



**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. 09/09

Date to Members: 06/03/09

Member's Deadline: 12/03/09

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

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. 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: 06/03/09

SCHEDULE NO. 09/09

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.

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

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

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

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

**Dates and Deadlines for Circulated Schedule
over the Easter and May Bank Holiday Period 2009**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
13/09	Thursday 2 nd April 2009	Wednesday 8 th April 2009
14/09	Thursday 9 th April 2009	Friday 17 th April 2009
17/09	Thursday 30 th April 2009	Thursday 7 th May 2009
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 06 March 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/0110/F	Approve with conditions	36 Ridgeway, Yate, South Gloucestershire, BS37 7AF	Yate Central	Yate Town Council
2	PK09/0135/F	Approve with conditions	12 The Dell, North Common, South Gloucestershire, BS30 8YU	Oldland Common	Bitton Parish Council
3	PK09/0141/F	Approve with conditions	24 Fairway Close, Oldland Common, South Gloucestershire, BS30 9SA	Oldland Common	Bitton Parish Council
4	PK09/0145/F	Approve with conditions	20 Gunning Close, Hanham, South Gloucestershire, BS15 8BQ	Hanham	Hanham Parish Council
5	PK09/0183/F	Approve with conditions	Yate Leisure Centre, Kennedy Way, Yate, South Gloucestershire, BS37 4DQ	Yate Central	Yate Town Council
6	PT08/3250/CLE	Approve with conditions	Land at Vine House, Northwick Road, Pilning, South Gloucestershire, BS35 4HA	Pilning and Severn Beach	Pilning and Severn Beach
7	PT09/0077/F	Approve with conditions	63 Amberley Road, Patchway, South Gloucestershire, BS34 6BZ	Bradley Stoke Central and Stoke Lodge	Patchway Town Council
8	PT09/0126/F	Approve with conditions	1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW	Almondsbury	Almondsbury Parish Council
9	PT09/0132/F	Refusal	Clarson, The Inner Down, Old Down, South Gloucestershire, BS32 4PR	Severn	Olveston Parish Council
10	PT09/0182/CLP	Approve with conditions	5 Hazel Gardens, Alveston, South Gloucestershire, BS35 3RD	Thornbury South and Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.:	PK09/0110/F	Applicant:	Mr C Steele
Site:	36 Ridgeway, Yate, South Gloucestershire, BS37 7AF	Date Reg:	19th January 2009
Proposal:	Erection of first floor side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	72075 82492	Ward:	Yate Central
Application Category:	Householder	Target Date:	16th March 2009



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N.T.S

PK09/0110/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the west side of Chipping Sodbury close to Yate town centre. The site is situated within a residential context and is bounded on three sides by residential development with vehicular access onto Ridgeway to the north. The site comprises a two storey semi detached dwelling with rear two storey and side flat roofed additions. The attached dwelling to the east has a single storey rear addition and the adjacent dwelling to the west (no.34) has a two storey rear extension.

The site is situated within a settlement boundary as defined in the adopted Local Plan.

- 1.2 The application proposes erection of first floor side extension over the existing flat roofed addition to form additional living accommodation and provision of a mono pitched roof over an existing rear flat roofed addition. The application is a revised scheme for application PK03/2067/F.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 N8634 Erection of single storey side and rear extension to form utility room, enlarged kitchen and dining room.
Approved 26.05.1983
- 3.2 P86/2226 Erection of first floor side and rear extension over existing utility room and kitchen to form enlarged bedroom and bathroom and additional bedroom and bathroom.
Approved 03.09.1986
- 3.3 PK03/2067/F Erection of first floor side extension to form additional living accommodation.
Approved 13.08.2003

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No objection

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

One letter received from the occupiers of 34 Ridgeway raising for following concerns:

I was told that an extension on the boundary would not be accepted as it would make the house appear terraced. Has the policy changed?; Existing foul drainage system is not acceptable, the additional bathroom would add pressure to this; concern in relation to the social implications of the proposed first floor side windows; loss of light from bedroom and utility windows; will the satellite dish be re-sited under the Party Wall Act.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a semi-detached two storey building. The proposed extension would appear no different to that approved under PK03/2067/F when viewed from the public highway. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The application has the same dimensions to the previous approval PK03/2067/F, other than the hipped end to the rear addition has been amended to provide a full gable and the provision of a mono pitch over an existing flat rear addition. These changes would result in no

significant additional loss of amenity to the neighbouring occupiers. The two proposed first floor windows in the side elevation are to be obscurely glazed and conditions are recommended to retain control of this and for no further windows to be inserted in the first floor of this elevation. Therefore the proposal would have no significant impact on the amenity of the adjacent occupiers.

5.4 Other issues

The proposal would not increase the number of bathrooms to that approved under PK03/2067/F and drainage matters were considered to be acceptable when this application was determined. Therefore it would not be reasonable to request the drainage system to be moved for this revised application. Issues related to land ownership, for instance the Party Wall Act are no material to consideration of this application.

5.5 Design and Access Statement

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

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK09/0110/F**

Contact Officer: **Sean Herbert**
Tel. No. **01454 863056**

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 use or occupation of the extension hereby permitted, and at all times thereafter, the two proposed first floor windows on the north west (side) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

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.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north west (side) elevation 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.

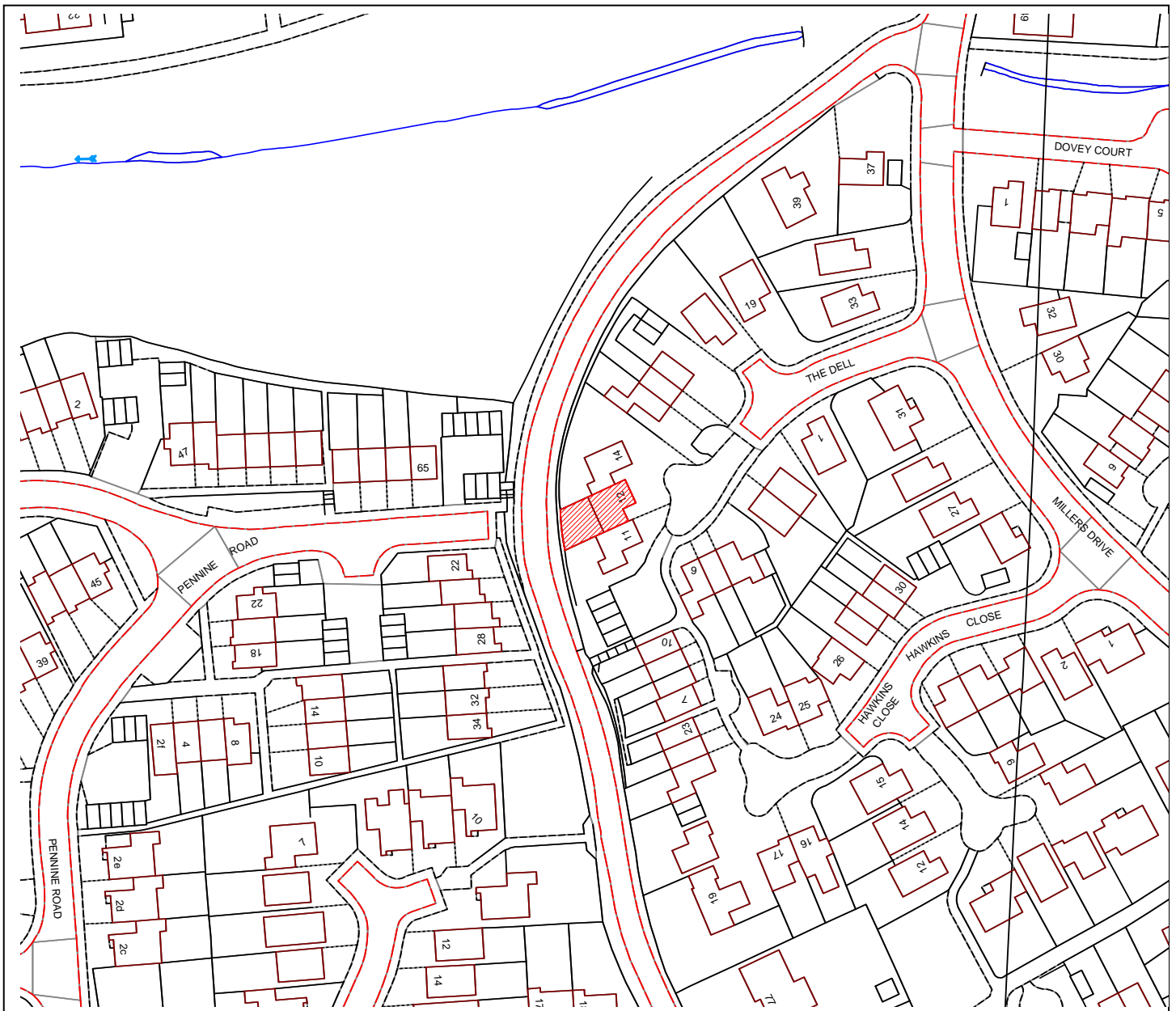
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Reason:

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

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.:	PK09/0135/F	Applicant:	Mr M Furlong
Site:	12 The Dell, North Common, South Gloucestershire, BS30 8YU	Date Reg:	22nd January 2009
Proposal:	Erection of single storey front extension to existing garage. Erection of single storey rear extensions and first floor side extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	67310 72035	Ward:	Oldland Common
Application Category:	Householder	Target Date:	16th March 2009



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PK09/0135/F

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the eastern edge of the Bristol urban area of Bristol. The site is situated within a suburban residential context and is bounded by residential development to the north and south with Cloverlea Road situated at a lower ground level to the west and vehicular access onto The Dell to the east. The application site comprises a modern two storey link detached dwelling attached to the adjacent dwellings by single garages.

The site is situated within the Urban Area as defined in the adopted Local Plan.

- 1.2 The application proposes erection of a first floor extension over the existing side garage to provide an additional bedroom and en-suite with ground floor rear projection to provide study and replacement single storey rear extension to provide garden room.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council

No objection. Councillors were aware of the proposed use of acoustic insulation and support this if officers feel it is appropriate

- 4.2 Other Consultees

None

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 11 The Dell raising the following concerns:

Our house was bought as a link detached house, resulting in a semi detached house and devaluing our property; no gap or cavity between the extension and our house; no sound proofing shown; extension would have to be fixed to my property which will cause me more concern as this affects structural amendments to my own property.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a link detached two storey building with attached garage to the side which is then attached to the adjacent dwelling. The proposed first floor extension would raise the eaves height of the existing garage and the overall ridge height would increase to provide the first floor accommodation. The overall change when viewed from The Dell would not be significant. The proposed dormer would be of good design, size and proportion in relation to the existing dwelling and would sit comfortably in the street scene. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the proposed first floor extension would not project forward of the existing front elevation of no.12 and the adjacent dwelling no.11 which is also set back at the rear from no.12. As the rear extensions would not project beyond the existing rear elevation of no. 11 this would ensure there is no prejudice to the amenity of the occupiers of no.11. No.12 is situated at a slightly higher level than the adjacent dwelling to the north (no.14). However, as the proposed single storey rear extension would be situated adjacent to the neighbour's garage, and considering the modest scale of the extension this would ensure there is no prejudice to the amenity of neighbouring occupiers at no. 14. Therefore overall the proposal would not result in a material loss of amenity to the adjacent occupiers.

