



**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. 01/13

Date to Members: 04/01/13

Member's Deadline: 10/01/13 (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 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:

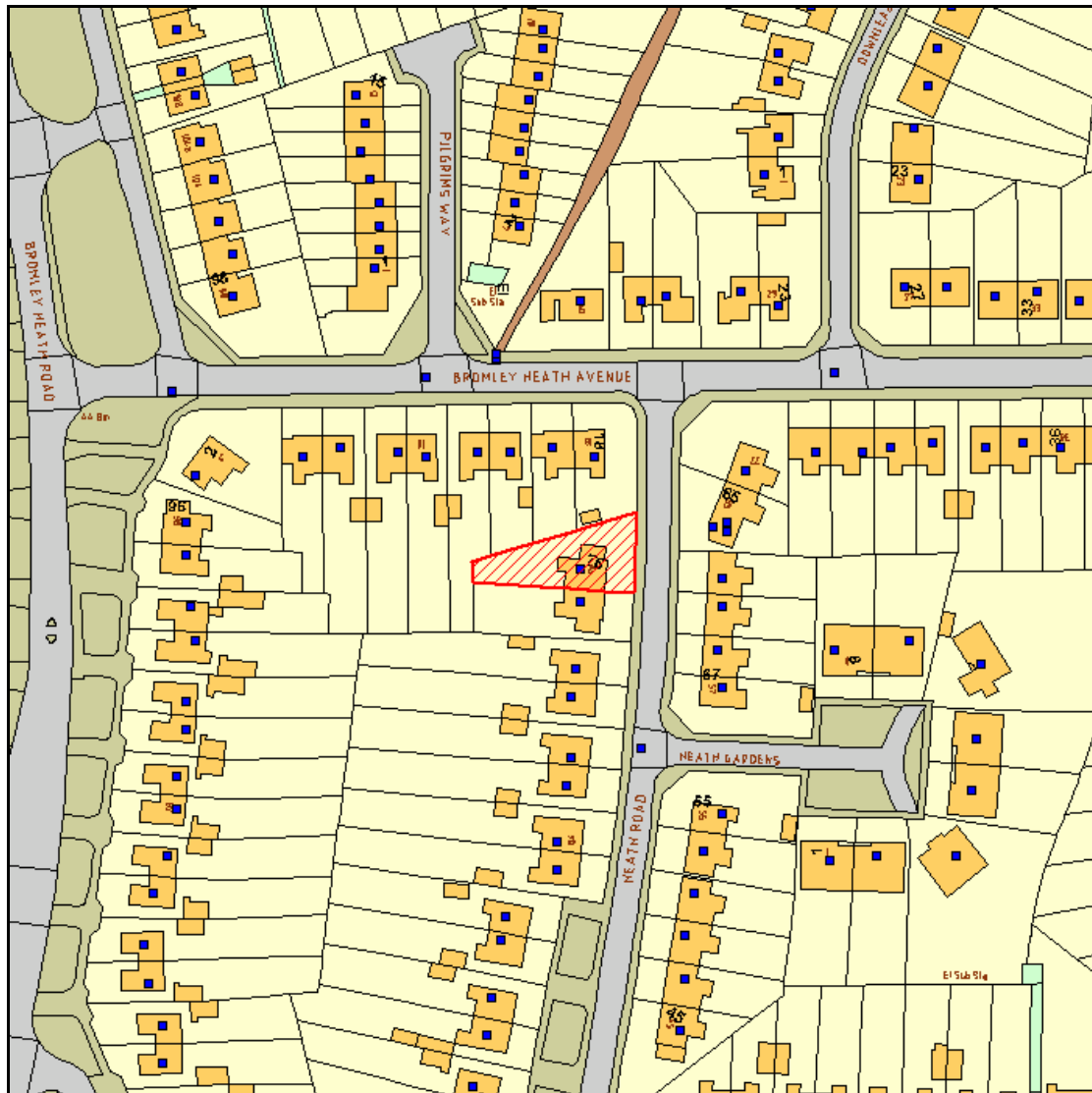
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE 01/13 – 4 JANUARY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/3778/F	Approve with Conditions	76 Heath Road Downend South Gloucestershire BS16 6HB	Downend	Downend and Bromley Heath Parish Council
2	PK12/3788/CLP	Approve with Conditions	53 Turnpike Gate Wickwar Wotton Under Edge South Gloucestershire GL12 8ND	Ladden Brook	Wickwar Parish Council
3	PK12/3812/CLP	Approve with Conditions	10 Rathbone Close Coalpit Heath South Gloucestershire BS36 2TN	Westerleigh	Westerleigh Parish Council
4	PK12/3829/CLE	Approve	Westbarn Oldbury Lane Wick South Gloucestershire	Boyd Valley	Wick And Abson Parish Council
5	PK12/3846/F	Approve with Conditions	13 Trident Close Downend South Gloucestershire BS16 6TS	Emersons	Mangotsfield Rural Parish Council
6	PK12/3935/CLP	Approve with Conditions	25 Jeffries Hill Bottom Hanham South Gloucestershire BS15 3BG	Hanham	Hanham Parish Council
7	PT12/3757/TRE	Approve with Conditions	35 Wolfridge Ride Alveston South Gloucestershire	Thornbury South and Alveston	Alveston Parish
8	PT12/3784/F	Approve with Conditions	Gloucester Lodge Old Gloucester Road Frenchay South Gloucestershire BS16 1QW	Frenchay and Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 01/13 – 4 JANUARY 2013

App No.:	PK12/3778/F	Applicant:	Miss C Stricker
Site:	76 Heath Road Downend Bristol South Gloucestershire BS16 6HB	Date Reg:	22nd November 2012
Proposal:	Erection of two storey side and single storey rear extensions to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364892 177694	Ward:	Downend
Application Category:	Householder	Target Date:	15th January 2013



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100023410, 2008.

N.T.S.

PK12/3778/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due both comments of support and objection received from members of the public.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect a two-storey side extension and single-storey rear extension to a semi-detached property. The property is post-war, c.1950s, and set on a plot larger than the adjacent properties due to the location towards the end of the road. The site is located within the existing urban area in the suburb of Downend.
- 1.2 Initial designs submitted were not considered to be acceptable. A design amendment was sought to reduce the ridge height and width of the proposed side extension and set it back from the principal elevation. These amendments have been submitted.
- 1.3 A number of objection and support comments were received to the initial plans. Following reconsultation the objection from the Parish Council has been withdrawn. The other objection has been part-withdrawn as the resident is concerned about the boundary treatment.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

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

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection withdrawn: Objected to the initial proposed development on as it was considered to be overdevelopment of the plot and too close to neighbouring properties, also there was concern that a second staircase may later lead to the

property being split into two dwellings. Following design amendments to reduce the size of the property, the Parish no longer objected to the scheme. The second staircase remains, however to split the property into two separate dwellings would require further planning consent.

Other Representations

4.2 Local Residents

A number of public comments have been received on this application. These have been summarised below:

4.3 **Objections:** Two comments were received from a neighbour. These objected to the size of the extension, the potential overbearing impact and loss of light, and the impact on the amenity of the resident's garden and Beech hedge, and the scales used on the plans. Having revised the plans, these objections were withdrawn with the exception of the boundary treatment as there is concern the development could damage the established and mature hedge.

4.4 **Comments in Support:** Three comments of support have been received. Two comments fully supported the proposed development. The third comment was a retraction of the objection discussed above.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks consent to erect a two-storey side extension and a single-storey rear extension at a property within the suburb of Downend.

5.2 Principle of Development

Extensions to existing residential properties are managed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. In general this policy is supportive of extensions to existing dwellings subject to detailed consideration of design and amenity. The design standard for the district is laid out in policy D1. The principal of development is established, however, consideration needs to be given to design and amenity to determine whether the development is acceptable.

5.3 Design and Visual Amenity

The existing property is a fairly typical post-war semi-detached house. It has a hipped roof, central chimney, double-height bay window at the front, recessed porch, and single-storey attached single garage to the side. The property is rendered with the exception of the brick detailing around the porch with a tiled roof. A low height brick wall parallel to Heath Road bounds the site to the front and fences/hedges bound the site to the neighbouring residential properties at the rear and sides.

