

**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. 25/10**

**Date to Members: 02/07/10**

**Member's Deadline: 08/07/10 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

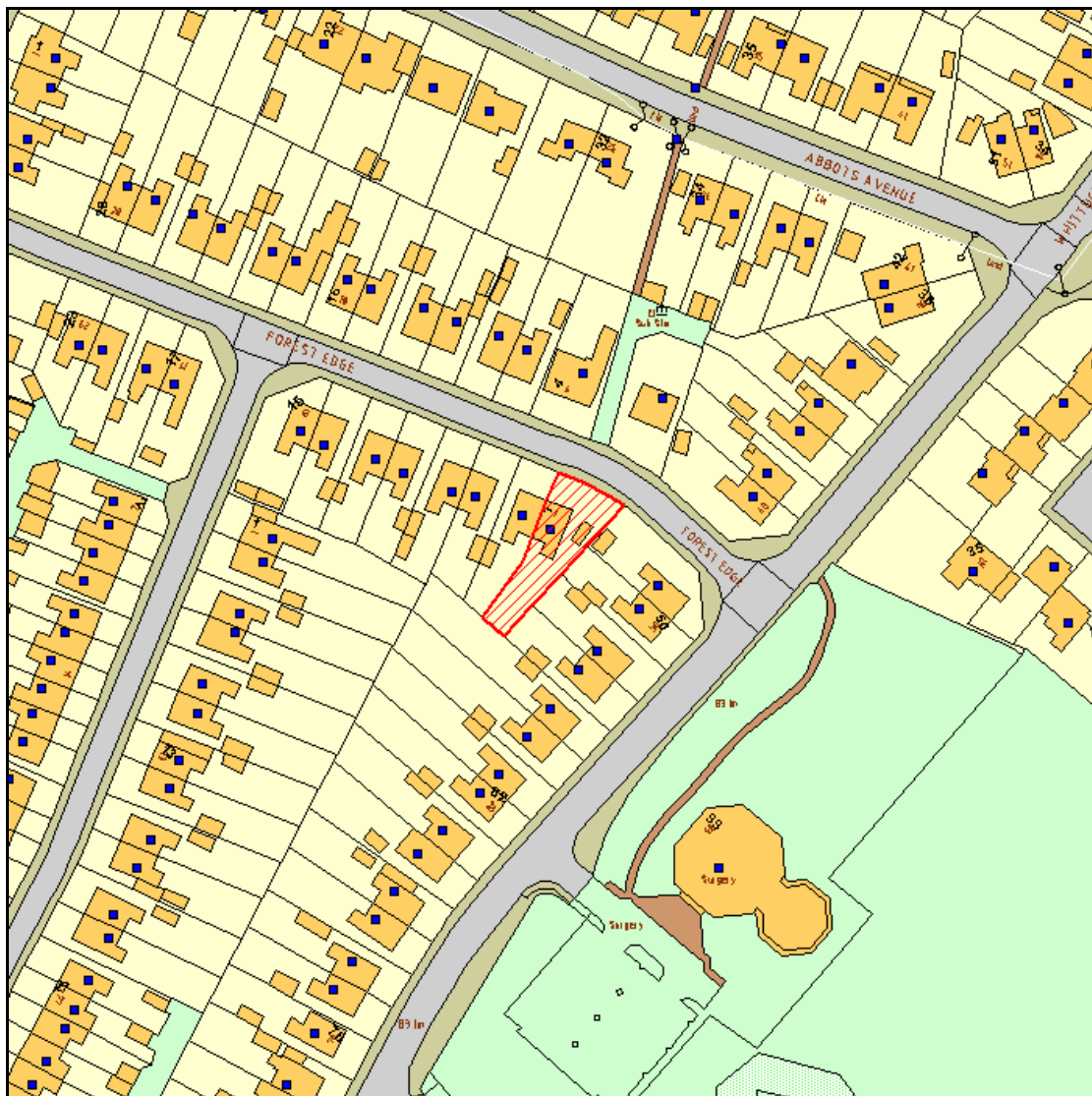
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE - 02 JULY 2010

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK10/0818/CLP	Approve with Conditions	1 Forest Edge Hanham Bristol South Gloucestershire BS15 3PP	Hanham	Hanham Abbots Parish Council
2	PK10/1010/F	Approve with Conditions	21 Lincombe Road Downend Bristol South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK10/1095/F	Approve with Conditions	29 Church Road Hanham Bristol South Gloucestershire BS15 3AE	Hanham	Hanham Parish Council
4	PK10/1172/CLP	Approve with Conditions	122 Boscombe Crescent Downend Bristol South Gloucestershire BS16 6QZ	Emersons	Mangotsfield Rural Parish Council
5	PK10/1209/F	Approve with Conditions	28 Bromley Drive Downend Bristol South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
6	PK10/1253/F	Approve with Conditions	45 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HY	Downend	Downend And Bromley Heath Parish Council
7	PK10/1302/F	Approve with Conditions	11 Lovell Avenue Oldland Common Bristol South Gloucestershire BS30 9TE	Oldland	Bitton Parish Council
8	PT10/1065/F	Approve with Conditions	Lanes Dairy Rectory Lane Filton Bristol South Gloucestershire BS34 7BX	Filton	Filton Town Council
9	PT10/1074/F	Approve with Conditions	54 Coriander Drive Bradley Stoke Bristol South Gloucestershire BS32 0DJ	Bradley Stoke South	Bradley Stoke Town Council
10	PT10/1164/F	Approve with Conditions	36 Shellmor Avenue Patchway Bristol South Gloucestershire BS34 6AD	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
11	PT10/1366/F	Approve with Conditions	20 Church Road Winterbourne Down Bristol South Gloucestershire BS36 1BX	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/0818/CLP	<b>Applicant:</b>	Mr And Mrs Collins
<b>Site:</b>	1 Forest Edge Hanham Bristol South Gloucestershire BS15 3PP	<b>Date Reg:</b>	20th May 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for a proposed hip to gable roof enlargement and installation of rear dormer window to facilitate loft conversion.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364473 171816	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th July 2010



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100023410, 2008.

**N.T.S.**

**PK10/0818/CLP**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to a hip to gable roof enlargement and the installation of a rear dormer window. The application property is a two storey semi detached dwelling and is located within the settlement boundary. The property has an existing single storey rear extension.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

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

- 3.1 No history

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
No response received

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as

such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of a hip to gable roof enlargement and the installation of a rear dormer window. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.).

5.2 *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria.

**B1 Development is not permitted by Class B if—**  
**(a) 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 rear dormer and hip to gable enlargement will not exceed the height of the highest part of the existing roof.

**(b) 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 proposed dormer will be on the rear elevation, which is not the principle elevation. The proposed hip to gable enlargement will not extend beyond the plane of the existing roof slope.

**(c) 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 dwelling is semi detached and the total cubic content of the proposed dormer and hip to gable enlargement is less than 35 cubic metres.

**(d) 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 proposed development will not consist of any of the above.

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

The application site is not located on article 1(5) land.

Additionally, the proposed materials the materials used in the exterior work will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

5.4 Use of Energy and Sustainability  
No measures proposed

5.5 Improvements Achieved to the Scheme  
None necessary

5.6 Conclusion  
The proposed development complies with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is therefore permitted development.

## 6. **RECOMMENDATION**

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

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/1010/F	<b>Applicant:</b>	Mr D Maxwell
<b>Site:</b>	21 Lincombe Road Downend Bristol South Gloucestershire BS16 5UB	<b>Date Reg:</b>	11th May 2010
<b>Proposal:</b>	Erection of two storey and single storey side extensions to facilitate the conversion of 1 no. dwelling to 1 no. dwelling and 2 no. flats with car parking, bin and cycle stores and associated works. (Resubmission of PK10/0333/F)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364535 176574	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd July 2010



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**PK10/1010/F**



## **INTRODUCTION**

This application has been referred to the Circulated Schedule following the receipt of objections from Downend and Bromley Heath Parish Council and local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a three-bedroom, two-storey, end of terrace dwelling house, located on a corner plot at the junction of Lincombe Road and Lincombe Avenue, Downend. The location is suburban in character and is dominated by houses of a similar scale and design.
- 1.2 It is proposed to erect a two-storey side and single-storey extension to facilitate the conversion of the property to provide 1no. 3-bedroom house and 2no. one-bedroomed flats. A single-storey kitchen extension has already been constructed to the rear of the property using permitted development rights; this extension would be incorporated within the proposed two-storey extension. The existing garden would be sub-divided to provide separate amenity areas for the house and each flat. Two off-street parking spaces would serve the flats and would be accessed from Lincombe Avenue. The house would be served by two new parking spaces in the front garden area and accessed via a new driveway off Lincombe Road. Separate cycle parking and bin storage would be provided for the house and flats.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS3 - Housing as revised June 9<sup>th</sup> 2010.  
PPG13 - Transport  
Ministerial Statement 9<sup>th</sup> June 2010

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan Adopted Sept. 2002**

Policy 1 - Principles  
Policy 2 - Location of Development  
Policy 17 - Landscape  
Policy 33 - Housing Provision and Distribution  
Policy 54 - Car Parking Provision

##### **South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010**

CS1 - High Quality Design  
CS5 - Location of Development  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design  
L1 - Landscape Protection and Enhancement  
L17 & L18 - The Water Environment  
EP1 - Environmental Pollution  
EP2 - Flood Risk and Development  
EP7 - Unstable Land  
H2 - Residential Development within the existing Urban Area  
H4 - Development within Existing Residential Curtilages  
H5 - Residential Conversions, Houses in Multiple Occupation  
H6 - Affordable Housing  
LC2 - Provision of Education Facilities  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007.

Trees on Development Sites (SPG) Adopted Nov 2005.

SG Landscape Character Assessment (Adopted Aug 2005) – Character Area 14, Kingswood.

