



**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. 30/09**

**Date to Members: 31/07/09**

**Member's Deadline: 06/08/09 (5pm)**

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: 31/07/09**

**SCHEDULE NO. 30/09**

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 5pm), 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.

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### 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 .....**

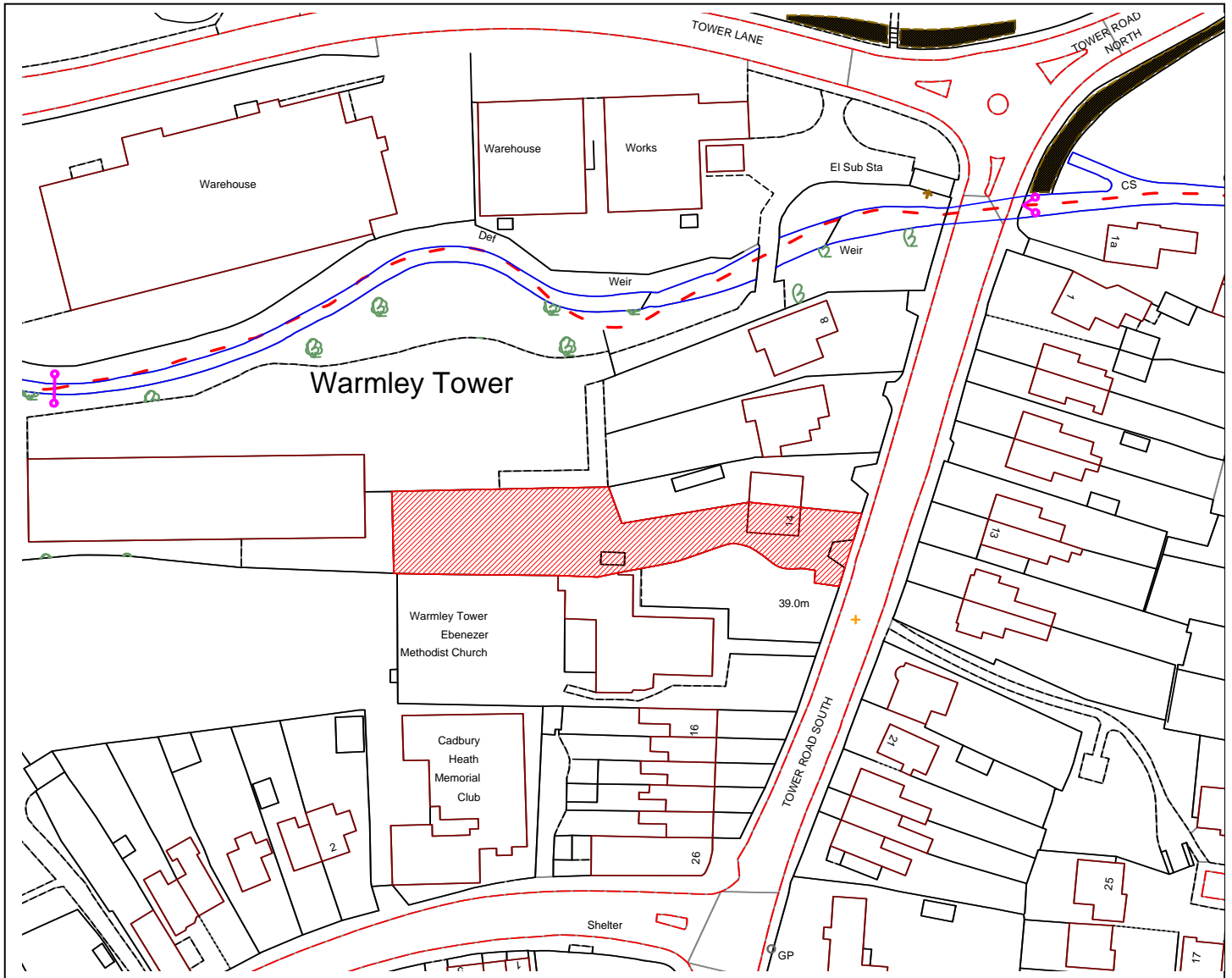
**DATE .....**

# Circulated Schedule 31 July 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK09/1078/F</b>	Approve with conditions	14 Tower Road South, Warmley, South Gloucestershire, BS30 8BJ	Parkwall	Oldland Parish Council
2	<b>PK09/1106/F</b>	Approve with conditions	36 North Street, Downend, South Gloucestershire, BS16 5SW	Downend	Downend and Bromley Heath
3	<b>PK09/1119/F</b>	Approve with conditions	20 Oakdale Road, Downend, South Gloucestershire, BS16 6DP	Downend	Downend and Bromley Heath
4	<b>PK09/1143/F</b>	Approve with conditions	Mill Stream Works, Station Road, Wickwar, South Gloucestershire, GL12 8NB	Ladden Brook	Wickwar Parish Council
5	<b>PK09/1151/F</b>	Approve with conditions	10 Isleys Court, Longwell Green, South Gloucestershire, BS30 7DR	Longwell Green	Oldland Parish Council
6	<b>PT09/1110/F</b>	Approve with conditions	66 Fourth Avenue, Filton, South Gloucestershire, BS7 0RW	Filton	Filton Town Council
7	<b>PT09/1144/CLP</b>	Approve with conditions	Avening, Mumbleys Lane, Thornbury, South Gloucestershire, BS35 1NJ	Severn	Oldbury-on-Severn Parish Council
8	<b>PT09/1163/F</b>	Approve with conditions	51 Linden Drive, Bradley Stoke, South Gloucestershire, BS32 8DT	Bradley Stoke South	Bradley Stoke Town Council
9	<b>PT09/1232/F</b>	Approve with conditions	5 Stratton Close, Little Stoke, South Gloucestershire, BS34 6HD	Stoke Gifford	Stoke Gifford Parish Council

**CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009**

<b>App No.:</b>	PK09/1078/F	<b>Applicant:</b>	Mr M Usher
<b>Site:</b>	14 Tower Road South, Warmley, South Gloucestershire, BS30 8BJ	<b>Date Reg:</b>	12th June 2009
<b>Proposal:</b>	Erection of 2no. semi detached dwellings with parking, access and associated works.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66886 72638	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th August 2009



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 100023410, 2009.

**N.T.S**

**PK09/1078/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that objections have been received contrary to the officer's recommendation.

### **1.0 PROPOSAL**

1.1 The applicant seeks full planning consent for the erection of 2 no. semi-detached properties with 7 no. external parking spaces. The proposed buildings will be situated at the western end of the site. The buildings would be two-storey in height with a hipped roof with a two-storey bay to each unit on the front elevation. The units would be finished in cream painted render, with the roof being of brown concrete interlocking tiles. 1.8 metre fencing will mark the boundary, to the sides and rear of the house and alongside the side boundary of No.14 Tower Road South.

1.2 The site is situated to the rear of No.14 Tower Road South and the two properties proposed would be accessed via a lane to the side of No.14, with access onto Tower Road South. To the immediate south of the site is the Warmley Tower Methodist Church and associated churchyard, both of which are set at a higher level than the site and consequently a retaining wall marks the boundary of the site. To the west lies a commercial building associated with the Tower Lane Estate, to the immediate north lies an open area used as a car park associated with this estate. To the east lies the rear of No.14 Tower Lane South. The Environment Agency have confirmed that the proposal lies within Flood Zone 1 and thus a Flood Risk Assessment is not required.

1.3 An outline application for 2 no. semi-detached properties was previously refused and that decision upheld at the appeal. Full details of the previous history and a summary of the Inspector's decision is set out in paragraph 3.1 below.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport: Guide to Better Practice

### **2.2 South Gloucestershire Local Plan ( Adopted) 6th January 2006**

D1 - Design in New Development  
L5 - Open Areas within the Existing Urban Areas and Defined Settlements  
H2 - Residential Development in Urban Areas  
H4 - Development within Existing Residential Curtilages  
T7 - Cycle Parking  
T8 - Parking Standards  
T12 - Transportation Development Control Policy

The South Gloucestershire Design Checklist (Adopted August 2007)  
Trees on Development Sites (2005)

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

3.1 PK07/2760/O – Erection of 2 no. dwellings and 4 no. garages (Outline) with layout and means of access to be determined. All other matters reserved. The application was refused for the following reasons:

1. The proposal represents an unsatisfactory piecemeal form of backland development, tandem in character without proper road frontage and bearing no relation to the established pattern of development in the locality. The proposal is therefore considered to be contrary to Policy Policies D1(A) and H4(A) of the South Gloucestershire Local Plan (Adopted).

2. The proposed development would result in an unacceptable level of noise and disturbance to occupiers of No.14 Tower Lane South by reason of vehicles using the entrance lane to the side of that property to gain access to the new dwellings. This would be contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted).

3. It is considered that the siting of the proposed dwellings would result in detriment to the residential amenity of future occupiers by reason of the close proximity of the adjoining storage building (subject to Planning Consent PK05/0823/F) which would appear oppressive and overbearing. The proposed development is therefore contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted).

4. The proposed development incorporates inadequate detail on available visibility from the site access and proposes no turning facilities for service and delivery vehicles within the site. This proposal will involve large vehicles having to reverse a long distance onto and off a classified highway where visibility is believed to be restricted, thereby interrupting the safe and free flow of traffic adding to the hazards faced by the travelling public. This is detrimental to highway safety and contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted).

An appeal (APP/P0119/A/08/2071750) was dismissed. The Inspector upheld the council's decision supporting reasons 3 and 4 as set out above but did not support reasons 1 and 2. This will be addressed in the body of the report below.

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No response received

4.2 Sustainable Transport

The proposal is a re-submission of an outline application No. Pk07/2760/O refused on 5<sup>th</sup> Oct 2007 and then dismissed at appeal on 1<sup>st</sup> July 2008. A previous planning application for residential development on site was refused based on the following highway reason.

“The proposed development incorporates inadequate details on visibility from site access and proposes no turning facilities for service vehicles within the site. This proposal will involve large vehicles having to reverse a long distance onto and off a classified highway where visibility is believed to be restricted, thereby interrupting the safe and free flow of traffic adding to the hazards faced by the travelling public. This

detrimental to highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (adopted)”

In the appeal decision, the planning Inspector made comments on the appeal proposals and those reasons for highway refusal and gave his reasons for highway issues under para 24 to 28.

**On Visibility issues** - in para 24 of his decision notice, the Inspector refers to an illustrative plan with access alterations. In this plan, the applicant proposes works on the public highway and he suggests alteration to the existing kerb line. These works includes widening of the existing footway, which in turn would result in minor narrowing of road outside the application site. By reference to this plan, the Inspector confirms *“that plan indicates that visibility splays of 2.4m by 43m could be achieved if the footway near the access point was extended”* and that visibility standards referred to Manual for Streets could be achieved. On the issue of visibility and based on submitted plan, the Inspector says that *“I am satisfied that the proposal would provide safe access to and from the site so long as vehicles were able to enter and leave the site in forward gear”*.