5.4 A side extension and a rear extension are proposed. For both elements of the scheme, materials have been selected which match those of the existing property. The rear extension is of simple design, with a lean-to rubber roof and parapet wall where the extension adjoins the neighbouring rear extension.

- 5.5 The side extension has been subject to a design amendment to drop the ridge height, set back the extension from the front elevation and reduce the width of the extension. As a result, the proposed side extension now has a subservient appearance to the main dwelling. The proposed development has been influenced by the design of the existing house, with the inclusion of a double-height bay window and hipped roof.
- 5.6 As a result of the proposed development, the existing garage will be lost. Adequate space is retained within the curtilage of the property to provide sufficient off-road parking and the development is not considered to prejudice parking provision.
- 5.7 The design of the proposed extension has been informed by the character and appearance of the existing dwelling in terms of size, scale, layout, and materials. As such it is concluded that the design of the proposed extensions comply with the criteria of policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.8 Residential Amenity
Located on a larger plot than many other properties in the street, the proposed development does not detrimentally impact upon the availability of private amenity space. No windows are located at first floor on the side elevation; therefore it is not considered that the development will cause overlooking into adjacent gardens.
- 5.9 It is not considered that the proposed development would have a detrimental impact on the amenity of the existing property, nearby occupiers or the surrounding locality. The proposed development, in terms of residential amenity, complies with the considerations of policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.10 Neighbour Concerns
An aspect of the concerns raised by neighbours was the impact of the development on a Beech hedge. It appears that the hedge is not within the control of the applicant as it is located within the rear garden of an adjoining property. As a result it is not considered to be in the control of this application but a civil matter between neighbours.

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 development has been tested against policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. It has been found that the design of the proposed extensions is in keeping with both the character and appearance of the existing house and also the wider locality in terms of scale, materials, and detail. In addition, the potential impact on residential amenity has also been assessed. It is not considered that the proposed

development will have a prejudicial impact on the levels of amenity currently enjoyed by the existing property of that enjoyed by nearby occupiers. As such, the proposed development is considered to accord with the principals of the policies mentioned above.

- 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 It is recommended that permission be GRANTED for this development subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows, rooflights or other openings [other than those expressly authorised by this permission] shall be inserted at any time in the north elevation of the property.

Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.:	PK12/3788/CLP	Applicant:	Mr And Mrs N And A Ludkin
Site:	53 Turnpike Gate Wickwar South Gloucestershire GL12 8ND	Date Reg:	20th November 2012
Proposal:	Application for certificate of lawfulness for the proposed installation of 3no. rear dormer windows to facilitate loft conversion.	Parish:	Wickwar Parish Council
Map Ref:	372515 188804	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	14th January 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule, as it is an application for a Certificate of Lawfulness for a Proposed Development, in accordance with the established practice for determining applications of this kind.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) (no.2) Order 2008. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of the installation of three rear dormer and two skylights windows to facilitate a loft conversion.
- 1.3 Having reviewed the Council's planning records for the site, it would appear the property's permitted development rights for the development proposed have not been removed, and are therefore exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.
- 2.2 The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2742/F Refused 20/10/2011
Change of use of land from open amenity land to domestic residential curtilage. Demolition of existing boundary wall. Erection of boundary garden wall and raised decking area with balustrade.
- 3.2 P88/2580 Approved 24/11/1988
Erection of 52 detached houses and garages. Construction of driveways, access roads and car park.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No objection but think the views of the immediate neighbour should be taken into account.

Other Representations

- 4.2 Local Residents
None Received.

5. SUMMARY OF EVIDENCE SUBMITTED

- 5.1 The following documentation was submitted to the Council to support this application on the 19 November 2012:
- Site Plan
 - 012.079. Lawful Development

6. ANALYSIS OF PROPOSAL

6.1 The application is seeking a Certificate of Lawfulness for the proposed addition of three dormer windows to facilitate a loft conversion at a property in Wickwar.

6.2 Principal of Development

An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.3 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.

To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class B of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.

Assessment of Evidence

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, providing the development meets the following criteria:

B.1

Development is not permitted by Class B if –

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

It is not proposed to alter or exceed the height of the existing roof.

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

It is not proposed to alter the roof slope on the front elevation or any elevation that fronts the highway.

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -

- i. 40 cubic metres in the case of a terrace house, or**
- ii. 50 cubic metres in any other case;**

The proposed development consists of three dormer windows. Each dormer extends 1.4 metres vertically above the roof slope and horizontally by 1.7 metres, two of which have a width of 1.8 metres, and the other a width of 1.5 metres. This results in a total volume increase of 6.43m³. The property is detached. The volume increase is less than the 50 cubic metres.

(d) it would consist of or include -

- i. the construction or provision of a veranda, balcony or raised platform, or**
- ii. the installation, alteration or replacement of a chimney, flue, or soil and vent pipe, or**

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

Three dormer windows are proposed in the rear elevation. These do not provide for a veranda, balcony or raised platform. None of the items listed under B.1(d)ii. are proposed and the site is not on Article 1(5) land.

B.2

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

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

No indication has been given on the proposed materials. The materials will need to be of a similar appearance to those of the existing dwelling for the works to comply with the regulations and be considered permitted development.

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

The proposed dormer windows are set-back from the eaves of the building by approximately 1.5 metres. This condition has been complied with.

c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -

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

The proposed dormer windows are on the rear elevation. This condition is not relevant.

The installation of three dormer window is therefore considered to comply with Schedule 2 Part 1 Class B of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

Schedule 2 Part 1 Class C allows for the any other alteration to the roof of a dwellinghouse (such as the installation of skylights) provided the development meets the following criteria:

C.1

Development is not permitted by Class C if –

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

The distance the proposed roof lights will protrude beyond the plane of the slope has been measured to be 100 millimetres. The proposed roof lights comply with this criterion.

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The proposed skylights would not be higher than the highest part of the roof, which is the ridge of the main dwelling.

(c) it would consist of or include -

- i. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- ii. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

It is not proposed that this development would include a chimney, flue, soil and vent pipe, photovoltaics, or solar thermal equipment.

C.2

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

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

No windows are proposed in the side elevation and therefore this criterion is not relevant.

The installation of two skylights are therefore considered to comply with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and are considered to be permitted development.

7. OTHER CONSIDERATIONS

- 7.1 The Parish Council have stated in their response to the consultation that the impact this development may have on a nearby neighbour should be considered.
- 7.2 As this is not a planning application, but an assessment of the lawfulness of a proposed development, the impact on nearby occupiers can not be considered as it is beyond the scope of this assessment.

8. CONCLUSION

- 8.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.
- 8.2 The installation of three dormer windows has been found to comply with the criteria of Schedule 2 Part 1 Class B of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.
- 8.3 The installation of two skylights has been found to comply with the criteria of Schedule 2 Part 1 Class C of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.

