



**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. 32/11**

**Date to Members: 19/08/11**

**Member's Deadline: 25/08/11 (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 you 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.

**Dates and Deadlines for Circulated Schedule**  
**During August Bank Holiday Period 2011**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
33/11	Thurs 25 August 2011	Thurs 01 Sept 2011

Above are details of the schedule that will be affected by date changes due to August Bank Holiday.

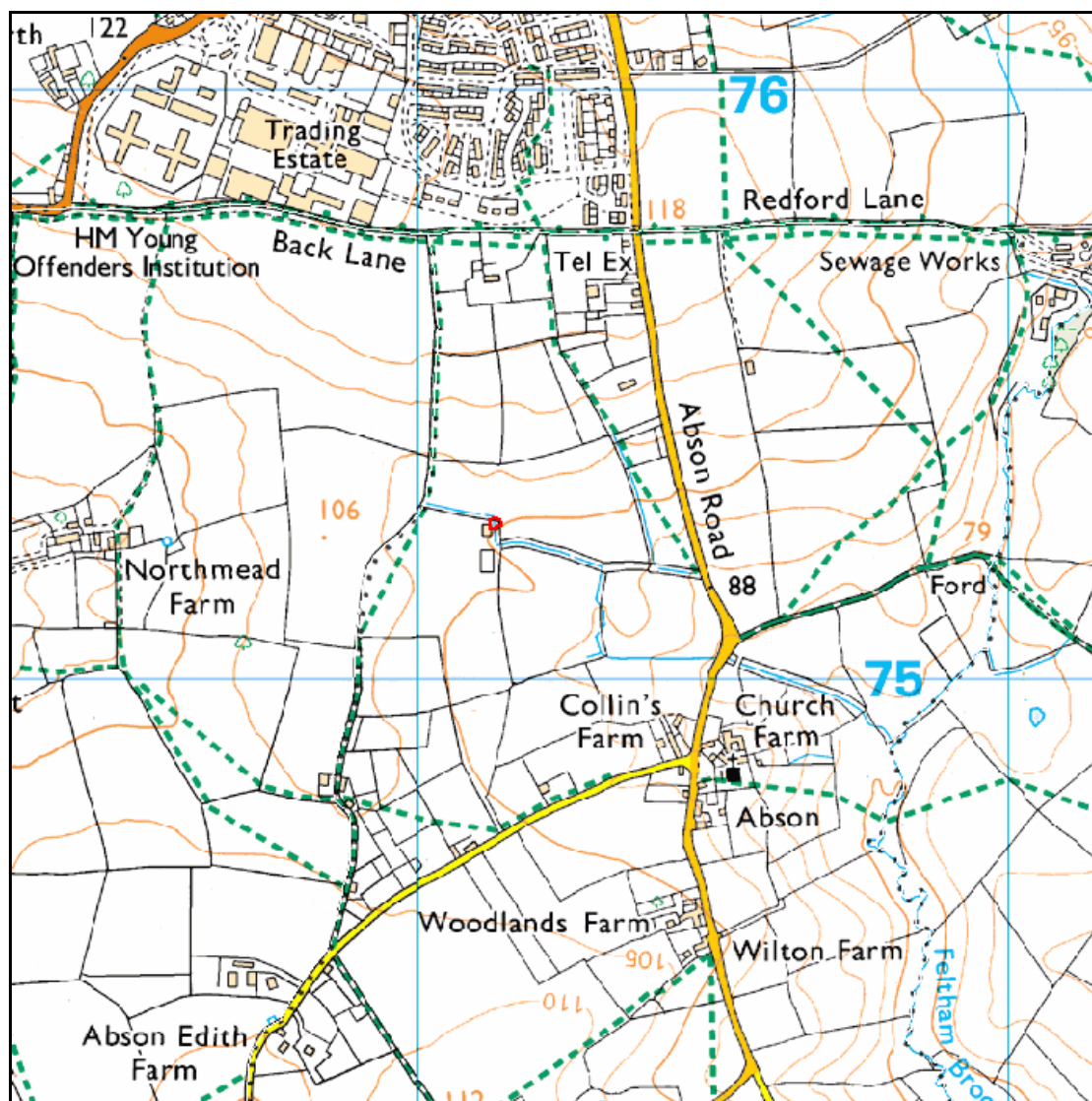
All other schedules during this period will be published as normal on Fridays.

# CIRCULATED SCHEDULE - 19 AUGUST 2011

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK11/0956/CLE	Approve with Conditions	Abson Stables Abson Road Wick South Gloucestershire BS30 5TT	Boyd Valley	Wick And Abson Parish Council
2	PK11/1832/F	Approve with Conditions	Oxleaze Farm Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	Cotswold Edge	Hawkesbury Parish Council
3	PK11/1982/R3F	Deemed Consent	Staple Hill Primary School Page Road Staple Hill South Gloucestershire BS16 4NE	Staple Hill	None
4	PT11/1714/F	Approve with Conditions	Box Hedge Farm Boxhedge Farm Lane Westerleigh South Gloucestershire BS36 2UW	Westerleigh	Westerleigh Parish Council
5	PT11/2074/F	Approve with Conditions	11 Magnolia Gardens Almondsbury South Gloucestershire BS32 4FT	Almondsbury	Almondsbury Parish Council
6	PT11/2075/EXT	Approve with Conditions	Land To The Rear Of 161 Roundways Coalpit Heath South Gloucestershire BS36 2LU	Westerleigh	Westerleigh Parish Council
7	PT11/2222/TCA	No Objection	Frenchay Lodge West Beckspool Road Frenchay South Gloucestershire BS16 1NT	Frenchay And Stoke Park	Winterbourne Parish Council
8	PT11/2273/F	Approve with Conditions	39 Braemar Avenue Filton South Gloucestershire BS7 0TF	Filton	Filton Town Council

## CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011

<b>App No.:</b>	PK11/0956/CLE	<b>Applicant:</b>	Mr And Mrs Moulder
<b>Site:</b>	Abson Stables Abson Road Wick Bristol South Gloucestershire	<b>Date Reg:</b>	4th April 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use of stables as dwelling house (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370443 174934	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th May 2011



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100023410, 2008.

**N.T.S.**

**PK11/0956/CLE**

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

This application is reported on the Circulated Schedule due to the standing procedure in dealing with applications for Certificates of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks to prove that Abson Stables, Abson Road, has been occupied residentially, for a period exceeding the prescribed period of 4 years prior to the submission of this application. The application was received on 24<sup>th</sup> March 2011 and the applicant states that part of the building has been used as a residential dwelling since July 2005.
- 1.2 A site visit was initially carried out on 12<sup>th</sup> April 2011. This revealed that there was a dwelling within a building that externally, appeared to be agricultural in design. The dwelling has two bedrooms and a bathroom upstairs and a kitchen, living room and wc on the ground floor.
- 1.3 As identified on the plan received by the Council on 24<sup>th</sup> March 2011, the residential curtilage associated with the dwelling, is to the north of the site, this area is currently grassed with a gravel path along the front of the building. Childrens play equipment such as a trampoline and swing are located within this area. The remainder of the land owned by the applicant is not subject to the certificate. As part of the certificate of lawfulness, consideration is also given to whether, sufficient evidence is available to demonstrate that the land mentioned above has been used as residential curtilage for of 4 years period prior to the submission of the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (Development Management Procedure) Order 2010 Article 35. Circular 10/97 Enforcing Planning Control

### **3. PLANNING HISTORY OF SITE**

- 3.1 PK02/3242/F Change of use from agricultural to the keeping of horses. Erection of stable block and riding arena. Refused December 2002
- 3.2 PK03/1769/F Change of use from agricultural to the keeping of horses. Erection of stable block and agricultural store and riding arena. Approved August 2003
- 3.3 PK04/3628/F Conversion of barn to stable (retrospective) and erection of barn. Relaxation of conditions 5 and 8 attached to previously approved PK03/1769/F. Approved April 2005

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

- 4.1 Seven statutory declarations have been received in support of the application – two statements signed by Ann-Marie Moulder, and statements signed by Carolyn Hibbitt-Taylor, Nicola Ellen Lavington, Lewis John Hook, Grace Chadwick and Cherise Leaver. Each of these seven statements will be detailed in turn below: In addition, during the course of the application a additional letters were submitted by Ann-Marie Moulder.
- 4.2 Statement One – signed on 15<sup>th</sup> March 2011  
The statutory declaration by Ann-Marie Moulder, the current occupier of the dwelling at Abson Stables. She claims to live in part of the barn which has been converted into a dwelling and has done so since July 2005. She purchased the land with her parents in August 2002 and gained planning permission for the stables and arena in August 2003. A further retrospective application to change the use of the barn to stables and amend certain conditions was approved in April 2005.
- 4.3 Following an episode when a horse had colic and almost died, Mrs Moulder and her husband (now working as an equine dentist) stayed in a horse box on site for a while, it was then decided that part of the building should be converted to create more permanent living accommodation on the site. It is stated that work began to create a separate dwellinghouse from late 2004.
- 4.4 Mr and Mrs Moulder moved into the dwelling in early July 2005, it was adequate self contained living accommodation comprising a living area, kitchen and WC on ground floor and a bedroom at first floor level. The kitchen and much of the furniture were provided by friends and family. The kitchen units and a stone floor were later laid following a burst water pipe.
- 4.5 In mid 207 solid wooden gates were installed to improve security. An invoice for the gates, gateposts and ironmongery has been provided as supporting evidence.
- 4.6 Electricity is supplied by a generator, there is no mains gas connection, the main source for fuel for cooking, hot water and heating is propane gas. Invoices for the delivery of propane gas have been submitted as supporting evidence.
- 4.7 Statement Two – Signed on 18<sup>th</sup> July 2011  
An updated statutory declaration by Ann-Marie Moulder. The statement omits one line from paragraph 8, stating that the conversion took several months and lots of hard work from late 2004, and includes an additional paragraph which states that the land to the north of the dwelling outlined in red has been used as a domestic garden in connection with the dwelling at all times since the dwelling was first occupied in July 2005.
- 4.8 Statement Three – signed on 15<sup>th</sup> March 2011  
The second statutory declaration has been submitted by Carolyn Hibbitt-Taylor, a close friend of Ann-Marie Moulder and owner and manager of a livery business at Northwoods Farm, Winterbourne.

