



**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. 04/13**

**Date to Members: 25/01/13**

**Member's Deadline: 31/01/13 (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](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 Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail you 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 – 25 JANUARY 2013

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK12/3978/F</b>	Approve with Conditions	Vine Cottage Wotton Road Iron Acton South Gloucestershire BS37 9UZ	Frampton Cotterell	Iron Acton Parish Council
2	<b>PK12/3979/LB</b>	Approve with Conditions	Vine Cottage Wotton Road Iron Acton South Gloucestershire BS37 9UZ	Frampton Cotterell	Iron Acton Parish Council
3	<b>PK12/4036/F</b>	Refusal	Building Adjacent To 208 North Road Yate South Gloucestershire BS37 7LQ	Ladden Brook	Iron Acton Parish Council
4	<b>PK12/4184/F</b>	Approve with Conditions	19 Common Road Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
5	<b>PK12/4259/CLP</b>	Approve with Conditions	158 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BU	Chipping	Sodbury Town Council
6	<b>PT12/0828/FDI</b>	Approve	Land At 60 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
7	<b>PT12/3950/RVC</b>	Approve with Conditions	60 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
8	<b>PT12/4077/F</b>	Approve with Conditions	49 Bourton Avenue Patchway South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
9	<b>PT12/4084/F</b>	Approve with Conditions	Birch House Bristol Road Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council

# ITEM 1

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PK12/3978/F	<b>Applicant:</b>	Mr And Mrs Jon Aries
<b>Site:</b>	Vine Cottage Wotton Road Iron Acton Bristol South Gloucestershire	<b>Date Reg:</b>	12th December 2012
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. Erection of retaining walls in rear garden.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	368166 183496	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th February 2013



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100023410, 2008.

**N.T.S.**

**PK12/3978/F**

## **REASON FOR REPORTING ON THE CIRCULATED SCHEDULE**

An objection has been received from the Parish Council contrary to the officer recommendation. Although not submitted in reference to this application, but the Listed Building application which accompanies it, the objection raised points which relate to the planning application. As such, the objection is considered to relate to this planning application.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey rear extension to this detached, Grade II Listed stone and tile two storey house which stands in the Conservation Area and village of Iron Acton. The extension would be to its eastern elevation, forming a rear wing to this dwelling which has a long plan form, but does not include an attached double garage and store extension to the south, as this is indicated as off-site. There is a further additional lean-to element at single storey to the rear of the dwelling and the proposed extension would be attached to this, in two storeys with a valley roof.
- 1.2 The site also lies in the Green Belt. To the rear of the site there is an expansive garden which abuts the large front garden of Hillside, a two storey dwelling to the rear. To the side lies Inglewood Cottage which is orientated at 90 degrees to the site. Therefore it faces the side of the house on site and its rear garden, at close proximity. The proposed two storey extension would project by 4.5 metres beyond the existing rear building line, but only at ground floor level, with the first floor set back as shown on amended plans. This would exceed the depth of the lean-to single storey extension by 2.1 metres, at a distance of 4.6 metres from the front of Inglewood Cottage.

### **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 Green Belt  
H4 House Extensions  
L1 Landscape  
L12 Conservation Areas  
L13 Listed Buildings  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design  
CS9 Heritage assets
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt Supplementary Planning Document adopted 2007.  
Iron Acton Conservation Area guidance note

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

- 3.1 PK12/3979/LB Listed Building application to accompany this planning application  
Undetermined

### 4. **CONSULTATION RESPONSES**

#### 4.1 Iron Acton Parish Council

Concerns raised due to the new window will be overlooking the neighbours. Proposed Bi-folding doors in a listed building. Modern windows not in keeping with the rest of the building. It was also noted on the fact that a previous extension has already been built on the property.

#### 4.2 Other Consultees [including internal consultees of the Council] Conservation Officer

No objection to the amended plans, subject to the conditions regarding the submission of detailed plans, sample panels, samples of roofing materials, the finish of rainwater goods and glazing bars to break up the bi-folding doors.

### **Other Representations**

#### 4.3 Local Residents

One letter of support was received on the basis that the extension would have a positive effect for the family and their living space. The family cares about their home and maintains it well. The proposal would enhance the house, which has seen major changes when it was converted from two cottages to one. There would be no adverse impact on the Conservation Area.

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

#### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the Bristol/Bath Green Belt and as such only extensions to dwellings which are not disproportionate to the original dwelling can be acceptable. The degree of increase which is considered to be proportionate is limited to 30%, or up 50%, depending on location and impact on the openness of the Green Belt, as explained in the adopted Supplementary Planning Document. This proposal is for an increase in the size of the original dwellinghouse at below the 30% limit over and above the volume of the original dwelling. As specified in the Supplementary Planning Guidance, the proposal is deemed an extension which is not disproportionate to the original dwellinghouse. The National Planning Policy Framework has extended the test for disproportionate extensions to all buildings in the Green Belt, but the test still applies to this proposed extension to a dwelling. In addition to this, there are three criteria which require further consideration below. These are the impact on the openness of the Green Belt, the impact on residential amenity and visual amenity, as well as the impact on the host Listed Building.

#### 5.2 Openness of the Green Belt

The adopted South Gloucestershire Local Plan and the Council's Green Belt Supplementary Planning Document specifically refer to the percentage increase over the original dwellinghouse, which would represent a proportionate increase and states that a volume increase of 30% is proportionate. Extensions over a 30%, but under a 50% increase are

considered to fall within the definition of a 'limited extension' and as such can be viewed as not disproportionate. This depends partly on the impact on the openness of the Green Belt and this requires assessment: The extension would not be in a prominent location when viewed from the public realm, as it would be on the rear elevation of the building and when viewed from Holly Hill, at a distance, would be read against the cottage immediately to the north of the site. In this location, the impact of the extension on the openness of the Green Belt is considered to be negligible and not harmful.

### 5.3 Residential Amenity

The proposed extension has been scaled back at first floor level in the amended plans. It is considered that it would offer no views out of the garden at ground floor level, due to the boundary treatments, specifically a tall wattle fence along the boundary with Inglewood Cottage, which stands at 90 degrees to the house on site and faces over its rear garden. At first floor level, the only window looking in the direction of Inglewood Cottage would serve an ensuite bathroom, not a habitable room. Further first floor windows are shown to serve the proposed master bedroom and these would face out over the site's rear gardens and over the end of the front garden of Hillside, to the East. This front garden is at present overlooked in a similar manner from the rear elevation of the site and therefore it is considered that the proposal would not result in any harm to existing levels of residential amenity due to overlooking.

The proposed two storey extension, even though it has been scaled back at first floor level, would have the potential of creating an overbearing impact on Inglewood Cottage, due to the relationship between that dwelling and the one on site. However, Inglewood Cottage has no primary habitable room windows that face the proposed extension. At ground floor level, the view from a secondary kitchen window is curtailed by the above-mentioned wattle fence, across the garden path. At first floor level, there is a landing window and bathroom window facing the site, neither of which serve habitable rooms. It is therefore considered that the proposed extension, although it is close to the boundary, would not have any overbearing impact on habitable rooms. Given that between Inglewood Cottage and Vine Cottage there is only a pathway, it is also considered that the proposal would not lead to overshadowing of the Cottage's garden.

It is therefore considered that the proposal would not harm existing levels of residential amenity and accords with policy H4 of the adopted Local Plan.

### 5.4 Design/ Impact on Visual Amenity and Conservation Area

With regard to the impact on the Conservation Area this is essentially a secondary concern to the impact on the host Listed Building, which is analysed in detail in the following paragraph. However, the impact on the Conservation Area also merits examination. The extension would be to the rear of the dwelling and only visible at a distance from the public realm, from the road, across the garden of Hillside. The site is at a lower level than this garden and therefore public views would be of the first floor and roof, rather than the extension as a whole. Taking into account the specific design analysis in the

following paragraph, it is considered that the impact on the Conservation area would not be harmful and accords with policy L12 of the adopted Local Plan.

#### 5.5 Impact on Listed Building

Vine Cottage is a grade II listed cottage circa early 19<sup>th</sup> century. Its elevations are of natural rubble stone, uncoated, set under a dual-pitched double-Roman tiled roof that features 3no. brick chimneys. To the front all windows are painted timber sashes; the rear windows are considered more modern casements. Formerly a pair, Vine Cottage now sees both cottages form a single residence. Originally rectangular on plan and one room deep set on a north-east/south-west axis, the rear has however seen extended with a single storey addition with the rear roof plane extended to create a cat-slide roof.