5.4 Other issues

The neighbour has expressed concern in relation to building onto a party wall, however land ownership matters are not a material planning consideration. The neighbour also raised a concern in relation to devaluation of their house, and again this is not a material planning consideration.

In terms of noise disturbance, the Building Regulations were extended in 1991 to cover the detailed requirements of sound insulation between converted flats and adjoining properties. The Government considers that the Building Regulations are the most appropriate means of control for sound insulation in such conversions, and local planning authorities should not therefore use planning conditions to control sound insulation in such cases.

5.5 Design and Access Statement

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

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK09/0135/F**

Contact Officer: **Sean Herbert**

Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

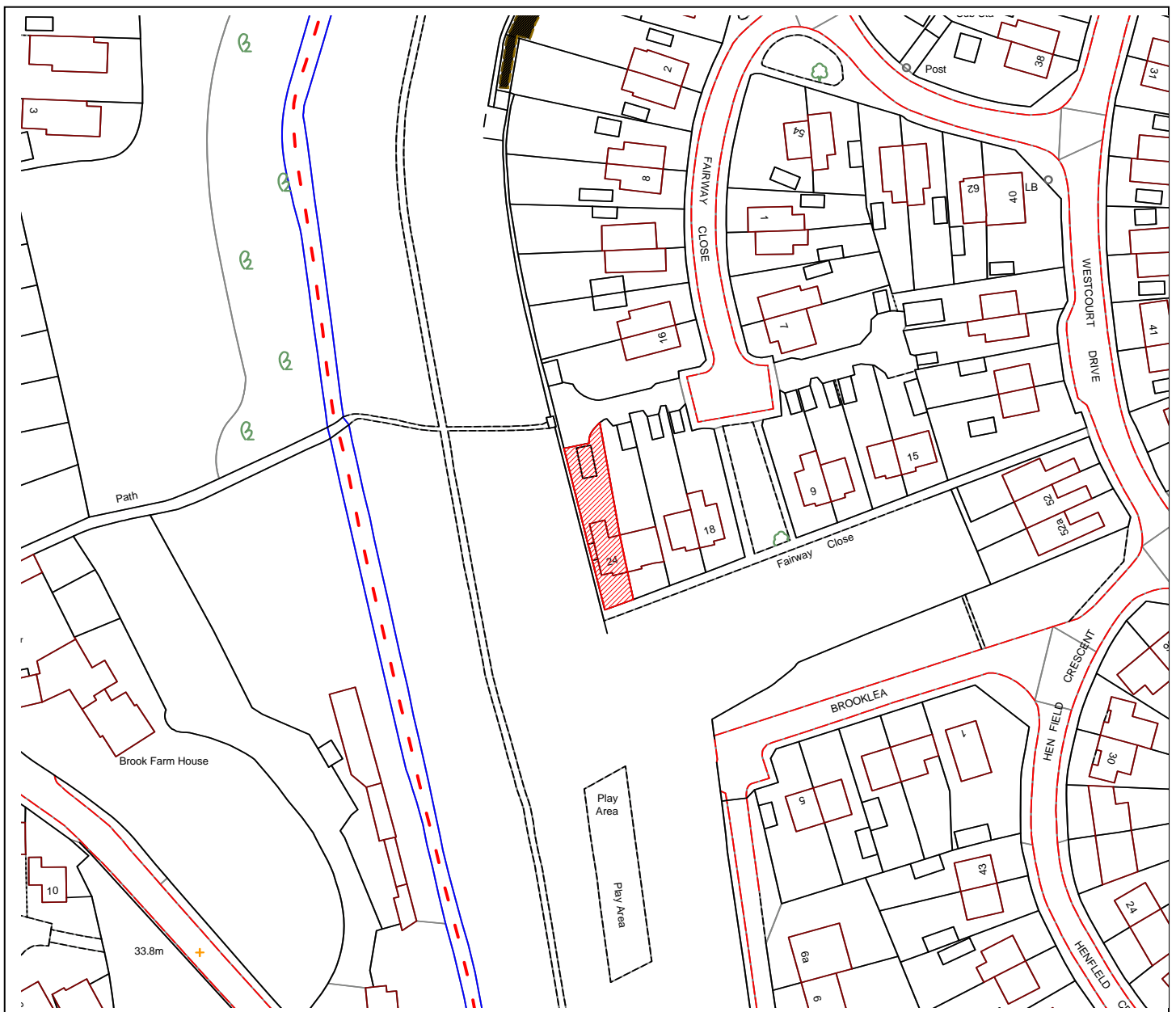
Reason:

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

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.: PK09/0141/F
Site: 24 Fairway Close, Oldland Common, South Gloucestershire, BS30 9SA
Proposal: Erection of single storey rear extension to facilitate the subdivision of existing dwelling into 2no. self contained flats with parking and associated works. (Resubmission of PK08/2342/F).
Map Ref: 66854 71566
Application Category: Minor

Applicant: Mr J House
Date Reg: 23rd January 2009
Parish: Bitton Parish Council
Ward: Oldland Common
Target Date: 13th March 2009



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PK09/0141/F

This application has been placed upon the Circulated Schedule due to the receipt of objections to the scheme.

1. **THE PROPOSAL**

1.1 This application seeks to erect a single storey extension to the rear of No. 24 Fairway Close, Oldland Common, and to convert the existing dwelling to form 2 no. self contained flats. The property is a two-storey semi-detached dwelling, situated within a residential area of Oldland Common.

1.2 Previous planning permission was refused for the following reason:

“The property is adjacent to a public footpath path and there is a large Norway Maple at the north east corner of the site. This tree contributes to the landscape amenity of the area. The proposed development, by virtue of the lack of the detailed landscaping plan and the tree protection plan, would damage some of the root system of the tree. It is therefore considered that the proposal would have a detrimental impact upon the landscape character of the area.”

2. **POLICY**

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Council Design Checklist (Adopted August 2007)

3. **RELEVANT PLANNING HISTORY**

PK08/2342/F Erection of single storey rear extension and conversion of existing dwelling to form 2 no. self-contained flats.
Refused 07.10.08

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Councillors objected to the first application for the following reasons:

1) inadequate parking for the accommodation proposed;

2) concerns about the viability of the access for the increased traffic likely to use it;

- 3) the access is also PBN11, a public right of way giving access to the open space adjacent to the property and so well used by children. Concerns were raised about the proximity of vehicles and pedestrians along this inadequate access; and
- 4) likely noise between flats leading to loss of amenity for occupants.

Additionally councillors felt that the proposals would lead to increased traffic and parking problems, to the detriment of residential amenity of neighbours and, from the rear, would look out of place in the street scene.

4.2 Sustainable Transport

No objection.

4.3 Local Residents

The following concerns have been raised by a local resident:

There are existing difficulties in parking within the area. Additional cars in the close would be extremely unmanageable and dangerous as there are children and pets which live in the close. This will also affect an existing excess. This nice quiet cul-de-sac will be turning into an Asda car park.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure. It is considered that the current proposal is appropriate within this context.

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

5.2 Impact upon the Character and Visual Amenity of the Area

The external alteration to the property relates only to the addition of a rear extension. The proposed extension is modest in scale measuring 1.1 metres wide by 2.8 metres deep and 3 metres to its ridge (2 metres to its eaves) with a mono-pitch roof above. The materials to be used in construction would match

those of the existing house. The proposed external works to the building are therefore minor in nature, and therefore the appearance and character of the dwelling would be not significantly altered. Bins and cycles would be stored adjacent to the side boundary. The overall character and visual amenity of the area would not therefore be adversely affected by this proposal.

5.3 Impact Upon Residential Amenity

Adequate amenity space would be retained in the existing garden area to serve both of the proposed flats. In addition, the site is adjacent to a public open space and a playing field. No windows are proposed for the side elevations of the new extension and since the rear garden is relatively enclosed there would be no significant loss of privacy from overlooking or inter-visibility.

With regard to the potential noise pollution between flats / adjacent properties, a planning condition is imposed to minimise the potential impact.

Officers also have taken into consideration the latest government guidelines contained in PPS3 – Housing, as well as the relevant policies contained in the South Gloucestershire Local Plan. PPS3 positively supports a greater choice and mix of housing type and size. In such locations a much higher density of residential development is also supported. With this guidance in mind, officers consider that the intensity of development proposed would not justify refusal of planning permission.

On balance therefore and having regard to the latest government guidelines and Local Plan Policy, officers are satisfied that the proposal would not have a significant adverse impact on residential amenity

5.4 Design and Layout

The conversion would not result in any significant alteration to the appearance of the property. The design and layout are therefore considered to be acceptable and would be in line with Policy D1 of the South Gloucestershire Local Plan.

5.5 Public Rights of Way

The development may affect the nearest recorded public right of way, reference PBN11, which runs across the rear access of the site. Officers have no objection in principle subject to suggested conditions.

5.6 Issues upon the existing tree

A letter from DLP Planning ref BL/A331P/kg1788.ltr confirms the removal of the existing Norway maple and the replanting of Silver Birch to mitigate its loss. The previous refusal reason has been overcome and no objection is raised to the current scheme.

5.7 Landscape Issues

The tree that previously stood in the north east corner and was the reason for refusal of the previous application has now been felled. The proposed Birch being the replacement for the felled tree will be controlled through a suggested condition to ensure it is not planted until after construction is completed to avoid the possibility of damage.

Furthermore, there are also no details provided of the cycle and bin stores and no details are provided of the protection for the existing hedgerow during construction, again the submission of these details will be controlled by a suggested condition.

Subject to the submission and approval of these items by condition, it is considered the proposal will satisfy the landscape aspects of Policy D1 and Policy L1 of the adopted local plan.

5.8 Transportation

The site is located at the end of a cul-de-sac via a short access road which provides vehicular access for five dwellings currently. A PROW runs along this part of the highway.

Planning permission has previously been sought to convert the existing dwelling into two flats (PK08/2342/F). No transportation objection was raised to this proposal although amendments to the parking layout were advised.

This current proposal again seeks to convert the dwelling into two flats. As previously advised the parking layout has been amended. Adequate parking has been accommodated within the site boundary for the size of the dwellings proposed.

There is some local concern over the introduction of an additional dwelling at this location. However, it should be noted that this dwelling could be rented out as a multi-occupational dwelling without the need for planning permission and all these potential occupants could own their own vehicle.