**Impact of works on width of road** - On issue of widening of the footway with subsequent affect on narrowing the road, the Inspector (in para 25 of his decision notice) states that *“the carriageway width that would remain after the footway widening would be 7.1m. I am of the view that this amount of carriageway would not interfere with safe and free flow of traffic along this part of Tower Road South”*.

From officer’s point of view, the ideal for alteration to kerb-line in order to achieve better visibility splays is not generally supported as this would result in a knock-on affect on width carriageway. However, it is clear that the Inspector has considered this proposal and he has found the scheme of works to be acceptable in this case.

**Off-street turning area and service vehicles** - On issue of on site turning area and access for service vehicles, the Inspector states (in para 26 of his decision notice) that *“the development, from time to time, generate deliverers by larger vehicles. It would unsatisfactory, in highway safety terms, if larger vehicles were unable to turn on site and had to reverse out on to Tower Road South”*. On the same issue, the Inspector in para of 27 of his decision notice states that *“insufficient evidence has been provided to indicate what size of vehicles would be able to turn within the site. Until this can be established and that the turning movements can be achieved clear of the buildings to be provided and associated car parking spaces I am not satisfied that the proposal could safely accommodate all the traffic that is likely to be generated by the proposal”*.

Since that Inspector’s decision notice, the applicant has submitted details of parking and turning area on site. These details include evidence (i.e. auto-track details) with regard to off-street turning facility on site for service vehicles. The submitted details suggests that service vehicles as large as 6.49m fire tender and 7.2m panel van could enter and leave the site in forward gear. The officer considers this to be a reasonable provision for the scale of proposed development.

**Conclusion** - In consideration of the all above mentioned and having regards to the Inspector’s decision, it is felt that on balance, it would be difficult to maintain highway objections to this proposal on highway ground and that a suitable turning facility can be provided on site to meet the reasonable needs of the development.



if approval is being considered then, it must be **conditional to completion of a s106 legal agreement** to carry-out highway works to full and final satisfaction of the Highway authority. In addition the following condition should be added:

1) Prior to occupation of any dwelling on site provide off-street parking and turning facility on site and maintain these satisfactory thereafter.

### **Other Representations**

#### 4.2 Local Residents

There have been 2 letters of objection received. The grounds of objection can be summarised as follows:

- The proposal will result in lorries and cars using the drive of No.14. The driveway is narrow and passes close to the window of No.14
- The proposal will result in an increase in the volume of traffic on what is already a very busy road with parking difficulties to the detriment of highway safety. The entrance is not safe in terms of available visibility
- There will be noise and disturbance during construction and noise from cars
- There will be loss of privacy and lighting may be detrimental to residential amenity
- There will be an impact upon drainage

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

#### 5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allows for residential development within the Defined Settlement Boundaries subject to certain detailed criteria, which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs. Policy H4 considers development within residential curtilages including new dwellings. Due to the sites suburban location, close to the centre of Downend, there would be adequate provision for education, leisure, recreation and other community facilities within the vicinity to meet the needs arising from the proposal.

## 5.2 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The site area is 1227.038ha and it is proposed to erect two new dwellings, which equates to only 24.44 dwellings per hectare, however given the sites constraints officers are satisfied that no more than two dwellings could reasonably be accommodated on the site.

## 5.3 Siting and Layout

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

Policy H4 states that development will only be permitted where it respects among other criteria the character of the street scene. The proposal represents a form of backland development and this represented one of the refusal reasons on the previous planning decision on the basis that the development was out of character with the pattern of development in the area. The Inspector in reaching his judgement on the previous case indicated that most development fronts onto the public highway but stated (section 7 and 10 of letter):

*“In this case the proposal does not respect and enhance the characteristic of development fronting the highway. However advice in Planning Policy Statement 3 (PPS3) explains that one of the specific outcomes that the planning system should deliver is a flexible, responsive supply of land, managed in a way that makes efficient and effective use of land, including the re-use of previously developed land where appropriate.....whilst the proposal does not fall fairly and squarely within all the constraints of Policy D1 the principle of the re-use of this previously developed land accords with the national advice in PPS3 and in my judgement no serious harm to the character or appearance of the area arises from this proposal”*

Having regard to the above comments which represent a key material consideration and having regard also to the impact upon No.14 Tower Road South, it is not considered that the refusal of the application on the grounds that it represents unacceptable backland development could be sustained in this case.

The proposed siting and layout is therefore considered in accord with criterion A of both Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.4 Impact Upon Residential Amenity

Concern has been raised that the proposed development would result in detriment to residential amenity, however given the scale and the location of the proposed buildings it is not considered that there would be any adverse impact upon the amenity of neighbouring occupiers by reason that the development itself would appear oppressive and/or overbearing or would result in the loss of privacy by reason of overlooking.

Policy H4, Paragraph 8.178 states that “tandem development consisting of houses behind others is generally unacceptable among other reasons because of disturbance to those at the front”. The application was previously refused on the basis that it was considered that the proposal would introduce a significant level of vehicular traffic into what is currently a peaceful garden environment and that this disturbance from noise and fumes associated with this traffic using the lane immediately to the side of No.14 would have an adverse impact upon occupiers of that property. The Inspector concluded that even accounting for the pinch point on the lane alongside the side of the garden of No.14 that there would not be a significant impact upon residential amenity given that any traffic would be “travelling at a slow speed”. The Inspector indicated:

*“I do not consider that the number of movements or the limited disturbance that would be caused to the occupiers of No.14 would be so great that permission should be withheld on that basis”.*

It is considered having regard to the above comments that the refusal of the application on the basis of the impact upon No.14 Tower Road South could no longer be sustained given the importance of the Inspector's judgement as a material planning consideration. The Inspector also concluded that the proposal would not have an adverse impact given its scale and location upon the residential amenity of any other residential occupiers albeit this did not form a reason for refusal previously. It is not considered that the current proposal would have an adverse impact upon neighbouring occupiers given its scale and the location of the buildings in relation to the nearest properties, either by reason of appearing oppressive or overbearing or by resulting in the loss of privacy through overlooking.

Policy H2 also requires consideration of the amenity of future occupiers of a development. Paragraph 8.163 states “In seeking to ensure that development does not prejudice residential amenity, the Council will have regard to the amenities of existing residents in the vicinity of the site and to those of future occupiers of the development”. Previously it was considered that the proposed development would be adversely affected by the storage building which although not yet built had a current planning consent (PK05/0823/F). The Inspector was in agreement that this building would have had an adverse impact and this constituted a reason why the appeal was dismissed. It should be noted that this building has not been built/ the consent has not been implemented within the time period and a new consent would now be required. This reason for the refusal of the application no longer applies therefore.

In summary it is not considered that the proposed development would result in detriment to the residential amenity of neighbouring occupiers.

## 5.5 Transportation Issues

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of new development upon the existing highway network with the paramount objective of preserving and where possible enhancing highway safety. Concern has been raised regarding the implications of additional traffic onto Tower Road South and the safety of the access.

In considering the current proposal (as with other issues in this report), it is considered that the key material consideration is the Inspectors Appeal Decision of 1<sup>st</sup> July 2008. The previous proposal was partly deemed unacceptable as the development incorporated inadequate details on visibility from the site access and proposed no turning facilities for service vehicles within the site. As a result of this, it was considered that the development would have involved large vehicles having to reverse a long distance to and from a road where there is restricted visibility thereby interrupting the safe and free flow of traffic adding to the hazards faced by the travelling public. This detrimental to highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (adopted). In the appeal decision, the planning Inspector made comments on the appeal proposals and those reasons for highway refusal and gave his reasons for highway issues under para 24 to 28.

*Visibility* - It is noted that concerns have been raised regarding highway safety matters. At the time of the planning appeal the applicant submitted a plan to illustrate how changes would be made to the entrance with changes to the kerb line to allow widening of the existing footway ensuring a small narrowing of the highway outside of the application site. In para 24 of his decision notice, the Inspector referred to the illustrative plan with access alterations and stated *that the plan indicates that visibility splays of 2.4m by 43m could be achieved if the footway near the access point was extended* and that visibility standards referred to in "Manual for Streets" could be achieved and concludes that *"I am satisfied that the proposal would provide safe access to and from the site so long as vehicles were able to enter and leave the site in forward gear"*.

On the issue of widening of the footway with subsequent affect on narrowing the road, the Inspector (in para 25 of his decision notice) states that *"the carriageway width that would remain after the footway widening would be 7.1m. I am of the view that this amount of carriageway would not interfere with safe and free flow of traffic along this part of Tower Road South"*. It should be noted that alterations to the kerb line in order to achieve better visibility because of the subsequent impact upon the carriageway width would not usually be supported however regard must be had in this case to the conclusions of the Inspector as set out above.

*Turning and Manoeuvring* – The Inspector upheld the Council's reasons for refusal (para 26) on the issue of on site turning area and access for service vehicles stating that *"the development, from time to time, generate deliverers by larger vehicles. It would be unsatisfactory, in highway safety terms, if larger vehicles were unable to turn on site and had to reverse out on to Tower Road South"*. On the same issue, the Inspector in para of 27 of his decision notice states that *"insufficient evidence has been provided to indicate what size of vehicles would be able to turn within the site. Until this can be established and that the turning movements can be achieved clear of the buildings to be provided and associated car parking spaces I am not satisfied that the proposal could safely accommodate all the traffic that is likely to be generated by the proposal"*.

Subsequently information has been received to show details of parking and turning on site. These details include evidence (i.e. auto-track details) with regard to an off-street turning facility on site for service vehicles. The submitted details suggest that service vehicles as large as 6.49m fire tender and 7.2m panel van could enter and leave the site in forward gear. Transportation Officers consider this to be reasonable provision for the scale of proposed development. In consideration of the all above mentioned and having regards to the Inspector's decision, it is felt that on balance, it would be difficult to maintain highway objections to this proposal on highway ground and that a suitable turning facility can be provided on site to meet the reasonable needs of the development.

It is considered that the proposed development is acceptable in transportation terms subject to the applicant entering into a Section 106 legal agreement to carry-out highway works to the full and final satisfaction of the Highway authority. In addition a condition is recommended to ensure that prior to the occupation of any dwelling on site the off-street parking and turning facility on site and maintain these satisfactory thereafter.

5.6 Drainage

The Council's Drainage Engineer raises no objection to the principle of the development. A suitable drainage scheme would need to be agreed with the Council prior to the commencement of any development.

5.7 Landscape/Trees

Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that within existing urban areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character and amenity and distinctiveness of the locality. Landscape officers have viewed the proposal and site and do not consider that there are any landscape attributes or features of note on the site and as a result raise no objections to the proposed development.

With respect to the trees to the north on the adjoining employment site, aside from their amenity value, they are considered to form an important barrier between the employment site and the residential development. For this reason a method statement for works along this boundary to include the root protection area for these trees has been submitted and subsequently been accepted by the Council Tree Officers. A condition is recommended to ensure that all works are carried out in accordance with the approved details. The Tree Officer has indicated that the Method Statement states that the exact specification for the pile and beam will be agreed with the tree officer and architect and this will be specifically included in the condition.