This application follows a pre-application enquiry for a proposed two-storey rear extension that would be set within the side building lines of the existing rear extension, but the depth and height would be increased to create a substantial 2-storey extension. Although there was no objection in principle to a rear two-storey extension, it was considered that scale was excessive and along its form, it was considered that the proposal would be harmful to the character and significance of this Listed Building and the Iron Acton Conservation Area, as public views of the rear of the property are attainable from the south-west. The pre-application proposal also included the raising of the side garage roof which was also considered unacceptable for the same reasons. To address the concerns previously raised, the massing of the previously proposed projecting gable fronted extension has been reduced with two small double pitched gable roofs with central valley or 'M-shaped' roof form.

The design of the rear extension is considered an improvement on the pre-application scheme. Amended plans were sought and received. The changes to the design of the extension are considered to provide balanced and steeper roof pitches to the gables are welcomed. Construction details and materials/finishes for the central valley are though be required by the condition recommended below. The roof ridges and windows also all appeared off-centre, which has been overcome in the amended plans. The increase in depth of roof plane by lowering of eaves and raising ridge heights is also noted and welcomed and addresses the initial concern over these issues.

With regard to the depth of the extension, it was considered that the proposed 4.4m depth, which is only slightly less than the depth of the main house, remains excessive for this modest cottage. The amended plans are considered to go far enough to overcome this concern due to the reduction in depth at first floor level. The changes in design and scale of the openings are also considered a positive improvement as it helps break up the massing of the rear elevation.

The proposed bi-folding doors on the south-west elevation are more contentious. These would be visible from the public realm in terms of impact on the Conservation Area. Their impact on the character and significance of the extension on the listed building is also a primary consideration. On balance, it is considered that the reduction in mass of the extension and the reduction in size of the bi-folding doors is in the interests of the proportions and character of the



resultant building and the end result is acceptable in principle. However, details are required by condition to ensure the quality of its appearance is secured. A further condition requires, notwithstanding the submitted details, the introduction of transoms and glazing bars to the design, which should ensure that the final design of this element respects the traditionally designed proportions of the windows of the host dwelling.

The existing rear single store extension is not considered to represent a significant loss of historic fabric. The existing retaining garden structures that would also be lost to make way for the extension and then replaced with modern structures are also not considered to be so significant that their loss is unacceptable. There are therefore no objections in principle to the proposed scheme, as revised.

There are no objections raised by the Conservation Officer to the erection of retaining walls subject to appropriate materials, mortar, jointing and coursing and this is considered to be acceptable in terms of its impact on the setting of this Listed Building. Overall, subject to the conditions shown below, it is considered that the proposal would not be contrary to policy L13 of the adopted Local Plan.

#### 5.6 Other Issues

The previous extensions are not of relevance to this application, other than as part of the assessment of the cumulative effect on the Listed Building as addressed above. The „modern“ windows have been amended in the revised plans to create a better solid to void ratio and are not considered to be inappropriate to the host dwelling, subject to the condition shown below regarding introducing glazing bars. There is no in-principle objection to bi-fold doors in an extension to a Listed Building, subject to their design. Their impact on the Listed Building has been assessed in the previous section.

### 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 extension would provide enlarged family accommodation without having an undue impact on the host Listed Building, the Conservation Area or existing levels of residential amenity. The proposal therefore accords with policies D1, L12, L13 and H4 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, subject to the conditions shown.

**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. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including framing, cill and head/lintel details and finishes)
  - b. Rooflights
  - c. All new doors
  - d. All new vents and flues (if applicable)
  - e. Eaves (including rainwater goods), verges, central valley and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord policy L13 of the adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development, a representative sample panel(s) of natural facing stone (for both extension and retaining walls), of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel.

Reason

To safeguard the special architectural and historic character of the building, and to accord policy L13 of the adopted South Gloucestershire Local Plan.

4. Prior to the commencement of development, details and representative samples of the roofing materials proposed to be used in the development hereby approved 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 safeguard the special architectural and historic character of the building, and to accord policy L13 of the adopted South Gloucestershire Local Plan.

5. All new rainwater goods shall be of cast metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority

Reason

To safeguard the special architectural and historic character of the building, and to accord policy L13 of the adopted South Gloucestershire Local Plan.

6. Notwithstanding the approved plans, prior to the commencement of development, detailed plans and cross sections at a scale of 1:10 shall be submitted for approval in writing by the Local Planning Authority to demonstrate the introduction of glazing bars in the approved bi-folding doors. The development shall be implemented in accordance with the plans so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord policy L13 of the adopted South Gloucestershire Local Plan.

# ITEM 2

## CIRCULATED SCHEDULE NO. 04/15 – 25 JANUARY 2013

<b>App No.:</b>	PK12/3979/LB	<b>Applicant:</b>	Mr And Mrs Jon Aries
<b>Site:</b>	Vine Cottage Wotton Road Iron Acton Bristol South Gloucestershire	<b>Date Reg:</b>	13th December 2012
<b>Proposal:</b>	Erection of two storey rear extension, new retaining wall, and associated works..	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	368166 183496	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th February 2013



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100023410, 2008. **N.T.S.** **PK12/3979/LB**

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

The Parish Council has objected to this proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks Listed Building Consent for the erection of a two storey rear extension. Revised plans show that this would extend further at ground floor level than at first floor.
- 1.2 The site is a Grade II Listed detached dwelling, within Iron Acton Conservation Area. There is a range of side extensions, with ownership ending after a single storey side store. There is also a single storey rear lean-to, against which the proposed extension would stand.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Supplementary Planning Guidance  
Marshfield Conservation Area guidance note

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

- 3.1 PK12/3978/F Planning application to accompany this Listed Building application  
Undetermined

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
Concerns raised due to the new window will be overlooking the neighbours. Proposed Bi-folding doors in a listed building. Modern windows not in keeping with the rest of the building. It was also noted on the fact that a previous extension has already been built on the property.
- 4.2 Other Consultees [including internal consultees of the Council]  
Conservation Officer  
No objection, subject to the inclusion of conditions governing the submission of detailed plans, sample panels, samples of roofing materials, the finish of rainwater goods and ensuring the use of lime based mortar.

### **Other Representations**

- 4.3 Local Residents  
One letter of support was received on the basis that the extension would have a positive effect for the family and their living space. The family cares about their home and maintains it well. The proposal would enhance the house, which has seen major changes when it was converted from two cottages to one. There would be no adverse impact on the Conservation Area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application for Listed Building Consent stands to be assessed against the 1990 Planning (Listed Buildings and Conservation Areas) Act. The issues to be resolved relate solely to the impact of the works on the fabric of the Listed Building, within the Conservation Area.

### 5.2 D1, L12 and L13: Design and Impact on Listed Building and Conservation Area

Vine Cottage is a grade II listed cottage circa early 19<sup>th</sup> century. Its elevations are of natural rubble stone, uncoated, set under a dual-pitched double-Roman tiled roof that features 3no. brick chimneys. To the front all windows are painted timber sashes; the rear windows are considered more modern casements. Formerly a pair, Vine Cottage now sees both cottages form a single residence. Originally rectangular on plan and one room deep set on a north-east/south-west axis, the rear has however seen extended with a single storey addition with the rear roof plane extended to create a cat-slide roof.

This application follows a pre-application enquiry for a proposed two-storey rear extension that would be set within the side building lines of the existing rear extension, but the depth and height would be increased to create a substantial 2-storey extension. Although there was no objection in principle to a rear two-storey extension, it was considered that scale was excessive and along its form, it was considered that the proposal would be harmful to the character and significance of this Listed Building and the Iron Acton Conservation Area, as public views of the rear of the property are attainable from the south-west. The pre-application proposal also included the raising of the side garage roof which was also considered unacceptable for the same reasons. To address the concerns previously raised, the massing of the previously proposed projecting gable fronted extension has been reduced with two small double pitched gable roofs with central valley or 'M-shaped' roof form.

The design of the rear extension is considered an improvement on the pre-application scheme. Amended plans were sought and received. The changes to the design of the extension are considered to provide balanced and steeper roof pitches to the gables are welcomed. Construction details and materials/finishes for the central valley are though be required by the condition recommended below. The roof ridges and windows also all appeared off-centre, which has been overcome in the amended plans. The increase in depth of roof plane by lowering of eaves and raising ridge heights is also noted and welcomed and addresses the initial concern over these issues.

With regard to the depth of the extension, it was considered that the proposed 4.4m depth, which is only slightly less than the depth of the main house, remains excessive for this modest cottage. The amended plans are considered to go far enough to overcome this concern due to the reduction in depth at first floor level. The changes in design and scale of the openings are also considered a positive improvement as it helps break up the massing of the rear elevation.