- 4.9 It is stated that she first met Ann-Marie Moulder in 2006 at a horse show, they have become friends and Alex Moulder has become her equine dentist. Since becoming friends she has spent many evening and weekends at both her home and Mr and Mrs Moulders home, Abson Stables.
- 4.10 The statutory declaration is concluded with the statement that all the times that Ms Hibbitt-Taylor has been to Ann-Marie and Alex Moulders house, they have lived in a self contained section of the barn.
- 4.11 Statement Four – signed on 15<sup>th</sup> March 2011  
A statutory declaration of Nicola Ellen Lavington, a close friend of Ann-Marie Moulder and family since 1992. It is stated that she started to help the family convert part of the barn in early 2005 and has been a regular visitor to the dwelling since, attending parties, sunday lunches and occasionally staying overnight.
- The declaration is concluded with the statement that to her personal knowledge Ann-Marie and Alex Moulder have resided at the property continuously since 2005 and remain in occupation at this time.
- 4.12 Statement Five – signed on 15<sup>th</sup> March 2011  
A statutory declaration of Lewis John Hook, a maintenance engineer based at 16 Concorde Road and a close friend of Alex Moulder since meeting at primary school in 1986.
- 4.13 It is stated that Mr Hook has regularly visited Alex and Ann-Marie Moulder at Abson Stables and occasionally stayed over night, since they first moved in, in July 2005
- 4.14 The declaration is concluded with the statement that it is clear to Mr Hook that Ann-Marie and Alex Moulder have resided at the property at all times since 2005 and remain in residence at this time.
- 4.15 Statement Six – signed on 15<sup>th</sup> March 2011  
A statutory declaration of Grace Chadwick, mother of Alex Moulder. It is stated that Mrs Chadwick and her husband first visited Abson Stables in January 2005 to watch Ann-Marie Moulder riding her horses. In early June 2005 Mrs Chadwick and her husband started helping to convert a section of the barn into a separate dwelling.
- 4.16 Over a number of weeks Mr and Mrs Chadwick spend free time working with others on the conversion to make it habitable. Parts of the kitchen were made from their old kitchen and the sink was given by Mrs Chadwick's brother. Mr Chadwick plastered the walls and they helped to paint and decorate.
- 4.17 It is stated that Alex and Ann-Marie Moulder moved into the dwelling in July 2005 and they attended a barbeque at the property soon after.
- 4.18 The declaration is concluded with the statement that it is clear to Mrs Chadwick that Ann-Marie and Alex Moulder have resided at the property at all times since 2005 and remain in occupation of the dwelling with their children at this time.



4.19 Statement Seven – Signed on 25<sup>th</sup> February 2011

A sworn statement of Miss Cherise Leaver. It is stated that Miss Leaver is a close friend of Mrs Moulder and has been a frequent visitor to Abson Stables since Mrs Moulder and her family bought the land and erected buildings in 2003/2004. In 2005 Miss Leaver helped to complete and furnish the dwelling, she has also sometimes stayed overnight at the property.

4.20 It is stated that Miss Leaver attended a moving in party and a 1<sup>st</sup> birthday party at the residence in July 2005 and regularly visited Alex and Ann-Marie Moulder at Abson Stables during 2003/2004.

4.21 The declaration is concluded with the statement that it is clear to Miss Leaver that Ann-Marie and Alex Moulder have resided at the property continuously since July 2005.

4.22 Additional Statement 1

During the course of the application Ann-Marie Moulder submitted a further letter dated 16<sup>th</sup> May 2011. The letter clarifies that Mrs Moulder was staying in the horse box on site at the time that the revised planning application PK04/3628/F was submitted and not in the converted building. Mrs Moulder goes on to state that whilst there were discussions with her parents regarding more permanent living accommodation at the site, no actual decision was made until April 2005 after the revised application had been determined.

4.23 The letter states that some physical work was undertaken to clear debris and landscape the site during 2004 and early 2005 but this work was related to the implementation of the approved plans. The physical work to the interior of the building to create living accommodation began in May 2005. It is stated that this is confirmed by the invoice from M.D. Williams dated 24<sup>th</sup> May 2005.

4.24 The invoice from M.D Williams related to the installation of the first floor and fundamental work needed to be done by a builder, the unskilled work such as painting and decorating was undertaken by family and friends and this was undertaken alongside and after the structural work in May 2005.

4.25 Mrs Moulder states that no planning application for the conversion of part of the building to a dwelling was submitted at the time because they did not think such an application was likely to be successful.

4.26 Mrs Moulder states that she was not aware at the time that the dwelling could be made lawful after four years by way of an application for a certificate of Lawfulness, this only became apparent after seeking advice from a planning consultant in October 2010. Mrs Moulder goes on to state that it could not have been her intention to seek a Certificate of Lawfulness for the dwelling before October 2010 as she was not aware that it was possible. Mrs Moulder only sought the advice of a planning consultant because they heard rumours that somebody had reported to the council that they were living at the site and they expected an enforcement notice.

4.27 Additional statement 2

Mrs Moulder submitted a letter, received 14<sup>th</sup> June 2011, stating that the land to the north of the dwelling, outlined in red on the submitted plan No. 2229/02 has been used as a domestic garden in connection with the dwelling at all times since the dwelling was first occupied in July 2005.

4.28 The letter goes on to state that the garden has been used for drying clothes, dining out, an area for the children to play and for the cultivation of flowers and vegetables since July 2005.

4.29 Other Evidence

In addition to the six statutory declarations detailed above, a number of invoices for works and gas supply delivery notes have been submitted. The Bristol Gas Supplies Ltd delivery notes cover a period from 15<sup>th</sup> August 2005 to 2<sup>nd</sup> February 2011 each of these delivery notes is addressed to Abson Road. The delivery notes do not cover the complete period and there are gaps of several months for example there are no delivery notes for the period between 18<sup>th</sup> April 2006 until 16<sup>th</sup> October 2006 or between 19<sup>th</sup> March 2007 and 10<sup>th</sup> December 2007, similarly there are no delivery notes for the period between 10<sup>th</sup> March 2010 and 13<sup>th</sup> October 2010.

4.30 The agent submitted additional information with regard to the gaps in deliver notes for the propane gas on 25<sup>th</sup> May 2011, stating the following:

4.31 Firstly, the delivery notes submitted are not intended to be a complete and definitive record of all the propane gas cylinders which have been delivered to the site over the past five years. The applicants did not appreciate that these delivery notes might one day be needed to support an application for a Certificate of Lawfulness and it was just a matter of good fortune that the delivery notes were kept. The delivery notes record that bottles of gas were delivered in quantities of 1, 2, or 4 bottles. During the summer months, one bottle might last for about 3-4 weeks. During the winter, a bottle may only last 1-1.5 week. It is therefore not really surprising that there are few delivery notes during the summer months and more in the winter months.

4.32 The email went on to state that the applicants had a small (2.5kw) diesel generator at first, which was later replaced by a larger (5kw) diesel generator. The property was connected to mains electricity late in 2010. The diesel generator provided electric lighting and the ignition and pump for the boiler. It was also used to power an electric heater. The propane gas was (and is) only used to provide hot water, central heating and cooking. As such the propane gas was (and is) not the sole source of energy for the dwelling.

4.33 An invoice from M.D Williams dated 24<sup>th</sup> May 2005 addressed to Mr Moulder at The Stables, Abson Road, for internal structural works, including beams, staircase, insulation and plastering of walls.

4.34 An invoice from Thompson Carpentry dated 29<sup>th</sup> June 2005 addressed to Mr Moulder at The Stables, Abson Road, for doors, architraves and skirting.

- 4.35 An invoice from Thompson Carpentry dated 4<sup>th</sup> August 2006 addressed to Mr Moulder at The Stables, Abson Road, for kitchen units.
- 4.36 An invoice from N. M. Hunt Flooring dated 10<sup>th</sup> July 2005 addressed to Mr Moulder at The Stables, Abson Road, for a carpet for the lounge.
- 4.37 A written receipt from Sue Griffiths dated 5<sup>th</sup> July 2005 addressed to The Barn, Abson for curtains for the lounge, large bedroom and small bedroom.
- 4.38 A sales invoice from Fountain Timber Products Ltd for gates, gate posts and bolts, dated 19<sup>th</sup> September 2007 addressed to Mrs White, The Green, Wick and delivered to Abson Stables.
- 4.39 In addition to the above, an email and two photographs have been received during the course of the application from the applicants agent to demonstrate the use of the land to the north as residential curtilage.
- 4.40 The two photograph submitted are taken in the area to the north of the dwelling and whilst the date of the photographs is unknown the stable block is not visible to the north, which show the images were taken before this was erected. Furthermore it is stated that the applicants child appears to be one year old which would date the photo at late spring early summer of 2007. The email highlights the exhaust to the boiler, garden furniture and the barbeque shown in the image.
- 4.41 A letter dated 16<sup>th</sup> May was submitted by the applicants agent, Willis and co. outlining why the case is considered to be different from the case of Beesley v Welwyn and Hatfield Borough Council. It is stated that the facts are quite different in the two cases, whilst it is fair to say that the applicants have not advertised their presence to the council or the wider public, the planning applications that have been submitted were not misleading and have been implemented in accordance with the approved plans, which was not the case in the Beesley case. The letter goes on to state that Mr Beesley set out from the beginning to mislead the council with the intention of seeking a certificate of lawfulness after 4 years. The letter concludes by stating that this was not the case here and that the applicants were not aware of the 4 year rule and therefore did not set out on this course from the beginning.

## **5. SUMMARY OF CONTRADICTIONARY EVIDENCE**

- 5.1 Following the consultation process, eleven letters from local residents have been received. These are detailed in turn below:
- 5.2 A local resident Mr Priest from the village of Abson has sent an objection to the proposal dated 27<sup>th</sup> April 2011. He is of the opinion that the Council has a duty to police and implement national and local planning regulations and to keep check on unauthorised and inappropriate development. Mr Priest also raises concerns about the piece by piece breaking up of agricultural land.
- 5.3 Mr Priest expressed concern that it may be considered highly questionable whether the barn has been used as a residence for the past four years and if it

- has then it may be seen by an observer that the occupiers have gone out of their way to conceal the fact with the intention of deliberately circumventing the planning process. He also raises the recent legal case Alan and Sarah Beesley v Welwyn and Hatfield Council.
- 5.4 Further concerns were raised regarding the suitability of close friends and family as witnesses as they could inadvertently and unintentionally be biased. It is assumed that the Council would check that the normal utilities commensurate with a residential dwelling have been paid including Council Tax. Furthermore it is noted that the fact that materials supplied and fitted to a property that may be considered part of 'a normal dwelling' do not make the property a dwelling. It is also questioned whether propane gas would be used to keep the stables warm for horses.
- 5.5 The resident of Collins Farm, Abson submitted a letter dated 28<sup>th</sup> April 2011 and raised the following comments. The barn in question can be clearly seen from Collins Farm which is two fields away and the site is viewed close up over the hedge when dogs are walked there most days. At no time has there been any evidence of the conversion to a dwelling, it is therefore obvious that the deliberate purpose of the owners was to make the conversion in secret and flout the planning laws. The letter continues to suggest that should the application be approved there would be attempts locally to get permission for residential development in the Green Belt by the back door.
- 5.6 Mr and Mrs Chalmers residents of Abson have sent objections to the proposal dated 15<sup>th</sup> May 2011. Both objections have highlighted the objections to the previous application at the site, Pk02/3242/F, PK03/1769/F and PK04/3628/F and Mr Chalmers goes on to state that reference should be made to the recent court action quoting Lord Brown;  
"on any possible view the whole scheme was in the highest degree dishonest and any law abiding citizen would be not merely shocked by it but astonished to suppose that once discovered, instead of being enforced against, it would be crowned with success and Mr Beesley entitled to a certificate of lawfulness use to prove it. The dishonesty involved in this case appeared to constitute a category all of its own in this area of the law."
- 5.7 Mr Chalmers continues to state that if the council are unable to make a firm stand against this application, it will open the flood gates. It is also stated that despite the support of Green Belt law, residents of Abson are constantly fighting to uphold Policy RP61 North Avon Rural Areas local Plan.
- 5.8 Mrs Chalmers raises concern regarding the demise of the field which is now by virtue of its scale and location considered to detract from the visual amenity and open character of the Green Belt. Mrs Chalmers goes on to question whether the council could issue 'agricultural use only certificates' to reduce the applications for change of use for horses, building of stables and deception of residential use.
- 5.9 On 16<sup>th</sup> May 2011 Mr Stone submitted a general observation in response to the application, stating that he doesn't agree with what the applicants have done