In light of the above and given that adequate parking can be accommodated within the site boundary, it is considered that a refusal reason could not be sustained in an appeal situation and on that basis no transportation objection is raised to this proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Background Papers **PK09/0141/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 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 side elevations of the property.
Reason:
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. Notwithstanding the submitted details and prior to the commencement of development details (including elevations drawings) relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.
Reason:
To protect the character and appearance of the area to accord with Policies H5/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. Notwithstanding the submitted development and prior to the commencement of development detailed plans (including elevations drawings) showing the provision of cycle parking facilities in accordance with the standards set out in Policies (T7 and T8)

of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies D1, H5 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding submitted details and prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting and times of planting; boundary treatments (including timber fence dividing the rear garden) and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. The residential units hereby approved shall not be occupied until the proposed details have been carried out in accordance with the agreed details.

Reason:

To protect the character and appearance of the area to accord with Policies H5/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The proposed replacement Birch tree, which is shown on the submitted drawing, shall be planted in the first planting season after the construction work has been completed.

If within a period of 2 years from the date of the planting of the Birch tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed and dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as the originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

In the interests of the long term health of the tree, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Notwithstanding submitted details and prior to the commencement of development samples of material and details of construction method of parking facilities in the rear garden shall be submitted to and approved in writing by the Local Planning Authority. 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 building. The residential units hereby approved shall not be occupied until the parking facilities have been provided in accordance with the agreed details.

Reason 1:

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.

Reason 2:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays and 08.00-13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To protect the amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of the construction works a scheme for providing noise insulation between ground floor flat and first floor flat shall be submitted to and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential unit is occupied.

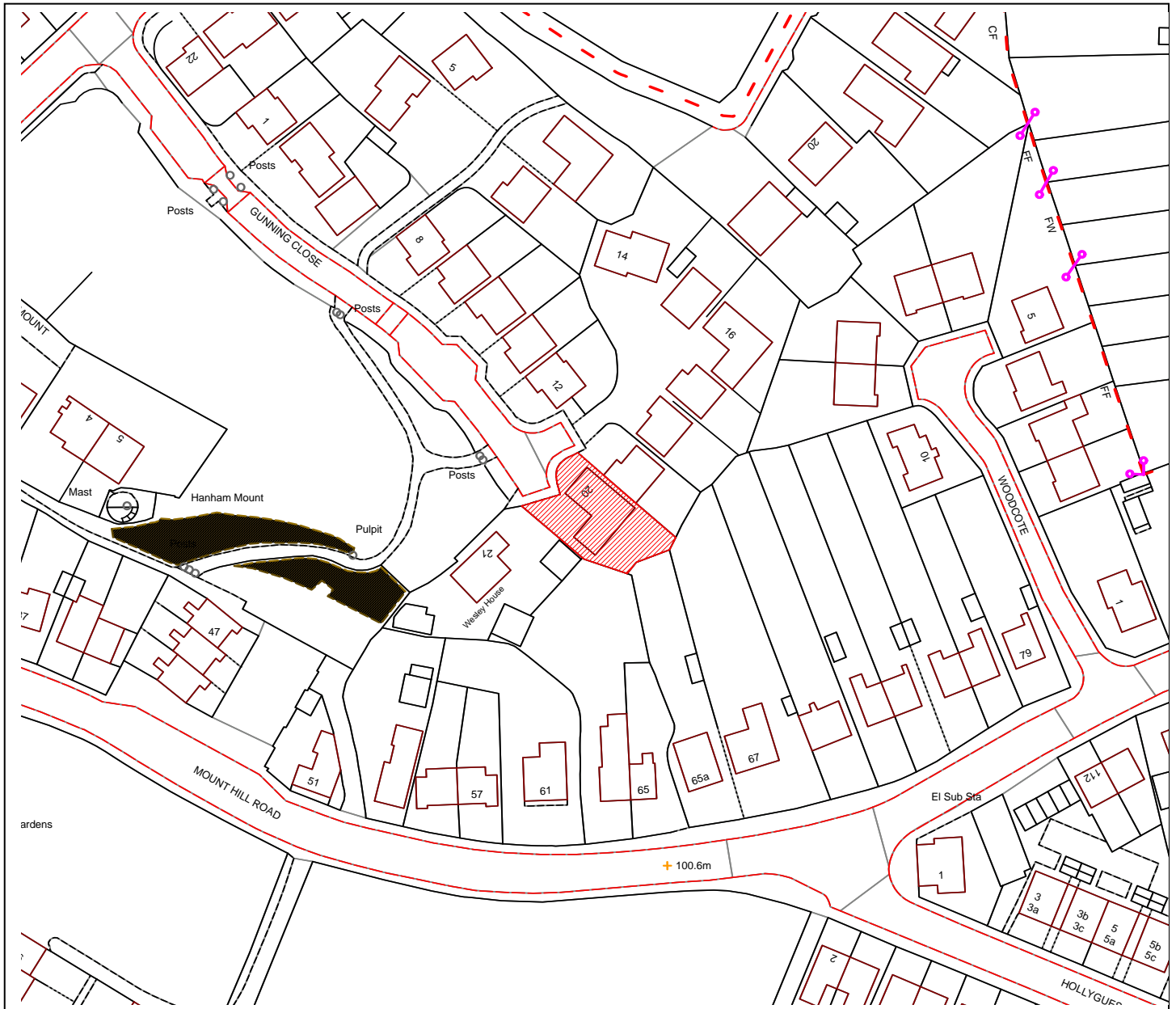
Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.: PK09/0145/F
Site: 20 Gunning Close, Hanham, South Gloucestershire, BS15 8BQ
Proposal: Erection of single storey rear extension and part garage conversion to form additional living accommodation.
Map Ref: 64808 72666
Application Category: Householder

Applicant: Mr R Withers
Date Reg: 26th January 2009
Parish: Hanham Parish Council
Ward: Hanham
Target Date: 25th March 2009



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N.T.S

PK09/0145/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of three letters of objection – two from local residents and one from a planning consultant on behalf of one of these local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the rear of the existing dwelling. The extension as proposed would have a depth of 2.5 metres, a width of 7 metres and a maximum height of 4.224 metres. The application also includes the conversion of half of the integral double garage to additional living space.
- 1.2 This application previously appeared on the Circulated Schedule dated 20th February 2009. However, during the course of the circulated schedule process, amended plans were submitted by the applicant in attempt to appease the owners of the neighbouring property. Therefore, the decision was not issued. Instead re-consultation was carried out on the amended plans. At the time of the preparation of this report the previous objections have not been withdrawn and thus the application now re-appears on the circulated schedule. The alterations that have been made are as follows:
- A reduction on the pitch of the proposed extension down to 25 degrees resulting in a significant reduction in ridge height of just over 85cm from that previously proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 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
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No Objection

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident. The resident explains that they do not object to the principle of the extension but they do not

wish their quality of living to deteriorate as a result. A summary of the points of concern are as follows:

- Impact on sunlight – loss of daylight/sunlight into the rear habitable rooms and patio. The resident requests a mini daylight/sunlight analysis survey be conducted.
- Overbearing – the extension will be visually oppressive due to its size in close proximity to the neighbours property. It will be truly domineering.
- Loss of outlook
- Suggest alterations to improve the impact on their property of reducing the pitch of the roof or moving the extension further away from their property.

One letter of objection has also been received from a planning consultant on behalf of the above resident. A summary of the points raised are as follows:

- ‘The extension has failed to respond to the immediate context of the site in relation to its local surroundings, notably the immediate proximity and height of the extension to the south-eastern boundary with No. 19 Gunning Close.’
- The extension would breach the existing rear building line creating an unacceptable relationship with the adjoining property.
- The extension would have an unacceptable and overbearing impact on the neighbours property as it is basically ‘too large and too close’.
- Unsatisfactory loss of sunlight to habitable room windows particularly because the proposed extension is directly to the south of the neighbouring dwelling
- The application should be accompanied by a daylight/sunlight analysis and the application cannot be determine din its current form without this

Another resident raised the following issues:

- It will set a precedent in the small development and change the line of the houses.
- Will have an impact on the atmosphere

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policy D1 supports applications where good design is demonstrated.

5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Indeed an almost identical extension can be found at property No. 6 Gunning Close further round the cul-de-sac. The extension is to have a simple gable ended roof in keeping with the simple character of the host dwelling. Matching face Bradstone further attributes to its integration. The extension is of appropriate size in comparison to the bulk of the main dwelling and is suitably subservient too it.

The structure will be not be clearly visible from the highway and as such, it is not considered the addition would be visually intrusive. The design of the extension is thus considered to be acceptable.

5.3 Residential Amenity

The opposition to the application by the neighbouring is noted by your planning officer. Your officer has also visited the neighbouring property to fully consider the potential impact from their perspective. It is not considered however that the proposed extension would have any significant detrimental impact upon the amenities of the neighbouring dwelling sufficient to warrant the refusal of the application.

Whilst the extension will be clearly visible from the neighbouring dwelling, the extension is of modest size and of a design, size and depth commonly accepted by the Council. Whilst each planning application is indeed determined on its own merits and in light of the site specific circumstances, it is not considered that there are any extenuating circumstances at this address that deem the rear extension unsuitable.

The extension will have a depth of 2.5 metres and therefore, because of the existing stagger, will project to a maximum of 2.8 metres out from the main rear wall of the neighbouring dwelling. There is an existing 2m high close boarded boundary treatment and the two properties are detached. As amended the extension will have a modest height to the ridge of 4.224 metres and the extension will be 1 metre from the boundary with the neighbouring property. It is considered that this is a very common arrangement and will have no significant detrimental impact on existing levels of residential amenity for the neighbouring occupant.

The objecting resident and the planning consultant representing them have requested a daylight/sunlight analysis. Given the modest size of the extension, it is considered that it would be unreasonable to request one in this instance. The roof of the extension will slope away from the boundary and whilst there may be some slight overshadowing, this is only likely to be in late afternoon and evening in the winter months when the sun is lower in the sky.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.4 Garage Conversion

Half of the existing integral double garage is also to be converted as part of the application. The window to be inserted into the blocked up garage door is suitable and integrates successfully with the existing dwelling. Three off street parking spaces would remain to serve the dwelling following the conversion and thus a suitable level of off-street parking is retained.

5.5 Other Issues

It has been suggested by the neighbour and the planning consultant that the scheme could be amended to reduce the impact upon them – e.g. by lowering the pitch of the roof. Whilst this may indeed be physically possible, the application is determined on the basis of the plans submitted.