The proposed bi-folding doors on the south-west elevation are more contentious. These would be visible from the public realm in terms of impact on

the Conservation Area. Their impact on the character and significance of the extension on the listed building is also a primary consideration. On balance, it is considered that the reduction in mass of the extension and the reduction in size of the bi-folding doors is in the interests of the proportions and character of the resultant building and the end result is acceptable in principle. However, details are required by condition to ensure the quality of its appearance is secured. A further condition requires, notwithstanding the submitted details, the introduction of transoms and glazing bars to the design, which should ensure that the final design of this element respects the traditionally designed proportions of the windows of the host dwelling.

The existing rear single store extension is not considered to represent a significant loss of historic fabric. The existing retaining garden structures that would also be lost to make way for the extension and then replaced with modern structures are also not considered to be so significant that their loss is unacceptable. There are therefore no objections in principle to the proposed scheme, as revised.

There are no objections raised by the Conservation Officer to the erection of retaining walls subject to appropriate materials, mortar, jointing and coursing and this is considered to be acceptable in terms of its impact on the setting of this Listed Building.

### 5.3 Other Issues

As this application is determined under the Planning (Listed Buildings and Conservation Areas) Act of 1990, it is only appropriate to assess it in the terms identified at 5.1 above. As such, the issues raised by the Parish Council are not all relevant to this application for Listed Building consent. Overlooking from windows in the extension is not a factor that affects the Listed Building and has been addressed in the determination of the planning application at 3.1 above. The previous extensions are not of relevance to this application, other than as addressed above. The “modern” windows have been amended in the revised plans to create a better solid to void ratio and are not considered to be inappropriate to the host dwelling. In a similar manner, there is no in-principle objection to bi-fold doors in an extension to a Listed Building. Their impact on the Listed Building has been assessed in the previous section. Where relevant, the Parish’s objection is taken to relate to the planning application and answered in the report on that application.

## 6. CONCLUSION

6.1 The recommendation to grant Listed Building Consent has been made having regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance contained within the National Planning Policy Framework.

## 7. RECOMMENDATION

7.1 That Listed Building Consent is granted, subject to conditions.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

### Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including framing, cill and head/lintel details and finishes)
  - b. Rooflights
  - c. All new doors
  - d. All new vents and flues (if applicable)
  - e. Eaves (including rainwater goods), verges, central valley and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

### Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Prior to the commencement of development, a representative sample panel(s) of natural facing stone (for both extension and retaining walls), of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel.

### Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to the commencement of development, details and representative samples of the roofing materials proposed to be used in the development hereby approved 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 safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All new rainwater goods shall be of cast metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority



Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The proposed repair/ re-pointing of the existing chimneys shall be carried out using a traditional lime based mortar.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Notwithstanding the approved plans, prior to the commencement of development, detailed plans and cross sections at a scale of 1:10 shall be submitted for approval in writing by the Local Planning Authority to demonstrate the introduction of glazing bars in the approved bi-folding doors. The development shall be implemented in accordance with the plans so approved.

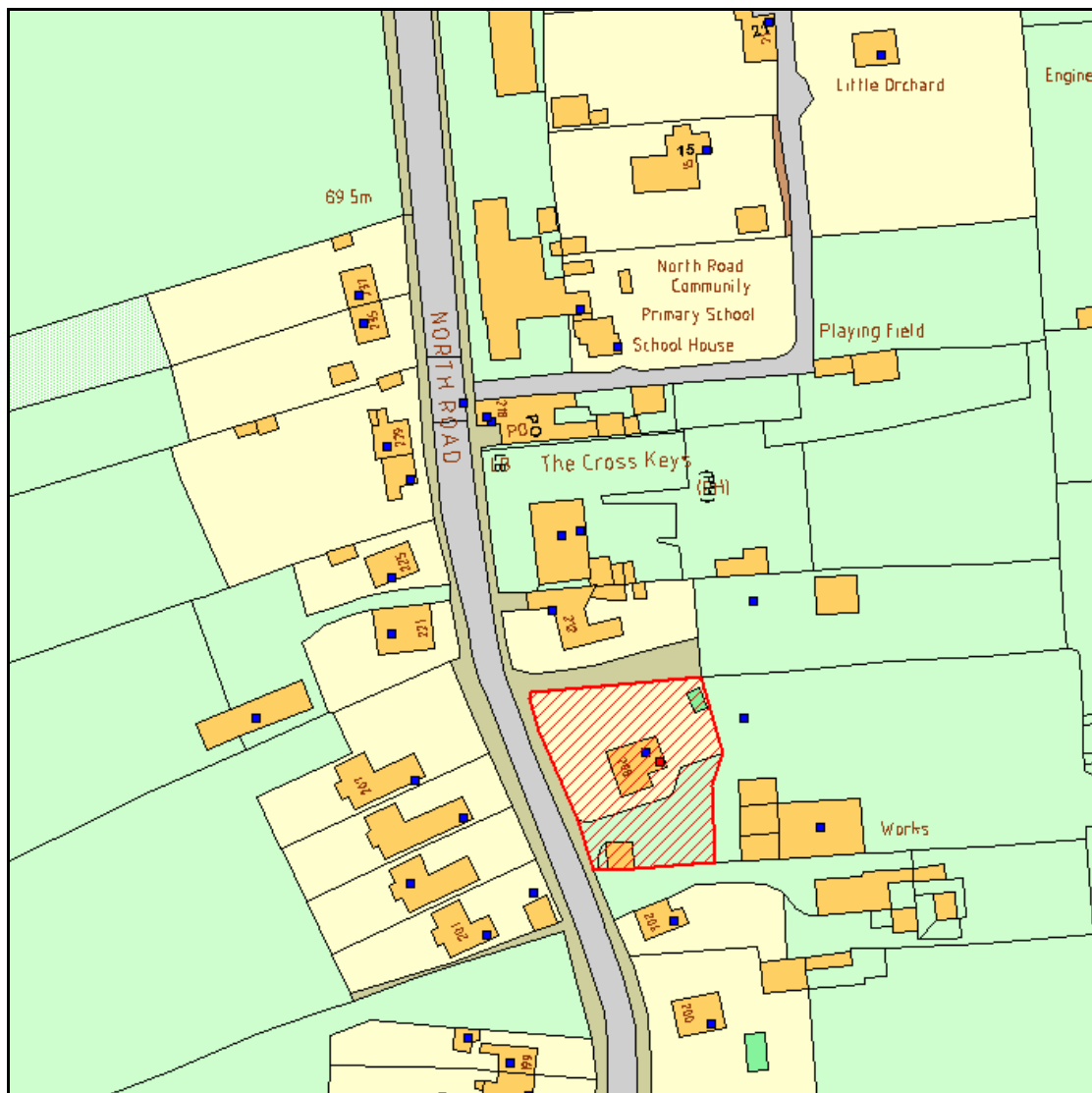
Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

# ITEM 3

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PK12/4036/F	<b>Applicant:</b>	Mr G Rubery
<b>Site:</b>	Building Adjacent To 208 North Road Yate South Gloucestershire	<b>Date Reg:</b>	10th December 2012
<b>Proposal:</b>	Change of use from office (Class B1) to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective)	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369931 183659	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th January 2013



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

This report appears on the Circulated Schedule following a comment received from a local resident contrary to officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the change of use from office (Class B1) to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). The application is retrospective.
- 1.2 The application site relates to a small detached stone building situated within the established residential area of North Road Yate.
- 1.3 The constraints associated with the site were explained to the agent and an invitation extended to withdraw the application. Officers have not received a reply and the application is determined as submitted.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

NPPF National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

D1 Achieving Good Design in New Development

H5 Residential Conversions

T8 Parking standards

T12 Transportation Development Control

##### 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

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 P94/2497 Retention of extension to industrial building  
Approved 14.11.00
- 3.2 PK04/0318/F Conversion of existing residential dwelling to one self  
contained flat and one maisonette  
Approved 20.2.04
- 3.3 PK03/2862/F Conversion of existing residential dwelling to one self  
contained flat and one maisonette  
Refused 17.10.03

3.4	PK07/3078/F vehicular access Approved	Demolition of 208 North road and construction of new 14.12.07
3.5	N115/4 Refused	Use of part of land as transport and plant storage yard 11.6.81
3.6	N115 Approved	Stationing of residential caravan (renewal of consent) 13.6.74
3.7	N115/3  Refused	Demolition of existing buildings and erectoin of new storage building (outline) 11.6.81
3.8	N115/5	Use of land as transport and plant storage yard`

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

- 4.1 Iron Acton Parish Council  
No objection

##### **Other Representations**

- 4.2 Local Residents  
One letter of support has been received from a local resident stating:  
- I think it would be good to see the building used as a home rather than office space as it could be made quite cosy and perhaps it would help keep the hard standing area out side of the building clear of piles of earth/stones as it has at the moment

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

- 5.1 Principle of Development  
Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policies T8 and T12 stipulate car parking and highway safety issues. Policy H5 deals with the conversion of existing buildings into residential units and the criteria of this policy specifically covers character of the area, amenities of nearby occupiers, parking, provision of adequate amenity space and location. Officers have some concerns that the proposal fails to accord with the principle of development and this is discussed below.