- and considers that they need to build a strong legal case to convince the council of their position.
- 5.10 Mr Upton sent an objection to the proposal on 16<sup>th</sup> May 2011, stating that the application is clearly a case of misrepresentation and the element of deceit needs to carry considerable weight. It is stated that all the changes have been made with complete dismissal of the restrictions placed on the original application, with no consideration of the destruction of the Green Belt.
- 5.11 Mrs Upton sent an objection to the proposal on 16<sup>th</sup> May 2011, stating that several objections were made when the previous applications were submitted and outlines the previous objections. Mrs Upton goes on to state that reservations were made at this time that eventually a residential certificate of lawfulness would be submitted.
- 5.12 Mrs Upton raises concern regarding the impact on the Green Belt and urges the council to examine and give weight to the recent case highlighted in the Daily Mail where a barn was converted into a luxury home. It is considered that deception is definitely a material consideration.
- 5.13 Mr Curry sent an objection to the proposal on 17<sup>th</sup> May 2011, stating that he hopes that the planning committee show a strong hand and with the recent case highlighted in the Daily Mail, refuse the application.
- 5.14 Mr Jones sent an objection to the proposal on 24<sup>th</sup> May 2011 stating that the proposal is an attempt to circumvent planning law and that there is clear legal precedent to reject cases such as this where concealment has been used to try to pervert the planning process. The email goes on to state that it is abundantly obvious that the so called dwelling has been concealed inside a barn, prima fascia it is concealment therefore illegal development.
- 5.15 Jenny Cole from Wick sent a general observation regarding the proposal on 4<sup>th</sup> May 2011 stating that the conversion must have been kept very secret, as friends that have lived in Abson a very long time were surprised by the application. The similarity to the recent newspaper case was also raised.
- 5.16 An objection from Jenny White, Wick, was received on 5<sup>th</sup> May 2011 highlighting similarities with the Beasley case and expressing surprise that the parish council are so neutral on the application. Ms White also highlights that near neighbours of the application site were unaware of the conversion.

## **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Wick and Abson Parish Council  
The Parish Council have no contra evidence in this case but wish to register our strong concern at yet another instance of unauthorised conversion of stables into living accommodation.

## 7. ASSESSMENT

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding 4 years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 Dealing with the latter point from above first, there is no Enforcement Notice in force for the site.

### 7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account.

### 7.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 The tests in this case are considered to be whether the dwelling was occupied for the prescribed 4 year period. If this is the case then the future occupation of the site on a residential basis would be immune from enforcement action and

be lawful. In addition to this, the claim for the curtilage area for the building also needs to be examined, particularly with regard to aerial photography. The four year rule also applies in this case, since any curtilage would have to be incidental to the enjoyment of the dwellinghouse in order to qualify. Lastly, this case needs to be compared with the Beesley case. This examination is outside the planning legislation and the relevant tests, as it has been put forward that 'fraud' and 'deliberate deceit' have been used and therefore the comparison between the cases needs to be on the basis of the applicant's motivation and advice given by their agent.

7.6 When was the site capable of residential use?

Answering this question is considered to be the key to determining whether the site has been used residentially for a continuous four-year period. In this regard, the evidence presented by Mrs Moulder and the statutory declarations presented by Ms Lavington, Mr Hook and Mrs Chadwick are considered to be clear and precise, where they claim that the site was converted and occupied residentially in July 2005. Further independent evidence is supplied in the form of an invoice for internal structural works, including beams, staircase, insulation and plastering of walls, dated May 2005, an invoice for carpentry and carpets dated June 2005 and July 2005 respectively and a written receipt for curtains dated July 2005.

7.7 There is no counter evidence to suggest that the building was not capable of residential use in 2005 as stated by the applicants.

7.8 It is considered therefore that on the issue of the site's capability of sustaining residential use, the evidence points to the fact that it is more probable than not that the building was capable of residential use in July 2005. The residential curtilage issue will be examined later.

7.9 How long has the site been used residentially?

Having established that the building was indeed capable of residential occupation at the start of the claimed four-year (actually from as early as 2005), the pertinent issue is whether it was put to this use. The statutory declarations submitted by Ann-Marie Moulder, Nicola Ellen Lavington, Lewis John Hook, Grace Chadwick and Cherise Leaver, all state that the building has been occupied by Mr and Mrs Moulder continuously since July 2005 and Carolyn Hibbitt-Taylor states that the Moulders have lived at the Stables since she has known them (2006). This evidence is considered to be clear and unambiguous.

7.10 No counter evidence in the form of statutory declaration has been received. Several letters of objection have been submitted in letter form. As explained at 7.4 above, this evidence should be given less weight than that in the statutory declarations. It is still evidence, however and does form part of the assessment of this application.

7.11 Several letters of objection have been received highlighting concerns with the proposal, such as the loss of agricultural land and the impact on the Green Belt. It should be noted that these issues can not be taken into consideration as part of this current application, as the purpose of this application for a Certificate of Lawfulness is to establish whether or not sufficient evidence is available to

demonstrate that the land and building have been used as a residential dwelling and curtilage for of a 4 year period prior to the submission of the application. As such, this is not a Planning Application but is an assessment of the evidence submitted, and therefore the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

- 7.12 With regard to contrary evidence, the resident of Collins Farm, Abson has stated that at no time has there been any evidence of the conversion to a dwelling. The barn in question can be clearly seen from Collins Farm which is two fields away and the site is viewed close up over the hedge when dogs are walked there most days.
- 7.13 It is noted that there are no dwellings immediately next to the site. The area features sporadic housing in a predominantly agricultural setting. The site is also set well away and not visible from Abson Road. Given the height of the hedgerow between the building and the field to the north, together with the fact that the only exterior changes would have been the addition of two rooflights and the rear glazing which can be closed off by large wooden doors which are agricultural in design, it is considered that the dwelling is well screened and not highly visible from outside of the site. It is therefore considered possible that the building could have been occupied for the stated number of years without the surrounding dwellings being aware of it.
- 7.14 Curtilage issues  
Case law has established that the ground which is used for the comfortable enjoyment of a house or other building may be regarded in law as being within the curtilage of that house or building and thereby as an integral part of the same although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house or building in some necessary or reasonably useful way.
- 7.15 The extent of the curtilage under consideration as part of this application is shown on the block plan and the plan attached to the statutory declaration of Mrs Ann-Marie Moulder dated 18<sup>th</sup> July 2011.
- 7.16 In her statutory declaration, Mrs Ann-Marie Moulder confirms that the land as shown on plan 2229/02 has always been used ancillary to the residential occupation of the stables at all times since the dwelling was first occupied in July 2005. On visiting the site it was apparent that the area set out as curtilage was grassed and a childrens trampoline and swing were situated to the northern and eastern boundaries. In addition to Mrs Moulders Statutory declaration, two images have been submitted, the date of these images is unknown and as such these pictures can be given limited weight. No contrary evidence has been put forward to dispute this claim or make Mrs Moulders version of events less than probable.
- 7.17 Comparison with the Beesley case  
Several of the letters of objection received highlighted the similarity of the case with the Beesley Case. The judgement in the Beesley case refers to fraud in that planning permission was approved for the erection of an agricultural



building, but as it was constructed, a dwelling was created inside that approved building. With regard to the current application, the stable building was already in place and a small section was later converted (according to the evidence submitted with the application) to residential use. This is considered to be a significant difference between the two cases. In the Beesley case, the fraud was perpetrated when the public expectation of an agricultural building was not met, as a residential building was actually built instead. In this case, the application building was initially erected as an agricultural store in accordance with planning approval PK03/1769/F, an application was later submitted and approved in March 2005 to regularise the use of this agricultural store as stables, reference, PK04/3628/F. Part of the stable block was then at a later date converted to facilitate the existing residential use.

7.18 In Beesley, it was held that it was necessary in that case to prove a ten year period of use as a dwelling. That was because the building was never used as a barn and consequently there had been no change of use from a barn to a dwelling (in respect of which it would only have been necessary to prove a 4 year period of use as a dwelling). However, in this case there appears to have been a subsequent change of use after the barn was constructed and the approval for the change of use to stables and therefore it is necessary to prove a 4 year period of use.

7.19 The other factor in the Beesley case was deliberate deceit. The deceit that has been alluded to in the above case, was that the planning permission appeared to have been implemented correctly from the outside of the building, while the interior (where the planning system only relates to its use) was constructed to support a residential use. As such, the appearance of the building was correct, while the use of the interior was not in accordance with the approval and this was considered to amount to deceit. In contrast to this, with regard to the current application at Abson Stables, the applicants gained retrospective planning permission for the stables and later converted a section for residential use. It is stated that the applicants were unaware of the four year rule and therefore did not set out from the beginning to gain this. They were however aware that planning permission was unlikely to be granted for the dwelling and as such did not advertise their presence to the council or surrounding residents. Consequently it is considered that the current application and the Beesley case do have significant differences.

## **8. CONCLUSION**

8.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, that the dwelling and its residential curtilage as shown on plan 2229/02 has been occupied residentially as a single dwelling for a period exceeding four years. Evidence has been submitted both in support of and against the certificate. However, the evidence of those objecting to the certificate of lawfulness is based largely on observations of the site and there is no evidence of any internal investigations of the building. Given the relatively isolated siting of the dwelling combined with the fact that the applicants have not advertised their presence, on the

balance of probability it is accepted that that the residential use has occurred for a continuous period in excess of four years.

## **9. RECOMMENDATION**

9.1 That the Certificate of Lawfulness is granted.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865207**

Objectively and on the balance of probability, according to the submitted evidence, that the dwelling and its residential curtilage as shown on plan 2229/02 has been occupied residentially as a single dwelling for a period exceeding four years. Evidence has been submitted both in support of and against the certificate. However, the evidence of those objecting to the certificate of lawfulness is based largely on observations of the site and there is no evidence of any internal investigations of the building. Given the relatively concealed siting of the dwelling combined with the fact that the applicants have not advertised their presence, on the balance of probability it is accepted that that the residential use has occurred for a continuous period in excess of four years.

**CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PK11/1832/F	<b>Applicant:</b>	Mr Richard Chancellor
<b>Site:</b>	Oxleaze Farm Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	<b>Date Reg:</b>	15th June 2011
<b>Proposal:</b>	Erection of detached residential annex ancilliary to main dwelling (Resubmission of PK11/0555/F)	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	376184 188283	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th August 2011



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 100023410, 2008. **N.T.S.** **PK11/1832/F**

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

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a single storey detached building within the existing domestic curtilage for use as an annex ancillary to the occupation of the main farmhouse.
- 1.2 Information submitted with the application advises that the farm has been within the ownership of the applicant's family since 1941 and that the farm is currently run by applicants and their two sons who currently all reside in the farm house. Due to illness, the applicant is likely to have to reduce his day to day running of the farm and progressively hand over to his sons. The annex would enable the applicant to still live at the farm and to work on the farm when he is able. This would enable his sons and their families to reside in the main farmhouse to continue to run the farm.
- 1.3 This application is the resubmission of a previously withdrawn application PK11/0555/F. The previous application was withdrawn prior to determination due to concerns raised by the Councils conservation officer. Since the withdrawal of the previous scheme the proposed siting of the annex has been amended and additional information received.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Planning for the Historic Environment

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- H4 Development within Residential Curtilages
- T12 Transportation Control
- L13 Listed Buildings

South Gloucestershire Core Strategy (Submission Draft) Dec 2010

- CS1 High Quality Design

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

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

- 3.1 PK11/0555/F           Erection of single storey detached annex ancillary to the main dwelling.  
Withdrawn April 2011

- 3.2 PK09/5629/CLE Application for Certificate of Lawfulness for an existing use of land as residential curtilage.  
Approved December 2009

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

- 4.1 Hawkesbury Parish Council  
No Objection but would like to ensure that the annex is tied to the main dwelling and that materials are conditioned.
- 4.2 Councils Drainage Engineer  
No Objection subject to the details set out in appendix D of the design and access statement
- 4.3 Councils Conservation Officer  
No Objection subject to the attachment of conditions

#### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received from a local resident. A summary of the points of concern raised is as follows:
- Large amounts of effluent and slurry pouring onto properties to the west
  - Proposed new house has a footprint only 25% smaller than the existing farmhouse
  - Any new house might be enlarged at some future date
  - Should any of the present occupants become disabled in the future, an extension to the present farmhouse would be supported.

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

- 5.1 Principle of Development  
Whilst the proposed annex is detached from the main body of the farmhouse, as it is within the residential curtilage and is to be used ancillary to the main house, it will be assessed against the same policies as residential extensions. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for development within existing residential curtilages providing the development respects the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area. The policy also seeks to ensure that any works shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Oxleaze Farm is also a Listed Building and therefore the requirements of Policy L13 of the Adopted Local Plan must be given due weight and attention.
- 5.2 Design/Visual Amenity and Impact on Listed Building  
Oxleaze Farm is a grade II listed building situated at the northern edge of Inglestone Common. It is a two storey stone-built farmhouse with rendered

gables, artificial slate roof, 20<sup>th</sup> century windows and a 20<sup>th</sup> century gabled stone porch. It is now positioned virtually within the working farmyard, this having begun to sprawl south in the early 2000s. Two small outbuildings are located to the north west and southeast of the listed building, both either too small or inappropriately positioned to offer a convenient conversion opportunity. Other farm buildings to the south have been converted to separate residential accommodation and have since been enlarged, possibly without the relevant permissions. The outbuildings historically associated with the farm are concentrated in a group to the south of the main farmhouse, possibly to benefit from a more southerly aspect or perhaps to make use of the sheltering effect of the farmhouse. That to the northwest of the farm is south-facing but separate from the group and may have been for cart storage or possibly an animal shelter with a direct line of sight from the farmhouse.

- 5.3 It is important to draw attention to the fact that this application is for an annex ancillary to the occupation of the main dwelling and not for use as a separate dwelling in its own right. Due to the location of the site in the open countryside, the erection of new dwellings would normally be resisted by the Council and would not constitute an appropriate form of development. In this instance, the annex is to be occupied by two of the current occupants of the main house and the occupants of the annex will be dependant upon the main dwelling for some shared facilities - the annex will share an access point and garden area. The day-to-day running of the farm will be undertaken by the occupants of the main farmhouse with assistance from the occupants of the proposed annex. Given the above, a condition will be attached to ensure that the use of the annex remains ancillary to the occupation of the main farmhouse at all times.
- 5.4 Whilst it is accepted that the proposed annex is large, it is considerably reduced from that which was originally submitted with the previously withdrawn application. The annex is to have just one bedroom and one area of living space. Allowing for wheelchair access, your officer is satisfied that the annex is of a reasonable size. Through negotiation, both the planning officer and the conservation officer are satisfied that the design of the proposed annex is suitable and in keeping with the listed building to which it will be tied. The scheme has been revised and the survey drawings of the existing listed building updated to correctly reflect the relative heights and scale of the individual buildings. The fenestration of the proposed annex has been reduced to reduce the domestic character and feel of the building and the Design and Access Statement provides various photos and details of the finer construction aspects such as the guttering, eaves, verge etc., which are now acceptable. The hard landscaping has removed the need for the ramp and traditional dry stone walls now connect the building back to the existing single storey outbuildings, thus ensuring some degree of connection.
- 5.5 The proposed annex will not have any detrimental impact on the character or appearance of the existing dwellinghouse. The annex is to be tucked up close to the main house and adjacent to the existing farm outbuildings. The annex will be screened from view from the public highway by the existing built form. The design and impact of the annex on the street scene and character of the area is therefore deemed to be acceptable.

5.6 Residential Amenity

The proposed annex will be sited at a central position within the land associated with the Farm. Due to the distance between the annex and the neighbouring properties, existing levels of residential amenity will be protected.

5.7 Ample amenity space will remain to serve both the existing dwelling and proposed annex.

5.8 Transportation Effects

Adequate space will remain on the existing driveway to meet the needs of the occupants of both the main farmhouse and the proposed annex.

5.9 Drainage

It is noted that drainage is raised as a concern by a local resident. Appendix D of the Design and Access Statement however includes the drainage information to clarify that the annex will be linked to the existing septic tank. The Councils drainage engineer has conformed that he is satisfied that the drainage proposals are acceptable. Notwithstanding this, as full details of the existing system have not yet been submitted, a drainage condition will be attached to any consent granted to ensure that the erection of the annex does not have any drainage or flooding implications.

**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 proposed annex will not have any significant or detrimental impact on the character or appearance of the existing listed dwellinghouse. The annex will be screened from view from the public highway by the existing dwelling and outbuildings and will not be readily visible from other public vantage points because of the existing built form. The design and impact of the annex on the setting of the listed building, street scene and character of the area is therefore deemed to be acceptable.

6.3 Existing levels of residential amenity afforded to neighbouring dwellings will be protected through the development and an appropriate level of off street parking will remain. Initial drainage arrangements for the annex have been submitted and have been assessed to be adequate.

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

**7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions

**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).

2. The annex hereby permitted shall not be occupied at any other time other than for single family purposes as part of the main residential use of the dwelling known as Oxleaze Farm, Inglestone Common, Hawkesbury Upton, South Gloucestershire, GL9 1BS. For the avoidance of doubt this permission does not grant planning permission for use of the annex as a separate residential unit.

Reason

The site is located in the open countryside and as such, the erection of a new dwelling on the site would be contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted). To use the annex hereby approved for separate or primary accommodation not ancillary to Oxleaze Farm would be contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Sample panels of stonework for the barn and boundary walls, demonstrating the colour, texture, pointing and coping are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample and the boundary walls shall be erected prior to first occupation of the annex hereby approved.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

4. No development shall take place until samples of the roofing and external facing materials (including stone tile cills) proposed to be used, and details of the finish of the external joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.



5. Samples of all external hard surfacing materials shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

6. No extensions, new openings or any other structural alterations may be undertaken at or to the annex hereby approved without the prior written consent of the local Planning Authority.

Reason

To ensure that the annex remains of a suitable scale ancillary to the main Farmhouse and also to maintain and enhance the character and setting of the listed building. To accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPS5 and Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

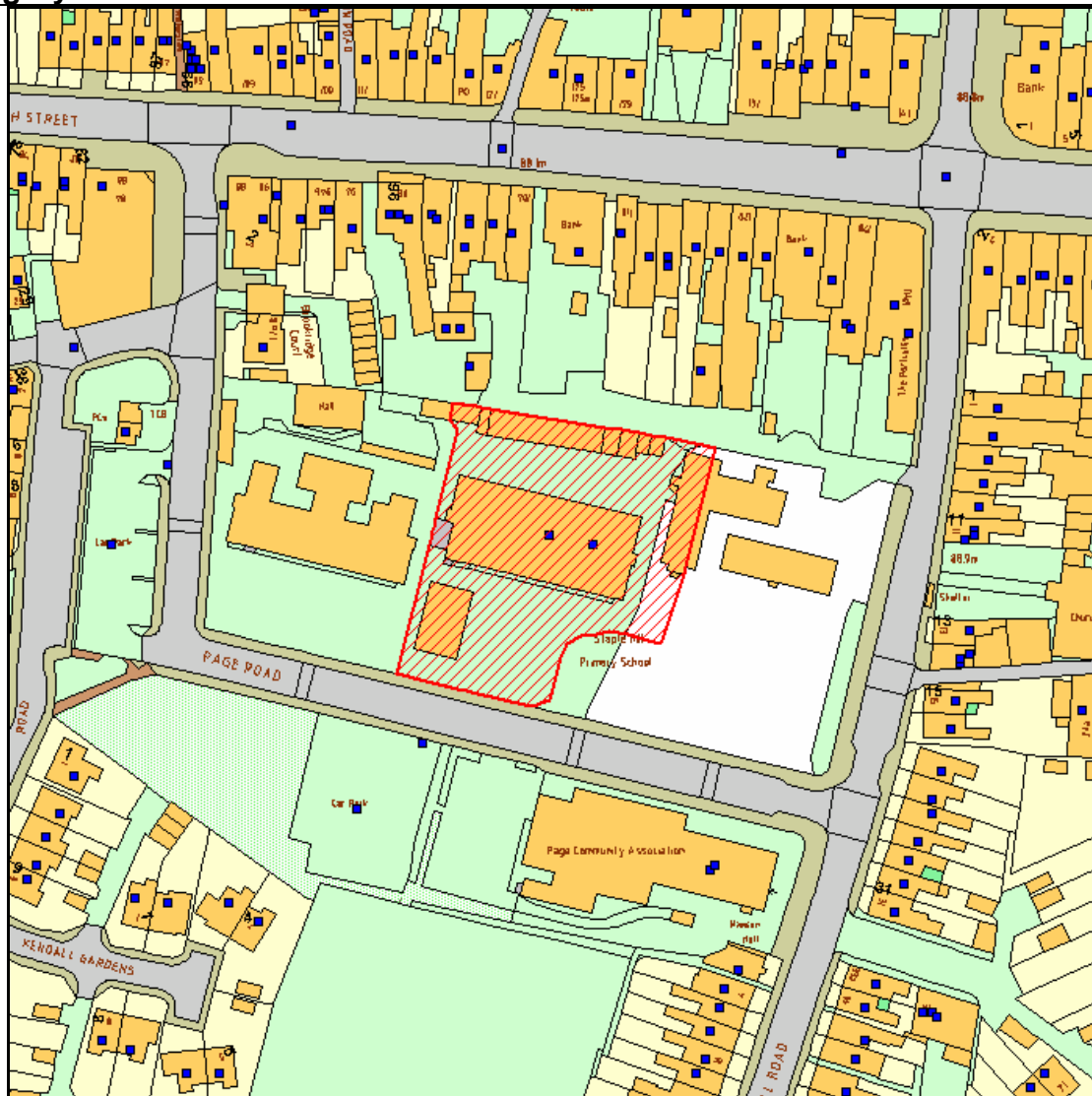
7. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development shall be submitted for approval in writing to the Local Planning 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 policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011