**3. RELEVANT PLANNING HISTORY**

- 3.1 K504 - The provision of a porch over the front door.  
Withdrawn
- 3.2 K504/1 - Single storey extension to provide additional kitchen area.  
Approved 19 Oct 1977
- 3.3 K504/2 - Erection of two storey side extension to provide extended kitchen with bathroom over.  
Approved 3 May 1978
- 3.4 K504/3 - Single storey side extension.  
Approved 26 June 1992
- 3.5 PK04/0908/F - Erection of 1no. detached bungalow with 1no. car parking space.  
Refused 16 April 2004 for the following reason:

*The siting of the proposed dwelling would result in a cramped form of development to the detriment of the residential amenity of the neighbouring property. The proposal would also be out of keeping with the spatial form, character and appearance of the established settlement. The proposal is therefore contrary to Policy KLP.67 of the Kingswood Local Plan and Policy H4 of the South Gloucestershire Local Plan (Revised Deposit Draft).*

- 3.5 PK10/0333/F - Erection of 2 storey and single storey side extensions to facilitate the conversion of 1no. dwelling to 1no. dwelling and 2no. flats with car parking, bin and cycle stores and associated works.  
Withdrawn 16 April 2010

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

- 4.1 Downend and Bromley Heath Parish Council  
Object – Lincombe Avenue already has a severe parking problem and has had problems in the past with emergency vehicles not being able to gain access. Additional parking from this development will cause extra congestion in Lincombe Avenue.
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
17no. letters/e.mails have been received from local residents, all objecting to the proposal. The concerns raised are summarised as follows:
- Overdevelopment of site.
  - Adverse impact on residential amenity.
  - The site layout and scale of development would not be in-keeping.
  - Overshadowing of 23 Lincombe Road.
  - Loss of privacy for occupier of 23 Lincombe Road.
  - Would result in increased on-street parking in already congested area.
  - Loss of existing on-street parking spaces.
  - Loss of trees.
  - Loss of grass verge to provide driveway.
  - Restricted access off Lincombe Avenue due to on-street parking opposite proposed access.
  - Limited access for Emergency Vehicles to Lincombe Avenue due to on-street parking.
  - Flats not in keeping with area.
  - Would set precedent for similar schemes.
  - A high fence would be erected around the garden to provide privacy, which would not be in-keeping.
  - Danger to pedestrians from reversing cars.
  - Hedge restricts visibility for proposed access to parking spaces, front of Lincombe Road.
- 4.4 Sustainable Transport Comments  
There have been previous planning applications on this site seeking to erect new dwellings. PK04/0908/F was refused but no transportation objection was raised to the proposal. No transportation objection was raised to PK10/0333/F but it was withdrawn prior to determination.

- 4.5 This current proposal again seeks to erect a two-storey extension which will then be converted into two one-bed flats. It is proposed to widen the existing vehicular access off Lincombe Avenue to provide two parking spaces, one for each flat. It is also now proposed to create a new vehicular access onto Lincombe Road to provide two vehicular parking spaces for the existing dwelling.
- 4.6 The level of parking proposed complies with the maximum standards set out in Policy T8 and is therefore considered acceptable. With regard to the creation of a new vehicular access onto Lincombe Road, the road is unclassified and many other dwellings along the road have vehicular accesses.
- 4.7 In light of the above, subject to the following conditions, there is no basis for a transportation objection to this proposal.
- Prior to the commencement of the development, the new vehicular access onto Lincombe Road to be provided and permanently maintained thereafter.
  - Prior to occupation of the new dwellings the vehicular parking as approved to be provided and permanently maintained thereafter.
  - All vehicular parking and accesses to have a permeable bound surface and be satisfactorily maintained thereafter.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. Recent changes to PPS3 mean that residential gardens are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to *...increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in*

*South Gloucestershire.* There is therefore no in-principle objection to flats being in this locality.

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

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

5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.

5.6 Also of relevance are Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 which permit extensions to existing dwellings and conversion of residential dwellings into smaller units of self-contained accommodation respectively, both subject to similar criteria. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.

5.7 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal, which includes the extension and conversion of the existing house, equates to 73 units per hectare but this higher figure merely reflects the fact that the development would include 2 small flats as opposed to individual dwelling houses.

- 5.8 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.9 The proposal is considered to make efficient use of the land in what is a relatively sustainable location, close to the centre of Downend, within easy distance of the shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.10 Scale and Design  
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward into Policy CS1 of the emerging Core Strategy.
- 5.11 The existing dwelling is a 1930's building with rendered walls and a tiled roof. The proposed materials to be used to construct the extensions would match those of the existing building, as would the proposed roof pitch, fenestration and single-storey front and side porches.
- 5.12 The extension would be 4.5m in width and extend 3m to the rear of the main rear elevation of the house, to be flush with the existing single-storey rear extension. In relation to the existing house, the extension is large but given that there is a 0.4m set down of the roof ridge and a 0.8m set back of the front elevation, a satisfactory degree of subservience in relation to the main body of the host dwelling is achieved. Furthermore, as the extension would be on the end of an existing terrace, there would be no terracing affect to result from in-filling gaps between detached or semi-detached houses.
- 5.13 There would generally be a 3m gap between the side elevation of the two-storey element and the side boundary of the application site; given that there is a similar arrangement at no.19 on the opposite side of Lincombe Avenue, officers are satisfied that the proposed scale, form and design of the extension would be sufficiently in-keeping with the locality; indeed the proposed extension is considered superior in design to extensions at nos. 37, 39 (flat roofed) and 41 (extended roof ridge with no set down) Lincombe Road. Officers also consider that any slight concerns about the scale of the development and projection beyond the Lincombe Avenue building line; are in this case tempered by the overriding need to make efficient use of land in the Urban Area and the acknowledged need for housing provision in South Gloucestershire. The scale and design of the proposed built form is therefore considered to be acceptable and would sufficiently respect the character of the street scene, which accords

with the requirements of Policies D1, H2, H4 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.14 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

5.15 The development would lie wholly within the existing garden area, which is relatively large for a property of this size. Officers consider that the garden does not contain any significant landscape features. The garden currently has an open aspect to the front and side and there is a rough driveway to the rear that serves a number of neighbouring garages. Within the garden are a number of bushes and garden trees, which do to some extent make a positive contribution to the visual amenity of the street scene. These trees and bushes however are not afforded any statutory protection and would certainly not meet the criteria for Tree Preservation Order. As such, all of these trees/bushes could be removed without any recourse to planning control.

5.16 Whilst no information has been provided as to which of the trees/bushes are to be removed or retained, officers are satisfied that, in the event of planning permission being granted, a suitable condition could be imposed to secure the prior submission and written agreement of a comprehensive scheme of landscaping for the site.

5.17 There is a wide grass verge to the road frontage on Lincombe Road, which lies outside the site boundary. The verge is a landscape feature of the wider locality. The proposed access for the parking spaces to be introduced to the front of the house would cross this verge. As Lincombe Road is not classified, the access could be introduced under permitted development rights. There are however already many properties within the road that have front vehicular access as well as rear accesses. The potential therefore for introducing any further frontage access points in the street scene and significantly eroding the grass verge would be very limited.

5.18 The site has been assessed against Policy L5 in relation to its value as an open space but officers consider that in this case the criteria attached to L5 do not apply. On balance therefore and subject to the landscape condition suggested above, there are no objections on landscape grounds.

5.19 Transportation Issues

Two parking spaces would be provided to the front of the proposed house and accessed from Lincombe Road. The existing access off Lincombe Avenue would be widened to provide two further spaces, one for each of the proposed flats. This level of parking provision complies with the maximum standards set out under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Adequate cycle parking would also be provided for the house and flats in accordance with Policy T7. Both Lincombe Road and Lincombe Avenue are non-classified roads and as such the accesses could be implemented under

permitted development rights and as such cannot be resisted. Subject to the conditions listed under para. 4.7 above, there are no highway objections.

#### 5.20 Impact Upon Residential Amenity

The two-storey extension would protrude 3 metres to the rear of the main house but would be set back fully 5.9m from the boundary with adjoining no.23. Two-storey rear extensions up to 3m in depth are traditionally granted permission on terraced or semi-detached houses within the locality; the extension is not therefore considered to have a significant overbearing impact for the occupier of no.23. There would be 30m between the rear elevation of the extension and the side elevation of no.14 Lincombe Avenue. As there are no significant habitable room windows in the side of no.14, there would be no loss of privacy from inter-visibility with this property. Whilst there are two first floor windows proposed for the north-eastern side elevation of the extension, one serves a w.c. and could be obscurely glazed; the other would be a secondary lounge/dining room window which would be an adequate distance from the first floor side elevation of no.19 located on the opposite side of Lincombe Avenue.

5.21 Concern has been expressed about loss of privacy from overlooking of neighbouring no.23 Lincombe Road, but this would be from first floor windows only and from an acceptable distance and angle. In any event, officers consider that some over-looking of neighbouring property within an Urban Area is only to be expected and should not necessarily be justification for refusal of planning permission, especially where efficient use of land is required.

5.22 Moving to the issue of amenity space, the layout of the scheme has been revised from the previously withdrawn scheme such that adequate amenity space would now be provided for all three dwellings. Although the amenity space for the flats would be less private, these would not be family dwellings. The erection of high fences next to the highway requires planning permission in its own right, nevertheless all boundary treatments could be controlled via the hard and soft landscaping scheme secured by condition. The space standards of the flats, ventilation arrangements and soundproofing are all controlled under building regulations. Officers are therefore satisfied that there would be no significant loss of residential amenity to result from the scheme.

#### 5.23 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour as well as vermin infestation, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme, to include Sustainable Drainage Systems (SUDS) for approval before development could commence. Any connections to the main sewers would need to be agreed with Wessex Water.



5.24 Affordable Housing

The proposal is for 2no. flats only, which is below the Council's threshold (15) for affordable housing provision.

5.25 Education Service

The development comprises 2no. additional flats only and this is below the threshold (5) for contributions towards Education.

5.26 Community Services

The proposal is for 2no. additional flats only, which is below the Council's threshold (10) for contributions to Community Services.

5.27 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.

5.28 Use of Energy and Sustainability

None

5.29 Improvements Achieved to the Scheme

Revised layout to provide improved amenity space.

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

**7. RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following conditions:

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 residential amenity of the neighbouring occupiers and to accord with Policies H2, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The approved vehicular accesses and car parking facilities, shown on the Proposed Site Plan No. 50384-3 Rev B hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwellings so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To ensure the satisfactory provision of access, parking and turning 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.

7. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

8. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor and first floor W.C. windows on the north-eastern 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 residential amenity of the neighbouring occupiers and to accord with Policies H2, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

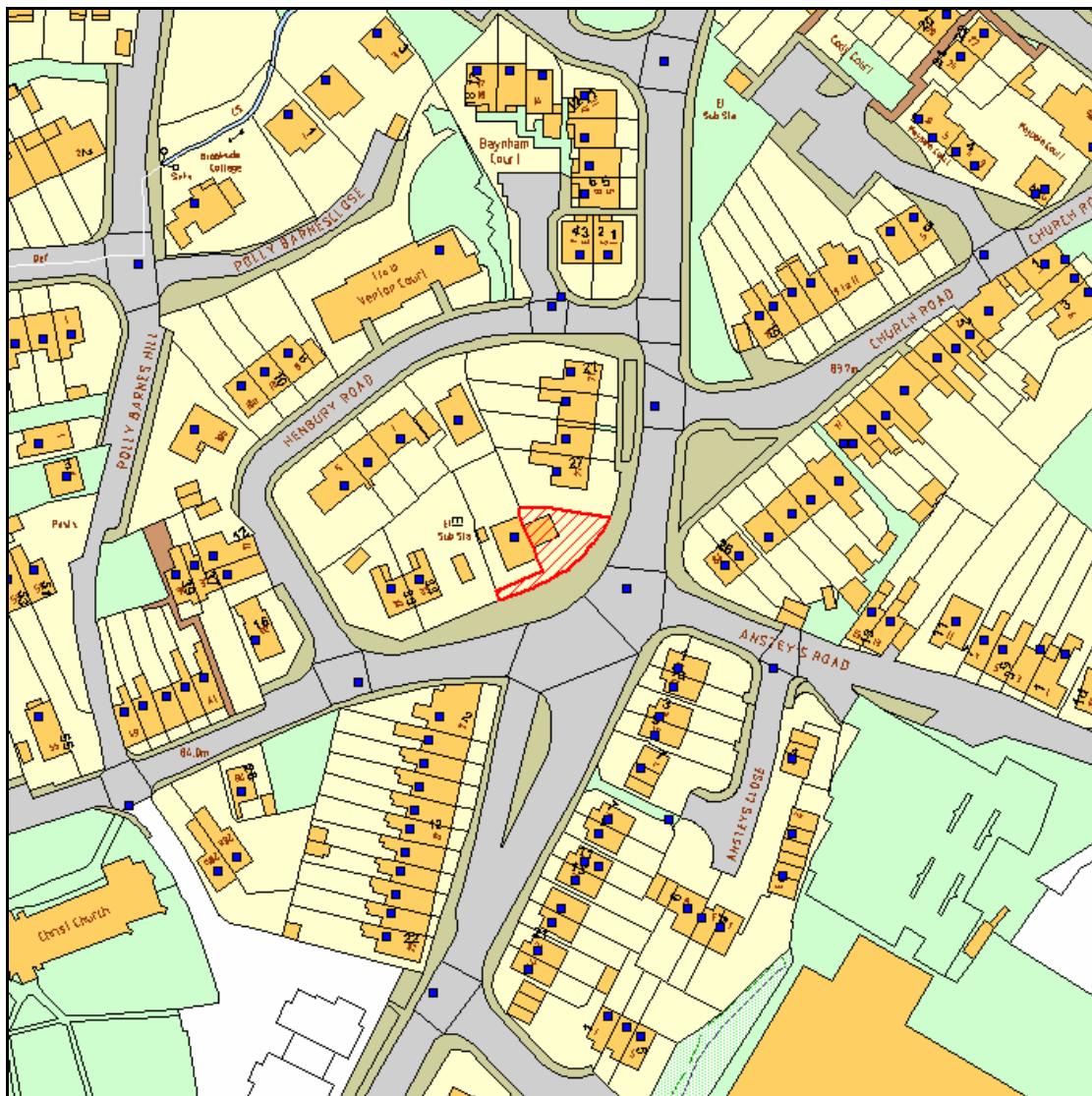
9. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

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

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/1095/F	<b>Applicant:</b>	Mr Tony Francis
<b>Site:</b>	29 Church Road Hanham Bristol South Gloucestershire BS15 3AE	<b>Date Reg:</b>	28th May 2010
<b>Proposal:</b>	Erection of single storey extension and conversion of garage to form 1 no. dwelling with parking access and associated works. (Resubmission of PK10/0467/F)	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	363895 172386	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th July 2010



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100023410, 2008.

**N.T.S.**

**PK10/1095/F**

## 1. THE PROPOSAL

1.1 The applicant seeks full planning consent for the erection of a single storey extension to the side of an existing garage of No. 29 Church Road, Hanham and to convert the garage to a one-bedroom dwelling. The application site is within a residential area of Hanham. The proposed bin and cycle store will be located at the rear of the new property.

1.2 A previous planning permission for the erection of 1 no. dwelling was refused for the following reasons;

The proposal, by virtue of its siting to the existing dwelling No. 29 Church Road and its proximity of the ground floor kitchen window and the rear boundary, would cause significant overbearing impact upon the residential amenity of the future occupiers of the proposed development.

The proposal does not clearly show the boundary of the private amenity space and the required turning space. Nevertheless it is considered that the proposed private outdoor area would be of restricted size and shape and the said area would fail to provide adequate private amenity space for the future occupiers of the new dwelling.

1.3 A previous planning permission for the erection of a two storey detached building for two one-bedroom flats to the side of the existing dwelling was refused for the following reasons:

The proposal, by virtue of its siting to the existing dwelling No. 29 Church Road and its proximity of the ground floor bedroom window/door and the rear boundary, would cause significant overbearing impact upon the residential amenity of the future occupiers of the proposed development.

The development proposes the creation of a new vehicular access onto Memorial Road in close proximity to the junction with Church Road. If permitted this proposal will increase safety hazards on the public highway for all road users.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing

### 2.2 Development Plans

#### South Gloucestershire Core Strategy Pre-Submission March 2010

CS1 High Quality Design

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

D1 Design  
T7 Cycle Parking Standards  
T8 Car Parking Standards

T12	Transportation Development Control
H4	Development within existing residential curtilages
H2	Proposals for Residential Development within the Existing Urban Area and Defined Settlement Boundaries

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

- 3.1 K933/5 Erection of a single detached dwelling house with garage. Approved 13.08.80
- 3.2 K933/7 Erection of single detached dwelling house with garage (outline). Approved 29.09.86
- 3.3 K933/8 Erection of detached house with garage Approved 10.04.87
- 3.4 PK09/0233/FErection of 2no. one bed flats with access, bin and cycle storage and associated works. Refused 01-APR-2009
- 3.5 PK09/5917/F Erection of 1 no. dwelling with associated works. Refused 22.01.10
- 3.6 PK10/0467/F Erection of 1 no. detached dwelling with amenity land and associated works (Re-submission of PK09/5917/) Withdrawn 04.05.10

### 4. **CONSULTATION RESPONSES**

#### 4.1 Hanham Parish Council

Hanham Parish Council objects the proposal and raise the following concerns:

- Access to the proposed dwelling is across the front of the existing house to the detriment of the occupiers of the existing dwelling
- The proposal would not provide adequate private amenity space to serve the needs of both properties
- Loss of garage for existing dwelling
- The proposed design would be out of keeping with the character and appearance of the immediate neighbouring properties

#### **Other Representations**

#### 4.2 Local Residents

No objection received.

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

#### 5.1 Principle of Development

PPS3 has been re-issued on 9<sup>th</sup> June 2010, to reflect concerns regarding the overdevelopment of neighbourhoods, loss of Green Space and the impact upon local character.

The changes involve the exclusion of private residential gardens from the definition of previously developed land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan, Policy H2, H4e, D1 proposals already require that proposals are assessed for their impact upon the character of the area, and that proposals make efficient use of land.

Policy H4 allows for extensions, including new dwellings, within existing residential curtilages where the design and impact upon existing levels of amenity are considered to be acceptable. These include satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity. Policy T8 advised of parking standards and Policy T12 of the South Gloucestershire Local Plan controls development, which may affect highway safety.

## 5.2 Design/Visual Amenity

The application property is a two-storey detached dwelling. The proposal is to erect a single storey side extension and to convert the existing attached garage to form a one-bedroom dwelling.

A majority of properties within the locality are two-storey semi-detached dwellings or terraced dwellings. Whilst the proposed development has not been designed to look like to the adjacent properties, officers consider that proposed building, due to its modest scaled extension, would not have a significant detriment impact upon the character of the locality.

A cycle store and a bin store would be located at the rear of the new dwelling, and they would not be visible from public realm. It is therefore considered that proposed stores would cause any harm to the character of the area.

## 5.3 Residential amenity

The proposed extension is single storey with a hipped roof and it would be adjacent to the neighbour's driveway (No. 27). There is no window on the gable wall of the neighbouring property. It is therefore considered that the proposal would not cause significant overbearing impact upon the residential amenity of the neighbouring property.

A study room window is proposed to the east side elevation of the dwelling and they would be looking over existing boundary treatment. It is therefore considered that the proposal would not cause significant loss of privacy to the neighbouring property.

The proposed dwelling would only provide one bedroom and one study room. Officers consider that the new dwelling would be unlikely to be occupied by a family. It is therefore considered that the proposed amenity space provided for the existing and new dwelling would be adequate.



The kitchen / dining window would be looking over a small outdoor area at the rear. A cycle store would be kept within this area and bin storage area is allocated at the rear of study room. Whilst the kitchen window would only approximately 3 metres and the new dwelling will have an open living and kitchen area. Officers therefore consider the proposal would not cause a significant overbearing impact upon the future occupier of the new dwelling.

Although Parish Council is concerned that the access is across the front of dwelling, officers consider that it is not unusual arrangement within an urban residential area. Officers therefore consider that the proposal would not cause significant adverse impact upon the existing occupiers to warrant a refusal of this application.

#### 5.4 Transportation Implications

There have been a number of planning applications on this site in the past. The most recent application was PK10/0467/F, which sought to erect a single storey dwelling on land adjacent to the existing dwelling. The existing vehicular access was proposed and vehicular turning was provided. No transportation objection was raised to this proposal.

This current submission again proposes a single storey dwelling on the same area of land. The footprint of the building is larger than the previous submission and as a result the turning area has been removed for this dwelling. Highway Officer was concerned that this will result in any vehicles for this dwelling having to reverse past the existing dwelling and reverse out onto a classified highway in close proximity to a junction. In order to address the concerns, the applicant is willing to change the amenity space to the side of the new dwelling into a turning space. A planning condition is therefore imposed to ensure that this will be the case and the area shall be finished with permeable hardstanding.