The proposed development is considered acceptable in landscape terms subject to the above condition.

5.8 Use of Energy and Sustainability

The proposed development will include solar panels within the main roof. Greywater harvesting utilising waste water and the use of a natural spring on the site and heat recovery ground pump.

#### 5.9 Improvements achieve to the scheme

In this case it has not been considered necessary to negotiate changes to the proposal.

#### 5.10 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 South Gloucestershire Council Design Checklist SPD (Adopted August 2007)

#### 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, having regard to the above advice, the transportation improvements/works are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

### 6. CONCLUSION

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

6.2 The recommendation to grant planning 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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- The carrying out of highway works to alter the existing kerb line and the widening of the existing footway.

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

**Background Papers      PK09/1078/F**

**Contact Officer:      David Stockdale**

**Tel. No.                      01454 864533**

## **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 boundary treatments hereby approved shall be erected in full prior to the first occupation of the units.

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. The off-street parking facilities (for all vehicles, including cycles) 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.

4. 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 L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of any works on the site a mining report must be submitted 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.

6. All works must take place in accord with the Arboricultural Implications Assessment/Method Statement and Tree Protection Plan from Hillside Trees dated July 2009. To accord with the Method Statement, the exact specification for the "pile and beam" shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.

Reason:

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

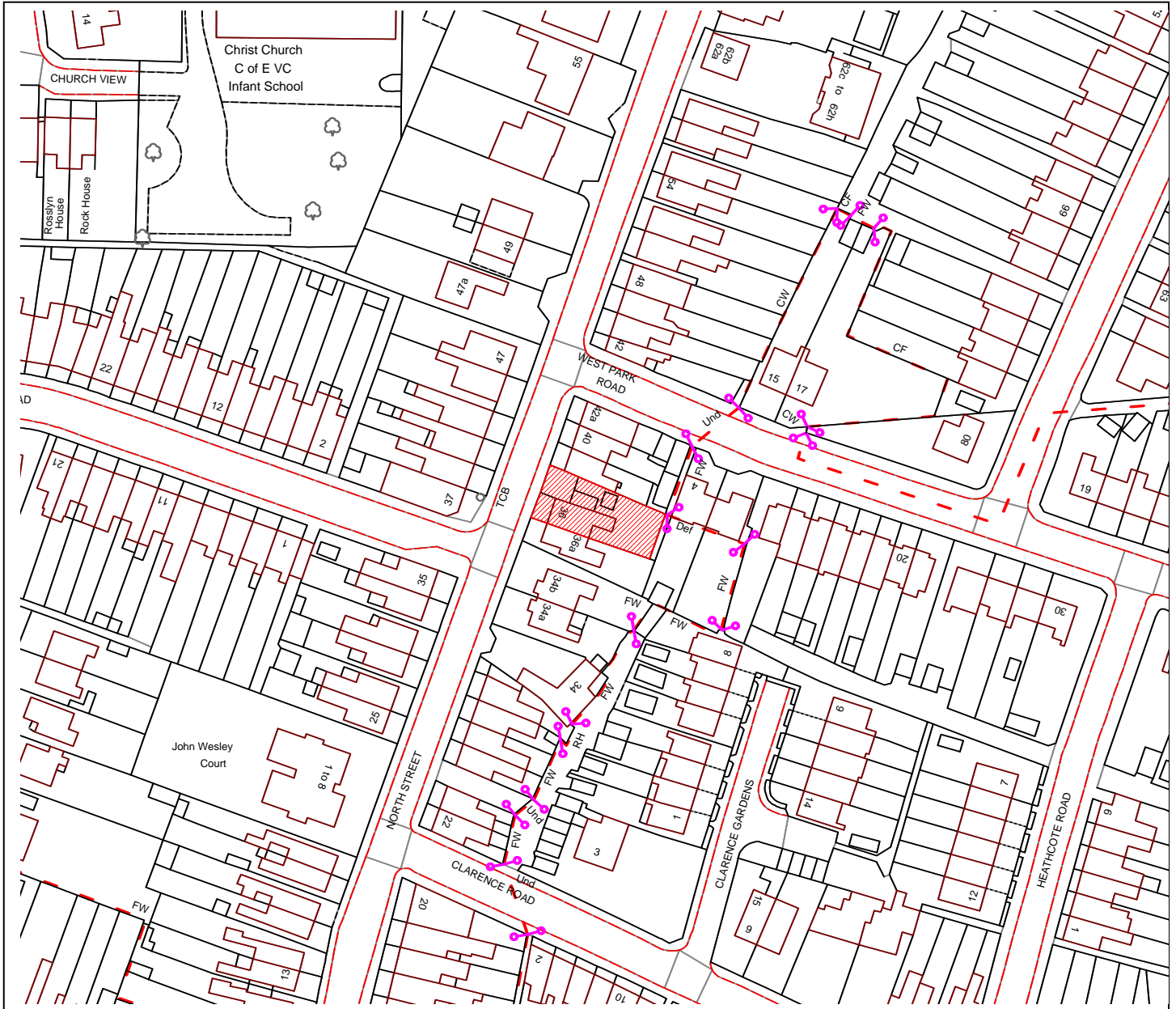




**CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009**

**App No.:** PK09/1106/F  
**Site:** 36 North Street, Downend, South Gloucestershire, BS16 5SW  
**Proposal:** Erection of two storey side and single storey rear extension to provide additional living accommodation.  
**Map Ref:** 64988 76280  
**Application Category:** Householder

**Applicant:** Mr M John  
**Date Reg:** 16th June 2009  
**Parish:** Downend and Bromley Heath  
**Ward:** Downend  
**Target Date:** 10th August 2009



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PK09/1106/F

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side and single storey rear extension at 36 North Street, Downend. The proposed extension would measure 3.9 metres wide by a maximum of 13 metres in depth and would have a maximum height to ridge of 7.4 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Downend. The property is also a Locally Listed building.
- 1.3 During the course of the application amended plans were requested to overcome concerns raised by both the Conservation Officer and Transportation Officer.

## **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 Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
L15 Building and Structures which make a significant Contribution to the Character and Distinctiveness of the Locality.
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Local List SPD Adopted 2008  
South Gloucestershire Design Checklist (Adopted) 2007.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Object to the proposal because of the loss of all parking and because the resultant parking would not meet the Councils requirements for a four bed house.

### **Other Representations**

- 4.2 Local Residents  
Two letters of objection have been received from local residents raising the following concerns:
- Loss of visibility of the sky and loss of light to main living area which already suffers from lack of light.

- Any change of use which might increase the inhabitants in the house, resulting in affects on noise levels, privacy and parking
- Loss of off street parking when parking is already very limited in the area
- Concern about the effects on health due to the disruption
- Extension to close to neighbouring property, enough access to the side of the neighbouring property is needed to carry out general maintenance.
- Major concerns that the garden area has been planted and grows against the side of neighbouring property which causes damp problems.

It should be noted that the last three concerns listed are not material planning considerations.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the extension is quite large, given that the ridge height is lower than the main ridge of the host dwelling, the extension appears subservient to the bulk of the main dwelling. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

Whilst the fenestration on the front elevation, in particular the paired first floor windows, do not match the existing, it is not considered that this is of sufficient concern to warrant the refusal of the application. Overall, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

Concern has been raised that the proposal would result in a loss of light to the neighbouring property. The scale of the proposal has been significantly reduced so that the rear extension is now single storey to match the existing rear protrusion. The rear extension would have a height to eaves of 2.5 metres with the roof hipped away from the neighbouring property. Given that the proposed rear extension is of a depth and height to match the existing single storey rear extension, in combination with the siting of the extension set approximately 1 metre away from the boundary with the neighbouring property, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal includes the addition of three new first floor windows, two on the front elevation and one on the rear elevation. Given the location of these

windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. Further, sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Transportation Issues

The applicant has reduced the scale of the proposed development, as such the property would be gaining one extra bedroom rather than two as initially proposed. Whilst it was advised that the plans be amended to include an integral garage, the applicant has submitted additional information to demonstrate that two off street parking spaces would remain to serve the property. Therefore the parking provision would remain in compliance and within the Councils required parking standards and consequently the proposal is considered acceptable.

#### 5.5 Impact on Locally Listed Building

36 North Street has been identified as a building that makes a positive contribution to the character and distinctiveness of the locality. The proposal is not for the demolition of the building so it does not run contrary to Policy L15. However, guidance contained in the SPD states:

*'When designing extensions to Locally Listed Buildings it is important that the character and setting of the building is not harmed, and that the extension relates appropriately in scale and massing. Extensions should be subservient in height and massing.'*

The scale of the proposal has been reduced and amendments have been made in accordance with the advice given by the Councils Conservation Officer, as such the proposal is considered acceptable.

#### 5.6 Other Issues

The concern raised in respect of loss of access and issues regarding the growing of plants against the neighbouring property are civil matters which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

#### 5.7 Improvements achieved to the scheme

During the course of the application amendments to the proposed scheme were requested. The scale of the proposal has been reduced with the two storey rear extension being amended to single storey. The front eaves of the proposed extension have been lowered in line with the existing eaves height of the main dwelling and adjustments have been made to reduce the flat roof section between the twin pitch. Whilst it was advised that the scheme should include an integral garage, images and plans were submitted to demonstrate that it is possible for the site to accommodate two cars.

### 5.8 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 That the application be approved subject to the following conditions

**Background Papers**      **PK09/1106/F**

**Contact Officer:**      **Kirstie Banks**

**Tel. No.**                      **01454 865207**

## 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. 30/09 – 31 JULY 2009**

**App No.:** PK09/1119/F  
**Site:** 20 Oakdale Road, Downend, South Gloucestershire, BS16 6DP

**Applicant:** Mr T Paterson  
**Date Reg:** 17th June 2009

**Proposal:** Increase in roof height and installation of 3no. dormers to front elevation to form loft conversion. Erection of two storey side and rear extensions to provide integral garage and additional living accommodation

**Parish:** Downend and Bromley Heath

**Map Ref:** 65138 77424  
**Application Category:** Householder

**Ward:** Downend  
**Target Date:** 11th August 2009



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**N.T.S**

**PK09/1119/F**

## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of objections contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This planning application essentially seeks to convert the existing pebbledash and tile bungalow on site into a dormer bungalow with full first floor accommodation. The bungalow has a timber-clad, flat-roofed attached side garage and a large front-facing box dormer. It stands between two two storey houses, No. 18 has a blank side elevation, while No. 2 Oakdale Close presents a rear elevation, with a standard window pattern, to the site and is separated from it by a back garden.
- 1.2 The street contains primarily two storey houses with hipped roofs. The most notable exception to this is the site itself and two dormer bungalows recently erected almost opposite.
- 1.3 While the consultation was undertaken on the basis of the proposed extension featuring gable ends, an amended plan has been received showing the proposal now featuring hipped ends.