<b>App No.:</b>	PK11/1982/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Staple Hill Primary School Page Road Staple Hill South Gloucestershire	<b>Date Reg:</b>	8th July 2011
<b>Proposal:</b>	Erection of single storey extension and ramp with associated works to facilitate change of use to Nursery/Sure Start centre. Erection of 2.4m high security fencing.	<b>Parish:</b>	None
<b>Map Ref:</b>	364829 175842	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th August 2011



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 100023410, 2008. **N.T.S.** **PK11/1982/R3F**

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

This application appears on the Circulated Schedule in accordance with Council procedure as this is a Regulation 3 application – the application is on land within the ownership of South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of a single storey rear extension and front entrance ramp with associated works to facilitate the change of use to a nursery/Sure Start centre at Staple Hill Primary School. The proposal also includes the installation of a 2.4 metre high security fence.
- 1.2 The application site forms part of the current primary school. A new primary school which is nearing completion has been erected opposite to the site and part of this proposal involved the relocation of the public car park onto the existing school site. As a result of the building and other works associated with the new school, it is proposed that the existing building which was the junior block is converted into a nursery and SureStart centre.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG14 Development on Unstable Land
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
EP1 Environmental Protection  
EP7 Unstable Land  
L1 Landscape Protection and Enhancement  
LC4 Proposals for Education and Community Facilities within the Existing Urban Area  
T8 Parking Standards  
T12 Transportation Development Control  
  
South Gloucestershire Core Strategy, submission Draft December 2010  
CS1 High Quality Design  
CS23 Community Buildings and Cultural Activity
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 PK09/053/SCR Screening for PK09/5503/R3F
- 3.2 PK09/5503/R3F Erection of 315 place replacement primary school

with car park, landscaping and associated works. Erection of 2.7 maximum height perimeter fence and gates. Construction of new public car park.  
Deemed Consent March 2010

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

- 4.1 Parish/Town Council  
Site falls outside of any parish boundaries
- 4.2 Coal Authority  
No objections
- 4.3 Sustainable Transport  
No objections
- 4.4 Tree Officer  
No objections
- 4.5 Landscape Officer  
No objections

#### **Other Representations**

- 4.6 Local Residents  
No response received

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

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the expansion of existing educational facilities provided there is no impact on existing residential amenities and highway safety. In addition the proposal is considered against Policy D1 which advises that development will only be permitted provided 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.
- 5.2 Design / Visual Amenity  
In terms of design the proposal includes the erection of a flat roof rear extension which would measure 5.2 metres in depth by 5.9 metres in width with a maximum height of 3.2 metres. The existing cupola which is in a state of disrepair would be removed and the roof repaired with tiles to match the existing. To the front of the building the central door would be in-filled and the existing entrance steps would be removed to facilitate the installation of an entrance ramp which would run along the front of the building measuring approximately 18 metres in width. The entrance ramp would be constructed in natural stone to match the main building and would lead to two new door openings which would be formed within existing window openings.

It is considered that the proposed extensions and alterations are of an appropriate standard in design and reflect the character of the main building. The rear extension is small in size in comparison to the bulk of the main building and is suitably subservient to it. The proposed extension would be clad in timber boarding and would have a flat roof which would extend a further 2.4 metres beyond the building to form a covered play area. Whilst the proposal would introduce a flat roof to the building, it is considered that the proposal is well proportioned and given its simple design and modest scale in combination with its location to the rear of the building it is not considered that this aspect of the proposal would result in any demonstrable harm to the character and appearance of the building or street scene.

The proposed entrance ramp is of an appropriate standard in design given the context of the site, furthermore the proposed addition would incorporate materials to match those of the main building, assisting the successful integration of the ramp with the main building.

Whilst the front boundary wall and railings would be retained the rest of the boundary of the site would be defined by a 2.4 metre high wire mesh security fence. The proposed fencing is constructed of a mesh of thin wire which results in the fencing being very see through and as such it is not considered that the fencing would be a particularly visually intrusive feature. It is considered that the proposed fencing is of an appropriate design given it would be within the grounds of a nursery and SureStart centre and given the fact that security fencing at nurseries and schools is now becoming a common feature. Consequently given the scale and location of the proposed fencing it is not considered that the proposal would have any demonstrable harm to the character and appearance of the site or the surrounding area. The classroom block which is currently located to the front of the site would be demolished which would result in a positive enhancement of the visual amenity of the site. The proposed landscaping and planting to the front of the site, replacing the existing tarmac play ground, is also considered to enhance the site.

### 5.3 Residential Amenity

Given the location of the proposed extensions, set within the site, it is not considered that these aspects of the proposal would have any detrimental impacts on residential amenity. The proposed fencing would be erected around all sides of the site apart from the front and would measure 2.4 metres in height. The proposed fencing is located a sufficient distance away from any residential properties to ensure that there would be no issues of overbearing, furthermore given that the fencing is not a solid structure but would be a wire mesh that can be easily seen through, it is considered that the proposal would be entirely acceptable.

### 5.4 Highway Safety and Parking Issues

The applicant has confirmed that there are currently 22 parking spaces on site, to the north of the building, which are accessed via the service road between the school and Soundwell Road. These spaces are currently used by members of staff. The number of parking spaces within the proposed scheme will remain the same, with the existing parking area being retained as staff parking for the future occupants of the surplus area of the building. As such it is considered

that there will be no increase in the number of parking spaces on the site or vehicle activity accessing and exiting the site. Therefore there are no objections to the proposal with regard to highway safety and parking.

#### 5.5 Coal Mining Issues

The application site falls within the defined Coal Mining Development Referral Area. The application includes an up to date coal mining report which is considered to be sufficient to ensure that the site is, or can be made safe and stable for the proposed development. As such there are no objections to the proposed development.

#### 5.6 Impact on Trees and Landscaping

To the west of the existing building just beyond the boundary wall there is a semi-mature oak tree, marked as T4 within the Arboricultural Report Tree Survey Key Drawing and on the submitted landscape drawing (PE/171/LS01 rev A).

The crown of the oak tree extends into the proposed development site and it is possible that the tree will be impacted above ground by the proposed works. Whilst no assessment of this or of the potential impact of the proposed works on the roots of the oak tree that may extend under the boundary wall and into the development site, is included in the Arboricultural report, the councils Tree Officer has fully assessed the proposal and it is considered that the Oak tree would not be adversely affected by the proposed works. Furthermore a Tree Officer will be monitoring the welfare of the tree should the proposal be implemented. As such there are no objection to the proposal.

A full landscaping proposal has been submitted showing indicative planting, the councils landscape Officer has also assessed the detailed planting plans and these are considered to be acceptable and in accordance with policy L1 and D1.

## 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 a) The proposed works are of an appropriate standard in design, given the context of the site, in accordance with Policy D1 of the South Gloucestershire Local Plan.

b) The proposal is not considered to have any detrimental impacts on residential amenity in terms of overshadowing or overbearing and there are no concerns regarding parking and highway safety. The proposal therefore accords with policies LC4, T12 and T8 of the South Gloucestershire Local Plan

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865207**

### **CONDITIONS**

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

Reason

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

2. Prior to the first occupation of any part of the development, full details of external lighting, including measures to control light spillage, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, EP1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The proposed planting shall be carried out in the first planting season following the first occupation of any part of the development hereby approved or in accordance with a timetable agreed in writing with the Local Planning Authority.

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. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PT11/1714/F	<b>Applicant:</b>	Mrs Beverley Bracey
<b>Site:</b>	Box Hedge Farm Boxhedge Farm Lane Westerleigh South Gloucestershire	<b>Date Reg:</b>	11th July 2011
<b>Proposal:</b>	Erection of 4no. stable block and feed store.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	368342 179685	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd September 2011



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

The application appears on the circulated schedule as there is an objection to the proposed development received by the Council where the officer recommendation is to approve the development.

### **1. THE PROPOSAL**

- 1.1 The site consists of an open field with hard-standing and stable building associated with the equestrian use of the site. The field has been partitioned off with simple post and wire fencing.
- 1.2 The proposed development consists of the construction of a new stable building and separate feed store. The development would accommodate four stables, a tack room and feed storage. The existing building would be demolished in order to accommodate the proposed building.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPS7	Sustainable Development in Rural Areas.

#### 2.2 Development Plans

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

D1	Achieving Good Quality Design in new development
E10	Horse Related Development
T12	Transportation Development Control Policy for new Development
EP1	Environmental Pollution
L18	Sustainable Drainage

##### South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1	High Quality Design
CS5	Location of Development

- #### 2.3 Supplementary Planning Guidance Development in the Green Belt (Adopted)

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

- 3.1 PT01/2979/F Use of land for keeping of horses and erection of three stable block.  
Approved with Conditions 18<sup>th</sup> December 2001

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No Objection

#### 4.2 Sustainable Transport

No Objection. The proposed development would not result in a material increase in vehicular movements to and from the site.

#### 4.3 Local Residents

One comment has been received in objection. The comments can be summarised as follows;

The proposed building is for storage purposes and as such is not appropriate development in the Green Belt

The existing building was approved on the basis that it was for stables. The planning permission did not include storage uses.

The current owner of the site is storing a horse transporting vehicle on the site against the provisions of the extant planning consent.

The nature of the surrounding highway network is such that there is not safe access for horse riders to the bridleway network. In particular, access to the bridleway network to the south requires the crossing of Westerleigh Road. A specific crossing point for horse riders should be provided at Westerleigh Road.

### 5. ANALYSIS OF PROPOSAL

5.1 The proposed development details the construction of timber field stables associated with the existing use of the land for private equestrian purposes. The proposed building would replace an existing stable building associated with the use of the land.

#### 5.2 Principle of Development

The use of the land for equestrian purposes is established and consistent with the planning consent under PT01/2979/F. The proposed development would replace the existing stable building located on the site. On this basis, the principle of providing a building in connection with the equestrian use of this land is established. However, the proposed building would be larger than the existing building and it is therefore necessary to consider the impact of it in respect of the Green Belt; and in respect of the character and visual amenity of the landscape.

#### 5.3 Green Belt

PPG2 (Green Belt) provides very limited categories of development that is appropriate within the Green Belt. Policy GB1 of the South Gloucestershire Local Plan carries these categories forward. These categories include the construction of new buildings as essential facilities for outdoor sport and recreation provided that the buildings would not conflict with the purposes of including land within the Green Belt. The South Gloucestershire 'Development in the Green Belt' is supportive of this principle.

5.4 The existing building measures approximately 16 metres by 4 metres and between approximately 4 metres and 2 metres in height. The existing building provides four rooms that are shown as one stable, two storage areas and one

tack room. The proposed development consists of a purpose built timber stable arranged in a 'L' shape. The proposed buildings measure a combined length of approximately 19 metres by 4 metres and 7 metres by 4 metres. The feed store is a separate building, however, its proximity to the proposed stable is such that the buildings would be read as one. The overall height of the buildings is 3.7 metres in height. The buildings would provide 4 stables, one storage area and one tack room.