There is an off-street parking to the side of the existing dwelling, therefore the proposal would meet the maximum parking standard of the adopted Local Plan.

#### 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 Use of Energy and Sustainability

Given the nature of the development, this is not required above Building Regulations.

#### 5.7 Improvements Achieved to the Scheme

None.

### 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**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 & 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, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details an adequate turning space to the side of the proposed new dwelling shall be provided prior to the occupation of the new dwelling hereby permitted. The said turning space shall be constructed of permeable bound materials and shall be maintained as such thereafter.

Reason 1

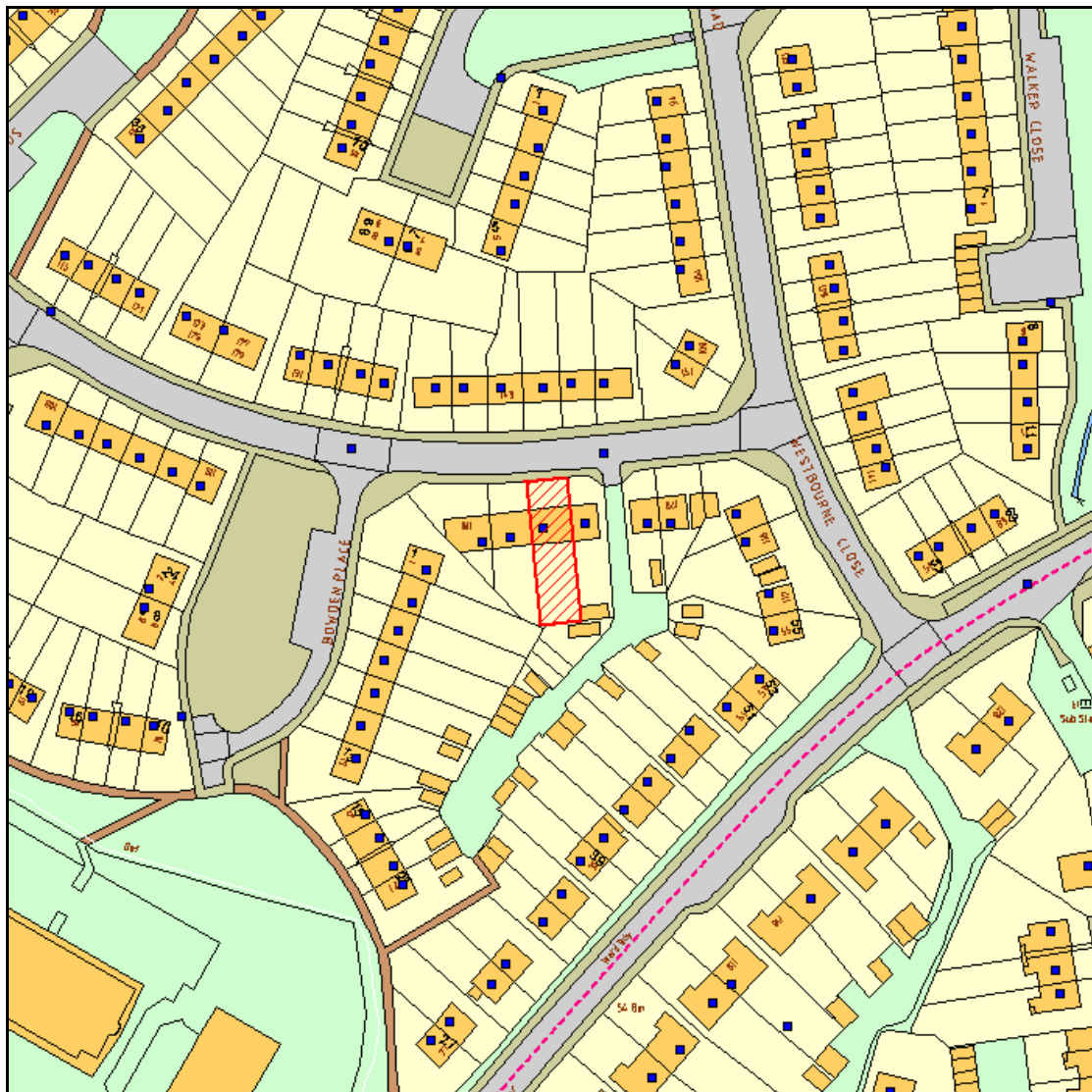
To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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.

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/1172/CLP	<b>Applicant:</b>	Mrs M Todd
<b>Site:</b>	122 Boscombe Crescent Downend Bristol South Gloucestershire BS16 6QZ	<b>Date Reg:</b>	24th May 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for proposed alterations to installation of rear dormer window to facilitate loft conversion.(Re-Submission of PK10/0509/CLP)	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	365955 177312	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1172/CLP**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer at 22 Boscombe Crescent, Downend. The application property is a two storey terraced property sited on the south side of the road. The dwelling is located within the settlement boundary. On attending a site visit to the property, it was established that the rear dormer has now been built.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

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

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

- 3.1 PK10/0509/CLP Application for a Certificate of Lawfulness for a rear dormer window and attached Soil Vent Pipe  
Refused 23 April 2010

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
No response received

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning

Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of the installation of a rear dormer. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.)

5.2 *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the enlargement of a dwellinghouse consisting of an addition or alteration to its roof provided that it meets the following criteria.

5.3 There are several conditions attached to development permitted under Class B. Developments which fail any of the following criteria would not be permitted:

**B.1 Development is not permitted by Class B if—**

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

No part of the development will exceed the height of the highest part of the existing roof.

**(b) 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;**

No 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

**(c) 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 cubic content of the proposed rear dormer has been calculated at 23.0 metres cubed, falling within the above threshold.

**(d) 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 does not include any of the above.

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

The dwellinghouse is not on article 1(5) land.

5.4 Use of Energy and Sustainability

No measures proposed

5.5 Improvements Achieved to the Scheme

None necessary

5.6 Conclusion

The proposed rear dormer complies with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is therefore permitted development.

**6. RECOMMENDATION**

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

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/1209/F	<b>Applicant:</b>	Mr & Mrs A Kerambrun
<b>Site:</b>	28 Bromley Drive Downend Bristol South Gloucestershire BS16 6JQ	<b>Date Reg:</b>	26th May 2010
<b>Proposal:</b>	Erection of rear conservatory.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364932 177878	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th July 2010



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100023410, 2008.

**N.T.S.**

**PK10/1209/F**



## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory to the rear of the existing dwelling. The conservatory will have a depth of 2.99 metres and a width of 5 metres. The application site relates to a semi-detached property in a residential area of Downend.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy – Pre-Submission Publication Draft  
CS1 Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK09/0025/F Erection of single storey side and rear extension and two storey rear extension to form garage and additional living accommodation. Approved February 2009

The plans initially submitted with this application showed a rear conservatory to be installed. During the course of the application however, amended plans were received without the conservatory. It was the plans that did not show the conservatory element that were subsequently approved.

## **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No Objection

### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident. The neighbour is concerned that the conservatory will be erected too close to the boundary fence and will not allow for future maintenance of the fence. The neighbour also comments that the conservatory has been refused previously. Issues have also been raised regarding loss of privacy.

## **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.

5.2 Design/ Visual Amenity

The proposed conservatory meets an appropriate standard in design that reflects the character of the main dwelling house and surrounding properties. Whilst the dwelling house has been previously extended, the proposed conservatory is in proportion with the scale and character of the dwelling. The conservatory will be attached to the rear of the dwelling to a lean too roof. The proposed conservatory will have a ridged roof running parallel with the existing dwelling to ensure it integrates as successfully as possible. Matching face materials will further help its successful integration.

5.3 Residential Amenity

The proposed conservatory will have a depth of 2.99 meters along the boundary with the neighbouring property No. 30 Bromley Drive. It is noted that No. 30 Bromley drive already has a single storey rear extension in place with a depth the same as the existing single storey extension on the application site. Because of the existing extensions in place at the application site and at the neighbouring property, the proposed conservatory will project put only 2.99 metre beyond the existing ground floor rear wall of the attached dwelling. At this depth it will not have any overbearing or overshadowing impact upon the attached property.

It is noted that the existing boundary treatment comprises only a low level wooden fence. In response to this the plans show the side elevation of the conservatory facing the neighbouring dwelling to be opaque. As a result of this, no additional levels of overlooking or loss of privacy will result for the neighbouring dwellings. Notwithstanding the above, consideration must also be given to the fact that residents of the application property could currently stand on the site and look directly into the neighbours garden and windows if they chose to do so. The erection of the conservatory will not exacerbate this situation.

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 Other Issues

It is noted that a conservatory was shown on plans submitted in 2009 and that revised plans were submitted without the conservatory. However, each application must be determined on its own merits and in light of prevailing planning policy.

The neighbour is also concerned about the future maintenance of the boundary fence. Whilst the conservatory is to be erected right up to the fence and it will not be possible to reach it from the applicant's garden, this is a very common scenario. The Council are not at liberty to insist on or request the future retention or maintenance of the fence.

5.5 Use of Energy and Sustainability  
None above building regulations statutory minima.

5.6 Improvements Achieved to the Scheme  
None required.

5.7 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 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 proposed conservatory represents an appropriate standard of design that reflects the character of the original dwelling and the surrounding street scene. The use of appropriate materials further encourages its successful integration. Given the depth of the conservatory at only 2.99 metres out from the ground floor rear wall of the attached dwelling, the existing level of residential amenity afforded to neighbouring properties is protected.

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;

**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 & Country Planning Act 1990 (as amended).

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PK10/1253/F	<b>Applicant:</b>	Mr And Mrs Singh
<b>Site:</b>	45 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HY	<b>Date Reg:</b>	27th May 2010
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364727 177497	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th July 2010



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**N.T.S.**

**PK10/1253/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule Procedure as concerns have been received from a local resident regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning for the erection of a two storey side and single storey rear extensions.
- 1.2 The application site relates to a 1930's two storey semi detached dwelling within the residential area of Downend.

### **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 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010

SC1 High Quality Design

- 2.3 Supplementary Planning Guidance  
SPD Design

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish/Town Council  
No objection. However, is it necessary to double the floor space on this large semi detached property?

#### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident although raising no objection has raised a number of concerns, which have been summarised by the Planning Officer as follows:
- New wall will not allow for access for maintenance
  - Proposed rear wall should fall in line with next-door's conservatory
  - Would suggest sidewall of proposed extension form a party wall between both properties, this would address maintenance problem and reduce energy loss

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and residential amenities. Policy CS1 of the Core Strategy seeks to achieve high quality design.

### 5.2 Visual Amenity

The application site relates to a 1930's two storey semi detached dwelling with single detached garage in rear garden, within the established residential area of Downend. The dwelling has a render finish with brick detail. This application seeks planning permission for the erection of a two storey side and single storey rear extensions. The Parish has questioned the need to double the size of this large semi detached property.

5.3 The application proposes a 2.90m wide two storey side extension which is considered relatively small scale in comparison to the existing dwelling which measures 6.30m in width. The extension has been designed to read as a subservient extension in terms of set back from existing front building line and lower ridge height.

5.4 The application proposes to demolish an existing single storey detached garage within the rear garden and replace this with a single storey rear extension which will have a slightly larger footprint in terms of length and this tie in with the other proposed single storey rear extension along the back of the house. In respect of those comments by the Parish, the Officer is of the opinion that the proposed extensions by reason of their scale, design and materials are in keeping with the scale and character of the existing dwelling and if allowed would not detract from the character or appearance of the dwelling or immediate street scene.

### 5.5 Residential Amenity

This application proposes a two-storey side extension that will be sited alongside the side elevation of no. 47 that comprises of a two-storey side extension with no windows. The existing garage sited along the adjoining boundary with no. 47 measures 5.0m in length with a hipped roof. The garage replacement with single storey rear extension will result in built form measuring 7.0m in length. The extension replacing the garage will have less of an impact than the existing situation as the overall height is being reduced and the hipped roof is being replaced with a flat roof. It is considered that the proposed extensions in relation to no. 47 will not have an adverse impact in terms of overbearing impact or loss of privacy.

5.6 The application also proposes a 3.50m deep single storey extension adjacent next door's rear conservatory. It is considered that an extension of this scale and in this location will not have an adverse impact in terms of loss of privacy or overbearing impact.

5.7 Transportation Issues

The proposed extension will result in the loss of on site car parking leaving one car parking space on site. As this application proposes to increase the number of bedrooms from three to five the Council's car parking standards seek 3 spaces for 4 beds and above. Regard must be had however that these are maximum standards. The applicant has submitted revised plans proposing a second space, and on that basis no highway objection is raised as satisfactory levels of on site car parking are provided in line with the Council's maximum car parking standards.

5.8 Other Issues

In respect of those comments made by the neighbour regarding lack of access, this is not considered a material planning consideration. In addition with regard those suggestions of reducing the length of the extension and introducing a party wall act, the Council is only in a position to consider the application before it. As the proposed scheme is considered acceptable in planning policy terms as assessed above it is not considered necessary or reasonable to ask the applicant to amend the scheme.

5.9 Design and Access Statement

Not required with this particular type of householder planning application.

5.10 Use of Energy and Sustainability

No specific measures proposed above current Building Regulations.

5.11 Improvements achieved to the scheme

Additional parking requested and revised plans submitted.

5.12 Section 106 Requirements

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

**6. CONCLUSION**

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

The 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.



- a) The proposed extensions have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development - Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact - Policy H4.
- c) The development proposes satisfactory levels of onsite car parking to meet highway car parking standards - Policy T12.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extensions hereby approved.  
  
Reason  
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The off-street parking facilities for all vehicles shown the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.  
  
Reason  
In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010

<b>App No.:</b>	PK10/1302/F	<b>Applicant:</b>	Mr M Stone
<b>Site:</b>	11 Lovell Avenue Oldland Common Bristol South Gloucestershire BS30 9TE	<b>Date Reg:</b>	4th June 2010
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation with attached single garage. Erection of single storey front extension to form porch and cloakroom. (Resubmission of PK10/0721/F).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367628 171527	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd July 2010



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**N.T.S.**

**PK10/1302/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule Procedure as objections have been received from the Parish Council regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning for the erection of a two storey side extension, attached single garage and the erection of front porch and cloakroom.
- 1.2 The application site relates to a two storey semi detached dwelling within the built up residential area of Bitton.

### **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 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010  
SC1 High Quality Design

- 2.3 Supplementary Planning Guidance  
SPD Design

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

- 3.1 PK10/0721/F Erection of two storey side extension, attached single garage and erection of single storey front extension  
Withdrawn May 2010
- 3.2 K2400/1 Erection of front porch  
March 1994
- 3.3 K2400 Erection of single garage  
Approved September 1978

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish/Town Council  
Councillors felt that the changes made were not significant and did not address their concerns. The comments made previously therefore still stand, which are as follows:

*Councillors objected to the proposed development which they felt was an over-intensification of use of the site and spoils the street scene from High Street.*

### **Other Representations**

- 4.2 Local Residents  
No response.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and residential amenities. Policy CS1 of the Core Strategy seeks to achieve high quality design.

### 5.2 Visual Amenity

The application site relates to a two-storey semi detached dwelling sited on the entrance of a cul-de-sac adjacent the High Street. This application proposes to demolish an existing single storey detached garage sited adjacent the High Street, and replace it with a two storey side extension and an attached single garage. The Parish Council has advised that their previous objections raised with regards the recently withdrawn planning application still stand i.e over-intensification of use of the site and spoils the street scene from High Street. This application follows on from a recently withdrawn planning application that sought permission for similar works. The Planning Officer raised an objection to that scheme on the grounds of the width of the extension and the roof design of the proposed extension. This revised application has sought to address those objections by reducing the width of the extension from 4.0m on the front elevation to that of 3.30m and by simplifying the roof design of the proposed garage.

- 5.3 The application site property is considered large scale in terms of width i.e. 7.80m. This application proposes a 3.20m wide extension at the front and because of its design is wider at the rear 4.0m. The extension has been designed to read as subservient addition to the host dwelling in that the proposed width when viewed from the front is under half the size of the original dwelling, the extension is set back 2.50m from the existing front building line and the ridge height is set lower than the existing roof. The proposed extension will project 2.50m beyond the existing rear building line. The proposed two-storey side extension is considered acceptable in terms of scale, design materials. In addition the application proposes an attached single garage measuring 3.0m in width. It should be noted that the overall footprint of the new development does not extend beyond the existing building line of the existing garage adjacent the High Street. It is considered that regard must be had for the scale of the original dwelling and the subservient design of the proposed two storey side extension and on that basis it is considered that the proposed extensions by reason of their scale, design and siting would not result in over development of the site or have a harmful impact on the character of the existing dwelling or on the visual amenities of the immediate street scene.

5.4 Residential Amenity

The nearest dwelling to that of the application site is no.137 High Street sited rear of the application site. Although the proposed two storey rear extension will be sited closer to the adjoining boundary of the front garden of no. 137, it is considered that given the siting of the proposed extension in relation to no.137 that an extension of this scale and in this location would not have an adverse impact in terms of overbearing impact. The proposed first floor windows on the rear elevation are to serve non-habitable rooms i.e. ensuite and walk in wardrobe and therefore there are no issues of loss of privacy.

5.5 Transportation Issues

As a result of the proposed extension this will increase the number of bedrooms from 3 to 4. Adequate on site parking is provided by way of the proposed garage and there is room to park two cars on the site, and on that basis no highway objection is raised as satisfactory levels of on site car parking are provided in line with the Council's maximum car parking standards.

5.6 Design and Access Statement

Not required with this particular type of householder planning application.

5.7 Use of Energy and Sustainability

No specific measures proposed above current Building Regulations.

5.8 Improvements achieved to the scheme

This application was subject to pre-application discussions in an attempt to address the objections raised by the Planning Officer with regards the recently withdrawn application.

5.9 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.

- a) The proposed extensions have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development - Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact - Policy H4.
- c) The development proposes satisfactory levels of onsite car parking to meet highway car parking standards - Policy T12.

## **7. RECOMMENDATION**

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

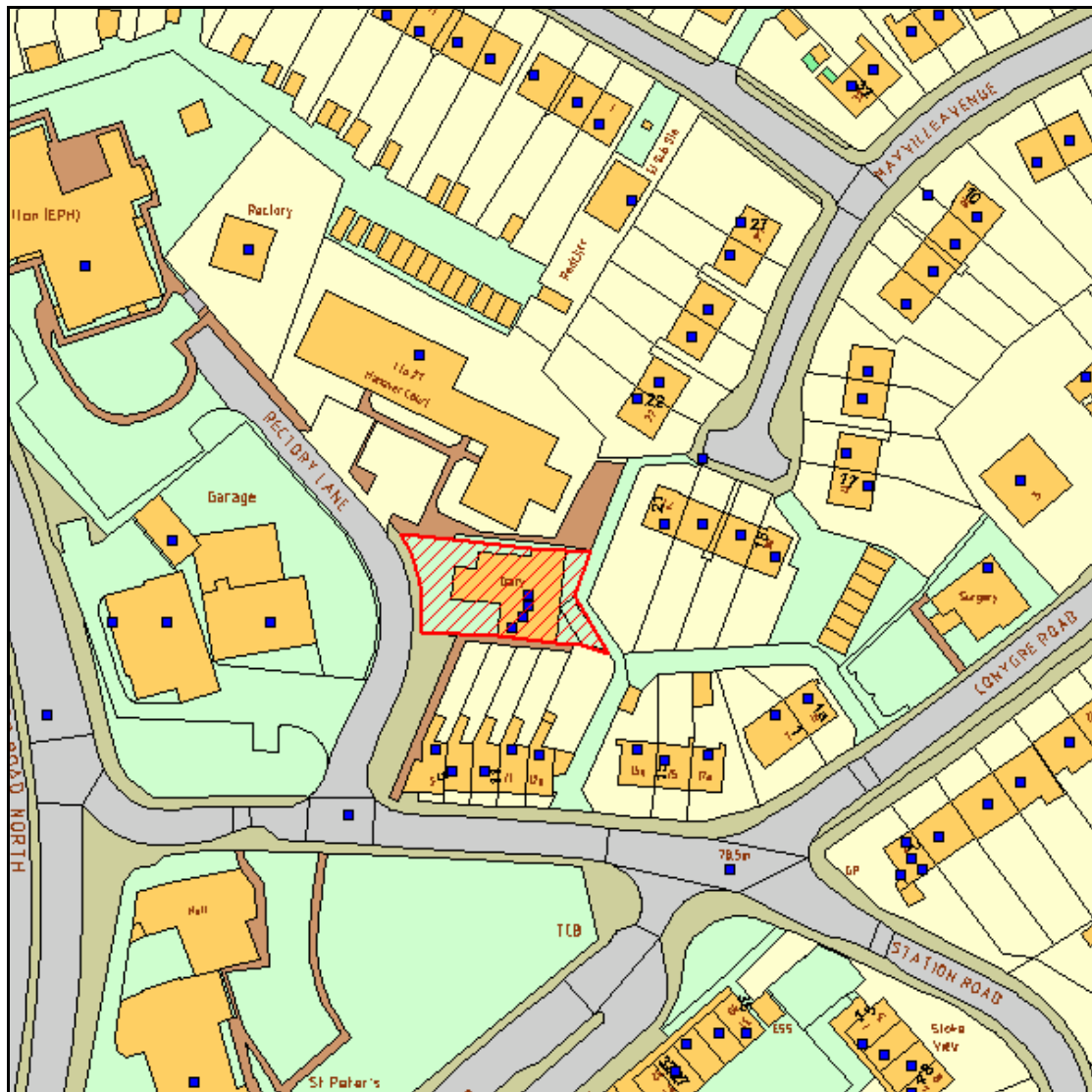
**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (southern) elevation of the two storey side extension.  
  