9. RECOMMENDATION

- 9.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

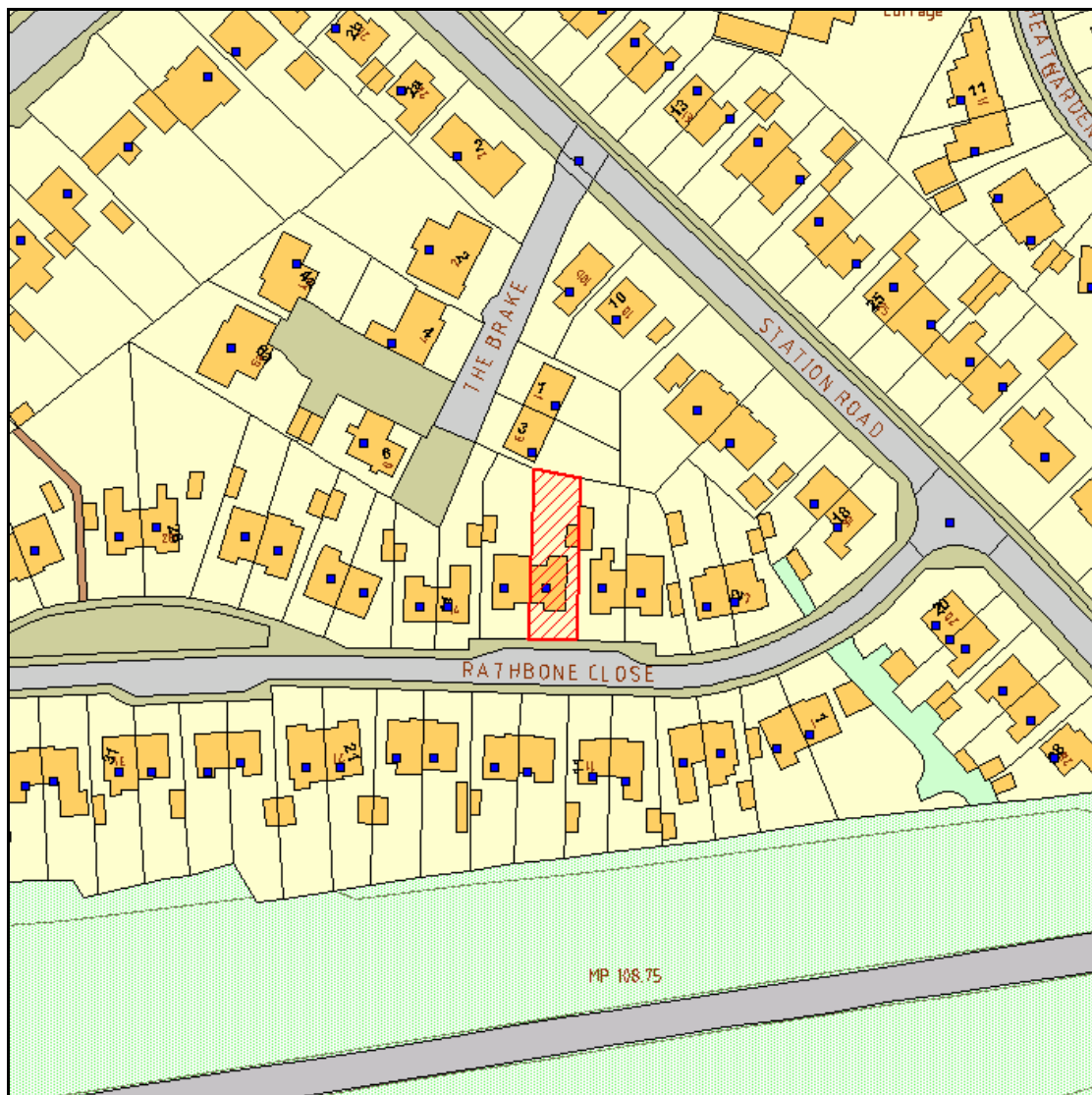
Evidence has been provide to demonstrate, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development. However, the proposed development can only be considered permitted development and any certificate issued remain valid, provided that the materials used are similar to those of the existing dwelling house.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

ITEM 3

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.:	PK12/3812/CLP	Applicant:	Mr Mat Bennion
Site:	10 Rathbone Close Coalpit Heath Bristol South Gloucestershire BS36 2TN	Date Reg:	20th November 2012
Proposal:	Application for Certificate of Lawfulness for the proposed installation of a rear dormer.	Parish:	Westerleigh Parish Council
Map Ref:	367257 180333	Ward:	Westerleigh
Application Category:	Minor	Target Date:	11th January 2013



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PK12/3812/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule, as it is an application for a Certificate of Lawfulness for a proposed development, in accordance with the established practice for determining applications of this kind.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of the installation of a single rear dormer along the length of the rear elevation.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.
- 2.2 The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1597/F Approved with Conditions 11/08/2006
Erection of single storey rear extensions to form extended lounge and utility porch.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No Objection

Other Representations

- 4.2 Local Residents
None received

5. **SUMMARY OF EVIDENCE SUBMITTED**

5.1 The following documentation has been submitted to the Council on 16 November 2012 to support this application. It is on this documentation that the assessment will be made.

- Site Location Plan
- Z-513-001 Existing Ground Floor Plan
- Z-513-002 Existing First Floor Plan
- Z-513-003 Existing Elevations
- Z-513-004 Proposed Ground Floor Plan
- Z-513-005 Proposed First Floor Plan
- Z-513-006 Proposed Elevations

6. **ANALYSIS OF PROPOSAL**

6.1 This application is seeking a Certificate of Lawfulness for a proposed rear dormer window at a property in Coalpit Heath.

6.2 Principal of Development

An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.3 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.

6.4 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.

6.5 Assessment of Evidence

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, providing the development meets the following criteria:

B.1

Development is not permitted by Class B if –

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

It is not proposed to alter or exceed the height of the existing roof.

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

It is not proposed to alter the roof slope on the front elevation or any elevation which fronts the highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -**
 - i. 40 cubic metres in the case of a terrace house, or**
 - ii. 50 cubic metres in any other case;**

The proposed works consist of the construction of one dormer window along the rear elevation. The volume of this dormer has been calculated to be 33.64m³. This property is semi-detached and therefore may extend up to 50 cubic metres as permitted development.

- (d) it would consist of or include -**
 - i. the construction or provision of a veranda, balcony or raised platform, or**
 - ii. the installation, alteration or replacement of a chimney, flue, or soil and vent pipe, or**
- (e) the dwellinghouse is on Article 1(5) land.**

One dormer window is proposed in the rear elevation. This does not provide for a veranda, balcony or raised platform. None of the items listed under B.1(d)ii. are proposed and the site is not on Article 1(5) land.

B.2

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

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

It is stated on the drawings submitted with this application that the materials proposed will match those of the existing dwelling. The proposed development is therefore considered to be in compliance with this condition.

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

The proposed dormer is set back from the eaves of the property by over 20cm. This condition has been complied with.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -**
 - i. obscure-glazed, and**
 - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposed dormer windows are on the rear elevation. No windows are proposed on the side elevation. This condition is not relevant.

- 6.6 The installation of one rear dormer window is has been assessed as to whether it complies with the regulations set out in Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008. The proposed development is considered permitted development.

7. CONCLUSION

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.
- 7.2 The installation of one rear dormer windows has been found to comply with the criteria of Schedule 2 Part 1 Class B of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.

8. RECOMMENDATION

- 8.1 It is recommended that a Certificate of Lawfulness be GRANTED for the following reasons:

Evidence has been provide to demonstrate, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.: PK12/3829/CLE