### **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 House extensions

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish/Town Council  
No objection
- 4.2 Other Consultees  
Technical Services  
No objection in principle, subject to submission of a drainage plan which accords with Sustainable Drainage principles.

#### **Other Representations**

- 4.3 Local Residents  
Three letters of objection were received, commenting on the original proposal, citing the following concerns:
  - \* Overbearing impact from the bulk of the extended house and proximity of the rear extension
  - \* The extension does not respect the character of the area due to its height, bulk and massing
  - \* The proposal is not visually in keeping with other properties and is unattractive and would dwarf the original bungalow

It should be noted that one further comment was made in support of the requested amendment to the design.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main issues to be resolved are the effect of the proposal on existing levels of residential amenity and the impact of the proposal on the street scene.

### 5.2 Residential Amenity

There are two considerations under this heading – will the existing amount of amenity space be adequate to serve the enlarged dwelling and the impact on the surrounding properties, principally the on either side along the Oakdale Road frontage. In regard to the former point, the bungalow is currently a two bedroom property which could provide family accommodation. The extension would increase the bedrooms to three (on the plans) but effectively four if the second living room is used as a bedroom. The rear garden is of a size which is similar to others in the locality that serve larger houses and therefore it is considered that the proposal is acceptable in this regard.

The impact of the proposal on No. 18 next door is not considered to be harmful as this house presents a blank side elevation. No 2 Oakdale Close is considered to be too far set back from the site for the proposal to have any overbearing impact on rooms in the rear elevation of this dwelling. The proposal does not have first floor side facing windows in its side elevation and therefore No. 2's rear garden would not be overlooked from a new direction. It is therefore considered that the proposal would not harm residential amenity in any regard and accords with policy H4. A condition is shown below which requires that no further windows are inserted later in either side elevation of the roof, in order to prevent any impact on existing levels of privacy at a later date.

### 5.3 Visual Amenity/ Design/ Street Scene

The original proposal was considered to have a roof which was too bulky to be appropriate to this location, where generally houses, such as end terraces in particular have hipped roofs. With the site sitting at the end of such a terrace, albeit at a lower scale both before and after the proposed development, it was considered more appropriate to insist on hipped roofs. It is considered that this would reduce the scale of this detached bungalow to a more appropriate one, which is considered to be an important factor given that, due to its size and location, it is one of the more noticeable houses in the street. The amended plans which were received are considered to reduce the prominence of the roof in comparison with the walls at the front of the site to a degree where the proposal would be acceptable in the street scene. It is therefore considered that the proposal is in line with policy D1 in this regard. The materials for the extension are shown as matching the original dwelling, which is again considered to be an appropriate design approach.

### 5.4 Use of Energy and Sustainability

No particular implications have been advanced. However, the condition requested by Technical Services and shown below would require compliance with Sustainable Drainage principles.



5.5 Improvements achieved to the scheme

Amendments to the roof form were requested and received in order to help the additional storey blend in better with the street scene.

5.6 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 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, subject to the conditions shown below.

Background Papers      PK09/1119/F

Contact Officer:    Chris Gosling

Tel. No.              01454 863787

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. 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 L17, L18 and EP1 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 roofslopes of the property.

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. 30/09 – 31 JULY 2009**

**App No.:** PK09/1143/F  
**Site:** Mill Stream Works, Station Road, Wickwar, South Gloucestershire, GL12 8NB

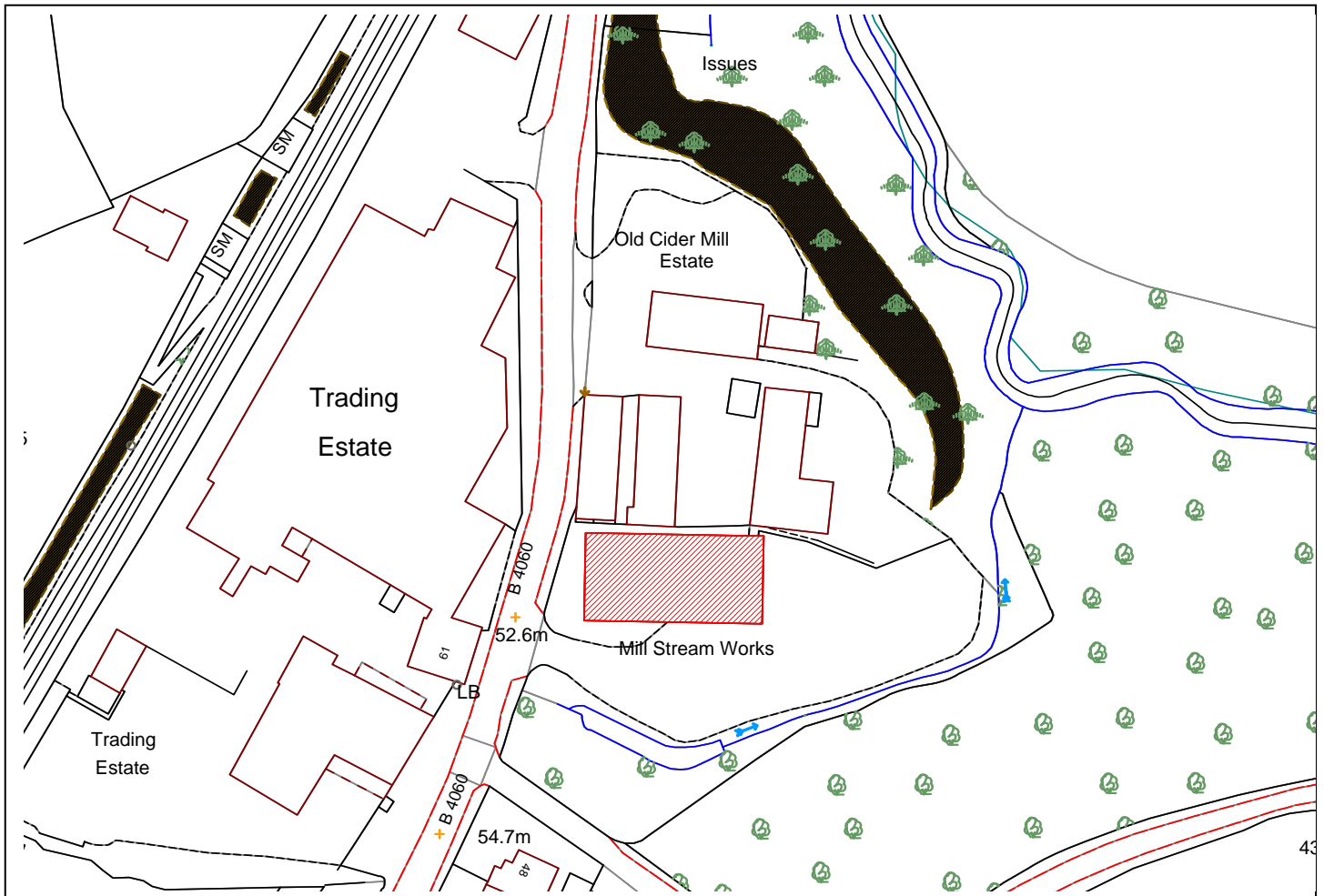
**Applicant:** SULA Systems Ltd  
**Date Reg:** 22nd June 2009

**Proposal:** Installation of 8 additional windows in north elevation, 5 additional windows on south elevation and 3 additional windows in west elevation. Change roller shutter door on east elevation to full height fenestration/curtain walling. Installation of canopy on south elevation.

**Parish:** Wickwar Parish Council

**Map Ref:** 72600 89025  
**Application Category:** Minor

**Ward:** Ladden Brook  
**Target Date:** 13th August 2009



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**N.T.S**

**PK09/1143/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks full permission for external alterations to the existing building via the insertion of windows, the addition of an entrance canopy and the removal of the existing roller shutter door and replacing it with a glazed curtain.
- 1.2 The building currently has an authorised B2 (General Industrial) use. The applicant wishes to use it for B1(Office) purposes. In accordance with the Use Classes Order, this change of use does not require planning permission and therefore the change of use is not for consideration as part of the planning application. Similarly, the application also includes the increase in size of the existing mezzanine floor within the building to create additional first floor office space. Again, the installation of a mezzanine does not require planning permission so is not for consideration as part of this planning application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
E4 Safeguarded Employment Areas  
E3 Employment Development within Defined Settlement Boundaries
- 2.3 Supplementary Planning Guidance  
Design Checklist Adopted August 2007

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

- 3.1 Whilst there is history to this site none is relevant to the determination of this application.

### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
The Parish Council objects to the application for the following reasons:  
The owner of the neighbouring property says that some while back the Fire Safety Officer objected to any windows that faced his premises (even though the building to the immediate east does have them on the upper level) the owner of the neighbouring property has obvious concerns on two points.

- a) In the event of a fire blowing out the proposed windows to the north elevation there is likely to be a high risk of it quickly spreading because of the type of materials on this site. (e.g. engine oil)
- b) If Mill Stream Works were to be broken into, the intruders could view what vehicles he had in his yard, with the possibility of them being stolen (this is not such a great issue as the yard is easily accessible from his main entrance)
  - ii) The windows proposed for the north elevation would be intrusive to the on-going working operations of Mr Brine's (neighbours) business.

The Parish Council would like to make the following suggestions:

1. All the windows proposed for the north elevation are removed from the application.
2. To compensate for the loss of light and keep as 'green' as possible, to re-instate the roof apertures that used to be there.

Subject to all the above Wickwar Parish Council is quite content with the remainder of the application, subject to the applicants being satisfied with the parking on the site will be sufficient. As a Council we are always keen to promote business activities that can provide local employment. Therefore, Wickwar Parish Council hope any suggestions will be a positive way for an amended application to be acceptable.

#### 4.2 Other Consultees

Highways Officers  
No Objection

#### Other Representations

#### 4.3 Local Residents None Received

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application relates to an established commercial building within a safeguarded employment area. The only alterations for consideration in this planning application are the insertion of windows, the erection of a canopy and the removal of the roller shutter doors. The application will retain an existing commercial premises in a business use and thus the requirements of Policies E3 and E4 are satisfied. Policy D1 of the Adopted Local Plan only allows for development where good standards of site planning and design are achieved.

#### 5.2 Design/Visual Amenity

The most prominent elevation of the building is the western elevation of the building that faces the highway. This elevation has a diamond shaped pattern in the brick work. The proposal is to insert three diamond shaped windows on this elevation. The proposed windows will line up with the existing pattern and will have no significant or detrimental impact upon the character of the building.