5.2 Design and Visual Amenity

The existing single storey structure is situated close to the busy main highway of North Road, Yate, angled away from the highway to the north east. It is situated at the entrance to a works site situated further to the east. The building is of some age and of rough rubble stone construction with red pan tile roof. It currently has a set of white uPVC windows and a door in its northeast elevation at ground floor level and a small window situated higher up on its west elevation, adjacent to the highway.

5.3 The building measures approximately 6.9 metres long, 4.9 metres wide, a height to eaves of 2.4 metres and overall height of 5.1 metres. It is of a simple design with a pitched roof of pantiles and stone walls. It appears from the drawings submitted that the original building had a solid door and a simple window in the north elevation and a small opening, again covered by a solid door, high up on the west elevation. Changes to these openings already carried out have created two uPVC windows and a door.

5.4 The proposal is for a change of use from an office space to a residential dwelling. Changes to accommodate this would comprise internal alterations only consisting of: making the bathroom/toilet area slightly larger and introducing the provision of a small kitchen space along one wall. The applicant has stated the proposal would result in approximately 23 sq metres of internal floor space to serve as living accommodation for future occupiers.

5.5 It is considered that the amount of space created would be sub-standard and not acceptable to be used for living accommodation. Although South Gloucestershire Council does not have a set standard for living space, the provision of only 23 sq metres as habitable accommodation is not considered to be sufficient. No other alterations are proposed such as the introduction of a second floor. However, if this were the case it would create additional negative issues: firstly, the provision of an internal staircase to gain access to the new level would mean the loss of useable floor space on the ground floor (to accommodate the access). Secondly, although an additional floor would be created it is considered that given the height of the building, the resulting space on this upper floor would be compromised, sub-standard and not function well for users.

5.6 The National Planning Policy Framework (2012) states that one of the core principles of planning is '*to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*' that Policy D1 of the South In light of the above comments officers consider that the proposal for a change of use from office space to residential living accommodation would fail to accord with Policy D1 in terms of the South Gloucestershire Local Plan (Adopted) 2006.

5.7 Would not prejudice the character of the area

The proposal would comprise the conversion of an existing small building. The conversion does not propose any changes to the external appearance of the structure. The proposal is positioned at the gateway to a large industrial area/yard for vehicle repair, transport and storage plant, where it is assumed large vehicles regularly pass. Other than this business use the site is

surrounded by residential properties. In this way, it is considered that the conversion of the office into a residential unit, would therefore not prejudice the character of the area. The proposal complies with this criterion.

5.8 Would not prejudice the amenities of nearby occupiers

The existing building has been used as an office associated with the yard to the east. This yard is used for vehicle repair and a transport and storage plant. The main openings are in the north elevation with closest neighbours to the north at No. 208 North Road being approximately 9.5 metres from the building. This neighbour has two windows in the opposing elevation: one the ground floor and the other at first floor level and the property is angled slightly away from the application site to the southeast. The other opening is in the west elevation with neighbours at Nos. 201 North Road being situated across the main road approximately 17 metres away and screened by their detached garage. Given the position and orientation of the proposed building, it is considered that the development would not result in issues of overlooking or inter-visibility. The proposal therefore accords with this criterion.

5.9 Would identify an acceptable level of off-street parking

Access to the site off North Road is via a large, wide entrance serving the yard to the rear of the application site. The area immediately surrounding the structure is rough ground. An extensive area generally labelled 'car parking' can be seen on the plans, although this is not shown as being currently within the red edge. If it were to be the situation that the proposed residential unit could be allocated some dedicated parking and also the use of this larger area for turning etc then the situation would be acceptable in highway terms as the entrance/exit is large with a good visibility splay. and the number of spaces proposed meets the current policy provision. The proposal complies with this criterion.

5.10 Would provide adequate amenity space

The applicant has stated that the site amounts to approximately 0.036 ha. The Red edge of the proposed site is tight around the building with no other residential amenity space allocated to the building. Although it is not necessary for small units to have allocated residential amenity space, it is considered that given the internal size of the unit some provision of outside space would be required for, for example, the drying of clothes. It is therefore considered that the proposal fails to accord with this criterion.

5.11 Property is located within the existing urban area and the boundaries of settlements

The proposal is located within an established residential area and within the boundary of the settlement as defined on the Proposals Map. It therefore complies with this criterion.

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

## **7. RECOMMENDATION**

- 7.1 That the application be **REFUSED**

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

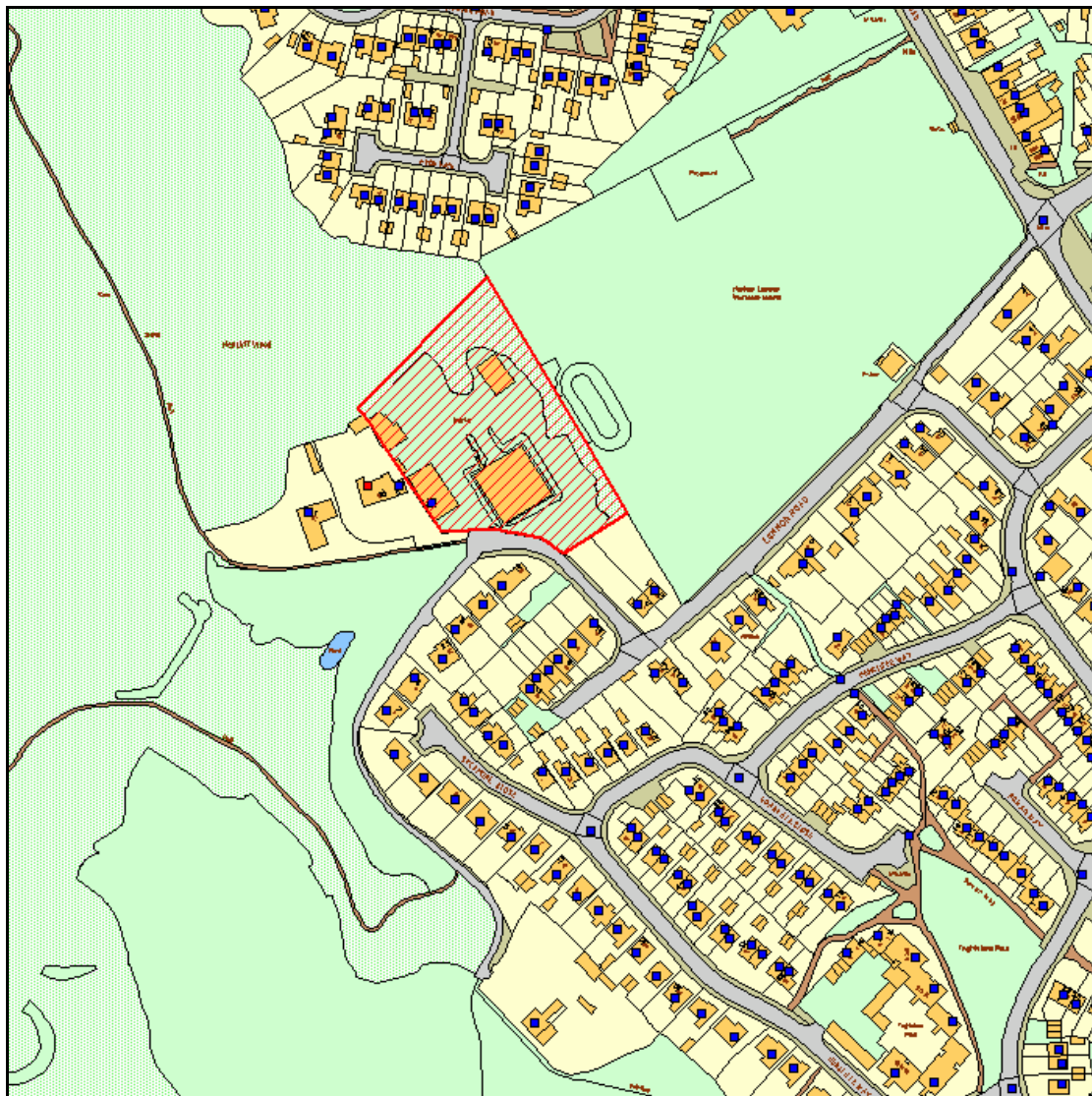
### REASONS FOR REFUSAL

1. The proposed development would provide inadequate private residential amenity space for future occupiers of the proposed dwellinghouse and as such it is contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.**REASONS FOR REFUSAL**
2. The proposed development would result in a dwelling with an internal area of approximately 23sq m which is considered to be insufficient for living accommodation and therefore unacceptable and contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

# ITEM 4

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PK12/4184/F	<b>Applicant:</b>	Harvey Shopfitters Ltd
<b>Site:</b>	19 Common Road Hanham South Gloucestershire BS15 3LL	<b>Date Reg:</b>	17th December 2012
<b>Proposal:</b>	Demolition of existing toilet block to facilitate erection of single storey extension	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	363709 171203	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th February 2013



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## **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 extension to an office building which forms part of a shopfitters' premises. The proposal also involves the demolition of the existing toilet block, which would be replaced by the extension. The building, which stands in the Green Belt and the open countryside, is a tall single storey 4 bay building of brick and profiled metal sheeting. The proposal would add two further bays to the northern elevation, using matching materials, an increase in the size of the building of 50%.
- 1.2 The site contains a group of buildings, screened from outside view by tall conifers to the east and west. To the north is a wood with deciduous trees and to the south stands a bungalow, across an open boundary. There are no windows in this elevation. The site is accessed close to the end of a residential road, which ends in a dead end.