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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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) 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 **PK09/0145/F**

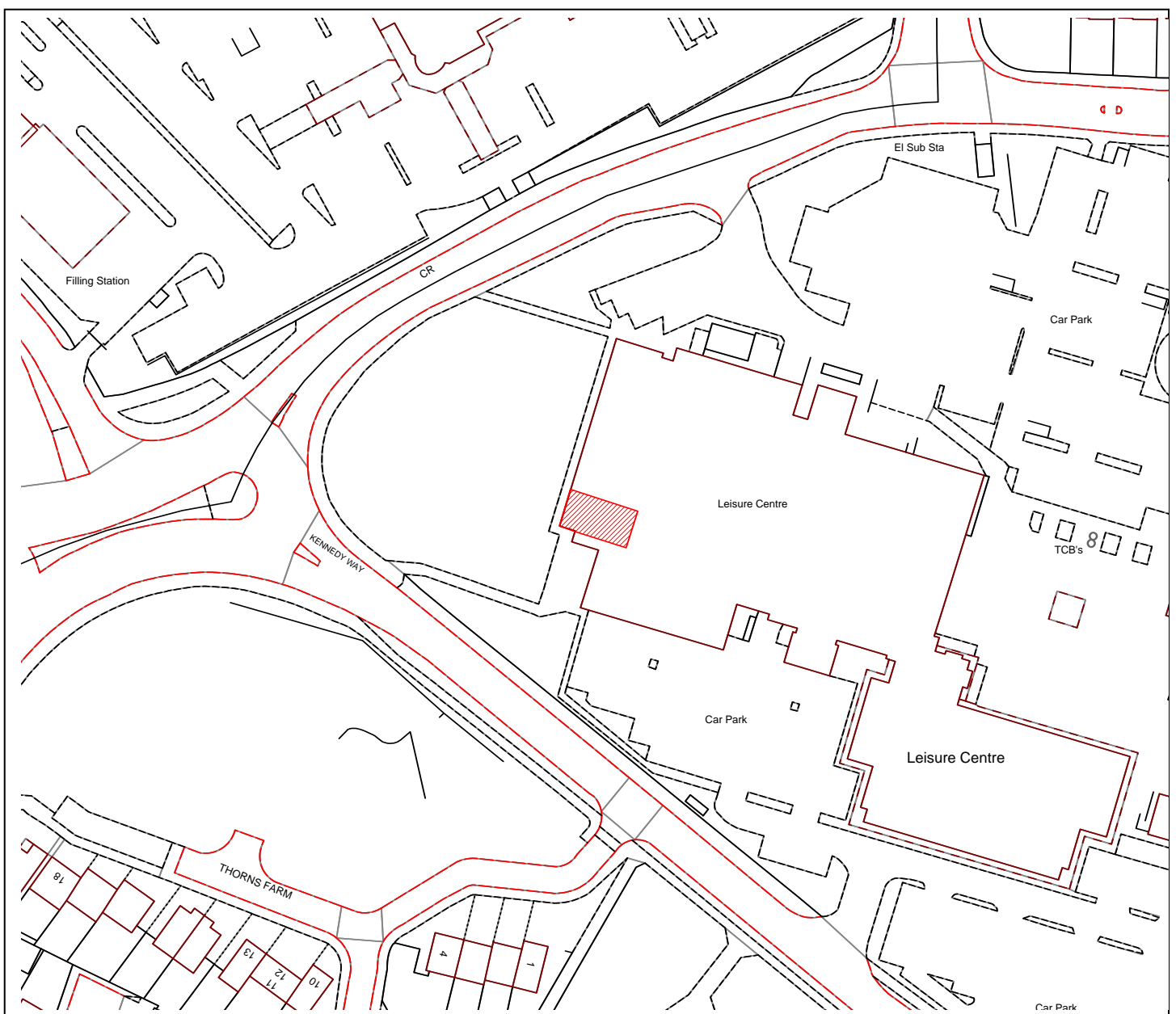
Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

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).
2. The materials to be used in the construction of the external surfaces of the extension and garage conversion 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.

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.:	PK09/0183/F	Applicant:	Mrs L Dayment Bliss Nails & Beauty Ltd
Site:	Yate Leisure Centre, Kennedy Way, Yate, South Gloucestershire, BS37 4DQ	Date Reg:	30th January 2009
Proposal:	Change of use of childrens soft play area within Leisure Centre (Class D2) to beauty salon (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Yate Town Council
Map Ref:	71163 82514	Ward:	Yate Central
Application Category:	Minor	Target Date:	26th March 2009



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100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule as Yate Town Council has raised an objection to the proposal.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the change of use of children soft play area (Class D2) within the Yate Leisure Centre (Class D2) to a beauty salon (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The soft play is currently located on the first floor of the Leisure Centre, and is between Squash Courts and Dance Studio.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 6 – Planning for Town Centres

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
RT1 – Development in Town Centres

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0601/F Change of use of Sauna within Leisure Centre (Class D2) to Hairdressing Salon (Class A1)
Approved 11.05.07

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council

Yate Town Council

The Town Council object due to the change of use of class. There is a shortage of D2 space available in Yate and the loss of it would further exacerbate the D2 space in the Yate area.

Other Representations

- 4.2 Local Residents
No comments.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy RT1 (Development in Town Centres) of the South Gloucestershire Local Plan allows for the principle of retail development within town centres provided that it would not detract from the overall vitality and viability of the centre; is consistent with the scale and function of the centre; would be accessible to

public transport users, pedestrians, cyclists and those with special mobility needs; would not have an unacceptable environmental, transportation or residential amenity affect; and, would include residential accommodation or other non retail uses appropriate to a town centre on upper floors.

- 5.2 The soft play area is currently located on the first floor of the leisure centre. It will utilise a floor area of approximately 64 square metres. The plans reveal that there will be three treatment rooms, one pedicure room, a nail bar in a reception area and an office. The application forms indicate that no external changes will occur.

5.3 **A / B. WOULD THE DEVELOPMENT DETRACT FROM THE OVERALL VIABILITY AND VITALITY OF THE CENTRE & WOULD THE DEVELOPMENT BE CONSISTENT WITH THE SCALE AND FUNCTION OF THE CENTRE?**

The proposed salon is classified in the Use Classes Order as being an A1 use (shops). Paragraph 3.30 of Planning Policy Statement 6: Planning for Town Centres, states

Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations...or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development.

In line with this guidance, combined with the fact that the unit is proposed to be used by a beauty salon and it is considered that the proposed use is suitable use within a town centre, and it is therefore considered to be an acceptable proposal. Furthermore its limited scale when compared to the total floor space of the leisure centre ensures that the proposed use is consistent with the scale and function of the centre and will contribute to the vitality and viability of the centre by complimenting the existing retail facilities.

5.4 **C. WOULD THE DEVELOPMENT BE ACCESSIBLE TO PUBLIC TRANSPORT USERS, PEDESTRIANS, CYCLISTS AND THOSE WITH SPECIAL MOBILITY NEEDS?**

As stated in paragraph 9.18 of Policy RT1 of the South Gloucestershire Local Plan, town centres are generally highly accessible by public transport, pedestrian and cycle networks and offer the best opportunity for people to make linked trips. Consequently, due to its location it is considered that it would be accessible to public transport users.

5.5 **D. WOULD THE DEVELOPMENT HAVE AN UNACCEPTABLE ENVIRONMENTAL, TRANSPORTATION OR RESIDENTIAL AMENITY EFFECT?**

Environmental Analysis

There is no objection raised by the Council's Environmental Health Officer. Accordingly it is considered that the development would not have an unacceptable environmental impact.

Transportation Analysis

The proposal would not affect the existing off-street parking facilities. Due to the scale of the proposal, it is considered that the development would not have an unacceptable transportation impact.

Residential Analysis

In respect of ensuring the development would not prejudice residential amenity it is considered that because the proposed use is contained entirely within the Leisure Centre surrounding residents would not suffer from a loss of residential amenity. In any event the closest residential properties are positioned in excess of 70 metres from the proposed development and thus would not be affected by the proposal.

5.6 **E. WOULD THE DEVELOPMENT INCLUDE RESIDENTIAL ACOMODATION OR OTHER NON RETAIL USES APPROPRIATE TO A TOWN CENTRE ON UPPER FLOORS?**

Owing to the salon being located on the first floor of the leisure centre it is considered that the proposal is not required to satisfy this criterion.

5.7 Consultation concerns

Concern was raised that the proposed salon would be detrimental to the existing D2 facilities. It is considered, however, that the proposed salon will occupy a limited amount of floor space in comparison to the overall floor space within the centre. In addition, the applicant submitted further drawing showing that a new soft play area / crèche is located within the building as part of the project.

As a result the proposal does not undermine the centre's ability to operate as leisure facility to such an extent that it warrants refusal.

5.8 Design and Access Statement

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

5.96 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 planning permission be granted subject to the following conditions.

Background Papers **PK09/0183/F**

Contact Officer: **Olivia Tresise**

Tel. No. **01454 863761**

CONDITIONS

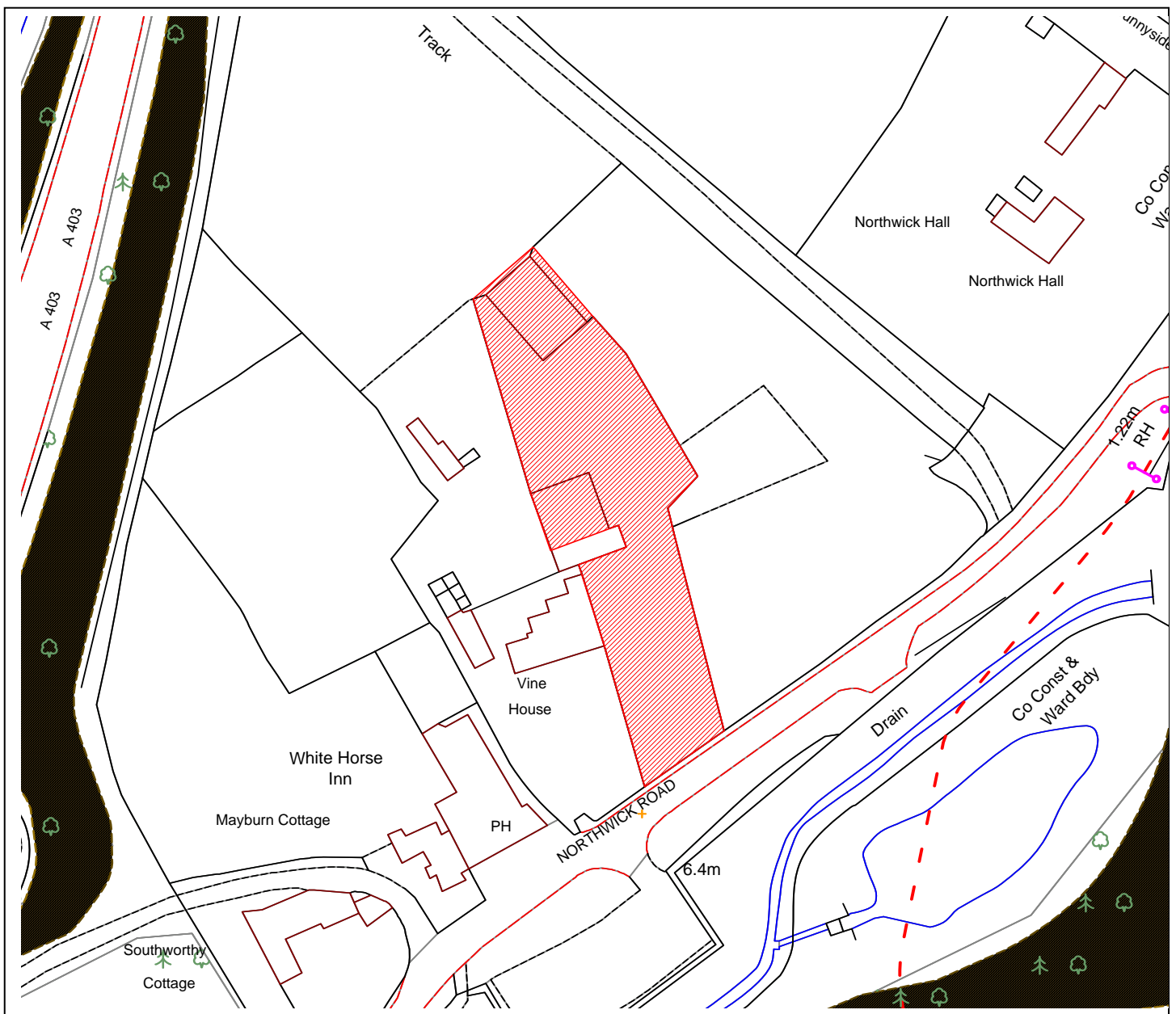
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 09/09 – 06 MARCH 2009