Reason  
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PT10/1065/F	<b>Applicant:</b>	Mr P Lane
<b>Site:</b>	Lanes Dairy Rectory Lane Filton Bristol South Gloucestershire	<b>Date Reg:</b>	28th May 2010
<b>Proposal:</b>	Change of use from dairy to parcel delivery, sorting and despatch depot (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987(as amended). (Retrospective.)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360363 179279	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1065/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule in view of the letters of objection that have been received from the neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks retrospective planning permission for the change of use of the ground floor of the former Lanes Dairy to provide a parcel, sorting and dispatch depot (sui generis).
- 1.2 The application relates to a two/ three-storey detached building on the east side of Rectory Lane, Filton. The upper floors provide for seven bed-sits.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPS4: Planning for Economic Development  
PPG13: Transport

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development  
E3: Criteria for Assessing Proposals for Employment Development  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development

##### Emerging Policies: South Gloucestershire Core Strategy (Pre Submission Draft) March 2010

CS1: High Quality Design  
CS13: Non- Safeguarded Economic Development Sites

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 P85/2784: Erection of extension to existing garage to house milk vans.  
Permitted: 5 February 1986
- 3.2 P86/1546: Erection of extension to existing garage to house milk vans.  
Permitted: 4 June 1986
- 3.3 P87/1079: Erection of extension to existing garage to house milk floats.  
Permitted: 5 March 1987
- 3.4 PT07/2260/F: Change of use from dairy to garage for car sales (sui generis).  
Permitted: 7 September 2007



- 3.5 PT08/0083/F: Change of use from dairy to residential; erection of three-storey front and side extension to facilitate conversion of existing building to provide 19 flats. Withdrawn: 25 March 2008
- 3.6 PT08/2328/F: Change of use from dairy to residential; erection of two-storey front and side extension to facilitate conversion of existing building to 12 flats; construction of new vehicular access with associated works. Refused: 24 September 2008

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

- 4.1 Patchway Town Council  
No comments received
- 4.2 Other Consultees  
Highways DC: no objection  
Environmental Services: no objection

#### **Other Representations**

- 4.3 Summary of Local Residents Concerns:  
Four letters received expressing the following concerns:

##### Highway Concerns:

- o There is no room for parking- as was the case when used as a dairy;
- o The lane is narrow whilst the application site is located on a bend- the road becomes congested and can hinder access to the retirement homes. This is a hazard when emergency service vehicles are called;
- o There can be 10+ cars parked there given the flats above;
- o Drivers park across the single pavement (used by the disabled and senior citizens) hindering access for pedestrians;
- o Rectory Lane is a small dead end lane which should be kept clear of obstructions at all times;
- o There is little room for parking, it is understood that further yellow lines are to be added in future thus reducing space further.

##### Residential Amenity Concerns:

- o The noise of traffic and banging was 'terrible' when used as a dairy;
- o The flats next door provide for pensioners;
- o Workers arrive as early as 5.30am, sorting mail and to off load metal cages- this is noisy and disturbs neighbouring properties;
- o Lanes Dairy provides for a number of flats above- the proposal would add to the noise and litter experienced by these residents.

Further Matters:

- o The application has been incorrectly advertised- it is Rectory Road not Station Road;
- o The existing business has been operated since February 2010, not April 2010 as stated;
- o If the applicant could manage the business efficiently and adhere to conditions regarding operating hours and reduce noise levels one of the writers would remove their objection;
- o One further letter raises no objection to a reasonable sized business with adequate provision for parking, privacy and a duty of care towards local residents;
- o At the moment, there has been little disruption or cause for complaint but as the company grows, this cul-de-sac location will not be suitable.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy E3 advises that proposals for employment development within the urban areas and the defined settlement boundaries will be permitted provided that (considered here most relevant):

- o Development would not have an unacceptable environmental effect; and
- o Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of traffic, especially heavy goods vehicles, or on street parking to the detriment of the amenities of the surrounding area of highway safety; and
- o Development would not prejudice existing residential amenity; and
- o The character of the area would not be adversely affected/

5.2 Policy T12 advises that new development will be permitted (in terms of transportation) provided it (considered here most relevant):

- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
- o Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and
- o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- o Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality; and
- o Provides for or does not obstruct existing emergency vehicle access.

5.3 Design/ Visual Amenity

The application relates to the ground floor of a two/ three-storey building that formerly provided for Lanes Dairy; this application seeks retrospective planning permission that would allow its change of use to provide for a parcel delivery, sorting and dispatch depot.

- 5.4 The application would not involve any external changes to the building and thus for this reason, there is no objection to this current proposal on design/ visual amenity grounds.
- 5.5 Residential Amenity  
There are a number of residential dwellings within close proximity of the application site with these including the two-storey flatted accommodation further along Rectory Lane and those dwellings fronting Station Road to the south; there are also further dwellings within Mayville Avenue behind although these are less likely to be impacted by the proposal.
- 5.6 In response, given that there are no external alterations to the building, it is not considered that any significant adverse impact in residential amenity would be caused on this basis. Nonetheless, it is noted that a number of concerns have been expressed having regard to the hours of operation and the noise disturbance caused.
- 5.7 In response, consideration should be given to the former use of the building that would have comprised a similar use in terms of the need for delivery vehicles and the hours of operation; to the best of knowledge there were no planning conditions limiting the hours of operation. In this instance, the proposed operating hours are specified as 7am- 5pm Monday to Friday and 7am –1pm on Saturdays; the applicant has verbally confirmed that he would be willing to accept a condition controlling this. On this basis, it is considered that the proposal might help to bring about an improvement in residential amenity.
- 5.8 Further, it is considered that the size of the building also limits the scale of operations with the building providing two relatively small loading bays and with the application form stating that only three persons are employed here; this is further considered to provide an idea of the relatively low level of usage. For these reasons, and subject to an appropriately worded condition in respect of operating hours, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Highway Safety  
The proposed sorting and dispatch depot is considered to be comparable to the diary in highway terms given that both the volume and type of traffic are likely to be similar as are the parking requirements. Further, it is also noted that the existing access and area of hardstanding would remain unchanged whilst the site is within a relatively accessible location. For these reasons, there is no highway objection to this current proposal.
- 5.10 With regards to the additional concerns that have been raised, it is again noted that the fall back position of the former diary with the seven bed sits above is considered to be comparable in highway terms to the proposal thus the parking arrangements would remain comparable. Further, it is also noted that the recent planning application for the change of use and extension of this building to provide twelve flats was not refused on highway safety grounds; instead the refusal reasons focused upon scale, form and design of the resultant building and its overbearing impact on the residential amenities of the nearby occupiers.

- 5.11 Further to the above, permission was granted in July 2007 for the change of use of this building to provide a garage for car sales with the number of vehicles for sale restricted to 16 by condition; it is therefore likely that the number of vehicles directly associated with this proposed use would be less than that associated with a vehicle showroom.
- 5.12 Finally, with regards to further parking along Rectory Lane, in planning terms it is not possible to control vehicle parking where this would take place on a public highway or at locations beyond the application site (as this issue is covered by the road traffic act). However, in view of the extant use and planning history, it is not considered that this application could be reasonably refused on this basis.
- 5.13 Outstanding Issues  
It is noted that the site was incorrectly advertised as being located on Station Road; this has been amended and a period of re-consultation undertaken on this basis.
- 5.14 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.
- 5.15 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 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.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposed change of use of the ground floor of this former dairy building would not necessitate any external alterations to the premises. Accordingly, there is no objection to this application having regard to planning policy D1

(Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed use would be comparable with the former use of these premises as a diary and thus subject to an appropriately worded planning condition in respect of the proposed operating hours, it is not considered that any significant adverse impact in residential amenity would be caused. As such, the proposal would comply with planning policy E3 (Criteria for Assessing Proposals for Employment Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposed use would be comparable with the former use of these premises in highway terms thus there is no objection to this current application having regards to the provisions of planning policy E3 (Criteria for Assessing Proposals for Employment Development) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. The site shall not open and no deliveries shall be taken at or despatched from the site outside the hours of 7am - 6pm on Monday to Friday and 7am - 1pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities shown on the plan hereby approved shall be permanently 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 Planning Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PT10/1074/F	<b>Applicant:</b>	Mr P Bliss
<b>Site:</b>	54 Coriander Drive Bradley Stoke Bristol South Gloucestershire BS32 0DJ	<b>Date Reg:</b>	25th May 2010
<b>Proposal:</b>	Erection of 1no. end terraced dwelling with associated works.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	363105 180963	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2010



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**N.T.S.**

**PT10/1074/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1 no. end terraced dwelling with associated works.
- 1.2 The application site relates to an existing end terrace dwelling with private garden space to the side and rear. The site lies within the urban area of Bradley Stoke. The proposal consists of the erection of a dwellinghouse in the side garden area of no. 54 Coriander Drive.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing (as amended 9 <sup>th</sup> June 2010)
PPG13	Transport

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Residential Development within Existing Urban Areas
H4	Development within Existing Residential Curtilage
L5	Open Areas within the Existing Urban Areas
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

##### **Emerging Development Plan**

##### **Core Strategy Pre-Submission Publication Draft (March 2010)**

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

#### **2.3 Supplementary Planning Guidance**

##### **South Gloucestershire Design Checklist (Adopted) 2007**

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

3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Bradley Stoke Town Council**

Bradley Stoke Town Council object to this planning application on grounds of over-development of the site.