### **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 Green Belt

E6 Employment development in the countryside

T8 Parking standards

T12 Highway safety

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**

Development in the Green Belt, adopted 2007

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

- |     |             |  |               |
|-----|-------------|--|---------------|
| 3.1 | K3248       | Replacement workshop                           | Approved 1980 |
| 3.2 | K3248/1     | Erection of workshop and two storage buildings | Approved 1981 |
| 3.3 | K3248/2     | Erection of storage building                   | Approved 1982 |
| 3.4 | PK05/0674/F | Single storey rear extension to office         | Refused 2005  |
| 3.5 | PK10/1294/F | Replacement design studio                      | Approved 2010 |

- 3.6 PK09/0904/CLE Certificate of lawfulness for use of site for manufacture of timber and related components for shop, office and public house fittings including ancillary office/studio, storage uses and car parking (Class B2) Granted 2009

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

4.1 Hanham Abbots Parish Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Transportation

No objection

Ecology

The proposal raised no ecological issues. Informatives recommended.

Public Rights of Way

The development is not likely to affect the nearest right of way PHA/2/40.

Tree Officer

No tree issues

Landscape

No objection

#### **Other Representations**

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- Previous planning approvals have not yet been implemented but may be in the future
- The proposal would intensify the existing use
- The location and site plan is misleading in that it does not include four large containers and a permanent building, the existing studio and a temporary building next to it
- The site is in the Green Belt and its density of development and means of access should be taken into account

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

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies in the Green Belt and the National Planning Policy Framework advises that the “extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building’ is not inappropriate within Green Belts (paragraph 88). The Development in the Green Belt Supplementary Planning Guidance defines extensions of over 30% and up to 50% will be assessed in terms of scale in proportion to the original dwelling (now effectively building, in accordance with the NPPF). This assessment is made in the design section below. Policy E6 governs employment development in the countryside and states that development will only be permitted if it does not have an

unacceptable impact on the environment, residential amenity or in terms of traffic generation. These issues are examined below. In principle, the proposal is considered to be acceptable, subject to the following detailed analysis:

#### 5.2 Openness of the Green Belt

Due to the degree of screening that the site benefits from, it is considered that this proposal would not have an adverse impact on the openness of the Green Belt, when viewed from the public realm. The extension would be effectively screened by the rest of the building when viewed from the site access and views across the site are prevented by the tree screens. The demolition of the toilet block reduces the amount of new built form on the site under this proposal.

#### 5.3 Design

The scale and proportion of the proposed extension is considered to be simply conceived: a 2 bay extension on a 4 bay building. This is considered to be effective to avoid the extension being out of scale with the original building. Eaves and ridge lines are respected and only the length of the building is extended, and that in a proportionate manner. Under these circumstances, and in particular due to the minimal visibility of the site from public view, there is considered to be no need for the extension to achieve subservience to the host building. The materials are shown to match on the application forms and the design overall is considered to enhance visual amenity, particularly as it would require the demolition of the toilet block to achieve.

#### 5.4 Transportation Issues

With regard to the highway implications of the extension, it will provide additional support office staff and although this will undoubtedly generate a small number of extra trips on Common Road, it is considered to raise no significant highway or transportation issues. The site would still operate under the existing conditions. There is an acceptable level of car parking and manoeuvring space on site and this would ensure that highway safety is not compromised at this location. The site access would not change as part of the proposal. The proposal is considered to accord with policies T8 and T12 in this regard.

#### 5.5 Landscape

Policy L1 of the adopted local plan states that developments will only be permitted when the amenity of the landscape is conserved and where possible enhanced. The proposed development will be screened by tall Leyland Cypress trees to the north, south and east. The development will be screened from views from the west by existing buildings. Although the Leyland cypress do not contribute to the landscape amenity of the area in their own right the screening they provide will make the visual impact of the proposed development negligible. The site is well screened and there is no objection to the application in terms of Policy L1 of the adopted local plan.

#### 5.6 Environmental Effects

No adverse environmental effects have been identified regarding the extension of this office building.

### 5.7 Residential Amenity

Given the degree of screening of the site, the only dwelling that could be affected by this proposal is considered to be the bungalow to the south of the site, across the open boundary. However, given that this dwelling has no windows facing the proposed extension, it is considered that no overbearing impact would occur.

As the proposal is considered to have no adverse impacts in terms of residential amenity, traffic generation or environmental concerns, the proposal is considered to accord with policy E6 of the adopted Local Plan.

### 5.8 Other Issues

A number of points not previously addressed were raised through the consultation process. The site has an established B2 use and this proposal would undoubtedly intensify its use. The proposal accords with policy, as stated above and the degree of intensification is not considered to be detrimental. Instead it is considered to make efficient use of the site and land in general, through achieving a suitable density of development. The previous planning approval follow the same principle and have been taken into account, but they are not considered to lead to any cumulative harm, in conjunction with this proposal. It is acknowledged that the site plan is not up to date and does not include previous development. This is not seen as crucial to the approval of planning permission. Development that has been implemented in accordance with planning permission is authorised and that which is not authorised would not be endorsed by approving the site plan.

## 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 would enhance visual amenity and is proportionate to the host building, would not generate an adverse level of vehicular traffic and not cause harm to residential amenity, environmental concerns or the Green Belt. The proposal accords with policies GB1, E6, D1, T8 and T12 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, subject to the condition shown below.