#### 5.3 The south elevation of the building contains the entrance door and faces over the car park. The proposal is to add 5 more windows to this elevation and construct an open sided canopy to make the entrance more prominent. The

- additional windows have been designed to match the existing windows in the building and the canopy has a simple but modern design that is in keeping with the building itself.
- 5.4 The northern elevation of the building faces towards the neighbouring industrial units. The proposal is to add 8 windows into this elevation. As there are currently no windows on this elevation, the insertion of 8 windows will have a significant effect on the appearance of this elevation. However, it is not considered that the windows would have any detrimental impact upon the character of the area or the building itself.
- 5.5 The east elevation of the building currently contains a large roller shutter door. The proposal is to remove this roller shutter and replace it with a glazed curtain. The existing roller shutter door does not contribute to the character of the building and there is no objection to its removal and replacement with a modern glazed structure.
- 5.6 Impact upon Neighbouring Properties  
There are no neighbouring residential dwellings that would be affected by the works as proposed. The windows in the north elevation will overlook the neighbouring industrial estate but will have no detrimental impact.
- 5.7 Other Issues  
It is noted that the Parish Council are concerned about fire safety issues should the proposed windows 'blow out'. There are also concerns that a burglar in the building subject of this application would be able to look out and survey the neighbouring industrial units. Neither of these are material planning considerations. At building control stage measures will be looked into to ensure that the building and the new windows are structurally stable and will not result in any safety concerns for the neighbouring units.
- 5.8 Design and Access Statement  
The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.9 Use of Energy and Sustainability  
The introduction of the windows will reduce the need for artificial lighting within the building.
- 5.10 Improvements achieved to the scheme  
None Required
- 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 That the application be approved subject to the following conditions:

**Background Papers      PK09/1143/F**

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

## **CONDITIONS**

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

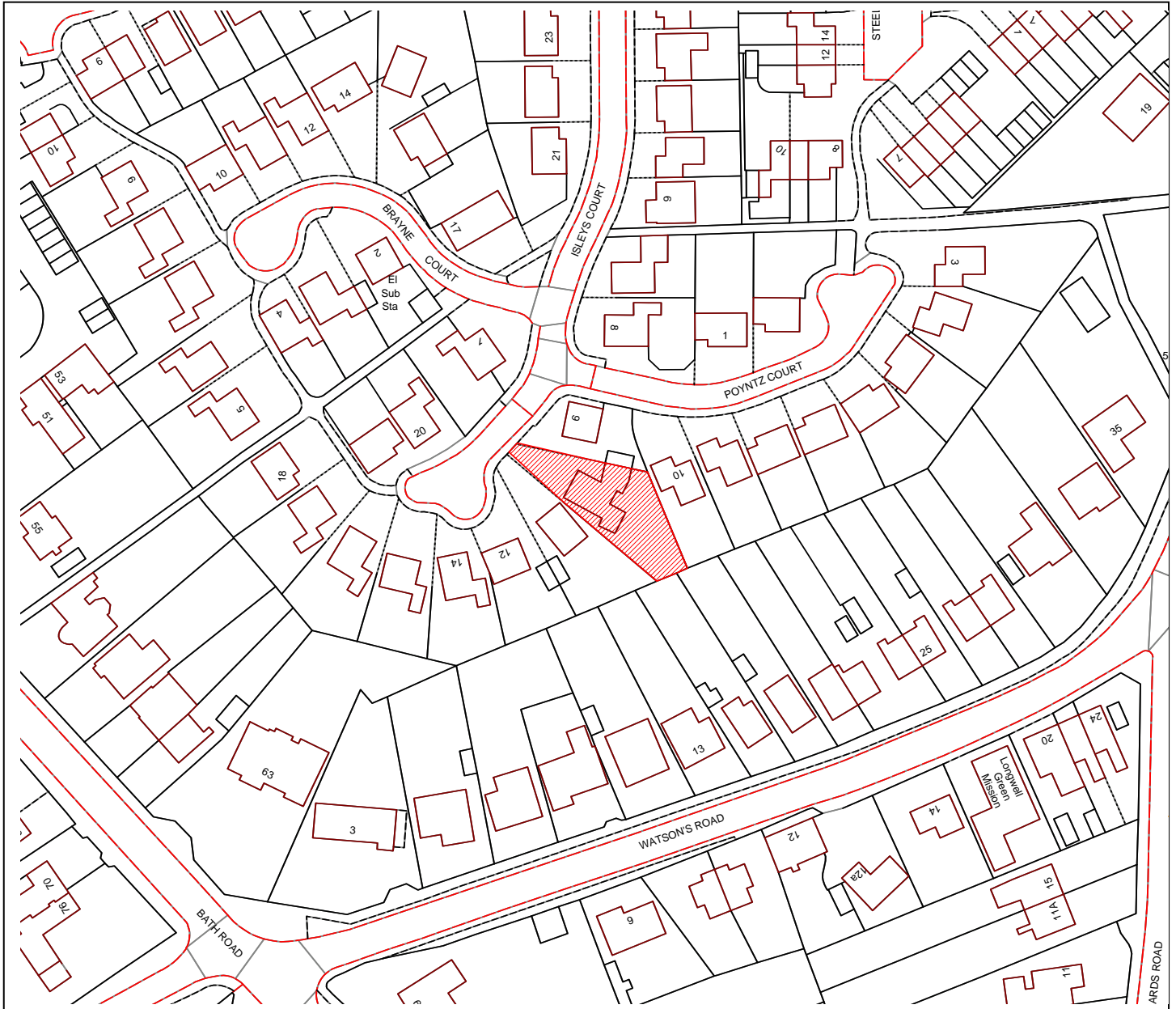
Reason:

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

**CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009**

**App No.:** PK09/1151/F  
**Site:** 10 Isleys Court, Longwell Green, South Gloucestershire, BS30 7DR  
**Proposal:** Erection of two storey rear extension to form additional living accommodation.  
 Erection of side porch.  
**Map Ref:** 65726 71338  
**Application Category:** Householder

**Applicant:** Mr B Steel  
**Date Reg:** 22nd June 2009  
**Parish:** Oldland Parish Council  
**Ward:** Longwell Green  
**Target Date:** 14th August 2009



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PK09/1151/F



## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of an objection contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey rear extension and the erection of a porch to the side of the property, which is a two storey brick and tile detached house, with an attached side garage, in an estate location, towards the end of a cul-de-sac.
- 1.2 The rear garden of the site is enclosed by a 1.8 metre high fence, which is backed up by a hedgerow. No. 10 Poyntz Court has a first floor habitable room window in its side elevation facing the site and there partial are views of the rear of the house on site obtained from Poyntz Court.
- 1.3 The proposed side extension would project by 2.65 metres beyond the shared rear building line, although it is noted that the nearest property is not exactly in line with the house on site. The extension is proposed to be rendered at ground floor with wood cladding above. The tiles are proposed to match the house.

### **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 House extensions

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

- 3.1 P88/4164 Single storey side and rear extensions Approved

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection
- 4.2 Other Consultees  
None.

### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received, citing the following concerns:
- A new window will be inserted in the Southwestern elevation. It will be higher than the original window was and overlook the adjoining garden and conservatory
  - The storm porch could be used as the main access to the property. Its height of 3.8 metres to ridge and its new window will be above the boundary fence and it will be 0.9 metres from the boundary, affecting privacy levels including in the adjoining landing
  - The use of render would not blend in with the house

- The position of the two storey extension will cause heat to rebound into the living accommodation of the adjoining property and will also overshadow that property

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the design of the two proposed extensions and their impact on visual amenity, together with the impact of the proposal on existing levels of residential amenity.

### 5.2 Design/ Visual Amenity

#### Rear extension

The house is of a standard design, but with the extensions detailed at 3.1 added later. One of these extensions is to the rear of the house, but also extends beyond its side elevation. The proposal would infill the rest of the rear of the house at ground floor level and build above that at first floor level, however, views of this would be relatively limited as they would mainly be from the rear of the site. The only element of the rear extension which would be visible from the front is above the existing rear extension where it projects slightly beyond the side elevation of the house. These views are not considered in themselves to be affected detrimentally by the bulk of the proposal. The materials proposed to be used are not in keeping with the original dwelling, which is buff brick. However, it is considered that the change in materials will allow the extension to be more clearly read as such, as well as breaking up its bulk and given the limited views of it, it is considered that the design is acceptable to accord with policy D1 of the adopted Local Plan.

#### Storm porch

This element of the proposal is more minor in size, although more visible within the street scene. It is proposed to be a lean-to structure at the side of the house, attached to the projecting part of the rear extension. Glazing would be used, increasing above the lowest eaves level and wrapping around from the front to the side. The design is considered to be simple and would provide the house with a door in its front elevation, which is lacking at present. This porch would face the street, but in a recessed position. It is considered that the design of the porch would enhance the dwelling and would therefore accord with policy D1 and the provisions of PPS1.

### 5.3 Residential Amenity

#### Rear Extension

The projection of this part of the proposal beyond the existing rear building line would be less than 3 metres. In addition to this, the house on site is detached. The consultation process has raised issues with regard to overshadowing and projection of heat. At the proposed depth it is considered that there would be no adverse impact on existing levels of residential amenity, especially taking into account that the house on site and the house adjacent are both detached and therefore have a separation distance. It is considered that this part of the proposal accords with policy H4 of the adopted Local Plan.

#### Storm Porch

This element of the proposal would not create a habitable room. The use of the porch would allow those entering the house to achieve some shelter while

unlocking and opening the front door. The structure itself is not considered to have any overbearing impact and its glazing would not provide any more than transitory views of the adjacent property. It is considered that the proposed extension would not harm existing levels of residential amenity and accord with policy H4 in this respect.

#### 5.4 Other Issues

The consultation process has raised issues regarding a proposed new window. The original planning permission for the erection of the extensions now built did not contain a condition preventing a window from being inserted at a later date and the development itself does not require planning permission in its own right. Notwithstanding the above, the window is shown as being high level to light the proposed study and it is considered that it would not offer a view which would compromise existing levels of residential amenity. However, at this stage, a condition is suggested below ensuring that no additional windows are added over and above those detailed in the plans for this proposal.

#### 5.5 Use of Energy and Sustainability

Being east-facing, the extension will benefit from some solar gain.

#### 5.6 Improvements achieved to the scheme

None sought.

#### 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.

The recommendation 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, subject to the conditions shown below.

**Background Papers**      **PK09/1151/F**

**Contact Officer:**    **Chris Gosling**

**Tel. No.**                **01454 863787**

## **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. Prior to the commencement of development samples of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The rooftiles to be used in the construction 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.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extensions hereby authorised.