App No.:	PT08/3250/CLE	Applicant:	Mr A POOK
Site:	Land at Vine House, Northwick Road, Pilning, South Gloucestershire, BS35 4HA	Date Reg:	29th December 2008
Proposal:	Application for Certificate of Lawfulness for use of land for Class B8 and ancillary uses. (Resubmission of PT02/2932/CLE)	Parish:	Pilning and Severn Beach
Map Ref:	55803 85948	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	2nd March 2009



INTRODUCTION

This application is submitted to the Circulated Schedule in line with the delegation arrangements.

1. DESCRIPTION OF DEVELOPMENT

The application is for a Certificate of Lawfulness for an existing Use of land for Class B8 (storage) and ancillary uses. The applicant claims that this has been the use of the land for a continuous period in excess of ten years immediately prior to the date of the application, and that there has been no material change in the use of the site since the activity began.

This is not an application for planning permission where the planning merits of the case are to be considered against the development plan policies, but an application for a Certificate of Lawfulness. The test is to assess whether on the balance of probability the evidence submitted proves that the use has been carried out on the site for a continuous period of at least ten years. The evidence submitted by the applicant and the counter evidence considered is analysed in this report.

2 SITE AND LOCATION

The site, measuring 2468 square metres, is located close to the White Horse Inn on the old spur of the B4055 and backs on to a field alongside the A403.

The site comprises of an area of hard standing which is presently used for the stationing of motor vehicles in connection with the business and other associated outside storage. The large (unauthorised) green industrial style building at the rear of the site is used as the main undercover storage facility on site. The concrete workshop is presently used as a workshop in connection with the electronic equipment business. A large (unauthorised) portacabin is also located on site.

The 'workshop' is attached to an old stable building which is excluded from the site area in this application. To the rear of the site are open fields used for grazing. To the east of the site are caravan storage/pitches (this is not part of the current application) and is without the benefit of planning permission.

The audio business, Vine House, the stable and the caravan storage/pitches share the same entrance from the B4055.

3 RELEVANT PLANNING HISTORY

PT02/2932/CLE Continued use of workshop building for repairing, maintaining and assembling electronic equipment and for office (Class B1) and storage use (Class B2 and B8). Use of portacabin as office (Class B1). Use of land for the storage and distribution of electronic equipment for hire (Class B8).

This application for a Certificate of Lawful existing Use was refused 4/4/2008 and an Inquiry is now pending. The Inquiry is scheduled for 1st April 2009. Whilst there was some evidence to support the application it was too ambiguous to demonstrate the case on the balance of probabilities.

PT02/2934/F Retention of existing building as replacement building for storage

and distribution. This planning application was refused 4/4/2008 and an Inquiry is now pending. The Inquiry is scheduled for 1st April 2009.

2000/W404/COM Planning Contravention Notice Served

P02/5003/E Enforcement Notice. The large green industrial building at the rear of the site is subject to an enforcement notice dated 26th November 2002 requiring its removal within two months of the date of the notice along with its constituent elements which include its plinth. The Enforcement notice was held in abeyance during the course of the PT02/2932/CLE application with a view to resurrecting it once a decision had been reached.

4 POLICY CONTEXT

Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'.

5 ANALYSIS OF EVIDENCE

Evidence that has been submitted in support of the application:

1. A land use plan received on the 5 January 2009 showing the full extent of the application site and land uses on it. The red line has been reduced since the last application and specifically excludes the stable element of the original building on the site, referred to as 'workshop' and marked '(a)' and has removed the spur of hardstanding to the northeast. An 'office building' marked '(b)' is located directly behind building (a) and an area marked 'storage building/area', '(c)' covers the northern end of the site. The remaining area of the site is labelled 'Vehicle Loading Area'. The labelling of the buildings as (a), (b) and (c) are referred to in the submitted Statutory declarations.
2. Statutory declaration of John Clare dated 15/12/2008. He is a customer.
3. Statutory declaration of Kellie March dated 15/12/2008. She works at the site as secretary.
4. Statutory declaration of Andrew Potter dated 12/12/2008. He works as warehouse manager at the site.
5. Statutory declaration of Kevin England dated 12/12/2008. He has hired from the company and worked at the site.
6. Statutory declaration of Mark Bott of dated 12/12/2008. He is a production manager at the site.
7. Statutory declaration of Simon Robinson of dated 16/12/2008. He worked as a disc jockey and is a regular visitor to the site.
8. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009. He is the applicant.
9. Aerial photo of the site which appears to be a clearer version of the Council's 1999 Aerial photography records. The Council understands that this was taken on 24/7/1999 @ 15.26.
10. Aerial photo of the site at 2004 (undated).
11. Aerial photo of the site which appears to be a clearer version of the Council's 2005 Aerial photography records. The Council records show that this was taken between May and July 2005.

(details of the above statutory declarations can be found in the Appendix)

6 ANALYSIS OF COUNTER EVIDENCE

1. Aerial photo taken 24/7/1999 @ 15.26
2. Aerial photo taken May to July 2005

(findings of the above photography can be found in the Appendix)

5. EVALUATION.

Legal implications

The current application was submitted on 5TH January 2009 and the grounds upon which the certificate is sought is that the use began more than ten years before the date of the application and has continued as such. The applicant claims that the use began during the years 1991/1992, that there has been no interruption in the existing use and that there has been no material change of use of the land since the start of the use for which a certificate is sought. the purpose of this application is to test whether the evidence submitted supports this on the balance of probability.

Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence are given different weight. Generally speaking the weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements / appearance under oath at Public Inquiry.
4. Unsworn letters

Material change of Use

This application is concerned with the use of the red lined site between December 1998 and December 2008 when the application was submitted. The information provided within the statutory declarations clearly show that the site outlined in red has been used for a public address equipment dealers storage and distribution place (Class B8) and ancillary office, repair of associated electronic equipment and for the associated car/lorry/trailer parking. It appears clear that this use has been carried out for a period in excess of ten years. It appears that the size of the 'jobs' undertaken during this period vary, according to the invoices submitted and the number of staff employed at the site has changed over the period. This ranges from 6 to 14 members of staff in any one year. This appears to have peaked during 2001 and is currently at 6 members of staff. No details are given of hours of contract of these employees.

In conclusion on the balance of probability a change of use of land within the site did occur prior to 1998. The question remaining is to specify which areas of the site. This is considered below.

The Workshop (building 'A' according to the statutory declarations)

The application is for a B8 Storage use overall but it is clear from the Statutory declaration of Andrew Potter that the workshop 'was used for the storage, routine repair and maintenance of sound equipment'. The Council have no counter evidence and as the applicant states in his statutory declaration that 'no other businesses have operated from any of the buildings or land identified with the site area identified at AJP1, since 1992' then on the balance of probability the building was used in conjunction with the B8 use applied for.

Office building (building 'B' according to the statutory declarations)

The office building is akin to a portacabin and marked 'B' in the submission. This building has been on site since at least July 2005 as this is witnessed in the aerial photography. Prior to this a smaller portacabin like building was used as an office. This was witnessed by the planning officer's first site visit in 2002 and is shown on the 1999 photograph. Despite the change of building between 2002 and 2005 an administrative role did occur in roughly that position and as the applicant states in his statutory declaration that 'no other businesses have operated from any of the buildings or land identified with the site area identified at AJP1, since 1992' it is clear that this administrative office 'area' is and has been ancillary to the main use of the site and not a separate planning unit. Given that the application seeks to secure a B8 use and ancillary uses rather than the more specific use of each building on site the fact that the initial portacabin has been replaced by another is not significant.

Storage building/area (area 'C' according to the statutory delarations)

Andrew Potter's statutory declaration confirms that they 'have always stored equipment in the area identified as 'C' and the statutory declaration of Mark Bott who has worked for Alister Pook since 1994 also states that this area 'has always been used for the storage of containers and since 2000 the green storage building has been in site for the storage of high value sound equipment'.

Contrary evidence held by the Council is that an aerial photograph dated 24/7/1999 (around 7 months after the start of the claim period) shows that the containers/lorry bodies/vehicles did not extend fully northwards to the boundary of the site. A grassed area at the rear of the site measuring approximately 6m remained.

An Enforcement Notice was served on the rear end of the site in 2002 but this did not prevent the use of the site from continuing. As such the use of the storage building which was erected in 2000 and forms part of the 'C' area, for storage use, can be considered to form part of the continuous use of the land for storage. However the Enforcement notice is still valid and it requires that the built form must be removed. It is proposed that any Certificate of Lawfulness granted must therefore explicitly exclude this building as the Enforcement Notice prevents it from becoming lawful.

Given the sworn Statutory declarations noted above and the Councils own photograph showing that the majority of the north end of the site was used for storage of containers/lorry parking it appears that on the balance of probabilities area 'C' has been used for the storage of goods associated with the business for a period in excess of 10 years.

Vehical loading/Parking area

The applicant has also included within his site area, a section that is presently used for the stationing of lorries, containers and cars. This area includes the access to the caravan use in the adjoining field, access to the house and stable building. On the balance of probabilities that area has been used for the storage of goods associated with the business for a period in excess of 10 years.