**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.

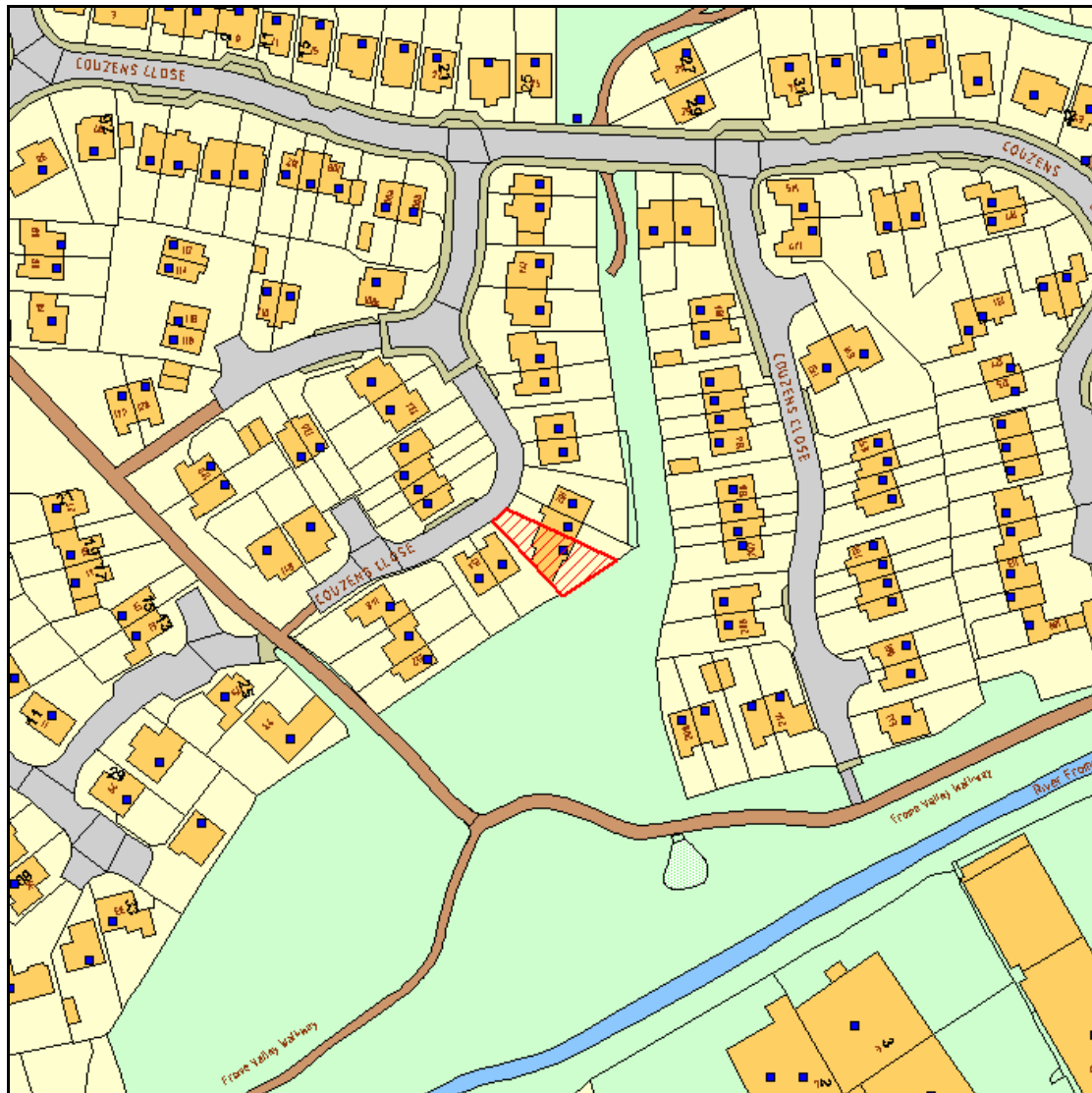
Reason

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

# ITEM 5

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PK12/4259/CLP	<b>Applicant:</b>	Mr T Wilmers
<b>Site:</b>	158 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BU	<b>Date Reg:</b>	28th December 2012
<b>Proposal:</b>	Certificate of lawfulness for the proposed conversion of garage to living accommodation.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372957 182498	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th February 2013



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100023410, 2008. **N.T.S.** **PK12/4259/CLP**

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

The application is referred to the Circulated Schedule as it is a Certificate of Lawful Development application.

### **1. THE PROPOSAL**

1.1 The application seeks a formal decision as to whether a proposal to convert the garage into living accommodation at 158 Couzens Close, Chipping Sodbury would be lawful. This is based on the assertion that there is no change of use and the proposed works falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development Order) (Amendment) (No. 2) (England) Order 2008

### **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 A.

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

None

### **4. CONSULTATION RESPONSES**

4.1 Chipping Sodbury Town Council  
No objection

4.2 Sustainable Transport  
No objection

Public Rights of Way  
No objection

#### **Other Representations**

4.3 Local Residents  
No response

## **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Existing front, side and rear elevation, Existing ground floor plan, Proposed section, Proposed front, side and rear elevations, Proposed ground floor plan, Site location plan, All plans received on 20<sup>th</sup> December 2012.

### **6. ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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 structure (currently used as a garage) which is to be converted into living accommodation is a structure that requires express planning permission in its own right. In this instance, the structure does not appear to benefit from planning permission. However, evidence (principally in the form of overhead photographs) shows that the structure has been up for in excess of four years; and, on this basis is very likely to be found lawful should a formal application be submitted to that effect.

It is therefore considered that the structure is an established part of the dwelling and the residential planning unit. On this basis the use of the structure as living accommodation would not represent development and as such it will fall under the C3 residential use.

The key issue is to determine whether the proposed alterations falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights to enlarge, improve or alter the dwellinghouse have been removed. Schedule 2, Part 1, Class A of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse provided that it meets the criteria detailed below.

6.2 **B1** Development is not permitted by Class A if—

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

The garage conversion will not result in any extensions to the existing dwellinghouse therefore the area of ground covered by building will not exceed 50% of the total area of the curtilage.

**(b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

There will be no alteration to the roofline thus will not exceed the height of the highest part of the roof.



**(c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

There will be no alterations to the height of the eaves

**d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

**(i) fronts a highway, and**

**(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposal does not result in any part of the dwellinghouse being enlarged.

**(e) The enlarged part of the dwellinghouse would have a single storey and—**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**

**(ii) exceed 4 metres in height;**

The proposal only relates to the conversion of the garage and thus will not result in the dwellinghouse being extended.

**f) The enlarged part of the dwellinghouse would have more than one storey**

The proposal does not result in any part of the dwellinghouse being enlarged.

**(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres**

The proposal does not result in any part of the dwellinghouse to be enlarged.

**(i) It would consist of or include—**

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

**(ii) The installation, alteration or replacement of a microwave antenna,**

**(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

**(iv) An alteration to any part of the roof of the dwellinghouse.**

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

**Class A.2** restricts the development on article 1(5) land. The application site does not fall within Article 1(5) land, as such the criteria outlined in Class A.2 are not relevant to this application.

### **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 to be used in the development will match those of the existing dwellinghouse.

The insertion of the proposed windows and replacement doors are an alteration or improvement of the dwellinghouse. The works do not fall within any of the exclusions under Class A and therefore are permitted development.

**7. RECOMMENDATION**

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: Melissa Hayesman**  
**Tel. No. 01454 864769**

# ITEM 6

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

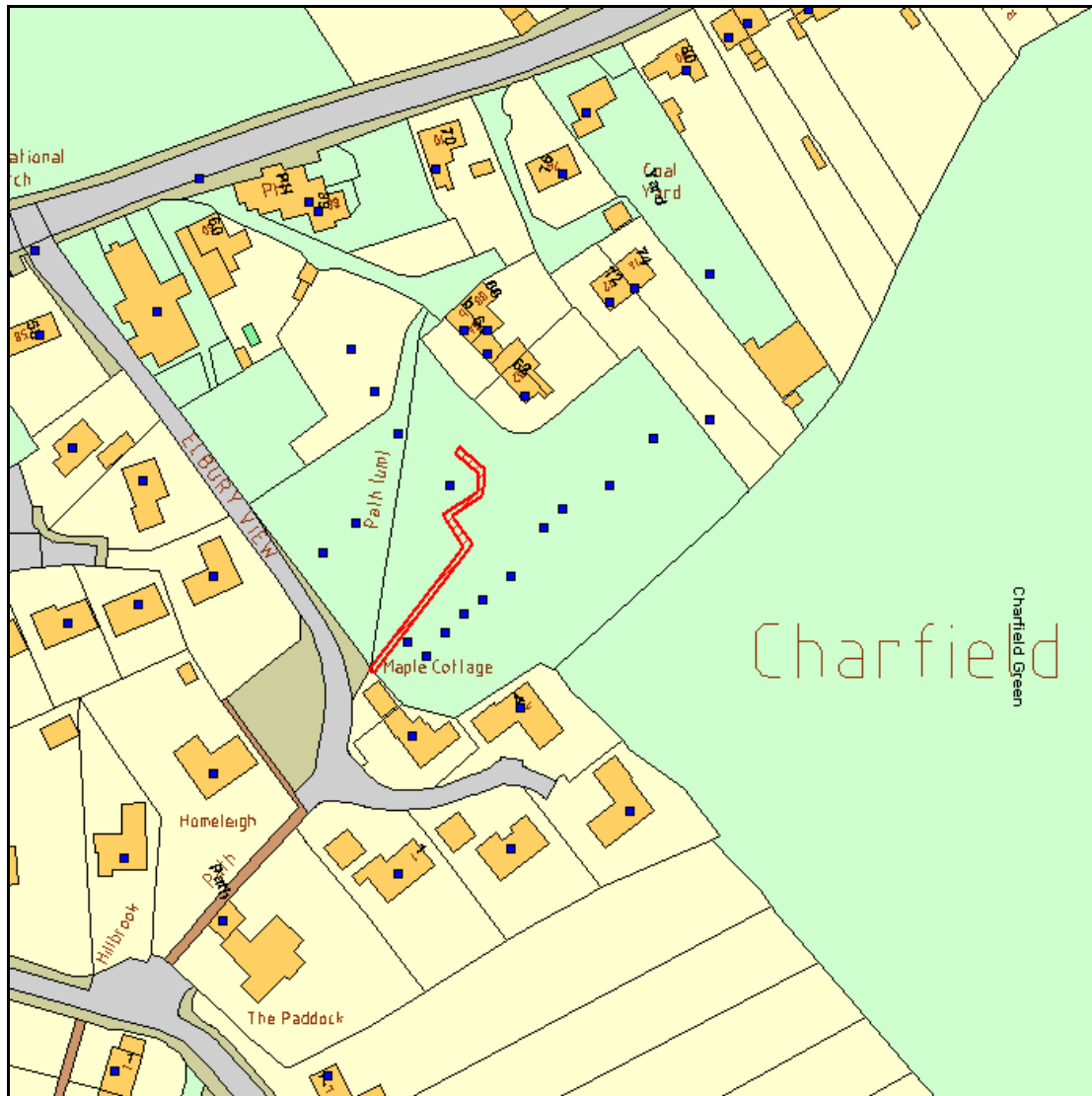
**App No.:** PT12/0828/FDI  
**Site:** Land At 60 Wotton Road Charfield  
Wotton Under Edge South  
Gloucestershire GL12 8SR  
**Proposal:** Diversion of footpath OCH10