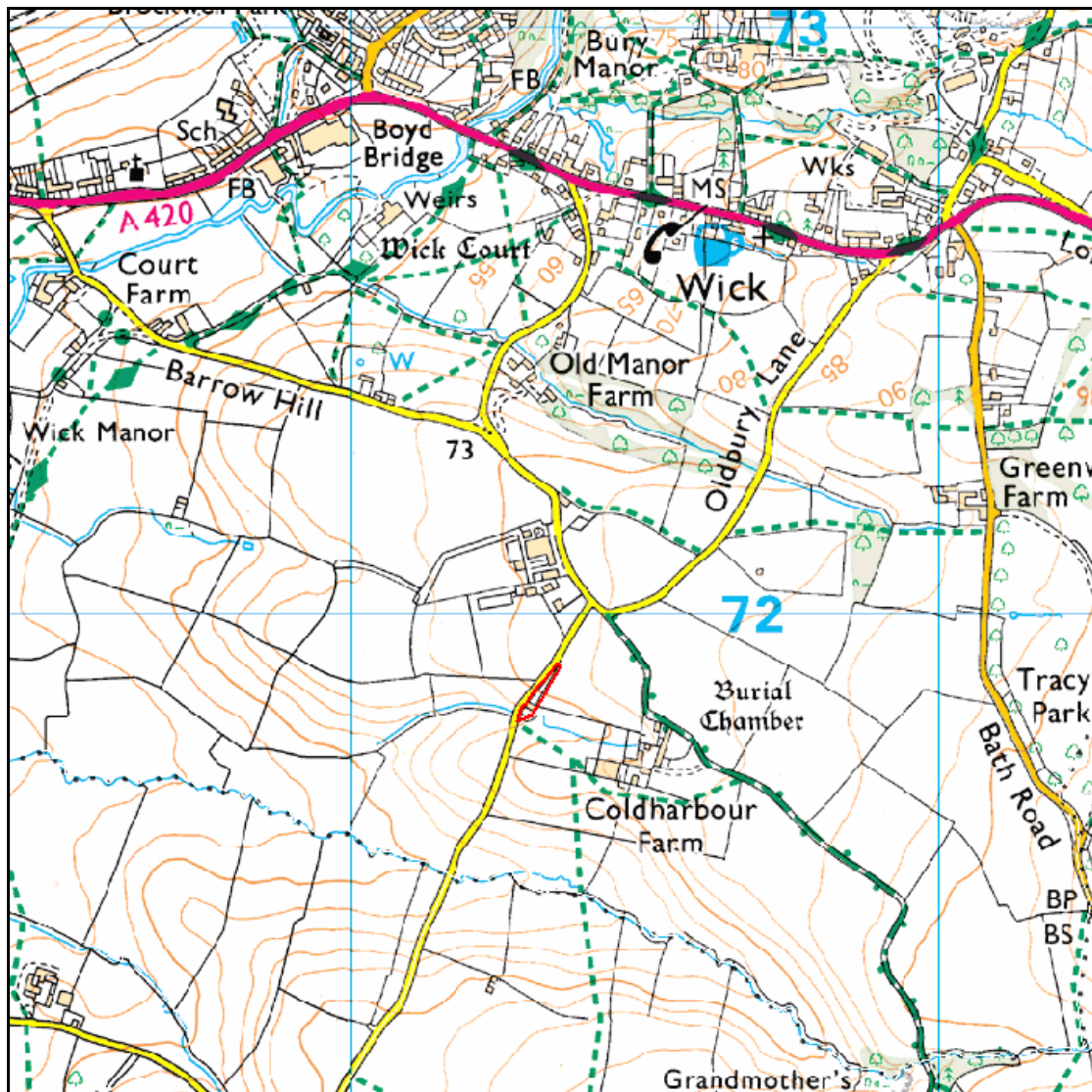
Site: Westbarn Oldbury Lane Wick South Gloucestershire

Proposal: Application for certificate of lawfulness for the existing occupation of dwelling without compliance with condition b attached to planning consent N903/3 (agricultural occupancy).

Map Ref: 370308 171844

Application Category: Minor

Applicant: Mr J McAlinden
Date Reg: 20th November 2012
Parish: Wick And Abson Parish Council
Ward: Boyd Valley
Target Date: 14th January 2013



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PK12/3829/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether the dwelling known as Westbarn Oldbury Lane Wick has been occupied without compliance with condition b attached to planning consent N903/3 (agricultural occupancy) for more than 10 years from the date of this application.

Condition b of planning approval N903/3 reads,

'The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed within the Northavon District, in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her), or widow or widower of such a person. Reason: The site is not in an area intended for general development and permission is granted to the present solely because the dwelling is required to house a person employment in agriculture or forestry.'

- 1.2 The application site is situated towards the south side of Wick village. The site is surrounded by open fields with vehicular access onto Oldbury Lane to west. The site comprises a converted stone barn on the south side of the plot with private garden to the north. There are mature hedges along the western boundary.

2. POLICY CONTEXT

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

3. RELEVANT PLANNING HISTORY

- 3.1 N903/3 Conversion of barn and cattle shelter to dwelling for farmworker. Approved 25 April 1984.
- 3.2 P87/2664 Application for permission to retain dwellinghouse without complying with condition (b) attached to planning permission N903/3. Refused 02.12.87.
- 3.3 PK03/2477/RVC Removal of condition (b) attached to planning permission N903/3 restricting occupancy of the dwelling to persons employed in agriculture. Refused 30.12.03.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council
No comment.

4.2 Other Consultees including internal consultees of the Council

- Landscape Officer: No landscape comment.
- Public Rights of Way Officer: No public rights of way comment.
- Highway Officer: No transportation comment.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 In support of the application, the following information has been submitted:-

Statutory declaration from James Edward McAlinden (Applicant) - in which he states the following:

- Mr McAlinden commenced occupation after purchasing the above premises (shown by a red outline on the enclosed plan) in November 2001 and he has resided the property continuously as his sole residence ever since.
- Mr McAlinden is aware that planning condition, namely (b) attached to planning permission N903/3 restricts the occupancy of the dwelling to persons employed in agriculture.
- Mr McAlinden confirms that previously and throughout his continuous occupation of the premises, he has never been employed in agriculture nor has any other occupier of the property.

Statutory declaration from Roger Holcombe of William Price & Co. (Accountant) - in which he states the following:

- Mr Holcombe act for Mr James Edward McAlinden in his professional capacity as his Accountant. He has acted continuously for Mr McAlinden since 1998.
- Mr Holcombe is aware that Mr McAlinden is seeking to apply to remove a planning condition that restricts the use of the application site to a person employed in agriculture and he is able to confirm that as his client's accountant, he is aware of his employment.
- To the best of his knowledge and from the accounts he has prepared on Mr McAlinden's behalf, he can confirm that Mr McAlinden has never gained any employment in agriculture throughout his time of occupation of the application site.

Statutory declaration from Ann Patricia Cook (Conveyancing Executive) - in which she states the following:

- Ms Cook acts currently and previously for James Edward McAlinden in her professional capacity as a conveyancing executive. She has acted

- for Mr McAlinden continuously since 1999, and confirmed that he purchased Westbarn in late 2001.
- Throughout her acquaintance and dealing with Mr McAlinden she has visited the property at Westbarn both professionally and socially on numerous occasions.
 - She is aware that Mr McAlinden is seeking to apply to remove a planning condition that restricts the use of the application site to a person employed in agriculture and she is able to confirm that to the best of her knowledge since knowing Mr McAlinden has never been employed in agriculture.

A copy of a letter from Richmonds Solicitors to Mr McAlinden confirming that contracts have been exchanged in the purchase of the property with completion for 30 November 2001.

5.2 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”.

Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the breach of condition b has continued for the 10-year period in question.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 No opposing evidence has been received and the Council could find no evidence in opposition to the applicant's claim.

7. EVALUATION

- 7.1 The evidence submitted in terms of the three statutory declarations and a written confirmation of the contracts exchange in the purchase of the above property by Mr McAlinden.
- 7.2 Three statutory declarations from Mr McAlinden, Mr Roger Holcombe and Ms Ann Cook, which state that Mr McAlinden has never been employed in agriculture. In the applicant's declaration, it is confirmed that he has resided the property continuously as his sole residence since November 2001. Both the applicant's accountant and conveyancing executive act for the applicant before Mr McAlinden purchased the property.
- 7.3 Upon visiting the site there was no indication that the site was/is being occupied contrary to the applicant's claim, no evidence has been submitted to dispute any of the evidence submitted or to indicate that there were any breaks in the breach of planning control the subject of the applicant's claim.

8. CONCLUSION

- 8.1 There is considered to be sufficient evidence weighing in favour of the applicant's claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has provided sufficient evidence to demonstrate it to be more probable than not that dwelling known as Westbarn, Oldbury Lane, Wick has been occupied by any person solely or mainly employed, or last employed, in the locality in agriculture or forestry, including dependants or widow or widower for a period of at least 10 years immediately prior to the submission of this application. The dwelling has therefore been occupied in non-compliance with condition b of planning permission N903/3 for a period of at least 10 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued.