6. CONCLUSION

It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the land outlined in red on the submitted plan has been used as a public address system equipment dealers storage and distribution place (Class B8) and that ancillary office, repair and vehicle loading/parking has also taken place within the red line for a continuous period in excess of ten years. However, the storage building in area 'C' has not been shown to be lawful due to the existence of an enforcement notice dated 13 February 2002 requiring its removal.

7. RECOMMENDATION

That a Certificate of Lawful Existing Use is granted because on balance the site has been used for a public address system equipment dealers storage and distribution place (Class B8) and ancillary office, repair and vehicle loading/parking is proven.

Background Papers **PT08/3250/CLE**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

Appendix

Detail of Statutory Declarations

2. Statutory declaration of John Clare dated 15/12/2008	<p>"I have first hand knowledge of the site having hired equipment from 1992 to the current day in association with my band"</p> <p>"I have regularly hired equipment from South West Audio and can confirm that the area edged red on the plan JC1 has been used for class B1, B2 and B8 purposes."</p>
3. Statutory declaration of Kellie March dated 15/12/2008	<p>"I have worked for the South West Group since 1994 as the company Secretary"</p> <p>"I have first hand knowledge of how the site has operated and can confirm that the area shown edged red on the plan KM1 has been used in connection with the business for Classes B1, B2 and B8 purposes."</p>
4. Statutory declaration of Andrew Potter dated 12/12/2008	<p>"I have worked on the property from July 1990 to August 2008 as a warehouse manager"</p> <p>"I can confirm that we have always stored equipment in the area identified as 'C' on the planAP1"</p> <p>"building 'A' on... AP1 was used for the storage, routine repair and maintenance of sound equipment "</p> <p>" building ...'B'...has been the main office area where bookings are taken and an area for general administration in connection with the business"</p> <p>"I can confirm that the area edged red on the plan has been used for class B1, B2 and B8 purposes since 1992"</p>
5. Statutory declaration of Kevin England dated 12/12/2008	<p>"I have hired equipment from South west Audio since 1992 to current day "</p> <p>"I have also worked as a part time disc jockey and have first hand knowledge of how the site has operated and can confirm that it has been used for Class B1, Class B2 and Class B8 purposes"</p> <p>"The area in red in the plan ...marked KE1..accurately reflects the area that Mr Pook has used in association with his business"</p>
6. Statutory declaration of Mark Bott of dated 12/12/2008	<p>"I have worked on site since 1994 a production manager responsible for organising the supply of sound equipment for events around the country"</p> <p>"the are identified as 'C' on the plan...MB1 has always been used for the storage of containers and since 2000 the green storage building has been in site for the storage of high value sound equipment."</p> <p>"the area edged red on the plan accurately reflects the area used in connection with the business"</p>
7. Statutory declaration of Simon Robinson of dated 16/12/2008	<p>"I used to work as a disc jockey and have been a regular visitor to the site during the past 17 years"</p> <p>"..the area edged red on ...SR1...has been used since 1991 for Classes B1, B2 and B8 purposes in association with the business that Mr Pook operates."</p>

8.

<p>8.a. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>now residing back at Vine House despite being at Whithy Cottage at the time of the 2002 statutory declaration.</p> <p>"I moved into the property called Vine House, Northwick Road, Pilning together with my parents in November 1972."</p>
<p>8.b. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"In June 1986 I started in business on my own account trading in the provision of Mobile disco and public address systems. I traded under the names of Alisters Starlight Roadshow, Starlight Musical Entertainment and then South West Audio"</p>
<p>8.c. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"It is the only company in the South West to offer a full events service including riggers, electricians, lighting specialists, sound engineers, noise, health and safety and licensing consultants"</p>
<p>8.d. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"since I started my business, I have operated from the area shown edged red marked on the plan now produced to me and marked AJP1"</p>
<p>8.e. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"Sample invoices from 1998 to 2008.....marked AJP2...demonstrate the business activity on site"</p> <p>1998 samples from £646 to £6462 1999 samples from £470 to £2937 2000 samples from £49 to £20926 this continues with significant high profile events being catered for locally and nationally (Bristol balloon fiesta, GWR events, Glastonbury and London invoices included)</p>
<p>8.f. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"A list of my employees from 1998 to 2008 is setout ...marked AJP3"</p> <p>This ranges year by year (1998 to 2008) as follows: 8,8,9,14,12,11,11,8,7,6,6 members of staff, including Alister Pook.</p>
<p>8.g. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009</p>	<p>"During my business, I have had to use large commercial vehicles to move equipment and my first Goods Vehicle Operators Licence was granted on the 20th February 1992 and expires on 31 January 2012....AJP4"</p> <p>This shows that up to six motor vehicles and two trailers (including semi-trailers) are authorised from the site of Vine House. This appears to have been changed since Mr Pooks original Statutory Declaration as only two vehicles and no trailers/semi trailers were</p>

	permitted at 20/2/1992. It appears that this was varied by request from Mr Pook in June 2002 and the GVOL Document always refers to the period of the Licence being from the initial date which in this case gives the misleading impression that all of the vehicles licensed now were also licensed in 1992.
8.h. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009	"no other businesses have operated from any of the buildings or land identified with the site area identified at AJP1, since 1992"
8.i. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009	"the objects illustrated to the east side of the access on aerial photographs, are storage containers/vehicles associated with my business."
8.j. Statutory declaration of Alister James Pook of Vine House dated 26/2/2009	"I have been operating my business from this site for over 10 years"

Counter Evidence

Aerial photo taken 24/7/1999 @ 15.26	Photograph shows -6 caravans/trailers to the east side of the access route to the red building -2 or 3 trucks trucks/lorries (one can make out the cab area) -several lorry bodies are visible (shadows indicate that these are only single level, not stacked two high) -small buildings/containers located along the north/south boundary directly to the rear of the 'workshop' building (this is the location of building 'B' on the applicants submission) -there is green grass up to and around seventeen meters from the end of the site indicating that that part of the site has not been concreted over but storage/parking clearly occurs over this area. -there is an extension to the red building on AJP1.
Re 2005 Aerial photo taken May to July 2005	-3 x trailers and lorrycab and van on east of access route -large portacabin (at location of building 'B' in applicants submission) to rear of the 'workshop' building -green building marked on AJP1 evident adjacent to rear boundary of the site. -complete hardsurfacing of the site

CIRCULATED SCHEDULE NO. 09/09 – 06 MARCH 2009

App No.: PT09/0077/F
Site: 63 Amberley Road, Patchway, South Gloucestershire, BS34 6BZ

Applicant: Mrs S Billing
Date Reg: 13th January 2009

Proposal: Erection of a single storey detached annexe, ancillary to the main dwelling.
 Erection of single storey rear extension to form additional living accommodation.

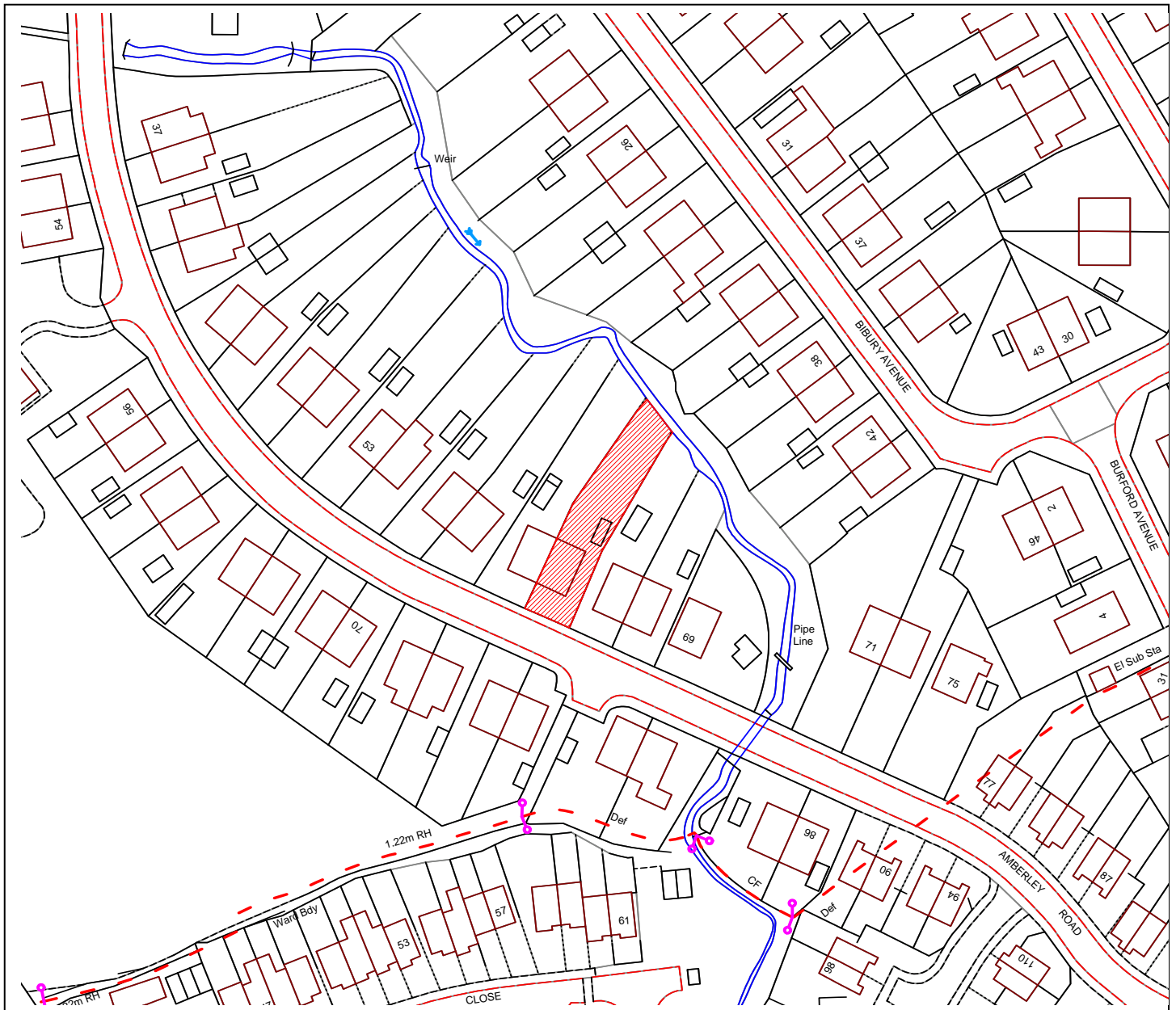
Parish: Patchway Town Council

Map Ref: 60952 81615

Ward: Bradley Stoke Central and Stoke Lodge

Application Category: Householder

Target Date: 10th March 2009



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100023410 2009
 DC990 MW

INTRODUCTION

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey detached annexe, ancillary to the main dwelling and also the erection of a single storey rear extension to form additional living accommodation.
- 1.2 This is a modern semi-detached property within the existing urban area of Patchway. The proposal consists of firstly a substantial single storey residential annexe with kitchen and bathroom facilities in place of an existing detached garage which is to be demolished. Secondly, an existing single storey rear sun lounge is to be demolished and replaced with a slightly larger extension to form dining area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received.
- 4.2 Local Residents
One letter of objection was received raising concern that the proposed rear extension could obstruct a neighbour's access to rainwater drains.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the

development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity
Overbearing Analysis

The proposed rear extension will be of a similar depth to the adjacent neighbouring rear extension at no. 61 Amberley Road. The residential annexe will largely be adjacent to the neighbouring detached garage at no. 65 Amberley Road. The front of the annexe that will be on the party boundary is of a similar height and depth to the detached garage currently in situ and so overall it is considered that the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

Side elevation windows are proposed in the north west elevation of the residential annexe however they do not directly face the habitable room windows in the adjacent property at no. 61 Amberley Road. There would be no overlooking or loss of privacy to the front and rear elevations.