5.5 The overall length of the proposed building is larger than the existing building on site. However, in the first instance it is necessary to consider, in Green Belt terms, whether or not the building would be 'essential' for the recreational use of the site. Clearly, there is an established building on the site, and this was considered to be 'essential' for the purposes of the use of the land for the keeping of horses at the time of the original change of use application. On this basis, it is considered that the proposed building (as it would replace the existing building) as 'essential'. The applicant has indicated that the building would provide improved accommodation for their horses and the welfare of them. The proposed feed store and tack room are considered to be consistent with the scale of the use on the land. Although the proposed building is larger than the existing building, it is not considered (in its own right) to be out of scale with the equestrian use on the site, irrespective of the size of the existing building. Furthermore, for the reasons set out below, it is considered that the proposed development would provide improvements in landscape terms.

5.6 On this basis, it is considered that the proposed development represents appropriate development in the Green Belt and is acceptable.

5.7 Landscape Considerations

The existing building is ad-hoc and untidy in appearance and is constructed with a wide range of salvaged materials. Although relatively modest in scale, the appearance of the building is somewhat degrading in this landscape. The proposed stable building is design specifically for that purpose. The new building would provide the opportunity to improve the appearance of the site. The proposed building is a timber building and typical of a stable structure. The proposed feed store is a free standing timber building, however the relationship of the proposed buildings is such that they would be read as one building in the surrounding context.

5.8 It is considered that the proposed development is modest in appearance and would be consistent with the general character of the locality. It would be located against the field boundary with Box Hedge Lane, which would act to screen the building from wider views. The development would include the provision of improved access and hard-standing in the site. The applicant indicates that this would be locally sourced gravel. This is acceptable in principle as there is currently a hard-standing in place, albeit with a covering of grass which has established over time. However, the applicant has not indicated the full extent of this area of hard-standing. As such it is considered that a suitably worded condition is sufficient to obtain further information in this regard and secure an appropriate treatment.

- 5.9 Having regards to the above, it is considered that the proposed development is acceptable in landscape terms. It is also considered that the development would allow for improvements to the visual amenity of the site and the locality.
- 5.10 Transportation  
Objection has been received in respect of the safety of horses and riders using the surrounding highway network to gain access to the bridleways in the area. Concern has also been raised as to the nature of the use and that any commercial equestrian activity should not be allowed in the interests of highway safety and capacity.
- 5.11 In this instance, the development relates to a private stable where there is not currently a commercial operation. This is specifically restricted by way of condition attached to the existing planning consent. This application proposes only to replace the building on the site. In respect of the use of the land the restrictive condition would still apply. However, for the avoidance of doubt, and to ensure that no commercial stabling occurs in the new stable building, a similar condition can be applied. This would ensure that vehicular traffic to this site would not materially increase as it would continue to be private; and would act in the interest of highway safety.
- 5.12 Similarly, the proposed building is intended accommodate the keeping of horses on a private basis. Although there is an increase in the amount of individual stable rooms, it is not considered that this would result in a material increase in the level of movements from the site by horse riders. This is on the basis that the site would be retained for private use. As such, there would be no additional pressure on the highway network and in particular the crossing of Westerleigh Road, and on this basis, a specific crossing at this point cannot be justified in the same way, for example, that it might be if a riding school was to be operated from this site.
- 5.13 On this basis, it is considered that the proposed development would have no material impact in respect of highway safety and as such accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.14 Residential Amenity  
The proposed development would replace an existing building located in a very similar position on this site. The relationship of this site with the surrounding residential properties is such that the development would have no material impact in residential and amenity terms and as such is acceptable.
- 5.15 Drainage  
The applicant has indicated that a soak away system would be used for disposal of rain/surface water. This is considered acceptable. However, no details have been submitted to show how this would be implemented although officers are content that such measures can be provided. On this basis, a suitably worded condition can be used to secure these measures.
- 5.16 Other Matters  
Comments have been received which raise concern over the provision of storage facilities; and that such facilities are not appropriate within the Green

Belt as they are not 'essential' for the purposes of the use of the land. On the contrary, officers consider that it is reasonable to assume that storage of feed and tack would form part of an equestrian use on this site. Given the scale of the proposal and the use of the land itself, the storage elements of the development are considered to be appropriate and an essential part of the development.

- 5.17 It is also noted that comments are received that raise concern over the keeping of horse transporting vehicles on the site and that this may be in breach of conditions relating to the previous planning permission (PT01/2979/F) which restricts the keeping of horse boxes, trailers, van bodies and portable buildings on the site. The purpose of the condition would be in order to protect the visual amenity of the area. Such a condition is relevant, however it is considered that the keeping a horse box on the site to assist the normal day to day use of the site would be unreasonable. It is further considered that this would represent a minimal visual impact. On this basis, it is considered that a condition restricting the keeping of this type of vehicle should allow for no more than one horse box on the site at any one time.

## **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 It is concluded that the development is 'essential' for the use of the land for equestrian purposes. On this basis the development is appropriate within the Green Belt. The proposed development therefore complies with Policy GB1 of the South Gloucestershire Local Plan.
- 6.3 It is concluded that the development is acceptable in design and landscape terms and complies with Policy D1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.4 It is concluded that the proposed development would have no material impact upon the residential and amenity of the occupants of nearby dwellings and therefore complies with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.5 It is concluded that the development would have no material impact upon the safety and amenity of the surrounding highway network. The proposed development therefore complies with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.6 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions;

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### 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. At no time shall the stables hereby approved or the associated land be used for commercial equestrian, livery, riding school or any other commercial purposes.

In the interests of highway safety and amenity and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

3. No more than one horse box shall be kept on the site at any time. At no time shall trailers (other than a single horse box), van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses; or to get access to the site.

To protect the visual amenity of the site and the surrounding locality and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PT11/2074/F	<b>Applicant:</b>	Mrs Louisa Scuse
<b>Site:</b>	11 Magnolia Gardens Almondsbury Bristol South Gloucestershire BS32 4FT	<b>Date Reg:</b>	5th July 2011
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362173 184411	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th August 2011



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## **INTRODUCTION**

This application appears on the Circulated Schedule in view of the letter of objection that has been received.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a single-storey rear extension.
- 1.2 The application relates to a two-storey detached dwelling on north side of Magnolia Gardens, Almondsbury on the former Hortham hospital site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS3: Housing  
PPG13: Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving good Quality Design in New Development

H4: House Extensions

GB1: Development in the Green Belt

GB3: Redevelopment of Hortham Hospital

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design

CS17: Housing Diversity

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

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

- 3.1 Planning applications relate to the former hospital, its subsequent demolition and replacement with housing and tree works (there are no trees within the rear garden of the application site).

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No objections



#### 4.2 Other Consultees

No comments received

#### 4.3 Summary of Local Residents

One letter received expressing the following concerns:

- The new side window will overlook the neighbours drive, rear garden and rear of the property;
- The window is not in keeping with the character and appearance of the estate where properties have been designed to maximise the distance between each dwelling and privacy;
- If it had not of been for this window, the neighbours would be happy to support this application.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Where in the Green Belt, policies H4 and GB1 advise that extensions should not comprise a disproportionate addition over and above the size of the original dwelling.

#### 5.2 Design/ Visual Amenity

The application relates to a large two-storey detached dwelling on the former Hortham hospital site. The application would allow the erection of a single-storey rear extension that would measure 5.5m in depth and 6.3m in width. It would align with the east flank wall of the dwelling and provide a larger kitchen and additional living room.

5.3 The proposal would be relatively large in size but not out of keeping with the scale of the property. Further, the new rear building line would align with the rear of the neighbours' detached double garage that stands adjacent to this shared boundary; this would also help to screen views of the proposal. For these reasons, there is no objection to this application on design/ visual amenity grounds.

5.4 It is noted that comments have been received expressing concern that the side-facing window would be out of keeping with character and appearance of the property and the estate. Nonetheless, in this instance further to discussions with the applicant, it is understood that this window is no longer required thus its removal can be secured via condition.

#### 5.5 Impact on the Openness of the Green Belt

The application site is located within the open Green Belt; policy GB1 advises that extensions should not comprise a disproportionate addition over and above the size of the original dwelling. In this instance, this is a large new dwelling that has not been previously extended. The proposal would appear proportionate in terms of its size thus it is not considered that any significant adverse impact to the openness of the Green Belt would be caused.

## 5.6 Residential Amenity

The neighbouring dwelling to this east adjoins the application site along its rear boundary with its associated detached garage stood at the end of its rear garden alongside the position of the proposal; this would help to screen views from this dwelling. On this basis, and given the size of the proposal and the spacing retained, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, the facing windows would be high-level windows with the exception of that within the existing kitchen which is now to be removed.

5.7 The applicants' detached garage limits views to the neighbouring dwelling to the west with this also a detached two-storey unit that has also been extended. Again, given the size of the proposal and the spacing retained, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 All other dwellings are positioned at an appreciable distance from the site of the proposal with those behind facing Hortham Lane and with their rear gardens adjoining the application site. For the reasons outlined above, it is again not considered that any significant adverse impact in residential amenity would be caused.

## 5.9 Highway Safety

The proposal would not interfere with the parking/ access arrangements; accordingly there is no highway objection to this application.

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 design and scale of the proposal would appear in keeping with the character and design of the host dwelling and the neighbouring properties. As such, the proposal is considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (House Extensions) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would comprise a proportionate addition to this dwelling and would accord with Planning Policy GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Subject to condition, the proposal would not cause any significant adverse impact in residential amenity and thus would accord with Planning Policy H4 (House Extensions) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policies T8 (Parking Standards) 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 Burrige**  
**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 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 east elevation of the property.

