Contact Officer:**    **Peter Burridge**  
**Tel. No.**                **01454 865262**

### **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 and Country Planning Act 1990 (as amended).

2. The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 10 Station Road; and shall not be used as a separate residential unit.

Reason:

To accord with Planning Policies D1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, as use as a separate dwelling would not be appropriate in view of the present parking amenity space and relationship with surrounding properties.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the annexe accommodation hereby permitted.

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.

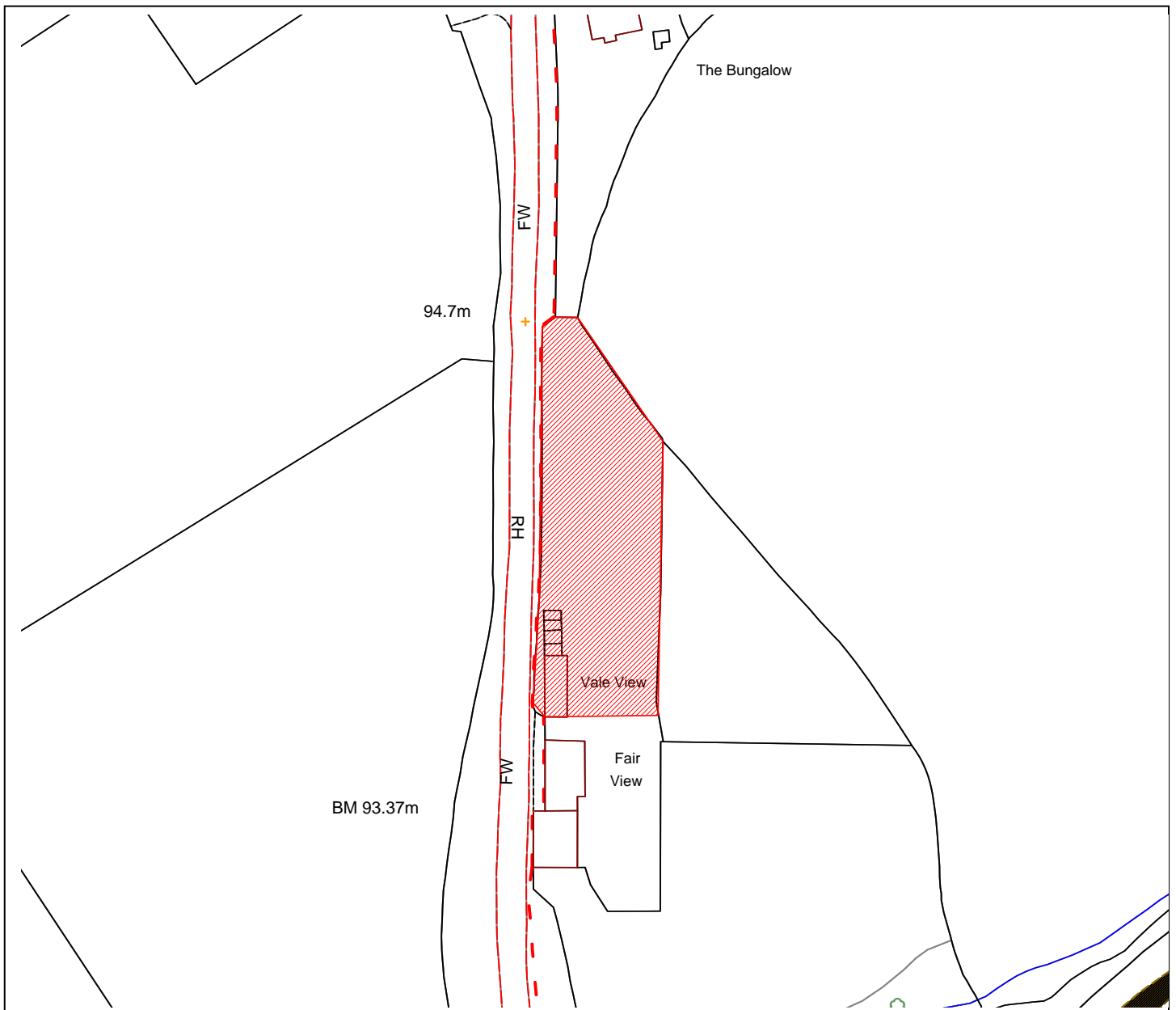
4. The existing off-street parking facilities to the front of 10 Station Road shall be permanently retained for a minimum of two vehicles.

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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008

<b>App No.:</b>	PT08/1355/F	<b>Applicant:</b>	Mr & Mrs D Screen
<b>Site:</b>	Vale View, Cutts Heath Road, Buckover, South Gloucestershire, GL12 8PX	<b>Date Reg:</b>	19th May 2008
<b>Proposal:</b>	Alterations to finish of external walls from stonework to rendered blockwork	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	67300 89919	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2008



© 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**

**PT08/1355/F**

This application has been placed on the circulated schedule as an objection has been received which is contrary to the officer recommendation.

**1. THE PROPOSAL**

1.1 This application seeks planning permission for an amendment to a previously approved scheme (PT07/3541/F the erection of a single storey side and rear extension). The amendment will amount to the change in the finish of the building from stone to render. The property subject to the application is a detached dwelling in the open countryside.