9. RECOMMENDATION

- 9.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.:	PK12/3846/F	Applicant:	Mr Alan Quale
Site:	13 Trident Close Downend South Gloucestershire BS16 6TS	Date Reg:	30th November 2012
Proposal:	Erection of single storey side extension to form porch & additional living accommodation. Extension to detached garage & construction of decking area.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366167 178131	Ward:	Emersons Green
Application Category:	Householder	Target Date:	25th January 2013



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PK12/3846/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension to a bungalow, to form a porch and additional living accommodation, together with an extension to the existing garage and the creation of a decking area within the rear garden. The plans show the creation of a new access, but as this would be off an unclassified road this element does not require planning permission.
- 1.2 The site contains a bungalow in roughcast render under a tiled roof, which matches the adjoining bungalow and both occupy a corner position in a residential close of predominantly similar scale dwellings. As it turns the corner, one limb of Trident Close slopes downhill past the site to the northwest. The existing garage stands downhill of the house on site and up to the border of the adjacent property. It is proposed to extend this garage into the back garden, increasing its width by about 50%. The proposed side extension would be 4.3 metres wide at its widest point and incorporate a lean-to roofed porch to link the dwelling with its new lounge in a subservient manner. The roof for the proposed lounge would be fully hipped. Due to the slope of the rear garden, the decking area would be slightly elevated above the level of the garden.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House extensions and development within residential curtilages
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
Transportation
No objection, but seek a condition requiring the new access to be laid out to the Council's construction details.

Other Representations

4.3 Local Residents

Three letters of objection were received, citing the following concerns:

- Siting of rainwater pipe and soakaway which would cause excess rainwater to run downhill onto the next property
- Plans are incorrect and the intention is to widen the garage by 1 metre and not 1.8 metres
- The decking area would cause overlooking neighbouring garden
- The proposed parking area and access will be opposite another residential access, making it difficult for the occupiers to exit their properties at the same time
- The proposed extension will not be in keeping with a quiet cul-de-sac of bungalows
- There will no room for lorries to pass while the building works are underway

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. Three distinct elements are proposed and each is analysed below in terms of their impact on existing levels of residential and visual amenity.

5.2 Proposed Side Extension

In terms of residential amenity, the proposed extension would extend towards the street at a lower height than the existing dwelling in a situation where the houses opposite are set back from the street. To the rear it would project 2.6 metres beyond the existing rear building line. Although it would be visible in a peripheral manner from No. 14, it is not considered to cause any adverse impact to existing levels of residential amenity for that or any other property. In visual terms, the extension would be subservient to the host dwelling, with matching eaves and a lower apex roof height. The rendered walls and tiles are shown as similar to the host dwelling on the application forms and have been conditioned below to match. A brick plinth will take up the change in level as the site slopes to the northwest. The design shows the dwelling turning the corner and addressing both sides of the site as the road curves round. In order to achieve this, there would be three windows in the side elevation to make it appear and function more like a second front elevation and provide additional overlooking of the street. It is considered that the design is both successful and effective, as a result of pre-application negotiations with the applicant. The proposed side extension is therefore considered to accord with policies H4 and D1 of the adopted Local Plan.

5.3 Proposed Garage Extension

The matching materials condition mentioned above would apply equally to the garage, where the increased width is considered to make only a minor change to the street scene, due to the garage's withdrawn position to the rear of the site. The roof slope would be of a lower pitch to span the increased width.

The existing garage door would be retained and a pedestrian door added next to it in the front elevation. The brick front would be widened and in this withdrawn position is is considered that the design is acceptable. In terms of residential amenity, it is proposed to extend the garage towards the house on site and into the rear garden. With the roof apex being the same as at present with a shallower roof slope, it is considered that no overbearing impact or other adverse effect on existing levels of residential amenity would occur. The proposed side extension of the garage is therefore considered to accord with policies H4 and D1 of the adopted Local Plan.

5.4 Proposed Decking

This element would cover a small area of the rear garden, wrapping round the rear and inside elevations of the side extension, to a maximum projection of 1.7 metres. Excluding the balustrade, which would be a maximum 1.2 metres tall, the decking itself would reach a maximum of 0.6 metres above the level of the garden. At such an increase in height, it is considered that any overlooking would be virtually the same as a present in the garden and therefore that no harm to existing level of residential amenity would result. In design terms the decking is proposed to be of standard appearance. The proposed decking element is therefore considered to accord with policies H4 and D1 of the adopted Local Plan.

5.5 Other Issues

The issue of drainage into the garden of No. 14, downhill from the site has been raised. It is appropriate to examine how this proposal might change the present situation. Achieving Sustainable Drainage is required but in order to deal with excess run-off, a non-sustainable solution would have to be sought, which would be against the Local Plan policy and therefore cannot be recommended. In any event, it is considered that such circumstances would only occur occasionally and, as noted by the objector, already occur. It is considered that they would not be exacerbated by this modest development, which will entail installing new drainage measures. A condition recommended below ensures that the new driveway and parking area will be paved with a permeable material, but it should be noted that the access does not require planning permission, as the site is access from a non-classified road.

With regard to the increased width of the garage, this is shown on the plans as an increase of 1.8 metres and the proposal has been assessed above in accordance with the submitted plans.

The issue that was raised that there will no room for lorries to pass while the building works are underway is not a planning matter. If there is obstruction of the highway, that would be a matter for the police. However, it is considered that there would be no particular reason why the development could not be constructed within the residential curtilage.

The issue raised about the safety of two drivers exiting at the same time

from opposite sides of the road is considered to be a matter of driver courtesy, rather than a planning issue.

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 side extension turns the corner that the site forms, successfully, creating a second frontage for this modest bungalow that is beneficial to the street scene and causes no adverse impact on residential amenity for adjoining occupiers, in accordance with policies H4 and D1 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

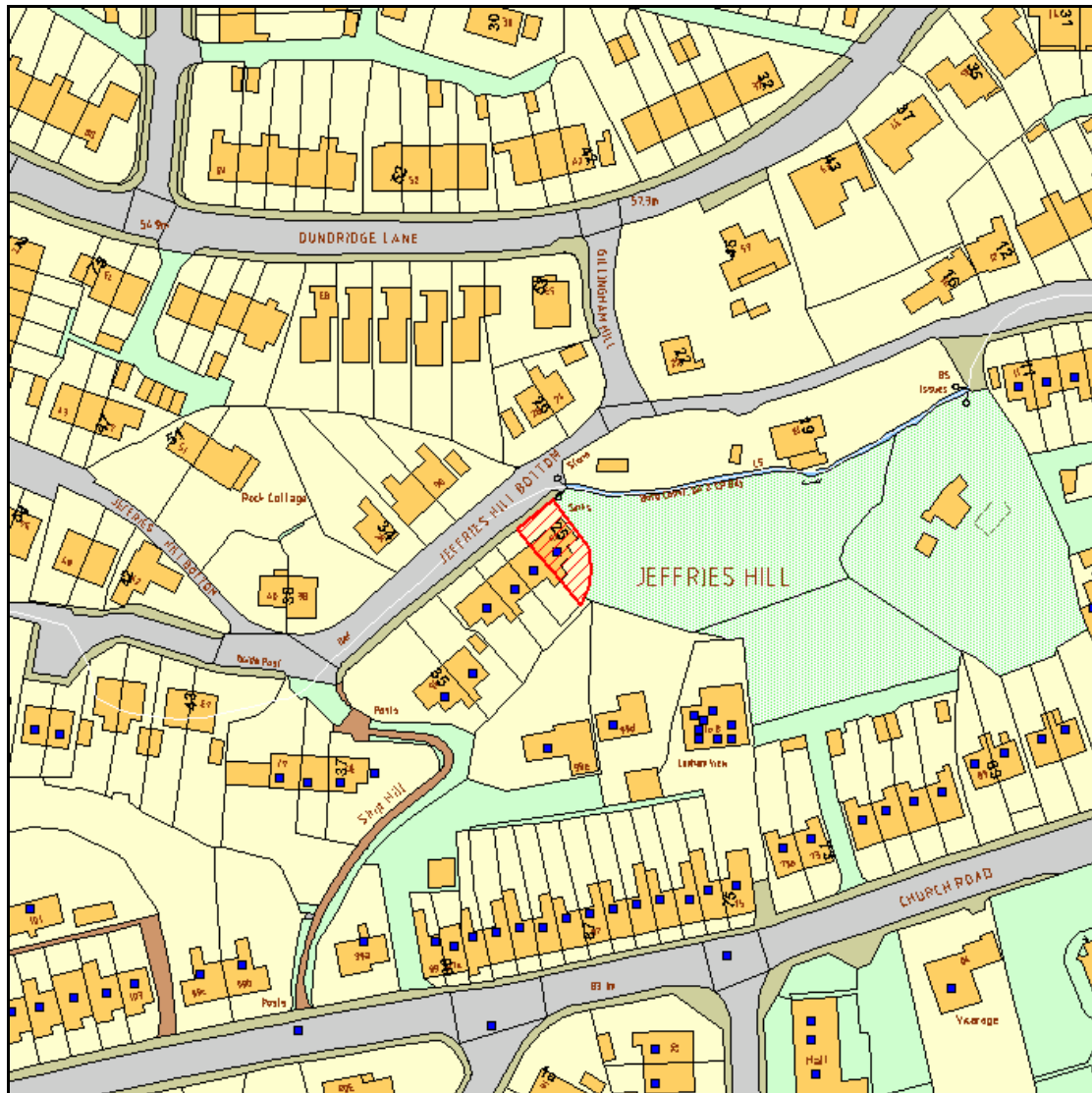
2. The hardsurfaced area indicated on the approved plans shall be constructed of a permeable material.