#### **4.2 Other Consultees**

##### **Highways**

No objection.

#### **Other Representations**

#### **4.3 Local Residents**

Three letters of objection have been received raising the following concerns:

- Over-development of the site
- No allocated off street parking available
- More cars on the road could effect highway safety and access for emergency vehicles
- It is in unrealistic to assume any new resident will not have at least one car

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

#### **5.1 Principle of Development**

Recent change to advice contained within PPS3 has seen the definition of 'previously developed land' be amended to exclude private residential gardens.

5.2 Policies H2 and H4 of the South Gloucestershire Local Plan March 2006 however allows for residential development on sites that are within the defined settlement boundaries or urban areas, without reference to whether or not such land is brownfield or previously developed land. The existing policies of the Development Plan also already require that any proposals must be assessed for their impact on the character of the local area, and this is clearly stated in policy H2, and in considerable detail in policy D1. Policy L5 also adds weight stating that 'open areas' within settlements and urban areas which contributes to the local character and distinctiveness of the area will be protected from development where that development would adversely affect the character. Therefore it is considered that the Local Plan, through its existing policies, gives due consideration to the very reason why PPS3 amended the definition of private residential gardens in so much as residential development



on garden land should not be harmful to the character of the area. The proposal is therefore acceptable, subject to the following detailed assessment.

### 5.3 Density

Another recent amendment to PPS3 to reflect concerns regarding the over-development of neighbourhoods, loss of green space and the impact upon local character has been the removal of the national indicative minimum density target (of 30 dwellings per hectare) for new housing development. This means that criterion b of Policy H2 which states that there is an expectation for all residential developments to achieve a minimum density of 30 dwellings should now be given limited weight. Instead any assessment will now only need to ensure any given scheme makes most efficient use of land and represents the maximum density compatible with the site's location.

- 5.4 It is considered that the proposal for 1 no. dwelling at 54 Coriander Drive, Bradley Stoke represents the maximum density compatible with the site's location. The row of terrace dwellings between no's 46-54 Coriander Drive is already of a fairly high density and it is not considered that the addition of another dwelling at the end of the terrace would lead to a significant loss of green space (as there are already single storey outbuildings on the proposed development site) or adversely impact upon the character of the local area.

### 5.5 Residential Amenity

#### Overbearing

The property is located on the south east facing side elevation and would have no overbearing impact on any property to the north, east or south due to there being no nearby properties on these sides. The existing dwelling would not experience an overbearing impact either as the new dwelling would add to the existing massing of the building and the rear extension is single storey and of a modest depth.

#### Privacy Analysis

A window is proposed at first floor level to the side elevation however this is a landing window and therefore a high level of overlooking would not be anticipated. In any case the nearest residential property is over 30 m away to the east.

To the rear of the site there are properties (no's 21-22 Coriander Drive) approximately 20 m from the rear windows of the existing property. It is not considered that the addition of another dwelling with similar fenestration would lead to a significant or undue loss of privacy. To the front, the nearest residential dwelling has a small window on its side elevation facing the front of the proposed dwelling, however this window is obscured as it already faces existing fenestration from the host dwelling and adjacent property.

### Amenity Space

It is considered that sufficient amenity space would remain for occupiers of the existing dwelling and the new 1 bedroom property.

### 5.6 Transportation

The Council's Highways Officer was consulted as a part of this application. Under Policy T8 of the Local Plan the Council will allow 'car-free' development in relatively accessible locations and this site lies within close proximity to: shops, schools, public transport and other services. The level of additional traffic generated by a 1 bedroom unit at this location is unlikely to have a material impact on highway safety and it is therefore considered that the proposal is acceptable. Cycle storage is also proposed to the rear of the property.

### 5.7 Design / Visual Amenity

The proposal consists of 1 no. new dwelling to be attached to the south east facing elevation of no. 54 Coriander Drive. The dwelling would be smaller than the neighbouring dwellings in terms of its width and the detailing (window cills, brickwork and render) to the property's front and rear mirrors that of the host dwelling except on a smaller scale. A front porch is also proposed which is similar to no. 54 and also other examples in the immediate vicinity. The property will be slightly set back from no. 54 which is in turn set back from properties 51-52 Coriander Drive. The property would be located off Coriander Drive at the end of a small off street parking area making it barely visible from the public realm. To the south east is substantial vegetation that would largely obscure views of the new property from Baileys Court Road. The proposed design is therefore acceptable and no harm would be caused to the visual amenity.

### 5.8 Drainage

No drainage details were submitted with the proposal and therefore a condition will be attached to the decision notice requiring surface water drainage details including SUDS (Sustainable Drainage Systems) be submitted to the Council prior to the commencement of development.

### 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 Use of Energy and Sustainability

Cycle and bin storage is to be provided to the rear of the new dwelling.

### 5.11 Improvements to Scheme

No improvements considered necessary.

### 5.12 Section 106 Requirements

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

## 6. CONCLUSION

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed dwelling would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed dwelling has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed dwelling is of an appropriate density that would make the most efficient use of land without adversely impact upon the character of the local area. The development therefore accords to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS3.
- d) The proposed dwelling would not have a material impact on highway safety and would represent an appropriate form of 'car-free' development. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. **RECOMMENDATION**

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

**Contact Officer: William 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

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

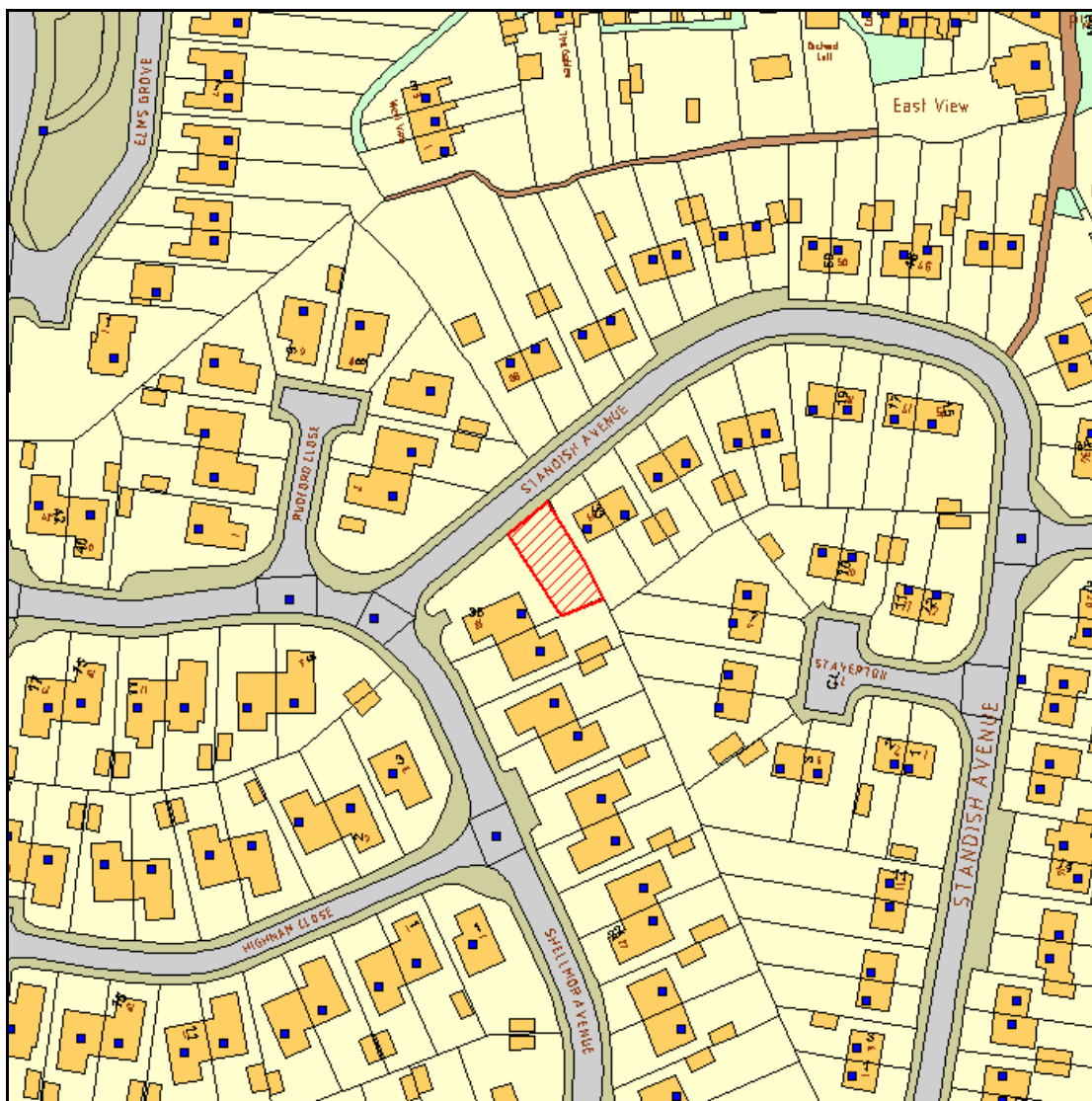
2. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and PPS25 Planning Policy Guidance.