**2. POLICY CONTEXT**

2.1 National Guidance:  
PPS1 Delivering Sustainable Communities

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Residential curtilage

**3. RELEVANT PLANNING HISTORY**

3.1 PT07/3541/F .....Erection of a side and rear extension .....Approved

**4. CONSULTATION RESPONSES**

4.1 Falfield Parish Council:  
No response received

4.2 Local Residents:  
One letter has been received objecting to the proposal on the grounds that render is not in keeping with the appearance of the rest of the building.

**5. ANALYSIS OF PROPOSAL**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.

The principle of allowing an extension on this site has already been established by the previous consent. Thus the only matter for consideration is whether the proposed finish is acceptable.

The cottage that is subject to this application is finished in stone on the front but is rendered on the sides and rear. Thus render is not an alien feature on this dwelling. A rendered extension will still fit in with dwelling as it will demarcate what is extension and what is the main house. Thus a contrast is created. In light of this it is considered that the use of render is acceptable.

### Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted subject to the following conditions

**Background Papers**      **PT08/1355/F**

**Contact Officer:**    **Gareth John**  
**Tel. No.**                **01454 863438**

### **CONDITIONS**

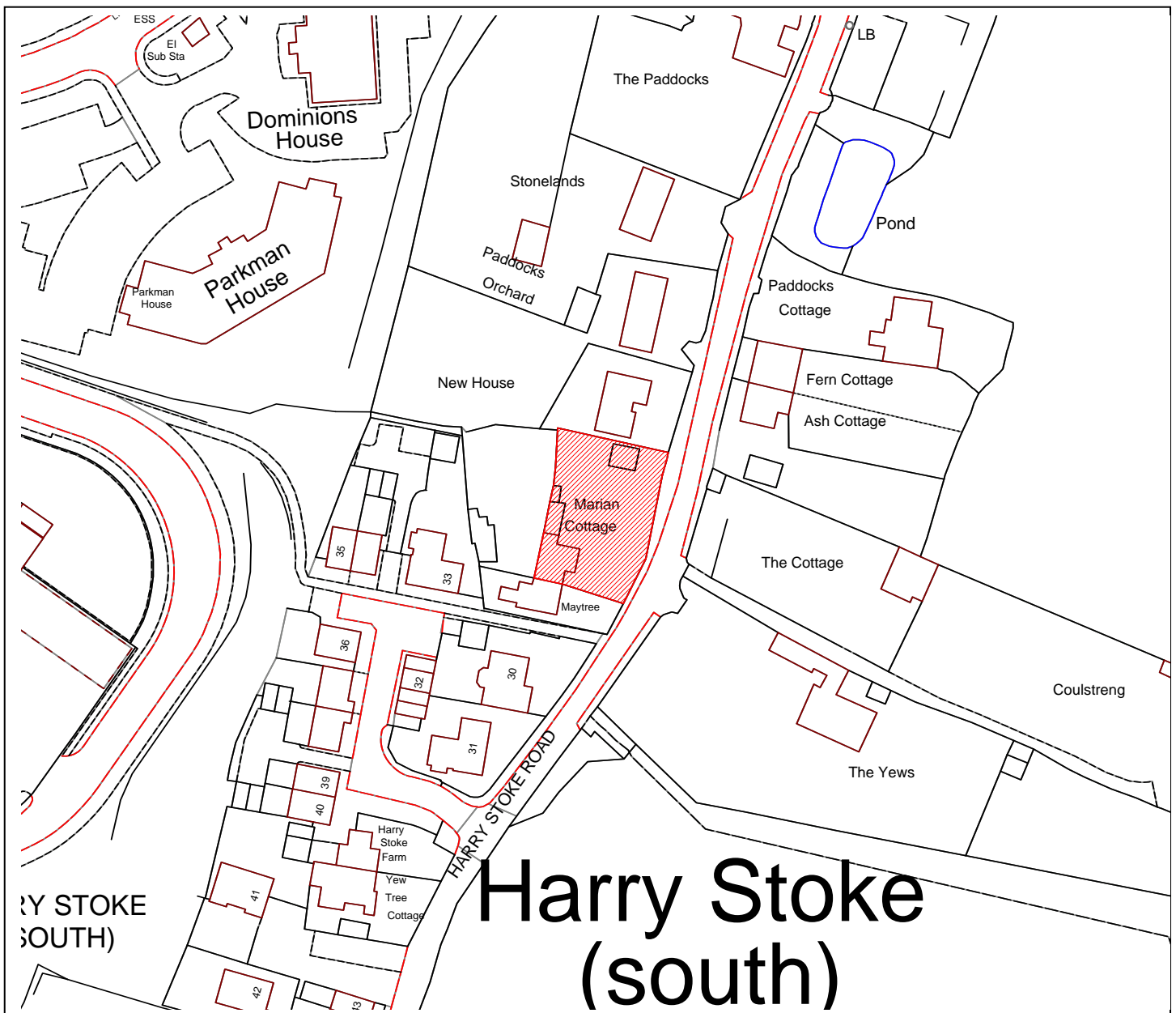
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 26/08 – 27 JUNE 2008