Amenity Space

Whilst the proposed extension and residential annexe do project into the rear garden sufficient garden space will remain to serve occupiers of the property.

Highway Safety Analysis

The proposal will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety. A condition will be attached to the decision notice ensuring that the annexe is used as ancillary residential accommodation to no. 63 Amberley Road as transport issues would need reassessing if the annexe was to be occupied as an individual dwelling.

5.3 Design / Visual Amenity

The single storey rear extensions location together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity. The residential annexe is considered acceptable in design terms and again materials proposed are to match existing. This is an annexe and were the building to be occupied as a separate single dwelling (which would require a further planning application) then further assessment would have to be carried out on its acceptability in regard to transport and amenity space. A condition is therefore attached to ensure the building is used as ancillary residential accommodation.

5.4 Other Matters

Access to rainwater goods is not considered a material planning consideration although it is noted that the proposed single storey rear extension is no closer to the neighbours (no. 61) party boundary than the existing sun lounge in situ.

5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the following conditions.

Background Papers **PT09/0077/F**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no. 63 Amberley Road, Patchway.

Reason(s):

Given the nature of the extension and its relationship with the dwelling as a whole, it is not considered that the accommodation is suitable for separate residential accommodation; and in accordance with the requirements of Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 09/09 – 6 MARCH 2009

App No.: PT09/0126/F
Site: 1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW

Applicant: Mr & Mrs Dix
Date Reg: 21st January 2009

Proposal: Erection of single storey front and rear extensions to existing annexe/double garage to provide 2 bed independant dwelling.

Parish: Almondsbury Parish Council

Map Ref: 57296 82166
Application Category: Minor

Ward: Almondsbury
Target Date: 16th March 2009



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 100023410, 2009.

This application has been referred to the Circulated Schedule due to objections received from the Parish Council and local residents.

1. THE PROPOSAL

- 1.1 This application relates to alterations and extensions to the existing single storey granny annexe/double garage to form a 2 bed independent dwelling.
- 1.2 To facilitate the proposal the development involves the erection of a single storey rear extension measuring 3.2m in depth, 5.7m in width with a hipped roof with ridge height of 3.3m, some 0.2m lower than the existing building. A single storey front extension is also proposed measuring 1.4m in depth, 3.1m in width with mono-pitch roof. The ridge height of the existing building is unaltered. A large roof-light is proposed to the front roof slope to serve the hallway. The proposed materials consist of horizontal timber cladding finish to the walls and natural slate roofing tiles. The land level rises quite significantly to the rear.
- 1.3 The application site is located directly behind 3 York House and in front of Greenwoods, a bungalow located to the south east and on significantly higher land than the application site. The access lane serving Greenwoods runs along the boundary of the site. The site is served by an access lane that runs adjacent to the boundary of 3 York House.
- 1.4 The site lies within the settlement boundary of Easter Compton and is also within the Green Belt.
- 1.5 The application has been amended to that originally submitted in that the proposal does not involve the raising of the ridge height and no first floor accommodation is provided. The size of the rear extension has also increased in depth by 0.4m but has reduced in width by 2m.

2. POLICY CONTEXT

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport
- 2.2 Development Plans
Adopted Joint Replacement Structure Plan
Policy 16 Green Belts
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

GB1	Development within the Green Belt
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

- 2.4 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted)
 Development in the Green Belt (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P85/1690 Single storey rear extension
 Approved 11 July 1985.
- 3.2 P89/1452 Erection of single storey extension to form granny annex.
 Approved 27 April 1989 with a condition imposed to ensure that the additional accommodation is used incidentally to the dwelling house and for no other purpose.
- 3.3 PT03/3132/F Installation of dormers in front and rear elevations of annexe and alterations to roofline to facilitate addition of first floor to form lounge, bathroom, hall, storage room and study.
 Withdrawn 17 October 2003.
- 3.4 PT03/3620/F Erection of first floor extension to existing garage and granny annex.
 Refused 28 January 2004 and dismissed on appeal 9 September 2004.
- 3.5 PT04/0145/F Erection of dormer in side elevation.
 Approved 10 February 2004.
- 3.6 PT04/2153/F Erection of first floor over existing single storey accommodation to form separate dwelling.
 Refused 14 July 2004 on the grounds of design and adverse impact upon living conditions of adjacent properties to the south-east.
- 3.7 PT05/2136/F Alterations and extensions to existing annexe.
 Withdrawn 18 August 2005.

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
 Object to the proposal on the following grounds:-
- inappropriate development;
 - overdevelopment of site;
 - in Green Belt;
 - permission originally granted for an annexe;
 - no special circumstances.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

5 letters have been received objecting to the proposal on the following grounds:-

- a) scale;
- b) restricted size of curtilage;
- c) disproportionate addition;
- d) reduced amenity area;
- e) restricted parking/turning space;
- f) contrary to Green Belt policy and the adopted development plan/supplementary planning document;
- g) previous application for a similar application was dismissed on appeal on the grounds of adverse impact upon neighbouring properties, in particular privacy and outlook and scale of existing building was at the limits of acceptability;
- h) increased roof height;
- i) boundary hedge will limit light to property;
- j) site boundary incorrect/boundary dispute;
- k) permission for the original granny annexe in 1989 was granted with a condition requiring that at no time shall it be severed to form a separate unit of accommodation;
- l) limited access;
- m) property has already been considerably extended over the years;
- n) overbearing impact;
- o) no very special circumstances have been submitted.

Of the above, j is not a relevant planning consideration. Land ownership/boundary disputes are outside the remit of the planning authority and are of a civil nature.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history, previous applications for raising the ridge height of the annexe have been refused, one of which was dismissed on appeal. The application has been amended to that originally submitted in that the ridge height now remains the same.

- 5.2 Planning permission was originally granted in 1989 for an extension to the building to form granny annex. It is acknowledged that a condition was imposed at that time to restrict the additional accommodation to be used incidentally to the main dwelling. However, the purpose of this current application is to assess the proposal as an independent dwelling against current planning policy.

5.3 The application site lies within the settlement boundary of Easter Compton which is washed over by the Green Belt. Residential development is acceptable in principle provided it constitutes infilling. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

5.4 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant as it sets out the relevant criteria in assessing new residential development within existing defined settlement boundaries as follows:-

(A) development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;

5.5 Transport

The proposal utilises an existing access on to a class 5 highway. The level of additional traffic generated along Church Road is not considered to be significant. Adequate parking is available for the existing dwelling as two off-street parking spaces have been provided within the front garden area of this property. The proposed dwelling will also be adequately served by off-street parking in accordance with the Council's parking standards. The width of the access is also acceptable as it is single vehicle width, regardless of the boundary dispute relating to this access. No transportation objection is therefore raised to the proposal.

5.6 Residential Amenity

It is recognised that a previous appeal decision dismissed an application for the erection of a first floor extension above the existing building. However, that application was significantly larger and materially different to the current scheme, as was the application submitted and refused in 2004. The current proposal addresses previous areas of concern in relation to adverse impact upon surrounding residential amenity as the ridge height remains unchanged and only small, single storey extensions are now proposed. No loss of privacy or overbearing impact will result from the development, especially having regard to existing boundary treatment and the fact that the plot is cut into the hillside. In terms of private garden area, the proposal has a minimum garden depth of 6m. However, the overall garden has an area of 90m². This is considered to be more than adequate to serve the size of the dwelling proposed, especially as the number of bedrooms has been reduced from 3 to 2. Moreover, some 130m² garden area still remains for the existing dwelling.

5.7 With regard to loss of light from the existing boundary hedge, the only room to be affected will be the kitchen. However, this is also served by a window to the rear elevation and is secondary in nature in that it does not serve a principal

room. All other rooms are served by windows on the northern elevation or have secondary windows. The application therefore complies with criterion **A** in its entirety.

(B) the maximum density compatible with the sites location, its accessibility and its surroundings is achieved;

- 5.8 The application site, excluding the access, has an area of some 0.0368 hectares, resulting in a housing density of 27 dwellings per hectare. Advice contained within the adopted local plan states that within existing urban areas a minimum density of 30 dwellings per hectare should be achieved. Although it is recognised that the density falls just below this figure, it is considered that having regard to the access and the site's context, a greater number of dwellings is inappropriate as it would adversely impact upon the character of the area and the residential amenities of the locality. The proposal therefore complies with this criterion.

(C) the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;

- 5.9 The site lies within the village of Easter Compton adjacent to open countryside. It will not be adversely affected by any of the above and the proposal therefore complies with this criterion.

(D) provision for education, leisure, recreation etc. within the vicinity of the site is adequate to meet the needs arising from the proposal.

- 5.10 The proposal is for 1 small additional dwelling. It is considered that the existing level of service provision within the locality is acceptable to meet the needs arising from the proposal.

- 5.11 Also of relevance is policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to development within existing residential curtilages. Such development is normally permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. These issues have already been addressed under the foregoing paragraphs with the exception of design.

5.12 Design

The proposal is considered acceptable in design terms. The size of the front extension is small, with a depth of only 1.4m. Its visual impact is lessened by the continuation of the roof pitch of the host property over the extension. With regard to the rear extension, this is also acceptable. Its scale and size is subordinate to the original building, its ridge height some 0.2m lower. The extensions are in keeping with the form and scale of the original building and the proposal accords with the development plan in design terms.

5.13 Green Belt

In Green Belt terms, residential development in the form of infilling within

existing settlement boundaries falls within the limited categories of development normally considered appropriate within the Green Belt. The proposal therefore accords with advice contained within PPG2, policy GB1 of the adopted local plan and the adopted Green Belt SPD. As the proposal constitutes appropriate development it is not necessary to make a case for very special circumstances to justify the grant of planning permission. This is only a requirement where development is deemed inappropriate.