Reason

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

CIRCULATED SCHEDULE NO. 13/01 – 04 JANUARY 2013

App No.:	PK12/3935/CLP	Applicant:	Mr & Mrs P Phelps
Site:	25 Jeffries Hill Bottom Hanham South Gloucestershire BS15 3BG	Date Reg:	27th November 2012
Proposal:	Certificate of lawfulness for the proposed installation of a rear dormer window.	Parish:	Hanham Parish Council
Map Ref:	363673 172389	Ward:	Hanham
Application Category:	Minor	Target Date:	17th January 2013



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PK12/3935/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at 25 Jeffries Hill Bottom would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- 1.2 The application property is a two-storey semi-detached dwelling and is located within the established settlement boundary of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24, Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCED IN SUPPORT OF APPLICATION

- 5.1 Site location plan; Plans, section and elevations proposed – drawing 21A100

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application;

the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GDPO 2008. The site is in use as a dwellinghouse and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 allows for an addition or alteration to its roof, provided that it meets the criteria as detailed below:

6.2 Installation of rear dormer window.

B1 Development is not permitted by Class B if:

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

The proposed rear dormer will not exceed the height of the highest part of the existing roof.

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

The proposed dormer extension will be on the rear elevation, which is not the principal elevation, and does not front a highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof spaced by more than –**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The dwelling is a semi-detached property and the total cubic content of the proposed rear dormer is approximately 24.97 m³ and therefore complies with this criteria.

- (d) it would consist of or include –**
(i) the construction or provision of a veranda, balcony or raised platform or
(ii) the installation, alteration or replacement of a chimney flue or soil and vent pipe

The proposed development would not consist of any of the above.

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

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

Conditions

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse**

The materials used in the construction of the proposed development will complement those of the existing dwellinghouse.

- (b) **Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof.**

The edge of the rear dormer is shown to be more than 20cm from the lowest part of the eaves of the original roof.

- (c) **Any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –**
(i) **obscure-glazed and**
(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;**

The proposal does not include any of the above and therefore meets this criterion.

7. RECOMMENDATION

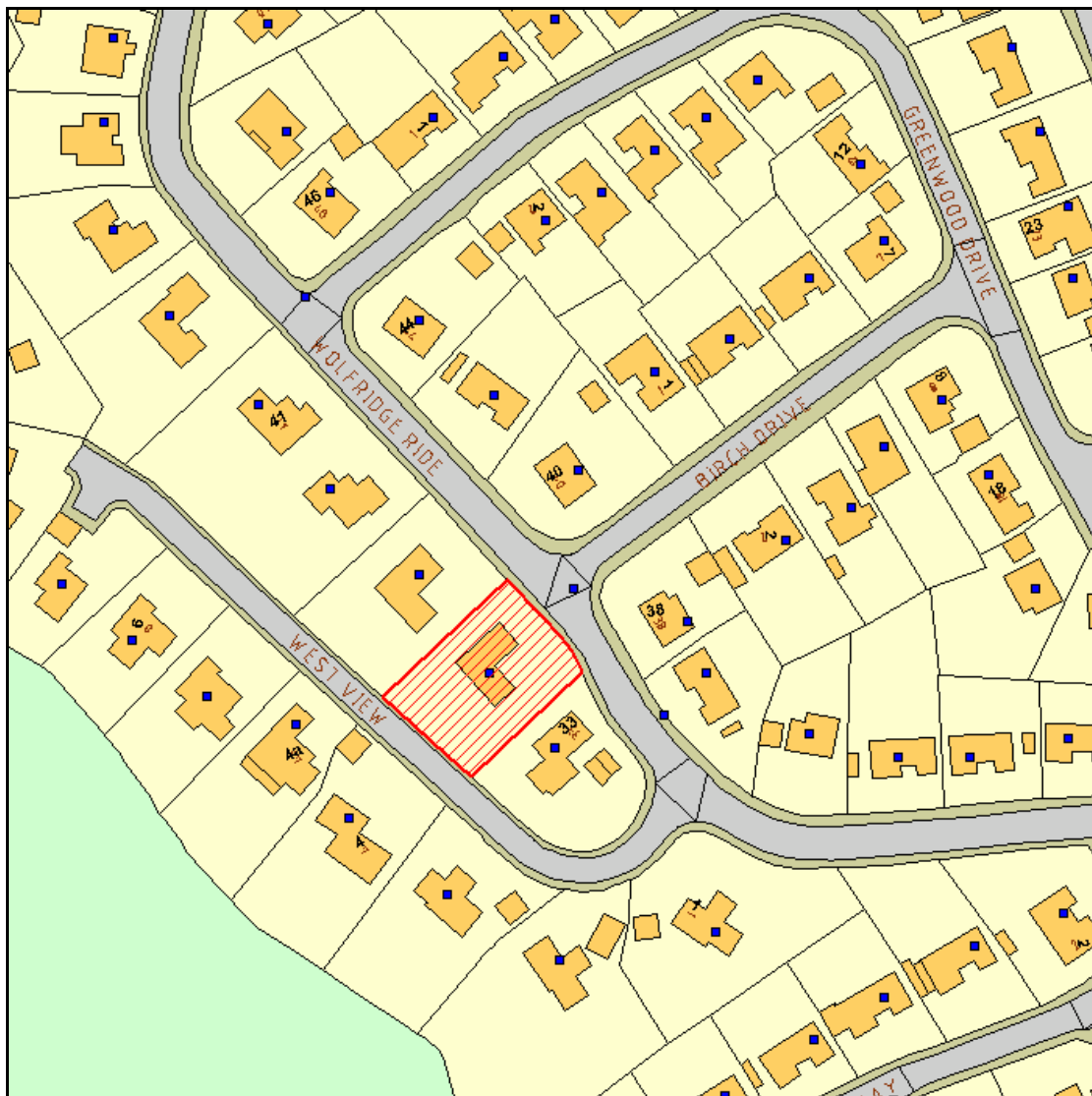
- 7.1 That a Certificate of Lawfulness for Proposed Development **is** granted for the following reason:

Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and **is** therefore permitted development.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.:	PT12/3757/TRE	Applicant:	Mr Ian Brisco
Site:	35 Wolfridge Ride Alveston South Gloucestershire BS35 3RL	Date Reg:	13th November 2012
Proposal:	Works to 1no. Beech tree to reduce crown by 30% covered by Tree Preservation Order TPO37 dated 13 January 1971.	Parish:	Alveston Parish Council
Map Ref:	362843 187782	Ward:	Thornbury South And Alveston
Application Category:		Target Date:	4th January 2013



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PT12/3757/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

One objection has been received from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks consent for works to 1no. beech tree covered by Tree Preservation Order TPO37 dated 13 January 1971. The proposal is to reduce the crown of the tree by 30%.
- 1.2 The application relates to 1no beech tree located to the side of 35 Wolfridge Ride, Alveston.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/0739/TRE – Works to trees – Approved 15th May 2011

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
The following comments have been made from one local resident:
 - The tree is in danger of falling.
 - The tree is leaning heavily in the direction of our property and we are concerned for our safety should it fall.
 - If there is any doubt about the safety of the tree it should be felled.
 - Recently heard a creaking noise coming from the tree.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree that makes a significant contribution to the character and visual amenity of the area.