<b>App No.:</b>	PT08/1401/F	<b>Applicant:</b>	Mrs S Gallimore
<b>Site:</b>	Marian Cottage, Harry Stoke Road, Stoke Gifford, South Gloucestershire, BS34 8QH	<b>Date Reg:</b>	22nd May 2008
<b>Proposal:</b>	Erection of single storey side extension to provide additional living accommodation	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	62082 78899	<b>Ward:</b>	Frenchay and Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th July 2008



© 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

PT08/1401/F



The application appears on the Circulated Schedule in view of the comments received from the adjoining neighbour.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for a single-storey side extension to replace an existing conservatory and kitchen.
- 1.2 The application site forms a semi-detached two-storey cottage style dwelling on the west side of Harry Stoke Road, Stoke Gifford.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: House Extensions
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P86/2608: Reconstruction of existing single-storey side extension to form lobby with toilet. Permitted: 26 November 1986
- 3.2 PT05/2028/F: Demolition of existing garage to allow erection of new dwellings with integral garage, associated landscaping and formation of new access. Withdrawn: 8 August 2005
- 3.3 PT05/3306/F: Demolition of existing garage to allow erection of new dwelling with integral garage, landscaping, changes to existing and formation of new access. Refused: 15 December 2005; Appeal Dismissed: 9 August 2006

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment
- 4.2 Other Consultees  
PROW Officer: no comment

### **Other Representations**

- 4.3 Summary of Local Residents Comments  
One letter received expressing the following concerns:
  - o The increased height of the proposal (in comparison with that of the existing structures) will decrease light to the neighbouring garden- especially in the morning;
  - o Light to the detached conservatory/ study in this garden will also be limited;

- Given that the proposal comprises a single-storey extension, why does it need to be so high?
- Assurance is requested that no rear facing windows will be added later;
- If access is required for building works, any damage should be made good;
- The existing rear wall is built of stone and should be retained as such;
- Neighbours to date have not requested access to this garden area.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### 5.2 Design/ Visual Amenity

The application site forms a semi-detached two-storey cottage style dwelling on the west side of the highway. The property sits within the southwest corner of its respective plot with its associated garden land extending to the north; in so doing, the rear site boundary aligns with the rear of the property.

5.3 The application seeks permission for single-storey side extensions that would extend along the rear boundary into the aforementioned garden. The proposal would provide a new living room adjacent to the host dwelling with a kitchen and utility beyond. These works would replace an existing smaller kitchen (that adjoins the rear boundary) and a conservatory which stands in front.

5.4 The new living room would measure 4.42m in width and utilise the existing rear kitchen wall. However, given its increased depth (with the front wall extending near flush with that of the existing dwelling), the ridge would be higher (5m) although this would remain below that of the main dwelling. This part of the proposal would also incorporate a new entranceway to the front.

5.5 The kitchen/ utility would sit beyond the proposed living room (again adjoining the rear boundary) and extend a further 4.6m. This would be set back from the living room measuring 3.6m in depth. As such, the roof above this element of the scheme would be lower with the ridge measuring 3.7m.

5.6 In this instance, whilst the extensions would elongate the existing property, the proposals would appear clearly subservient whilst would also replace existing extensions. Accordingly, the proposal is considered acceptable and in keeping with the general character of the area.

### 5.7 Residential Amenity

The neighbouring dwelling to the north of the application site comprises a more recent two-storey detached dwelling that appears devoid of flank windows. It is also noted that the applicants detached garage building stands adjacent to this boundary with a 1.7m high (approx.) stone boundary wall extending behind. As such, and in view of the spacing retained between the build and this adjoining dwelling, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 The attached dwelling to the south benefits from an 'L' shaped plot with its rear garden extending behind the application site. To this extent, the rear of the host dwelling defines the shared boundary with a 1.7m high (approx.) stone boundary wall extending beyond. A detached study and conservatory sit within the rear garden behind Marion Cottage; albeit adjoining the western boundary.

- 5.9 In view of the above, it is noted that the increased height would foster a greater sense of enclosure within this adjoining garden with the new roof readily visible. However, the ridge would remain below that of the main dwelling with the roof hipped inwards; this is in contrast to the existing two-storey rear gable. Further, it would affect sunlight only to a relatively small part of a large rear garden and should not impact upon sunlight to this neighbouring dwelling. Accordingly, on balance, it is not considered that permission could reasonably withheld in this instance with any associated refusal reason likely to prove unsustainable; this is subject to a planning condition preventing the formation of any rear windows.
- 5.10 In response to the outstanding issues raised regarding the need to access the adjoining garden during building works, any permission would not authorise works on/ from adjoining land with the consent of any neighbouring landowner firstly required. An explanatory informative would be added to any permission.
- 5.11 Design and Access Statement  
A Design and Access Statement is not required as part of this application.
- 5.12 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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.

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

## 7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT08/1401/F**

**Contact Officer:**    **Peter Burridge**  
**Tel. No.**                **01454 865262**

### **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 and 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at any time in the rear [west] elevation of the property as extended.

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.