- 5.14 It is considered that the proposal will have no impact upon the openness of the Green Belt due to the characteristics of the site and the amount of surrounding built form. The existing plot is cut into the hillside and screened from open countryside to the south west by conifers. The building therefore has no significant visual impact upon the broader landscape and as the ridge height is no longer to be raised the existing views in the broader landscape will remain unchanged. The visual amenity of the Green Belt will therefore not be unduly compromised.
- 5.15 The issue of disproportionate additions has been raised by local objectors. However, this test only relates to extensions to existing residential properties and is not relevant in the assessment of this application which relates to the creation of a separate dwelling. However, in order to safeguard the Green Belt it is considered appropriate to remove permitted development rights from both the existing property of 1 York House and the independent dwelling proposed.
- 5.16 In conclusion, the application accords with adopted policies D1, GB1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 as well as adopted SPDs and is acceptable.

5.17 Design and Access Statement

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

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers **PT09/0126/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

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 provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E), or any minor operations as specified in Part 2 (Class A) on the land edged blue and red on approved drawing number DIX/531/PL/1108/001A, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

The site is constrained in size and any further extensions would require the further consideration of the Council in order to protect visual and residential amenity and any impact upon the Green Belt, and to accord with Policies D1, GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason(s):

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

CIRCULATED SCHEDULE NO. 09/09 – 06 MARCH 2009

App No.:	PT09/0132/F	Applicant:	Mr M Haswell
Site:	Clarson, The Inner Down, Old Down, South Gloucestershire, BS32 4PR	Date Reg:	22nd January 2009
Proposal:	Demolition of rear extensions to facilitate erection of two storey rear extension to form additional living accommodation. (Resubmission of PT08/0452/F)	Parish:	Olveston Parish Council
Map Ref:	61848 87371	Ward:	Severn
Application Category:	Householder	Target Date:	18th March 2009



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PT09/0132/F

INTRODUCTION

This application appears on the Circulated Schedule as representations were received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of rear extensions to facilitate erection of two storey rear extension to form additional living accommodation. This is a resubmission of application PT08/0452/F.
- 1.2 The application site comprises a detached two-storey cottage style dwelling on the south side of The Inner Down, Old Down. The property lies beyond any settlement boundary and within the open Green Belt. The proposal consists of the demolition of a single storey side extension and rear conservatory to facilitate a two storey side and rear extension with flat roof rear dormer window.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG2 Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilage
GB1 Development within the Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Development in the Green Belt (June 2007)

3. RELEVANT PLANNING HISTORY

P91/1979 – Erection of two storey rear extension. Approved

PT01/1944/F - Erection of replacement garage. Approved

PT08/0452/F - Demolition of rear extensions to facilitate erection of two storey rear extension. Refused

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

No objection raised.

4.2 Local Residents

Four letters of support were received raising the following points:

- There would be no detrimental visual impact
- The design is in keeping with the local character of Old Down
- The proposal will improve energy efficiency
- The extension will greatly improve the appearance of the existing building

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.

Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Green Belt

The original property has been subject to three previous extensions, a two storey rear addition (P91/1979), a flat roof side extension constructed in the 1960s and also a single storey rear conservatory. To facilitate the erection of the proposed two storey rear extension, the existing lean-to conservatory and attached side outbuilding are to be demolished. The Council's Supplementary Planning Document 'Development in the Green Belt' provides guidance on assessing householder extensions and whether an addition is considered 'disproportionate'.

The document advises that an addition resulting in a volume increase that exceeds 30% of the original dwelling should be carefully assessed upon its appearance including proportion, scale and character of the original dwelling.

The cubic volume of the original host dwelling is approximately 218.4 cubic metres. The cubic volume of the three previous extensions (two storey rear 122 cubic metres, conservatory 21.8 cubic metres and flat roof side extension 45 cubic metres) totals approximately 188.8 cubic metres and the cottage has therefore already had a percentage increase of 86%.

The proposal would result in only a modest percentage increase in terms of cubic volume but would nevertheless push the cottage closer to an overall 100% cubic volume increase. It is considered that this proposal would not respect the original character and scale of the cottage and would result in a disproportionate addition that would have an adverse impact on the 'openness' of the Green Belt. The application is therefore contrary to Policy GB1 of the Local Plan and should be refused accordingly.

5.3 Residential Amenity

Overbearing Analysis

The two storey side extension element of the proposal would be adjacent to 'The Cottage' however the height increase from the existing single storey extension is considered minimal and therefore the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

The first floor window on the north east elevation will be obscure glazed and the first floor window on the south west elevation will be opposite a blank elevation wall at The Cottage so therefore there would be no overlooking or loss of privacy as a result of the proposal.

5.4 Design Issues

It is considered that the proposal fails to respect the character and appearance of the original cottage. The introduction of a first floor element to the south west elevation means that the cottage would no longer read as its original appearance when viewed from the front and rear as the width of the cottage would be increased by 2.1 m. Although matching materials are proposed both for the roof and walls the design of the extension to the rear is unsympathetic to the original cottage by virtue of its form and detailing. It is considered that the extension fails to integrate successfully with the host dwelling and existing two storey rear gable end extension and the proposed flat roof dormer window is not considered aesthetically pleasing especially given its location at eaves height. The proposal is therefore contrary to Policies D1 and H4 of the Local Plan and should be refused accordingly.

5.5 Design and Access Statement

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

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, neither would overcome the objection raised.

6. CONCLUSION

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

The decision to refuse 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 **REFUSED** for the following reasons.

Background Papers **PT09/0132/F**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
2. The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy D1 and Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

CIRCULATED SCHEDULE NO. 28/09 – 06 MARCH 2009

App No.:	PT09/0182/CLP	Applicant:	Mr D Manners
Site:	5 Hazel Gardens, Alveston, South Gloucestershire, BS35 3RD	Date Reg:	30th January 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey side and rear extension. Erection of new porch. Addition of rear dormer	Parish:	Alveston Parish Council
Map Ref:	63019 87647	Ward:	Thornbury South and Alveston
Application Category:	Householder	Target Date:	24th March 2009



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100023410, 2009.

INTRODUCTION

This application appears on the Circulated Schedule list because it comprises a Certificate of Lawfulness submission.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness for a Proposed development submission for the erection of a single storey side and rear extension; the erection of a new porch as well as a rear dormer and Velux rooflight; the installation of first floor windows in the eastern elevation.
- 1.2 The application site comprises a two storey semi detached property located within the established residential area of Alveston. The host dwelling is situated at the southern end of the cul-de-sac Hazel Gardens.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0307/F, Erection of two storey side extension with 1 no. dormer to provide additional living accommodation, 18/03/08, Refusal.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No comments received
- 4.2 PROW Officer
No objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Introduction
This application is seeking a Certificate to state that the proposed use is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy, rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the recently amended permitted development rights afforded to householders.

It must be ascertained whether the proposed development, including the front, rear and side extensions, dormer and Velux rooflight as well as the first floor windows fall within the limits set in The Town and Country Planning (General Permitted Development) Order 2008, Schedule 2, Part 1, Classes A, B, C and D by means of size and positioning.

- 5.4 The application site relates to a two storey semi detached dwellinghouse which has its permitted development rights in tact.

Side and Rear Extensions

Class A allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if—

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The submitted site location plan shows that the host property benefits from a large curtilage and the proposed development would not exceed 50% of the total area of the curtilage.

The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
Plan SK23 demonstrates that the side and rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
Plan SK23 demonstrates that the eaves heights of the extensions would not exceed that of the existing dwellinghouse.

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

The principal elevation of the property is the northern elevation, which fronts onto Hazel Gardens. The side and rear extensions would not extend past the front building line of the property. The porch extension will be assessed separately under Class D below.

The enlarged part of the dwellinghouse would have more than one storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The rear extension would extend 3 metres beyond the rear wall of the original dwellinghouse and would be approximately 27.5 metres from the curtilage boundary opposite the rear wall of the dwellinghouse.

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

The two storey rear extension would be 2.25 metres from the boundary of the curtilage of the dwellinghouse.

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,*
- (ii) have more than one storey, or*
- (iii) have a width greater than half the width of the original dwellinghouse;*

The side extension would have an apex of approximately 3.9 metres, be single storey and the width at 3 metres would be less than half the width of the original dwellinghouse (6.4 metres).

It would consist of or include—

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

The extensions would not comprise any of the above. Part 1 Class B & C allows for roof alterations, which will be assessed separately.

Conditions

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

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

Written confirmation has been received from the agent that the materials would match the existing dwelling, or be as similar as possible.

Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—

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

Both upper-floor windows in the eastern elevation would be obscure glazed and non-opening as indicated on plan SK23 B.

Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Plan SK22 demonstrates that the roof pitch of the rear extension would match the existing dwellinghouse.

Dormer Window

Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Development is not permitted by Class B if—

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

The proposed dormer window would not be higher than the existing roof apex as shown on plan SK23.

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

The dormer window would be located on the southern side of the roof slope and would not extend beyond a roof slope which forms the principle elevation of the dwellinghouse.

The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The proposed dormer window would have volume of approximately 14.19 square metres. No existing roof additions are present on the host dwellinghouse.

It would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposal would not comprise any of the above.

(e) the dwellinghouse is on article 1(5) land.

The host dwelling is not situated within a Conservation Area.

Conditions

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

The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Written confirmation has been received from the agent that the materials would match the existing dwelling, or be as similar as possible.

Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

Plan SK23 shows that the edge of the enlargement closest to the eaves would be more than 20 centimetres from the eaves of the original roof.

Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—

(i) obscure-glazed, and

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

No windows are proposed in either side elevation of the proposed dormer window.

Velux Rooflight

Class C allows for any other alteration to the roof of a dwellinghouse (including Velux roof lights) Development is not permitted by Class C if—

The alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Written confirmation has been received from the agent that the Velux rooflight in the southern roof slope and shown on plan SK23 would project less than 100mm from the pitch of the roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof; or

Plan SK23 shows that the Velux rooflight would not be higher than the apex of the existing roof.

It would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal would not comprise any of the above.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be—

(i) obscure-glazed; and

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

Plan SK23 shows that the Velux rooflight would not be located on a roof slope forming a side elevation of the dwellinghouse.

Porch

Class D allows for the erection or construction of a porch outside any external door of a dwellinghouse. Development is not permitted by Class D if—

The ground area (measured externally) of the structure would exceed 3 square metres;

Plan SK20 demonstrates that the ground floor area of the proposed porch would measure 2.47 square metres.

Any part of the structure would be more than 3 metres above ground level; or

Plan SK23 demonstrates that the porch would be 2.5 metres in height.

Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

The front elevation of the dwellinghouse is approximately 7 metres from the front highway boundary. On this basis, the porch, with a depth of 1.3 metres, would be more than 2 metres from the highway boundary.

6. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 of

The Town and Country Planning (General Permitted Development)
(Amendment) (No.2) (England) Order 2008.

Background Papers **PT09/0182/CLP**

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