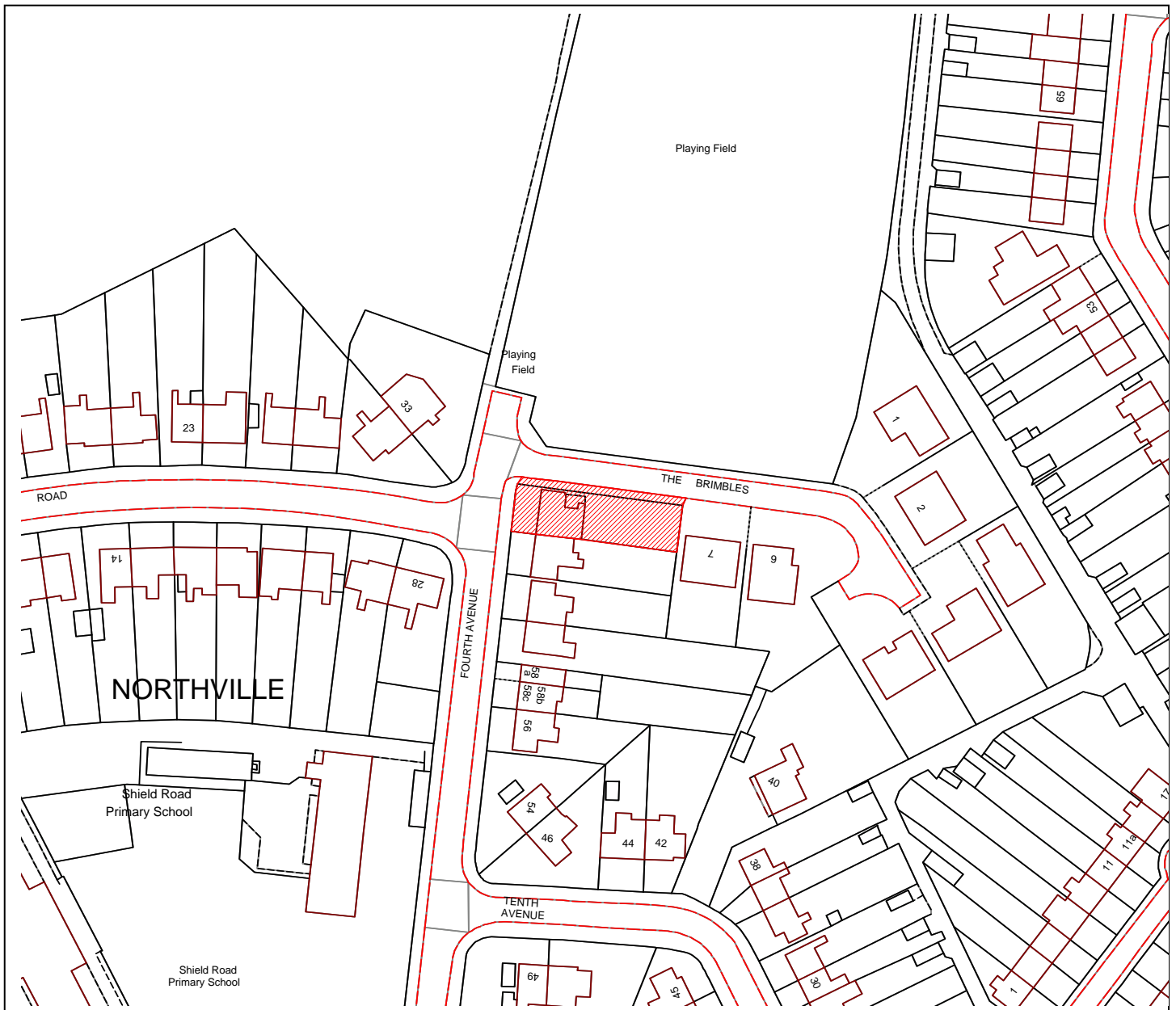
Reason:

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. 30/09 – 31 JULY 2009**

**App No.:** PT09/1110/F  
**Site:** 66 Fourth Avenue, Filton, South Gloucestershire, BS7 0RW  
**Proposal:** Erection of two storey side and rear extension to provide additional living accommodation. And extension to roof to cover existing flat roofed side extension.  
**Map Ref:** 60508 78565  
**Application Category:** Householder

**Applicant:** Mr A Popkin  
**Date Reg:** 16th June 2009  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 11th August 2009



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## **INTRODUCTION**

This application appears on the Circulated Schedule in view of the comments which have been received from the Town Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey side/ rear extension and would also allow the enlargement of the existing roof structure above the main dwelling to encompass the existing flat roofed two-storey side extension.
- 1.2 The application relates to a two-storey semi-detached dwelling on the corner of Fourth Avenue and The Brimbles, Filton.

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

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

- 3.1 P87/2306: Erection of five detached houses with integral garaging; construction of new vehicular access and pedestrian access. Permitted: 16 September 87

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Suggest site visit
- 4.2 Other Consultees  
No comments received
- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Policy H4 allows for the principle of development within residential curtilages subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

- The application relates to a two-storey semi-detached dwelling on the east side of Fourth Avenue with The Brimbles adjoining its north flank boundary. The proposal seeks permission for a two-storey side/ rear addition which would provide a utility room and shower room on the ground floor with a new bedroom above. It would also provide for an extended roof structure above the main dwelling to encompass the existing two-storey flat roofed side extension.
- 5.3 The two-storey addition would stand to the north east corner of the property behind the existing side extension. It would measure 3.6m in width and 5.7m in length projecting 2.8m beyond the rear wall of the main dwelling (there is an existing single-storey lean-to addition at ground floor level which projects 1.1m into the rear garden). It would also project slightly beyond the existing side wall of the existing side extension resulting in a stepped flank wall to the property.
- 5.4 The proposal would be encompassed by a fully hipped pitched roof that would adjoin the extended roof structure of the host dwelling. It is noted that a velux roof light would be formed within the extended roof slope to the side.
- 5.5 In response, amended plans were requested in order to reduce the width of the proposed side extension allowing a flush flank wall to the extended dwelling; it was considered that this would allow the proposal to better integrate with the host property. It was also suggested that the extended roof be designed so as to appear subservient to that of the existing roof to help retain the balanced appearance of these semi-detached units (the neighbouring property is devoid of any first floor side extension). No revised plans have been received.
- 5.6 In view of the above, it is noted that there are a number of similar side additions within close proximity of the application site which continue the existing roof profile of the building. As such, it is not considered that permission could be reasonably refused on this basis. Similarly, the proposed changes to the rear extension would have enhanced the appearance of the proposal but again, it is considered that any associated refusal reason would be unsustainable.
- 5.7 For these reasons, on balance there is no objection to this current application on design/ visual amenity grounds. Nonetheless, it is recommended that an appropriately worded landscaping condition be attached to any favourable decision notice to help compensate for the loss of landscaping to the north side of the property.
- 5.8 Residential Amenity
- The dwelling benefits from its position on the corner of Fourth Avenue and The Brimbles with no neighbouring dwelling to this north side. Instead, the closest property forms the attached dwelling to the south. On this basis, and in view of the nature of the proposal and with no overlooking windows proposed, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 The neighbouring property to the rear of the application site fronts The Brimbles with its side wall facing the application site. There are no first floor windows within this elevation with the ground floor hidden behind an existing 1.8m high (approx.) boundary fence. On this basis, and in view of the nature of the build

and its position away from this neighbouring dwelling, it is again not considered that any significant adverse impact in residential amenity would be caused.

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**      **PT09/1110/F**

**Contact Officer:**    **Peter Burridge**

**CONDITIONS**

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

Reason(s):

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(s):



To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development a scheme of landscaping along the side (north) boundary, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

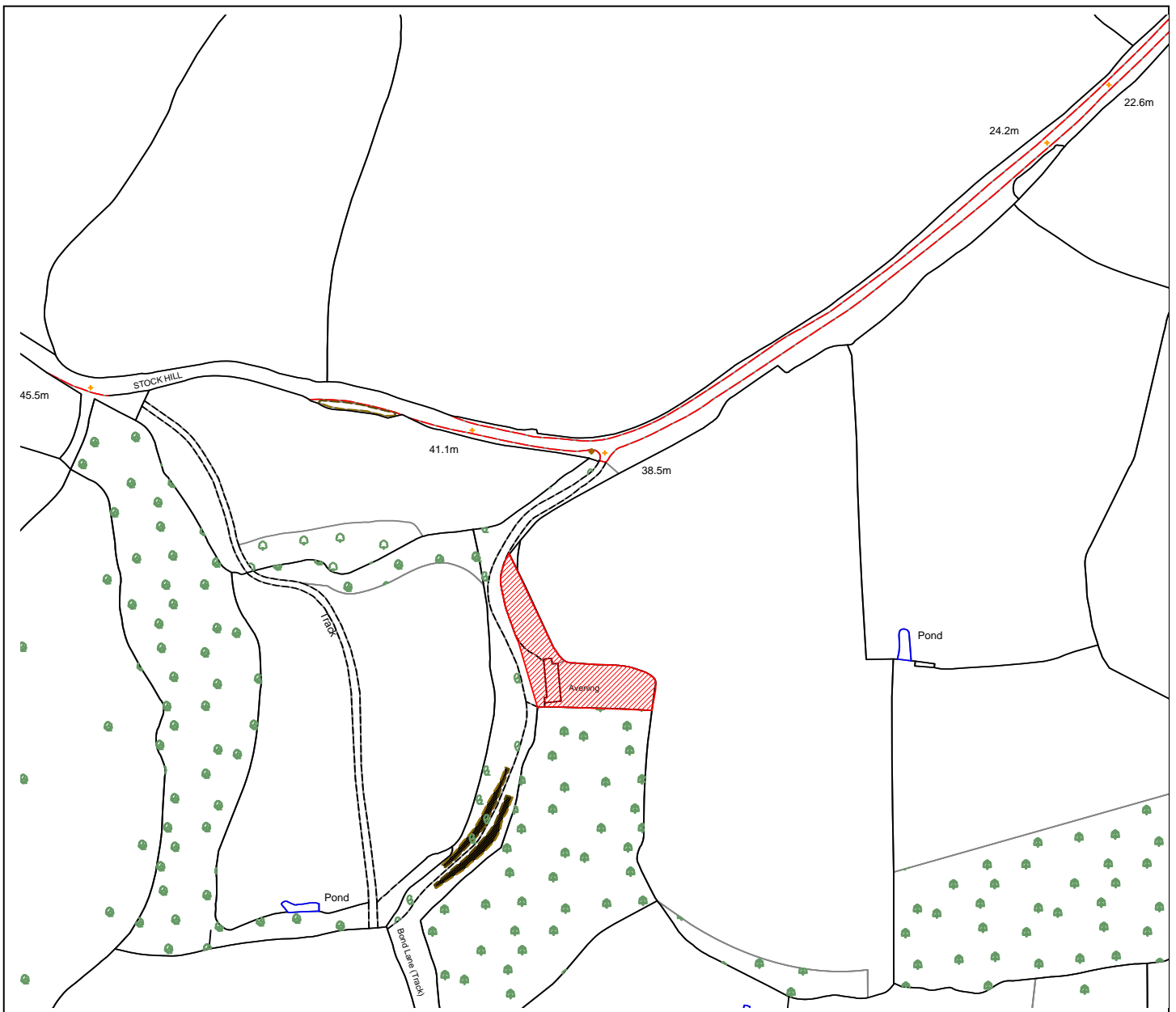
5. No windows shall be inserted at any time in the south elevation of the property as extended.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009**

<b>App No.:</b>	PT09/1144/CLP	<b>Applicant:</b>	Mr N Hoskins
<b>Site:</b>	Avening, Mumbleys Lane, Thornbury, South Gloucestershire, BS35 1NJ	<b>Date Reg:</b>	22nd June 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a rear single storey and rear first floor extension.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	61394 90307	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th August 2009



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PT09/1144/CLP

## **INTRODUCTION**

This application appears on the Circulated Schedule given that it comprises a Certificate of Lawfulness in respect of a proposed development.