Reason

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

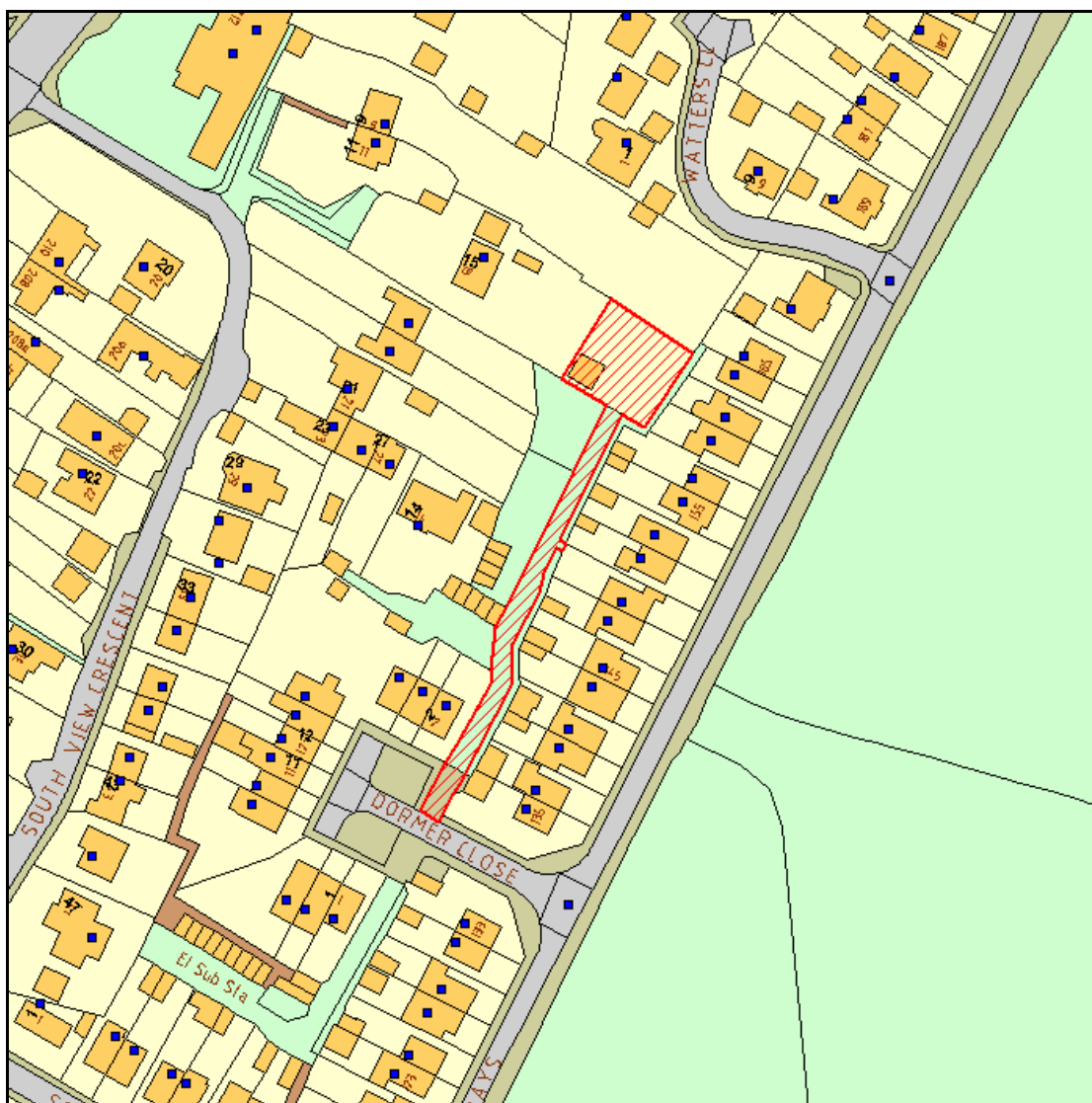
4. Notwithstanding the submitted details, prior to the commencement of development an amended plan showing the omission of the side facing kitchen window within the existing house shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

In the interests of residential amenity and to accord with Planning Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PT11/2075/EXT	<b>Applicant:</b>	Mr David Norris
<b>Site:</b>	Land To The Rear Of 161 Roundways Coalpit Heath Bristol South Gloucestershire BS36 2LU	<b>Date Reg:</b>	13th July 2011
<b>Proposal:</b>	Demolition of existing garage to facilitate erection of 1 no. dwelling and integral garage with associated works. Consent to extend time limit implementation for PT08/2775/F	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367699 180833	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th September 2011



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

This application appears on the Circulated Schedule because objections have been received from the Parish Council and local residents, which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks an extension of time for the extant planning permission granted under application PT08/2775/F for the demolition of an existing garage to facilitate the erection of 1no. dwelling and integral garage with associated works.
- 1.2 The application site comprises approximately 0.04 ha of garden land associated with no. 161 on the western side of Roundways. The site is situated within the established residential area of Coalpit Heath.
- 1.3 An existing garage located in the southwestern corner of the site would be removed to facilitate the erection of a two-storey detached dwellinghouse, which would comprise three bedrooms. The proposal would comprise a linear, narrow form with two end gables. A projecting gable extension to the front would provide a garage, whilst a smaller lean-to projection would be located to the rear. Vehicular access would be from Dormer Close via a long rear access lane.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transportation

- Ministerial Statement on Previously Developed Land and Density and revised PPS3 issued 9<sup>th</sup> June 2010
- Removal of maximum parking standards specified on PPS3 and PPG13 issued 3<sup>rd</sup> January 2011

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

D1 Achieving a Good Standard of Design in New Development  
H2 Residential Development within the Existing Urban Area and Boundaries of Settlements  
H4 Residential Development within Existing Residential Curtilages  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards

#### **South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)**

CS1 High Quality Design  
CS8 Improving Sustainability  
CS16 Housing Density

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PT08/0946/F, demolition of existing garage to facilitate erection of 1no. detached dwelling with associated works, withdrawn, 21/05/08.
- 3.2 PT08/2775/F, demolition of existing garage to facilitate erection of 1no. detached dwelling with associated works, approval, 23/01/09.

### 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Objection – there are numerous traffic/highway matters relating to Roundways. Parked cars cause enormous traffic movement problems resulting in a recent road traffic accident. Any addition to this problem is unacceptable. Council objected to the original planning application on these grounds.
- 4.2 Transportation DC Officer  
We do not believe that it raises any material highways and transportation issues. Therefore, we have no comment regarding this application.
- 4.3 Drainage Officer  
Conditions to apply as previous application.
- 4.3 Local Residents  
Three letters of objection have been received from local residents. The following is a summary of the objections received:

The only access lane to serve the property is already in a poor condition and is not suitable for heavy goods during construction;  
Cars park along the lane making access difficult;  
Access to the application site is over land not in the ownership of the applicant.

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

- 5.1 Principle of Development  
Guidance contained in 'Greater Flexibility for Planning Permissions' (2009) states that Local Planning Authorities should take a positive and constructive approach towards applications, which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change), which may have changed significantly since the original grant of permission.

In accordance with government advice, the main issues to consider are whether there have been any significant changes to planning policy or physical changes to the site, which would materially affect the original decision.

5.2 Consideration of Proposal

Having visited the site, it is considered that there have been no significant changes, which would materially affect the previous decision.

- 5.3 The main change in terms of policy, which relate to the proposal is the ministerial statement issued on 9<sup>th</sup> June. The statement advised that the definition of previously developed land has been amended to exclude residential gardens and the national minimum density target of 30 dwellings per hectare for new housing development has been removed. It is considered that the ministerial statement does not materially change the previous decision. This is because application PT08/2775/F was assessed against policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006. These policies allow for the principle of new residential development within sites within existing settlement boundaries or urban areas with no reference to whether or not the land is previously developed. The previous application was assessed against policies D1, H2 and H4 of the Local Plan and these policies require that new residential development is assessed with regards to the impact that it would have on the character of the surrounding area. From the previous planning report, it is clear that consideration was given with regards to the effect on the character of the area as required by policies D1, H2 and H4 of the Local Plan. The proposed development calculates to a density of approximately 25 dwellings per hectare, which is below the previous minimum density requirement of 30 dwellings per hectare. The Officer considered that a higher density would not be compatible with the surrounding area in terms of design. This further emphasises that consideration was given as to the effect of the development on the character of the area.

The South Gloucestershire Core Strategy is an emerging policy document, which is currently at the examination stage. The Core Strategy currently holds less weight than the adopted Local Plan but it is still a material consideration when considering proposals for new development. The most relevant policies within the Core Strategy are: CS1 High Quality Design; CS8 Improving Sustainability; CS16 Housing Density; CS17 Housing Diversity; CS34 Rural Areas. It is considered that the aims of these policies including the requirement to achieve a high quality standard of design, to protect the amenities of the area and to reduce the reliance on the car are not significantly different to the aims of the policies in the South Gloucestershire adopted Local Plan. As such, it is considered that the proposal would not be in conflict with the aims of the emerging Core Strategy.

- 5.3 The original decision included four conditions including the standard three-year commencement condition. Other conditions relate to the submission of roofing and external facing materials to ensure an acceptable standard of appearance; a scheme of landscaping to be submitted to protect the character and appearance of the area; and drainage details to be submitted to ensure that a satisfactory means of drainage is provided. It is considered that these conditions are still applicable to ensure a high quality standard of design and can be copied over to the new consent if permission is granted.

#### 5.4 Further Matters

It is noted that issues relating to highway safety, vehicular access via the rear access lane and land ownership were raised by local residents in the previous application and were addressed by the Officer in the report. Therefore, no new issues have been raised that have not already been previously considered. If permission is granted, an informative can be applied to the consent to notify the applicants that planning permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

### 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 principle of the proposed development has been accepted by virtue of application no. PT08/2775/F and it is considered that there have been no significant changes in terms of the physical condition of the site or planning policy, which would materially affect the original decision.

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



Reason

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

3. 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, H2, H4 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

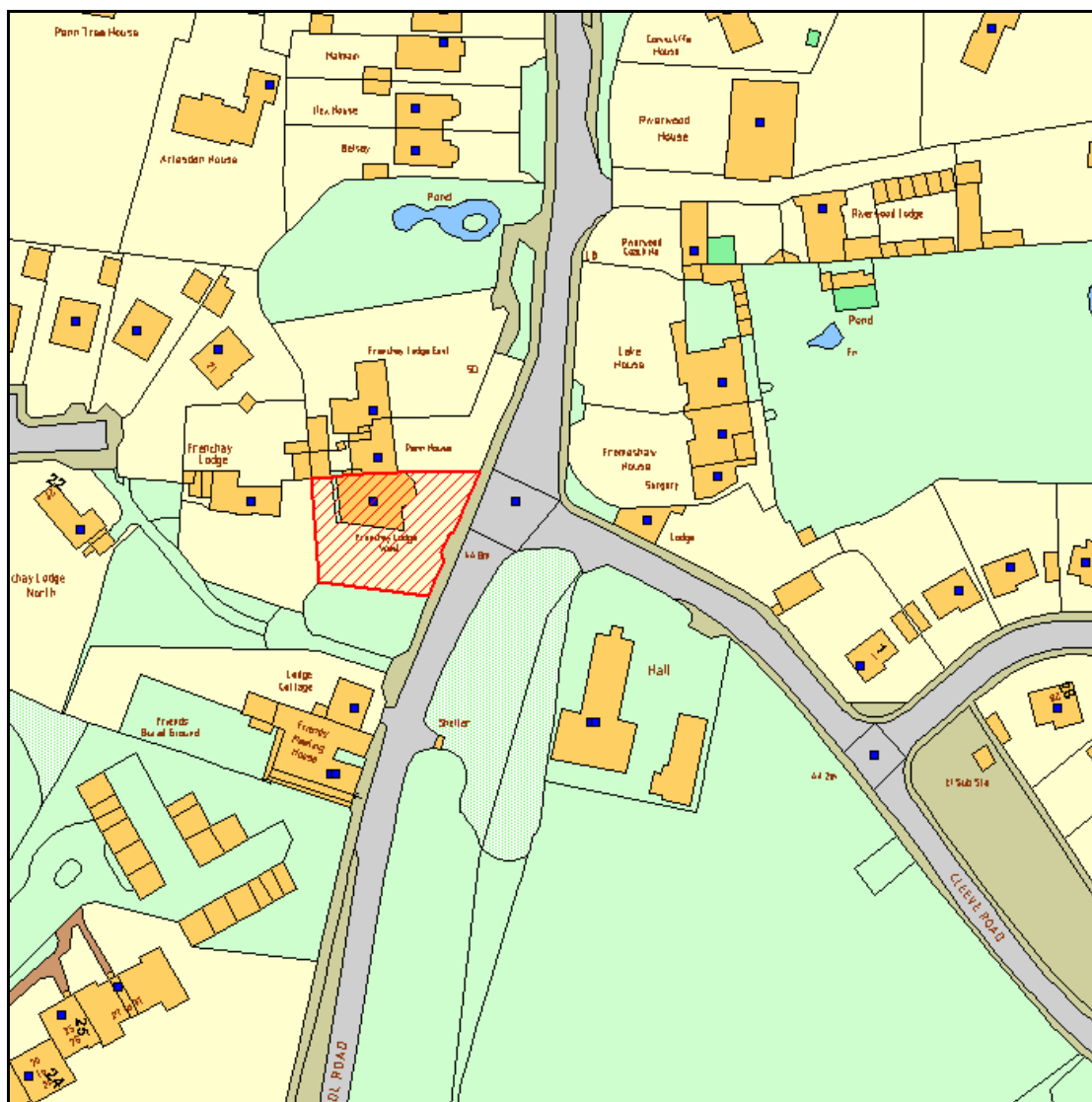
4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure a satisfactory means of drainage and to accord with policies L17/L18 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PT11/2222/TCA	<b>Applicant:</b>	Mr C Windsor
<b>Site:</b>	Frenchay Lodge West Beckspool Road Frenchay Bristol South Gloucestershire	<b>Date Reg:</b>	26th July 2011
<b>Proposal:</b>	Works to 1no. Fraxinus Excelsior (Ash) to crown reduce by 30% situated within Frenchay Conservation Area.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364126 177942	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	2nd September 2011