5.2 Consideration of Proposal

The beech tree is mature specimen offering high visual amenity to the area and is considered worthy of its protected status. The tree has been inspected by the Tree Officer who has identified that it has a large decay cavity at its base, which extends into the main stem by approximately 150mm. Fungal decay brackets are present of the Ganoderma genus which would indicate ongoing decay. Ganoderma can be seen on a large number of mature trees and is a heartwood decay, which rots the centre of the tree. Ganoderma infestation in the early stages does not necessarily render the tree unsafe.

The main stem structure of the tree is poor with the main stem dividing into two stems at 1.5m. At this point there is a large area of included bark extending above the actual point of the branch union. The pressure caused by the two stems growing against each other can lead to a restricted in the growth of the girth of the stems at this point. Sections of the stems above the restriction will continue to increase in girth potentially becoming larger. This could possibly create a weak point at the area of contact

The proposed works would reduce the size of the tree canopy, subsequently reducing the wind resistance and stresses on the branch structure and the main stem. This would improve the overall structural integrity and safety of the tree. As such there are no objections to the application and the works are considered acceptable in respect of The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Other Matters

A local resident has raised concern over the safety of the tree. The Tree Officer has inspected the tree and whilst no decay detection investigation has been undertaken to assess the full extent of the decay, the foliage cover and size of the leaves indicates that there is not a major problem with the physiological functions of the tree. The proposed works to reduce the crown of the tree would significantly improve the structural integrity of the tree. As such there are no significant concerns over the safety of the tree.

6. CONCLUSION

- 6.1 The proposed works will reduce the size and weight of the tree canopy, which would reduce the wind resistance and stresses exerted on the branch structure and main stem. It is considered that the proposed works will allow the retention of the tree at a reduced size. The proposed works are therefore considered good arboricultural practice and are therefore in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

7. RECOMMENDATION

- 7.1 That consent is **GRANTED** for works to reduce the canopy of 1no. Beech Tree by 30%.

Contact Officer: Sarah Fordham
Tel. No.

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

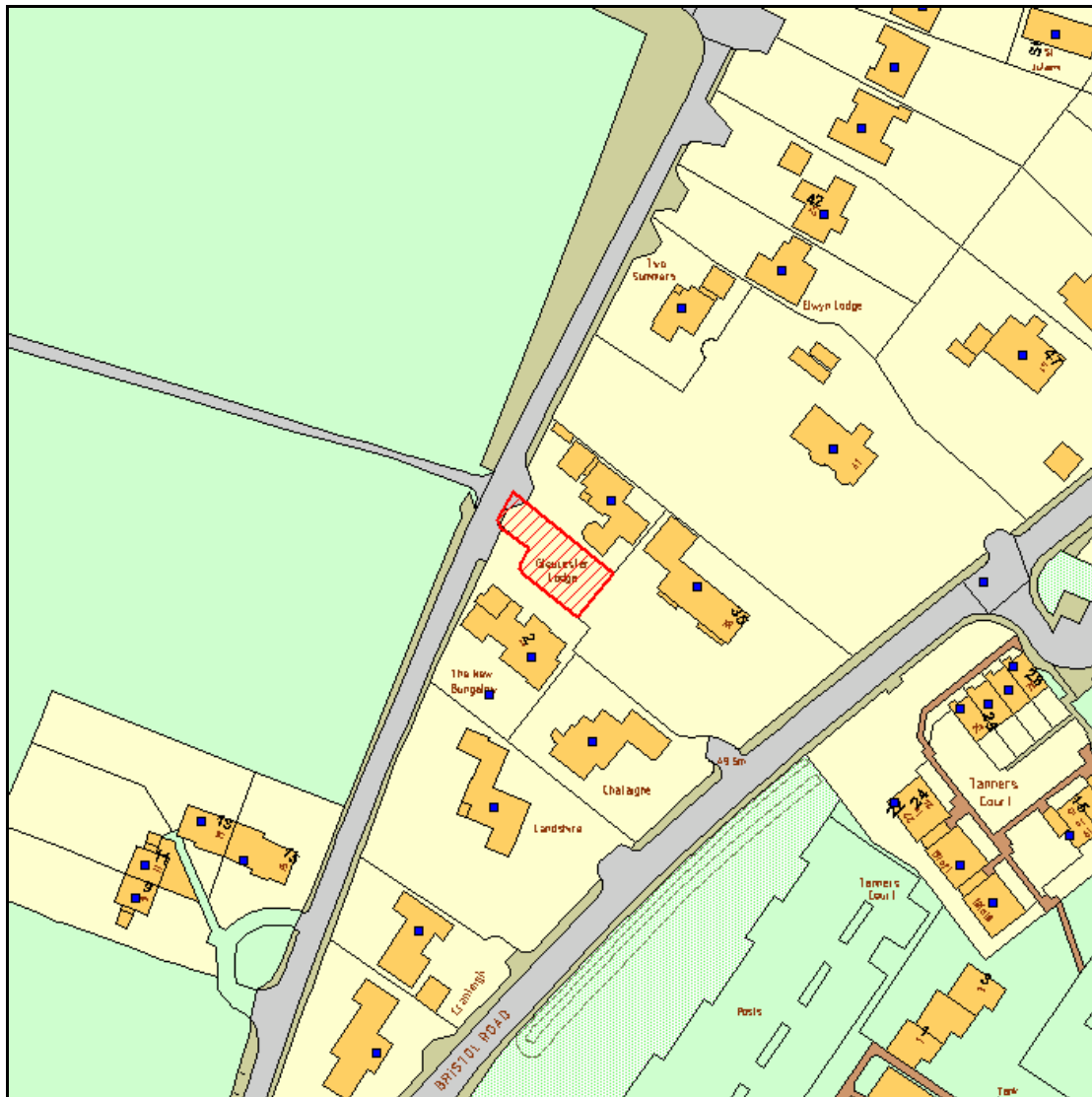
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 01/13 – 04 JANUARY 2013

App No.:	PT12/3784/F	Applicant:	Mrs D Milton
Site:	Gloucester Lodge Old Gloucester Road Frenchay South Gloucestershire	Date Reg:	22nd November 2012
Proposal:	Erection of 1no. detached dwelling with new access and associated works	Parish:	Winterbourne Parish Council
Map Ref:	363567 178073	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	15th January 2013



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PT12/3784/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to comments received by the Parish Council who have objected on grounds of overdevelopment. This is contrary to the Officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks full planning consent for the erection of 1 new dwelling in the curtilage of an existing residential property in Frenchay. The proposed dwelling will be a four-bedroom chalet-style bungalow with a gabled roof.
- 1.2 The application site consists of a large detached property 'Gloucester Lodge' on the Old Gloucester Road in Frenchay constructed in the late 1980s. The garden of the property runs parallel to the road, which provides the site with a road frontage. Gloucester Lodge currently has a large conservatory; this will be demolished to facilitate the construction of the new dwelling.
- 1.3 A previous planning application gained consent to erect a double garage where the new dwelling is proposed. This consent was implemented through the commencement of groundworks but not completed.
- 1.4 The site is located within the settlement boundary for Frenchay but not within the village's conservation area. The site is not located within the green belt but does sit along the boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- GB1 Development within the Green Belt
- T8 Parking Standards
- T12 Transportation Development Control Policy
- H2 Proposals for Residential Development within Defined Settlement Boundaries
- H4 Development with Existing Residential Curtilages, including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

- CS1 High Quality Design
- CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the existing property on the site, 'Gloucester Lodge' – there is no planning history relevant to the erection of a new dwelling at this location.
- 3.2 PT08/0142/F Approved with Conditions 22/02/2008
Erection of detached double garage.
- 3.3 P94/1817 Refused 24/07/1994
Erection of single storey extensions to form enlarged study and living room bay windows. Erection of first floor extension over existing lounge to form bedroom with ensuite bathroom.
- 3.4 P94/1105 Approved 27/02/1994
Erection of single side garage
- 3.5 P88/3220 Approved 21/12/1988
Erection of single storey rear extension to form living room; erection of single storey garden store; erection of single storey side extension to form sun lounge.
- 3.6 P86/1563 Approval of Reserved Matters 04/06/1986
Erection of detached dwelling and double garage. Construction of new vehicular and pedestrian access. (Details following outline) (to be read in conjunction with P85/2739).
- 3.7 P85/2739 Approval of Outline Permission 29/01/1986
Erection of detached house and garage. (Outline).