**Applicant:** Mr Peter Hurst  
**Date Reg:** 9th March 2012

**Parish:** Charfield Parish  
Council

**Map Ref:** 372585 192377  
**Application Category:** Minor

**Ward:** Charfield  
**Target Date:** 1st May 2012



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**N.T.S.**

**PT12/0828/FDI**

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

The Notice has been made for a public path diversion order as a result of planning permission reference no. PK11/1634/F. This has resulted in two objections being made to the order and therefore this report is to assist members in deciding whether or not to refer the order to the Secretary of State of the Environment with a request that it be confirmed. This application is reported on the Circulated Schedule, therefore as representations have been received contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 An application was made under Section 257 of the Town and Country Planning Act 1990 for the realignment of approximately 59 metres of public footpath OCH10, reference no. PT12/0828/FDI. This application was reported on Circulated Schedule 21/12 dated 25 May 2012, after which the public path diversion order was made in accordance with Section 257 of the Act. This order was made on 5 September 2012 and was advertised on 12 September 2012. The final date for making representations and objections was set for 12 October 2012. All legal requirements relating to the service of the Notice of Making of the Order were duly complied with.
- 1.2 The realigned route would divert this footpath so as to allow the implementation of development approved under PT11/1634/F, detailed below.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2012  
Circular 04/2001: Public Rights of Way
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
LC12 Recreational Routes

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

- 3.1 PT11/1634/F                      Erection of no.16 dwellings, landscaping and associated works. New vehicular access. Approved subject to s.106. 06-MAR-12.
- 3.2 PT11/2206/PAD                      Prior approval of details submitted as to the method of demolition and any proposed restoration of the site at no. 60 Wotton Road. No Objection. 12-SEP-11.
- 3.3 PT11/019/SCR                      Screening opinion for whether an Environmental Statement is required for residential development comprising 16 no. dwellings. Not Required. 26-May-11

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish/Town Council  
The Parish was originally consulted in the determination of the previous application, to divert the footpath and did not comment.

#### 4.2 PROW officer

The officer was consulted in the determination of the previous application and had no objection.

### **Other Representations**

#### 4.5 Local Residents

Two letters of objection were received in response to the advertisement outlined at 1.1 above, citing the following concerns:

- \* there is an omission in Part 2 of the Order, ie. there is no width stated. This is an error made when the order was prepared in draft, although the width was included in Part 3 of the order this should also have been referred to in Part 2.
- \* regardless of the fact that new housing is (erroneously) being built on this land, indeed, the original planning application (PT11/1634/F) should have been refused as it interferes with a public right of way. I object to diverting a right of way and the original application should have taken the path into consideration.

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

#### 5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The assessment has considered the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to. The proposal was considered acceptable, as reported on Circulated Schedule 21/12. As a result of this the public path diversion order was made. Therefore planning permission has been approved for the residential development and the principle of diverting the footpath accordingly has also been considered and approved through the report on Circulated Schedule 21/12. In planning terms this is the starting position for the consideration of this proposal.

The Department of the Environment's circular relating to public rights of way advises that once an order has been advertised, local authorities are also expected to make every effort to resolve objections and secure their withdrawal. The Head of Legal Services and rights of way officer have complied with this advice, but the objectors have chosen to stand by what they have stated. The highway authority does not have the power to confirm an opposed public path order proposing to revise an affected right of way. An order made to divert or extinguish a right of way, made as the result of the granting of planning permission, that is opposed will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed.

#### 5.2 Background

The footpath OCH10 takes its definitive route in a Southerly direction from Wotton Road through the land between to Elbury View and dwelling no.s 66 and 62 Wotton Road. It is noted that this diversion is necessary to facilitate the development of 16 new dwellings with associated works as approved under PT11/1634/F. The proposed route would divert approximately 59 metres of public right of way OCH10. The new route would be in close proximity to the

existing footpath which goes through the approved development. The new footpath would follow the roads set down in the approved development under planning permission PT11/1634/F and would remain as near as possible in line with the existing public right of way. The proposed route will rejoin the existing route near Maple Cottage on Elbury View.

- 5.3 The assessment of the approved housing development addressed the issue in the determination of the planning permission as well as the need for the diversion of the existing route in order to implement the development. Whilst acknowledging that the planning permission would also require this diversion, the assessment of the housing development concluded that the required diversion of the route would not materially impact upon its amenity value. The public path diversion order is considered to be consistent with that considered as part of the approved housing development; and as such is considered acceptable.

The rights of way officer wrote to the relevant objector and advised him as background information “..when the planning application PT11/1634/F came in, we saw that the proposal would marginally encroach upon the definitive line of OCH10. In the Council’s opinion, the right of way should be maintained but legally required a small diversion to allow this development to proceed. The effect of the proposed diversion would be relatively inconsequential, given that there would still be public pedestrian access from the main road, through the site, across the private road Elbury View, to Horsford Road.”. The rights of way officer referred to the relevant legislation and advised the objector that “We feel that the application is valid, and that the footpath issue was taken into consideration at the time planning was submitted. Given the characteristics of the site, there were few alternatives for a diversion, and the route that was submitted by the developer is a considered a reasonable option. I would like to assure you that if I thought the application did not meet the legal tests I would also object, as it is the Council’s duty to protect rights of way, adhere to the law and follow DEFRA guidance.” The objector chose to stand by his objection.

- 5.4 It is noted that comments received as a result of making the order and advertising this show concerns over the width of the proposed path. In regard to this, the objector has confirmed he will withdraw his objection if the amendment to the footpath width is made as elaborated on at 4.2 above. In order to resolve this issue, the order can be sent to the Secretary of State with a request that Part 2 of the Order be modified to include reference to the width if the order is confirmed.

Circular 1/09 states that the local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, nor should it make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing

highway should be weighed against the advantages of the proposed order. In this instance it is considered that the order should be confirmed.

**6. CONCLUSION**

6.1 In the light of the contents of this report officers consider that the order should be confirmed, and submitted to the Secretary of State for confirmation with the modification relating to width (as referred to in this report). Officers consider that the Secretary of State should use the written representations procedure to determine the matter; as being the most appropriate means for considering this case.

**7. RECOMMENDATION**

7.1 That the Head of Legal Services is authorised to submit The South Gloucestershire Council (Footpath OCH 10 (Part) at Charfield) Public Path Diversion Order 2012 to the Secretary of State with the request that he confirm it, and include the reference to path width in Section 2 of the Order, as described in paragraph 5.4 above;