### **1. THE PROPOSAL**

- 1.1 The application forms a Certificate of Lawfulness in respect of the proposed erection of a single-storey and first floor extension to an existing dwelling.
- 1.2 The application relates to a two-storey detached dwelling which occupies an isolated position accessed via the south side of Stock Hill, Thornbury. It fronts a lane that forms part of The Jubilee Way recreational route and lies beyond any settlement boundary within the open Green Belt.
- 1.3 At the time of the officer site visit, work on the single-storey rear extension had commenced in addition to the extensions permitted as part of the recent planning application.

### **2. POLICY CONTEXT**

- 2.1 Town and Country Planning (General Permitted Development) Order 2008

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

- 3.1 SG1196: Alterations and extensions to existing cottage to provide bathroom, two additional bedrooms and additional kitchen area. Permitted:
- 3.2 PT03/1976/F: Ground and first floor extension. Permitted: 18 September 2003
- 3.3 PT08/2951/F: Erection of single-storey rear extension and two-storey front extension to form additional living accommodation. Withdrawn: 2 December 2008
- 3.4 PT09/0617/F: Single-storey front extension and first floor side extension to form additional living accommodation. Permitted: 26 May 2009

### **4. CONSULTATION RESPONSES**

- 4.1 Oldbury-on-Severn Parish Council  
No comments received
- 4.2 Other Consultees  
PROW: no objection in principle
- 4.3 Local Residents  
No comments received

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

- 5.1 Site/ Proposal

- The application relates to a two-storey dwelling located on the outskirts of Thornbury beyond any settlement boundary and within the Green Belt. The granting of this certificate would allow the erection of single-storey and first-floor rear extensions.
- 5.2 The proposed single-storey rear extension would stand behind the existing kitchen (single-storey flat roofed side addition) beside the garden room (single-storey rear addition) 'squaring' off this corner of the property. The first-floor extension would build above the garden room enlarging the master bedroom.
- 5.3 Principle of Development  
It must be ascertained whether the works would exceed those parameters set by the General Permitted Development Order, Part 1, Class A, (Development within the Curtilage of a Dwelling House) by means of their size, positioning and scale.
- 5.4 General Permitted Development Order Class A  
Class A of the General Permitted Development Order restricts development to the enlargement, improvement or other alteration of a dwelling house. This would be subject to those criteria as listed below:
- 5.5 The total area of ground covered by buildings within the curtilage of the host dwelling should not exceed 50% of the total area of the curtilage (excluding the ground area of the original house). To this extent, the application site is large with the host dwelling benefiting from a sizeable rear garden. Accordingly, the proposals would satisfy this criterion.
- 5.6 The height of that part of the dwelling, enlarged, improved or altered should not exceed the highest part of the existing dwelling. In this instance, the ridgeline of the first floor rear extension would equal that of the existing property thus this proposal would also be acceptable on this basis. To this extent, it is also noted that whilst the existing dwelling has been previously altered and extended (with the ridgeline potentially raised), this clause refers to the 'existing' and not the 'original' dwelling.
- 5.7 Similarly, the eaves height should not exceed that of the existing which is again the case in this particular instance.
- 5.8 The enlarged part of the dwelling should not extend beyond a wall which fronts a highway and which forms the principal elevation or a side elevation of the original dwelling house. In this instance, both extensions are at the rear of the property.
- 5.9 Where the proposal is single-storey, it should not extend beyond the rear wall of the original dwelling by more than 4m and should not exceed 4m in height. In this regard, the single-storey addition would measure 3m in depth and some 2.8m in height. Again therefore, there is no objection on this basis.
- 5.10 Where the proposal has more than one storey, it should not measure more than 3m in depth and should not be within 7m of any opposing boundary. It is noted that the first floor extension would be 3m in depth and overlooking the lengthy rear garden. As such, the proposal would satisfy this policy criterion.

- 5.11 If the proposal is within 2m of the site boundary, the height of the eaves must not exceed 3m. In this instance, the kitchen extension is stood 2m from the site boundary but the eaves level would nonetheless, be less than 3m.
- 5.12 Where the enlarged part of the dwelling extends beyond a side elevation of the original dwelling, it should not exceed 4m in height, have more than one storey or have a width which is greater than half the width of the original dwelling. In this instance, the single-storey extension would extend beyond the side wall of the original dwelling house. However, it would not exceed 4m in height, have more than one storey or have a width greater than half the width of the original dwelling.
- 5.13 Having regard to the first floor extension, the proposal would extend beyond the original side wall of this property at first floor with the host dwelling extended in 2003. To this extent, it might conceivably be argued that this element of the proposal would extend beyond 'a side wall forming a side elevation of the original dwelling house' with the legislation ambiguous. Nevertheless, a more liberal interpretation of this legislation would be likely to define the side wall of the dwelling as the end wall of the property and it is considered more likely that this is the meaning of this legislation. As such, the proposal is considered to be acceptable in this respect.
- 5.14 The proposal should also not include a veranda, balcony, raised platform, microwave antenna, chimney, flue or soil and vent pipe which it would not do. It should also not allow an alteration to any part of the roof; again this appears ambiguous although it is not considered that this is intended to relate to dormer style extensions and not the extended roof shape as would be introduced here.
- 5.15 Finally, further clauses are added in respect of dwellings on Article 1(5) land; in this instance, the proposal is not on 1(5) land.
- 5.16 Outstanding Issues  
The Councils Public Rights of Way team have raised no objection to the proposal subject to an informative being attached to any favourable decision notice. It is not possible to attach this informative to a Certificate of Proposed Lawful Development although these comments will be kept on file and are available to view.

## 6. RECOMMENDATION

- 6.1 That a Certificate of Proposed Lawful Development is **GRANTED** for the following reason:

Background Papers      **PT09/1144/CLP**

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

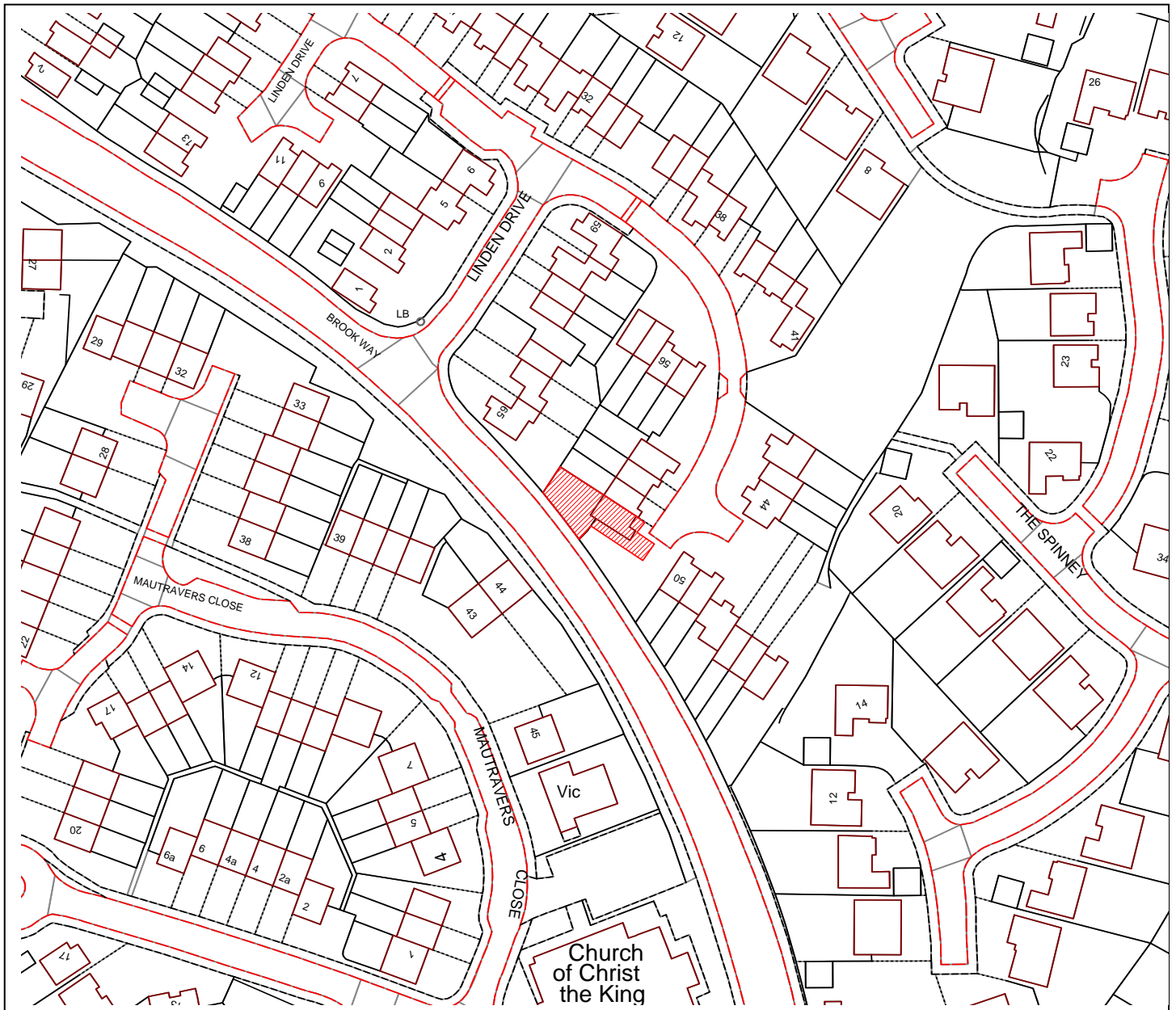
## **CONDITIONS**

1. The proposed ground floor and first floor rear extensions as set out in plan referenced 1817.10A (received on 17 June 2009) would satisfy the requirements for house extensions as set out Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 2008.

## CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009

**App No.:** PT09/1163/F  
**Site:** 51 Linden Drive, Bradley Stoke, South Gloucestershire, BS32 8DT  
**Proposal:** Erection of rear conservatory.  
**Map Ref:** 62035 81451  
**Application Category:** Householder

**Applicant:** Dr. A Salih  
**Date Reg:** 24th June 2009  
**Parish:** Bradley Stoke Town Council  
**Ward:** Bradley Stoke South  
**Target Date:** 18th August 2009



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PT09/1163/F

## **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a rear conservatory. The conservatory would measure approximately 2.7 metres in depth, 4.5 metres in width, 2 metres to the eaves and 3.6 metres to ridge height.
- 1.2 The application site comprises a two storey modern terraced dwellinghouse situated within the well-established residential area of Bradley Stoke.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT99/0133/F           Erection of a two storey side extension  
**Approved: 14 January 2000.**

## **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection.
- 4.2 Local Residents  
1 letter received in objection to the proposal on the grounds of loss of light.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

Policy D1 of the Local Plan applies to all types of new development. It considers general design principles and ensures good quality design which respects, conserves and enhances the character of the existing dwelling and the surrounding local environment.