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection: Overdevelopment of the site, a more modest scheme would be more appropriate.
- 4.2 Transport Officer
No objection, subject to a condition ensuring visibility splay is retained.

Other Representations

- 4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks full planning consent for a four-bedroom chalet-style bungalow within the curtilage of an existing dwelling located in the settlement of Frenchay.
- 5.2 **Principle of Development**
Development of this nature is controlled through a number of policies contained within the Development Plan. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 manages development, including the erection of new dwellings, at existing residential properties. This policy is generally supportive of such development subject to a detailed assessment of design, amenity, highway safety and parking provision. Weight should also be given to policy H2 for the erection of new dwellings within settlement boundaries. The design standard of the district is set out in policy D1. Considerations of highway safety and parking should be made with regard to policies T8 and T12. The emerging Core Strategy, which outlines future development in the district, contains policies CS1 on design and CS17 on housing diversity. These generally mirror those policies of the Local Plan discussed above. Having considered these policies, the principal of development is acceptable subject to the analysis set out below.
- 5.3 **Design and Visual Amenity**
The proposed development consists of a chalet-style bungalow. The principal elevation includes a feature gable end with juliette balcony, a brick dentil course and window detailing, and glazed entrance set beneath an extended section of the roof which comprises the porch. The rear elevation contains a timber truss detail at the peak of the gable and a wooden pergola. The side elevations are simple in character which reflects their proximity to neighbouring properties.
- 5.4 Policy D1 requires new development to be informed by, respect and enhance the character of the local area. Two chalet-style bungalows have been given planning consent at the adjacent property (PT12/0856/F) and, as such, the general design approach for this scheme is suitable for the location. The height of the new dwelling has been kept below the height of Gloucester Lodge. The main ridge sits below the apex of the gables on the two adjacent new chalet bungalows, with the forward-facing gable slightly higher creating a step between the new properties and Gloucester Lodge.
- 5.5 At 1½ stories in height, the bungalow is modest in scale and is unlikely to be considered dominating in the street scene. When considered against the properties nearby, the proposed development is in keeping with the general character and appearance of the locality. Gloucester Lodge has influenced the design of the proposed dwelling with a visible roof and strong gable influences. The design is in keeping with the overall design of this property in terms of materials, appearance and scale.

- 5.6 It is proposed to use clay tiles for the roof, with rendered walls and grey aluminium windows. Clay tiles are an appropriate material for the area, with Gloucester Lodge having a double-roman tile and the adjacent chalet bungalows a plain concrete tile. Render is also in keeping with the area, both with properties in the immediate vicinity and the wider settlement of Frenchay. The scale of the proposed dwelling is a mid-point between the imposing bulk of Gloucester Lodge and the smaller bungalows to the other side, creating a pleasant and varied street scene.
- 5.7 It is concluded that the design meets the requirements of policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.8 Residential Amenity
Amenity is important in terms of the proposed dwelling, the proposed residential curtilage for the existing dwelling, and nearby occupiers.
- 5.9 The residential amenity of the adjacent neighbours is protected. The design of the scheme limits the number of windows that could conceivably cause overlooking. Those windows which do remain are obscure glazed, and this will be enforced by condition.
- 5.10 Located to the southwest of Gloucester Lodge, the proposed dwelling may have an impact on the availability of light to the house and gardens. However, the proposed dwelling has a much smaller mass than the existing property, including a lower ridge height. Further to this, the slope of the gable roof has been designed to have minimal impact on the adjacent properties. It is therefore not considered that the proposed development would overshadow Gloucester Lodge to the extent that it is detrimental to the amenity levels enjoyed by the property.
- 5.11 The provision of private amenity space should also be considered. It was considered that the initial submission did not adequately address the issue of private amenity space. As a consequence, design amendments were sought to bring the dwelling slightly further to the front of the plot and reduce the size of the rear wing. The aim of these amendments was to improve the outlook from the proposed kitchen window, and improve the usability of the rear garden.
- 5.12 Design amendments were submitted which increased the size of the rear garden to 92 square metres. This is considered to be an appropriate sized garden commensurate with the size of the proposed dwelling and likely to provide a good level of outdoor amenity space. This leaves Gloucester Lodge with a garden of 132 square metres, which is also considered to adequately retain a reasonable level of amenity space. The design amendments have not compromised the access, provision of parking spaces, or vehicular turning ability. It is concluded that the plot sizes and the layout of development will not be detrimental to the amenity of the area or the amenity of nearby occupiers.
- 5.13 Parking, Access, and Transport
Parking is provided for two vehicles within the proposed development. The existing property will retain a double garage and turning area. Sufficient

parking has been provided within the development in accordance with policies T8 and T12 of the Local Plan

- 5.14 Access, needs to be safe and the traffic generated not represent a highways issue for the development to be acceptable. The visibility splay required for safe access to the proposed development is not in the total control of the applicant. However, a condition attached to PT12/0856/F for the erection of two chalet bungalows next door requires a section of land to be kept clear from obstructions. As this land is controlled by condition, the access to the proposed development is considered acceptable provided it is implemented as shown on the drawings submitted and maintained in such a condition henceforth.
- 5.15 Green Belt
The site is located on the edge of the green belt, and therefore the impact the proposed development will have on the openness of the green belt needs to be considered.
- 5.16 Old Gloucester Road has a varied building line that runs along the eastern side of the road. It is these buildings that can be seen from the green belt. The proposed development reinforces the building line along the east of Old Gloucester Road. In doing so, this creates a stronger contrast between the protected, open, green belt land and the developed land within the settlement of Frenchay.
- 5.17 It is not considered that the proposed development will have a harmful impact on the openness of the green belt.
- 5.18 Housing Density
A density above 30 dwellings per hectare has been achieved. Combined with the other policy considerations addressed above, the proposed development complies with the criteria of policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.19 Overdevelopment and Design Amendments
It is noted that the Parish Council object to this development on grounds of overdevelopment.
- 5.20 A design amendment was sought to the scheme to increase the amount of amenity space available at each property. The proposed dwelling was brought forward in the plot by 1 metre and the rear wing reduced in size. It is not considered that the proposed development represents overdevelopment of the plot for the following reason.
- 5.21 Adequate space is provided for the parking of motor vehicles within the site boundary for both the proposed dwelling and Gloucester Lodge. Furthermore, gardens are indicated on the submitted plans that provide 92 and 132 square metres of private amenity space. These gardens are considered to be adequate in size and commensurate with the size of the properties. The proposed development is of a size and scale which is in keeping with the surroundings and, although the built form is more tightly knit than elsewhere in Frenchay, it is not out of character with the wider locality or adjacent properties.

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 development has been tested against policies H2 and H4 to ascertain whether the development is suitable; it was found that the proposed development complied with the requirements of these policies and was therefore acceptable. The design of the proposed dwelling has been assessed against policy D1; the design is considered to be informed by and respect the character and appearance of the locality, existing properties and wider area and therefore is acceptable. With regard to transport, the development has been assessed against policies T8 and T12; when considered with the conditions imposed, the development accords with the criteria of these policies. The proposed development has also been assessed for any impact on the openness of the green belt under policy GB1; it was concluded that the development strengthens the differentiation between the village and the green belt and therefore does not have a harmful impact on the openness of the area.
- 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 It is recommended that permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
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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 use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed window in the ground-floor guest bedroom on the northeast

elevation, the proposed rooflights in the two first-floor bathrooms, and the lounge windows at first-floor level in the southwest elevation shall be glazed with obscure glass to level 3 standard or above.

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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The building shall not be occupied until a means of vehicular access has been constructed in accordance with plan 134-103. The access must be constructed in line with the approved plan and maintained as stated on this plan unless expressly permitted otherwise by the Local Planning Authority.

Reason

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