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 100023410, 2008. **N.T.S.** **PT11/2222/TCA**

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

This application is referred to the Circulated Schedule because of the comments that have been received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks approval for works to crown reduce 1no. Ash tree by 30%.
- 1.2 The application site comprises Frenchay Lodge West, which is located on the western side of Beckspool Road within the Frenchay Conservation Area. The tree is growing in the rear garden of the property adjacent to the western boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning Act 1990 Section 211

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

- 3.1 PT08/3058/TCA, works to reduce 1no. Holly and 1no. Bay tree by 15% and 1no. Ash and 1no. Sycamore tree by 20%, no objection, 29/12/08.
- 3.2 PT07/1956/TCA, works to fell and prune various trees situated within Frenchay Conservation Area, no objection, 03/08/07.
- 3.3 PT07/1891/TCA, works to fell and reduce various trees within Frenchay Conservation Area, withdrawn, 29/05/07.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection -However the Committee thought that a 30% reduction was rather a lot and recommended a 20% reduction.
- 4.2 Tree Officer  
No objection
- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. The Town and Country Planning Act 1990 makes special provision for trees in conservation areas which are not the subject of a Tree Preservation Order. Under Section 211, subject to a range of

exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree(s) should be taken in to account.

#### 5.2 Consideration of Proposal

The tree is growing to the rear of the property adjacent to the western boundary. The tree, which is small in size, is set well back from Beckspool Road, and consequently, is not prominent from the public realm. As such, the tree does not offer a significant amount of visual amenity to the area and the proposed works would not have a significant adverse impact on the character or visual amenity of the Conservation Area. The comments of the Parish Council are noted, however, the Council's Tree Officer has inspected the tree and considers the works to be acceptable. The tree Officer also considers that the tree does not afford enough visual amenity to the area to be worthy of a Tree Preservation Order. Therefore, there are no objections to the proposed tree works.

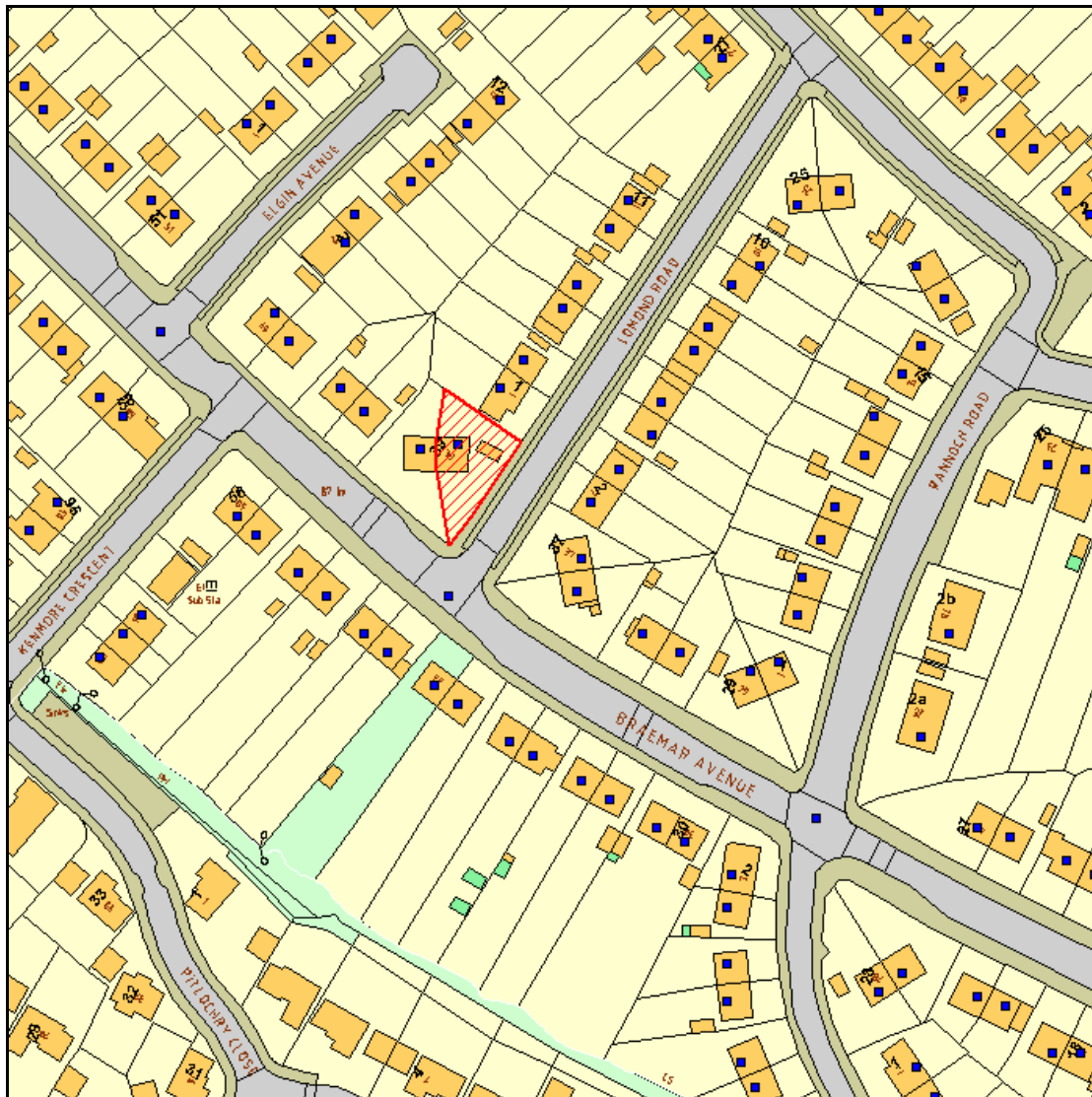
### 6. RECOMMENDATION

6.1 No objection

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

**CIRCULATED SCHEDULE NO. 32/11 – 19 AUGUST 2011**

<b>App No.:</b>	PT11/2273/F	<b>Applicant:</b>	Mr Greg Chesson
<b>Site:</b>	39 Braemar Avenue Filton Bristol South Gloucestershire BS7 0TF	<b>Date Reg:</b>	22nd July 2011
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359616 178396	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th September 2011



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 100023410, 2008. **N.T.S.** **PT11/2273/F**

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

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey side extension at 39 Braemar Avenue, Filton. The proposal will span the full depth and height of the property and have a width of 4.5m. All materials (spar render and tiles) are to match the adjoining dwelling of 41 Braemar Avenue for continuity.
- 1.2 The application site is a semi-detached property located on a corner plot at the junction with Lomond Road and Braemar Avenue. This pair of semi-detached dwellings are set diagonally on the site to follow the corner and therefore front Braemar Avenue at an angle. The adjoining property of 41 Braemar Avenue has been similarly extended by a 2storey side extension in 2006.
- 1.3 The application site is located within the urban area of Filton. Vehicular access is currently taken off Lomond Road. The existing detached garage is to be demolished to make way for the extension but the access will remain.

### **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  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design  
CS25 Communities of the North Fringe of Bristol Urban Area
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No response received.

#### 4.2 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-

- a) extension will look directly onto side of my house;
- b) patio doors really close to my property;
- c) size of property suggests it is to be converted into flats like the next door property;
- d) loss of all gardens.

#### 4.3 Sustainable Transport

No objection.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

#### 5.2 Design

The design of the extension mirrors that of the adjoining dwelling of 41 Braemar Avenue. The ridge height and depth of the extension is the same as the host dwelling but the width of the extension is slightly larger than the neighbouring extension. The hipped nature of the property is maintained and this is the main feature of the dwelling. Although the extension goes beyond the established building line of Lomond Road, its effect is lessened by virtue of the angled nature of the development. Although the extension is not subservient in nature, it is considered that the extension to the adjoining property is a material consideration. This extension is also not subservient and it would be unreasonable for Officer's to insist on this having regard to the planning history of the adjoining site. In addition, the symmetry of this pair of dwellings will be re-established. Furthermore, whilst the existing property is constructed of red brick, it is proposed to render the property to match the adjoining dwelling, which will improve the overall appearance within the street scene.

#### 5.3 Residential Amenity

The proposed extension, due to its location to the side of the property and the orientation of the dwelling within the street scene will ensure that no adverse impact to residential amenity will result from the proposal. The nearest property of 1 Lomond Road has a garage along its side boundary and as such the extension will immediately face onto this structure only. No overbearing impact/loss of light will therefore result from the proposal. With regard to loss of privacy the adjacent property has a side window but this is obscurely glazed. Furthermore, only oblique views are afforded. In terms of the loss of garden, a detached garage currently occupies this area. Adequate garden area will still

remain, especially to the rear. The proposal is therefore acceptable in residential amenity terms.

#### 5.4 Transportation

Although the existing garage is to be demolished to make way for the development, the existing access will still be retained and there will be enough space for off-street parking within the site.

#### 5.5 Other Issues

With regard to the issue of possible conversion to flats, such a use will require planning permission in its own right. This is not for consideration under the current planning application.

### 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 location, size 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 proposal 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 subject to the following planning conditions.

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

### CONDITIONS

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



Reason

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

2. 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.

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension and the existing dwelling shall match that of the adjoining dwelling of 41 Braemar Avenue.

Reason

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