- 5.2 Residential Amenity  
The application site is adjoined by one neighbouring dwelling (No. 52 Linden Drive) to the north-east and has an approximately 1 metre high timber fence acting as a boundary treatment. All sides of the proposed conservatory consist of glass windows and the conservatory would be set back from the boundaries



of the dwellinghouse and its curtilage. As such there would be no over looking nor any direct inter-visibility into habitable rooms. The host dwelling benefits from a modest rear garden area and there would be sufficient space remaining to serve the main dwelling. The proposed development would appear subservient to the host dwelling and thus it is considered would not be overbearing on the neighbouring occupier.

In relation to the concern raised by a local resident of loss of light to their property, notwithstanding that the rear elevations are southerly facing, since the proposal is set back by 2 metres from the boundary with No. 52 Linden Drive and the proposal extends less than 3 metres deep with glass windows on all sides, it is considered that the neighbouring property would not suffer from an unreasonable loss of light.

### 5.3 Design and Visual Amenity

The applicant seeks planning permission for the erection of a rear conservatory. The conservatory would measure approximately 2.7 metres in depth, 4.5 metres in width, 2 metres to the eaves and 3.6 metres to ridge height. The application site comprises a two storey modern terraced dwellinghouse situated within the well-established residential area of Bradley Stoke.

- 5.4 The proposed conservatory is of a traditional design which would suit the host dwelling in terms of scale and appearance. The conservatory would be modest in size and appear subservient to the host dwelling. The materials to be used consist of glazing and brick which would match the materials used in the construction of the existing dwelling. As such it is considered that the proposal would not have a negative impact on the character of the dwelling or the surrounding local area.

### 5.5 Use of Energy and Sustainability

No specific measures, other than passive solar gain.

### 5.6 Improvements achieved to the scheme

None required.

### 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.

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 to be **GRANTED**.

**Background Papers**      **PT09/1163/F**

**Contact Officer:**    **Genevieve Tuffnell**  
**Tel. No.**                **01454863438**

## **CONDITIONS**

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

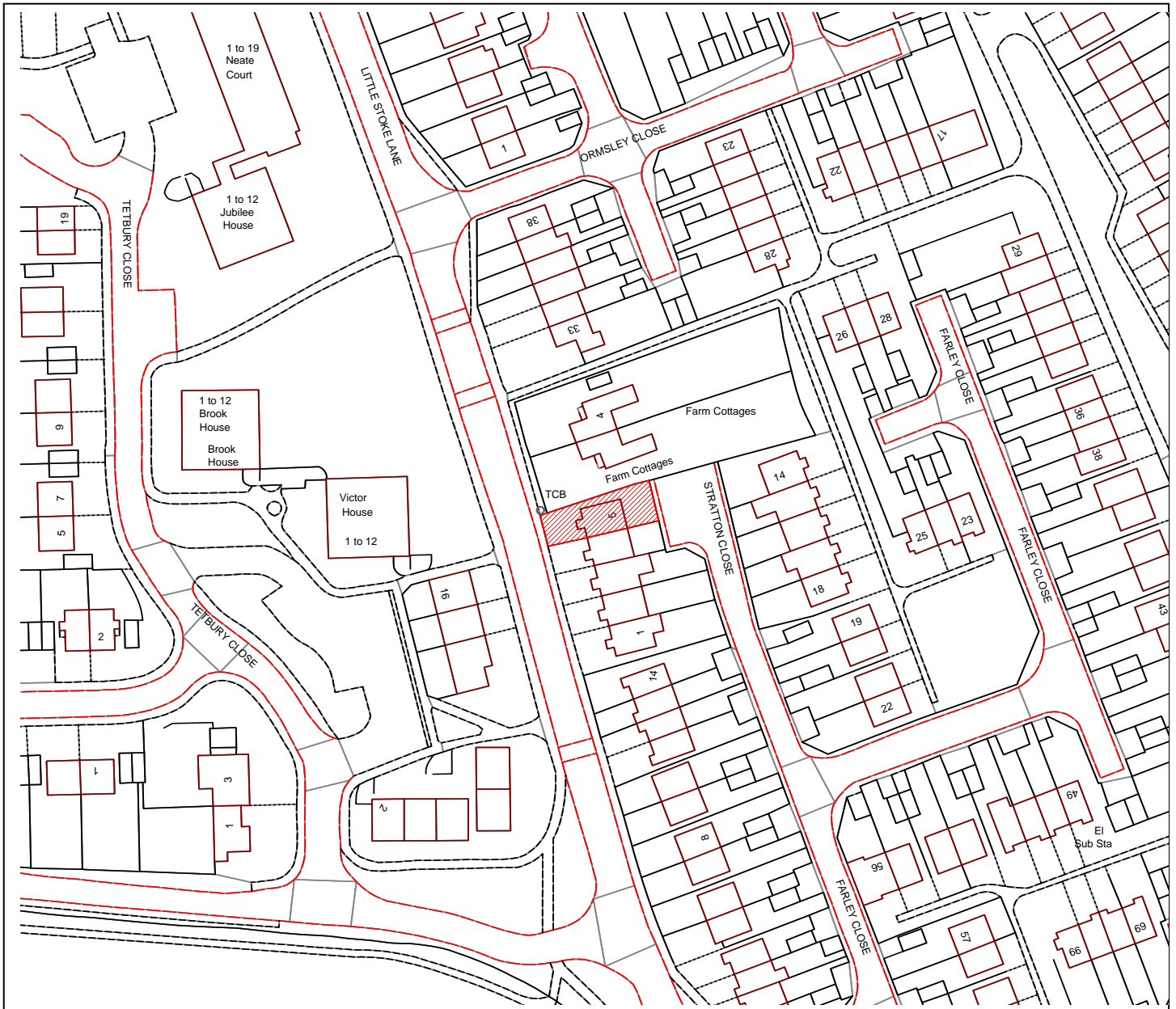
Reason(s):

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

**CIRCULATED SCHEDULE NO. 30/09 – 31 JULY 2009**

**App No.:** PT09/1232/F  
**Site:** 5 Stratton Close, Little Stoke, South Gloucestershire, BS34 6HD  
**Proposal:** Construction of new vehicle access off Little Stoke Road and construction of hard surface to front of property.  
**Map Ref:** 61231 81486  
**Application Category:** Householder

**Applicant:** Mr G Wade  
**Date Reg:** 6th July 2009  
**Parish:** Stoke Gifford Parish Council  
**Ward:** Stoke Gifford  
**Target Date:** 27th August 2009



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**N.T.S**

**PT09/1232/F**

**This application appears on the Circulated Schedule List because an objection has been received from a neighbouring occupier.**

**1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the construction of a new vehicular access off Little Stoke Road and the construction of a hard surface to the front of the property.
- 1.2 The application site comprises a two storey end of terrace property located on the western side of Stratton Close within the established residential area of Little Stoke.

**2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H4 Residential Development within Existing Residential Curtilages
  - T12 Transportation Development Control Policy for New Development
  - L17/L18 The Water Environment
  - EP1 Environmental Pollution
  - EP2 Flood Risk and Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 No planning history

**4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection
- 4.2 Transportation  
No objection
- 4.3 Drainage  
No objection
- 4.4 Environmental Health  
No objection

**Other Representations**

- 4.3 Local Residents

One letter of objection has been received from a neighbouring occupier stating the following:

*The proposed site is off a busy main road and adjacent to a bus stop giving restricted vision to oncoming traffic. The property has an integral garage and driveway at the rear along with shared parking within the close. There would be a possibility of vehicle exhaust fumes outside our dining room window and loss of natural drainage should also be given consideration. We feel changing the frontage into a car park to be unsightly and detrimental to the appearance of the row of properties at Stratton Close.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential development subject to design, residential amenity and transportation considerations.

Part 1 Class F of the General Permitted Development Order (2008) allows for the construction of hard standing within the curtilage of a dwellinghouse for any purposes incidental to a dwellinghouse. Condition F1 specifies that hard standing between the principal elevation and the highway over 5 square metres in area, as in this instance, shall be made from porous materials or provision shall be made to direct run-off water from the hard surface onto a permeable surface within the curtilage of the dwellinghouse. The hard standing, subject to condition F1 being adhered to, is therefore permitted development and requires no further assessment.

### 5.2 Design/Visual Amenity.

Given that the hard standing is considered to be permitted development, the only element of the scheme that requires assessment is the formation of a dropped kerb. The application site comprises a two-storey end of terrace property located within the established residential area of Little Stoke. The principle elevation of the properties on the western side of Stratton Close front Little Stoke Lane, vehicular access is however, gained from Stratton Close to the rear. The proposed dropped kerb would measure 3.3 metres in width and would allow for off-street parking from the Classified Highway 'Little Stoke Lane' onto an area of hard standing at the front of the property, which is considered permitted development by virtue of Part 1 Class F of the General Permitted Development Order (2008).

5.4 Given the nature of the development, it is considered that the proposed dropped kerb would not be out of keeping or be harmful to the character of the surrounding area. The neighbouring property to the north of the application site has an existing dropped kerb.

### 5.5 Transportation

There is no transportation objection to the proposed development, therefore, the proposal is considered to be acceptable in terms of transportation.

### 5.6 Further Matters

The approval of the application does not give the applicant permission to work on the highway. They will need to contact the Council's Street Care department to agree the specification of the vehicle cross over and to get a licence to work on the highway. This information will be included on the decision notice. In terms of the comments received from the neighbouring occupier, the bus stop is fairly transparent and would not therefore, be detrimental to highway safety. In addition to this, no transportation objection has been received. In terms of visual amenity and exhaust fumes, the laying of hard standing is permitted development and does not require planning permission. Whilst the formation of the drop kerb would allow cars to park on the hard standing and the neighbour's concerns regarding visual amenity and pollution are noted. However, the hard standing could accommodate cars without the formation of a drop kerb. The fact that residential hard standing is permitted development subject to condition is significant and it is therefore, considered that refusing the proposed drop kerb on the basis of visual amenity and pollution would be unlikely to prove sustainable at appeal.

## **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 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 Planning Permission is GRANTED subject to the following conditions.

**Background Papers**      **PT09/1232/F**

**Contact Officer:**      **Jonathan Ryan**  
**Tel. No.**                      **01454 863538**

## **CONDITIONS**

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

Reason(s):

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

2. Notwithstanding the information submitted, either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard

surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason(s):

To ensure satisfactory drainage arrangements for surface water in compliance with policy L17 of the South Gloucestershire Local Plan (adopted) January 2006.