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PT10/1164/F	<b>Applicant:</b>	Mr R Birkwood
<b>Site:</b>	36 Shellmore Avenue Patchway Bristol South Gloucestershire BS34 6AD	<b>Date Reg:</b>	25th May 2010
<b>Proposal:</b>	Erection of 1no detached dwelling with access and associated works (Amendment to previously approved scheme PT07/2276/F).	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360923 182281	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th July 2010



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**PT10/1164/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule List because objections have been received, which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 1no. detached dwellinghouse with an attached garage.
- 1.2 The application site comprises part of the residential curtilage of no. 36 Shellmor Avenue. The dwelling would be situated to the east of no.36 Shellmor Avenue and front onto Standish Avenue. The proposal forms an amendment to a previously approved scheme PT07/2276/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposal for Residential Development within Existing Urban Areas and Boundaries of Settlements  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards  
EP1 Environmental Pollution  
L17/L18 The Water Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)
- 2.4 Core Strategy – Planning for Future Development in South Gloucestershire Pre-Submission Publication Draft March 2010  
CS1 High Quality Design  
CS25 Communities of the North Fringe of Bristol Urban Area
- 2.5 Ministerial Statement on previously developed land and density issued 9<sup>th</sup> June 2010

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

- 3.1 PT07/2276/F, erection of 1no. detached dwelling, approval, 04/12/07.

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No comments received

#### 4.2 Transportation DC

No objection

#### 4.3 Local Residents

Three letters of objection have been received from neighbouring occupiers for the following reasons:

Out of keeping with the bungalows nearby;  
Loss of privacy;  
Would exacerbate off-street parking problems;  
Increase in congestion;  
Error in the application form regarding the Leylandii conifers.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved in new development. Policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 allow for the principle of new residential development within existing settlement boundaries and residential curtilages respectively, subject to design, residential amenity, transportation and environmental considerations. A local resident has queried how the ministerial statement issued on 9<sup>th</sup> June 2010 regarding the definition of brownfield land would affect this application. Policy H2 allows for residential development in principle in urban areas and, in conjunction with Policy D1, requires that new development respects the character of the area. The policy makes no reference to brownfield land or previously developed land, therefore, the statement does not significantly affect the application. Nevertheless, the impact of development on the character of an area is required to be fully considered in the existing policy framework.

#### 5.2 Design/Visual Amenity

The proposal adopts a chalet style bungalow design similar to the previous application and surrounding built form. Objections have been received on the basis that the proposed 2-storeys would not be in-keeping with the surrounding single storey bungalows. However, the proposal would be read in conjunction with the dwellings along Standish Avenue, which are 2-storey in height. The dwelling would respect the front building line of no. 33 Standish Avenue to the east and is considered to be acceptable in terms of siting. The main difference from the previous application is that the proposal has increased the number of bedrooms from 2 to 3. The additional accommodation proposed has been gained by altering the internal layout of the proposed dwelling, building to the side over the attached garage and increasing the length of the dwelling. This has resulted in an increase in the length of the dwelling from 7 metres to 8.7 metres and a decrease in width of the main dwelling from 5.5 metres to 5.35 metres and an increase in the ridge height from 6.2 to 6.6 metres. Amended plans have been received, which have addressed the Officers concerns regarding the form, proportions and layout of the proposed dwelling. The dwelling would be read in conjunction with the properties along Standish Avenue, which are semi-detached, horizontally proportioned and generously spaced. It is considered that the amendments would ensure that the proposed

dwelling would fit better in this context and would sufficiently respect the character of the streetscene in terms of design, scale, layout, siting and proportions. The amended plans have also addressed the detailing such as the location of the front dormer window and the size of the rooflights, which would be more sympathetic with the character of the existing built form. On this basis it is considered that the proposal complies with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

### 5.3 Residential Amenity

Objections have been received from neighbouring properties in Rudford Close. The neighbouring properties are orientated so that the rear elevations and gardens front Standish Avenue on the opposite side of the road to the application site. The residents have objected on the basis that the proposed front dormer window would introduce an unacceptable level of over-looking into their rear gardens. These concerns are noted, however, the proposed dormer window would be located approximately 15 metres from the curtilage boundary of these properties and approximately 22 metres from the dwellings. The level of separation between the proposed and existing development is considered to be sufficient to ensure any views across the neighbouring curtilage would not adversely affect the residential amenity of the occupiers.

In the previous application the relationship with the neighbouring curtilage to the rear was considered to be acceptable. Although the proposal has increased the size of the velux windows on the rear elevation, it is considered that on balance, the proposal would not have an adverse impact on the neighbouring property to the south of the application site. Although the velux windows would be located perpendicular to the rear neighbouring boundary, it is considered that the separation distance of approximately 8.5 metres is sufficient to ensure that, on balance, the proposal would not significantly impact the residential amenity of the neighbouring occupiers to the south in terms of loss of privacy.

### 5.4 Transportation

Concern has been raised by neighbouring occupiers on the basis of highway safety and parking issues. Whilst the proposal would introduce an additional bedroom to the previously approved application, it is considered that the proposed parking and access provisions are acceptable and the proposal would not have a significant adverse impact on highway safety or congestion. The Council Transportation Officer has not objections to the proposal.

### 5.5 Further Matters

The neighbouring comment regarding the numbering of the proposed dwelling is not a planning matter and therefore, requires no further consideration. Whilst it is noted that the application form incorrectly indicates that there are no trees in the application site, the row of 1.8 metre high Leylandii trees do not make a significant contribution to the character or distinctiveness of the locality and the removal of these trees is not material to the application.



## 5.6 Design and Access Statement

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

## 6. CONCLUSION

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

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

The Officers concerns regarding design have been addressed through the submission of amended plans. It is considered that the proposal would respect the siting, design, form, scale, layout and materials of the surrounding development and would be sympathetic to the character of the streetscene – Policies D1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

Concerns from local residents have been fully considered, however, it is considered that the proposal would not adversely affect the residential amenity of the neighbouring occupiers through loss of privacy or natural light- Policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed parking and access provisions are considered to be acceptable and would not have a negative impact in terms of highway safety or congestion – Policies T12, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## 7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

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

### CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2008 (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, G and H) , or any minor operations as specified in Part 2 (Class A), 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

In the interests of visual amenity and to protect the residential amenities of the neighbouring occupiers in accordance with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 25/10 – 2 JULY 2010**

<b>App No.:</b>	PT10/1366/F	<b>Applicant:</b>	Mr S Grant
<b>Site:</b>	20 Church Road Winterbourne Down Bristol South Gloucestershire BS36 1BX	<b>Date Reg:</b>	9th June 2010
<b>Proposal:</b>	Erection of two storey and single storey rear extensions to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365104 179553	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th July 2010



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**PT10/1366/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to letters of objection being received.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey and single storey rear extension at 20 Church Road, Winterbourne Down. The extensions have a depth of 3.5m and the ridge height of the two storey element is 6m, just below the ridge height of the existing cottage. The extension allows for a 0.6m gap between the adjoining property but extends the remaining width of the dwelling. All materials (render/tiles) are to match the existing cottage. The existing and large conservatory is to be demolished to make way for the development.
- 1.2 The application site is an end-terraced character cottage with off-street parking to the front of the site and no rear vehicular access. The site lies within the settlement boundary of Winterbourne.

### **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,  
Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New  
Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)
- 2.4 Emerging Policy  
South Gloucestershire Core Strategy Pre-Submission Publication Draft March  
2010  
CS1 High Quality Design

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Object to the proposal on the following grounds:-  
a) Over-development of site;  
b) Size;  
c) Out of character;

d) Disrupt the street scene.

Request the application be called in for Sites Inspection.

4.2 Sustainable Transport

No objection.

4.3 The Winterbourne Down Society

Object to the proposal on the grounds that it is out of proportion to the row of cottages.

4.4 Local Residents

17 letters have been received, 3 in support of the application (all of which are anonymous), and 14 objecting. Those in **support** state the following:-

- a) extension is not overly large or out of character;
- b) front elevation has been left intact;
- c) rear of the property not overly visible;
- d) extension is in proportion;
- e) several extensions have been permitted in the road;
- f) people should be allowed to extend their house with growing families and house prices.

Those **objecting** are on the following grounds:-

- a) loss of light;
- b) devaluation of property;
- c) loss of character;
- d) out of keeping;
- e) overshadowing;
- f) upset balance of rank;
- g) increased accommodation results in more parking;
- h) lack of parking;
- i) accuracy of drawings;
- j) visible over large area;
- k) set a precedent;
- l) cottages are not townhouses;
- m) the property has a large side extension but this has not affected the balance of the rank;
- n) out of proportion;
- o) loss of views.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In assessing applications for residential extensions, Policy H4 of the adopted South Gloucestershire Local Plan is particularly relevant. This policy permits such extensions provided the scale, size, massing and design is in keeping with the character of the existing property and street scene; does not adversely affect the residential amenities of neighbouring occupiers; retains adequate amenity space and does not compromise highway safety.

## 5.2 Design

It is considered that the application, on balance, accords with the above policy criteria. The scale of the extension is relatively small. The proposal has a floor area of approximately 22m, only 2m greater than existing as it replaces the existing conservatory and most of the lean-to. Although it is recognised that the extension incorporates a gabled elevation and has a shallow roof pitch, this is due to the very limited height of the existing cottage at 6.1m and the eaves height are to match. The proposal does not represent an over-development of the site as the garden is still over 14m in length. Although the site occupies an elevated position when viewed from the rear, it is not considered to have an adverse impact upon the street scene. The extension will be read against the existing terrace of four cottages and will not result in an overly dominant feature due to the limited width and depth of the proposal.

## 5.3 Residential Amenity

Due to its limited depth and height it is considered that any overbearing impact or loss of light will not be to such an unacceptable degree to warrant a refusal or substantiate a refusal on appeal. In terms of privacy issues, no windows are proposed in the side elevations at ground or first floor level, ensuring that no loss of privacy will occur. This will also be a condition of any consent. All materials (painted render and pantiles) are to match the existing cottage.

5.4 With regard to garden area, adequate private amenity space in excess of 112 square metres will remain.

## 5.5 Transportation

Access/parking arrangements are unchanged by the proposal, with at least two off-street parking spaces located to the front of the property. This complies with the Council's maximum parking standards and is acceptable.

## 5.6 Other Issues

With regard to devaluation of property, this is not a relevant planning consideration and neither is loss of view. In terms of the issue of precedent, each application is assessed on its own merits. Finally, the drawings are considered to be of adequate standard to formally determine the application and are drawn to scale. The application is therefore in accordance with the adopted local plan and supplementary planning guidance and is acceptable.

## 58 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 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.
- 6.3 The recommendation to grant permission is for the following reasons:-
1. The proposed extension due to its limited size, depth and design is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The development has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. **RECOMMENDATION**

- 7.1 Planning permission be granted.

**Officer Contact:** 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  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at first floor level in the side elevations of the two storey extension hereby permitted.

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