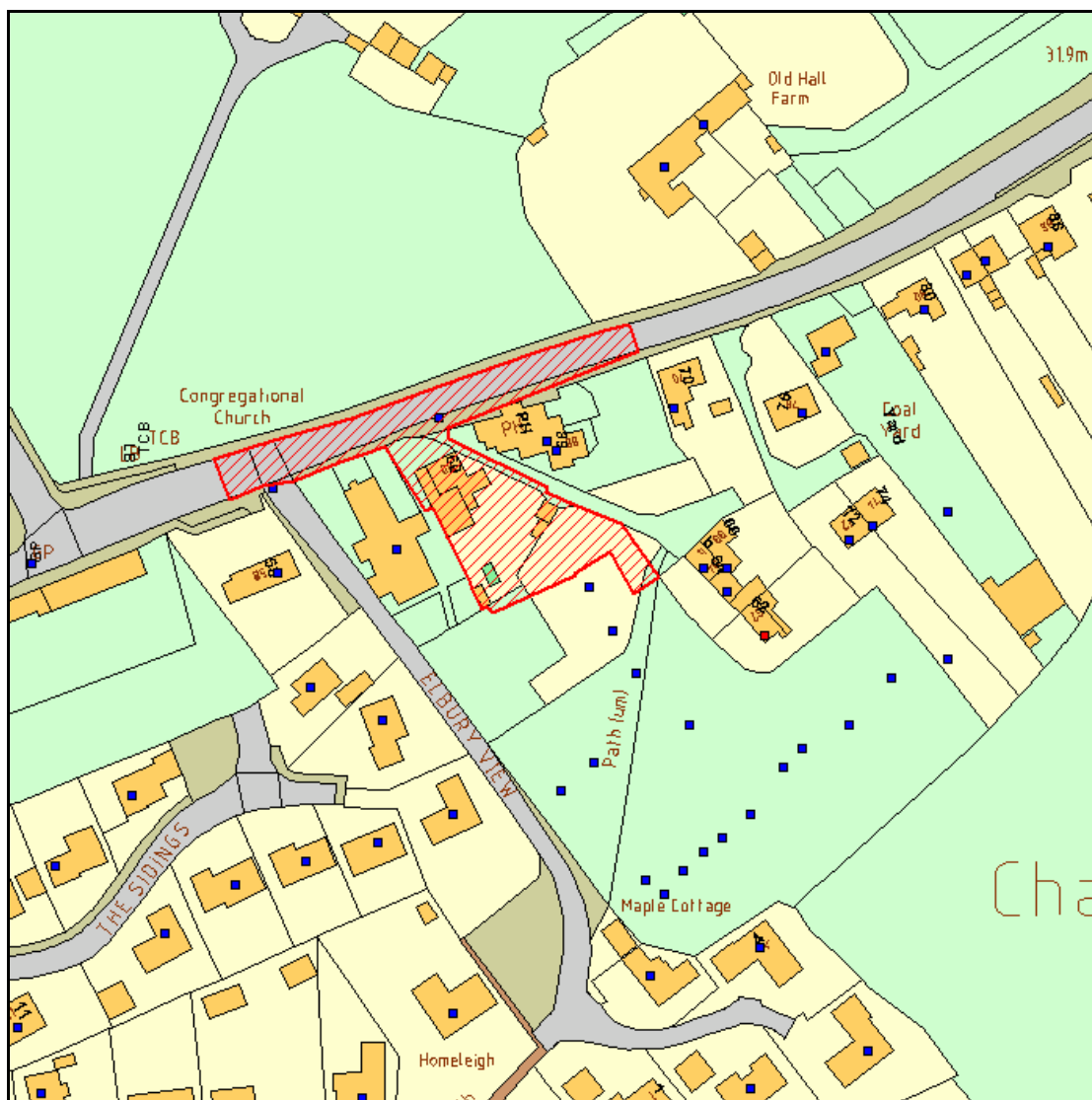
7.2 That the Head of Legal Services request the Secretary of State to address outstanding objection using the written representation procedure,

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

# ITEM 7

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PT12/3950/RVC	<b>Applicant:</b>	Woodstock HomesWoodstock Homes
<b>Site:</b>	60 Wotton Road Charfield South Gloucestershire GL12 8SR	<b>Date Reg:</b>	30th November 2012
<b>Proposal:</b>	Variation of condition 15 to planning permission PT11/1634/F to re align vehicular access	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372649 192346	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th February 2013



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PT12/3950/RVC



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

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the variation of condition 15 to planning permission PT11/1634/F to re-align the vehicular access.
- 1.2 The application site is located on the eastern edge of Charfield within the defined village settlement boundary. The site measures approximately 0.61ha in area and is located to the rear of the locally listed Congregational Church, Wotton Road, Charfield with the south eastern boundary of the site forming the southern edge of the village settlement boundary. A public right of way runs through the site from the south west corner to the north east of the site. There are 4no. trees on the site covered by Tree Preservation Orders, 3 of which are on the southern boundary and the other towards the entrance to the site off Wotton Road.
- 1.3 Planning permission was granted for the erection of 16 dwellings at the site under application no. PT11/1634/F. Development has commenced on the site and a number of houses have been constructed.
- 1.4 The proposal relocates the access approved under application PT11/1634/F approximately 3.7 metres to the southwest. The applicant states that the design principles of the original access proposal are all retained and no material changes are proposed to the access width, the footway widths, the provision of dropped kerbs, tactile paving or the achieved level of visibility splays.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Proposals for Residential Development within the Defined Settlement Boundaries
H6	Affordable Housing
L1	Landscape Protection and Enhancement
L5	Open Areas within Defined Settlements
L9	Species Protection
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
L17 & L18	The Water Environment
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)

LC2	Provision for Educational Facilities (Site Allocations and Developer Contributions)
LC4	Proposals for Educational and Community Facilities Within the Existing Urban Area and Defined Settlement Boundaries
LC8	Open Space and Children's Play in Conjunction with New Residential Development
T7	Cycle Standards
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

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

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

2.3 Supplementary Planning Guidance

Affordable Housing SPD

Trees on Development Sites (SPG) Adopted Nov 2005

The Local List SPD Adopted Feb 2008

South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 P97/1141 - Use of land for extension to burial ground and the layout of car park (in accordance with amended plans received by the Council on 25 April 1997 and letters from the applicant dated 25 April 1997 and 2 May 1997). Approved.
- 3.2 P97/2649 - Use of land for extension to burial ground and car parking area. Approved.
- 3.3 PT00/0466/O - Erection of five detached dwellings. Refused. Dismissed on appeal. The application was deemed unacceptable because the proposed access would prejudice highway safety.
- 3.4 PT11/1615/PND - Prior notification of the intention to demolish 60 Wotton Road. Prior approval required.
- 3.5 PT11/2206/PAD - Prior approval of details submitted as to the method of demolition and any proposed restoration of the site at no. 60 Wotton Road. Approved.
- 3.6 PT11/1634/F, Erection of no.16 dwellings, landscaping and associated works. New vehicular access, approval, 06/03/12.

- 3.7 PT12/4029/F, erection of single storey rear extension to plots no. 2, 3, 4 and 5. Amendment to previously approved scheme PT11/1634/F, undecided.

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

- 4.1 Charfield Parish Council  
No objection
- 4.2 Conservation Officer  
As long as the Tree Officer and Landscape Officer are satisfied with the impact on trees and landscaping there are no objections.
- 4.3 Transportation Officer  
Whilst there is no objection to the proposed alteration to the access from a technical perspective, it is noted from evidence that it would not appear that the access including the footpath works can be completed under the indicated ownership of the applicant.
- 4.4 Tree Officer  
No objection
- 4.5 Public Rights of Way Officer  
No objection
- 4.6 Wessex Water  
No objection

#### **Other Representations**

- 4.7 Local Residents  
Two letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

The proposed access is unsatisfactory and will cause highway safety issues;  
Revised parking layout will adversely affect the roots of a protected Willow tree to the detriment of its health and appearance;  
Visibility issues relating to the access.

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

- 5.1 Principle of Development  
The main issues to consider in this application relate to whether the alterations proposed to the access are acceptable in terms of highway safety (policies T12 and H2 of the Local Plan); the impact on the character and setting of the locally listed building (policy L15 of the Local Plan) and whether the alterations to the parking layout will have an adverse impact on a tree that makes a significant contribution to the character and visual amenity of the area (policies H2 and L1 of the Local Plan).

## 5.2 Highway Safety

The proposal relocates the access approved under application PT11/1634/F approximately 3.7 metres to the southwest. The applicant states that the design principles of the original access proposal are all retained and no material changes are proposed to the access width, the footway widths, the provision of dropped kerbs, tactile paving or the achieved level of visibility splays. Objections have been received from neighbouring occupiers regarding the design of the proposed access and levels of visibility, which they state will have a detrimental affect on highway users. However, weight is given to the comments of the Highway Authority who has raised no objections to the proposal on highway safety grounds. Accordingly, it is considered that the design of the proposed access is acceptable and will not have a materially greater impact on local highway conditions than the previously approved scheme. The Highway Authority has raised the issue of whether all the land required to form the access is owned by the applicant. The applicant has signed Certificate A in the application form to certify that all the land to which the application relates is within the ownership of the applicant. The agent has also clarified by email that the correct ownership certificate has been signed. Notwithstanding this, land ownership is a legal matter and is outside the scope of this planning application.

## 5.3 Impact on Protected Trees

The proposal modifies the approved parking layout and whilst there is no change to the total number of spaces, one of the parking spaces will encroach further into the root protection area (RPA) of the tree than previously approved. However, the Council's Tree Officer has raised no objections to the proposed scheme, and it is not considered that there will be a materially greater impact on the health and visual amenity of the tree than the previously approved scheme.

## 5.4 Impact on Setting of Locally Listed Building

The revised layout moves the access road slightly closer to the locally listed Congregational Church thereby reducing the amount of planting that can be located at the frontage, however it does also propose slightly less parking allocated in this location forward of the mature tree, and therefore on balance there is not considered to be any harmful impact on the setting of the church as a result of this change.

## 5.5 Further Matters

The red line site plan only encompasses the access and parking area to the front of the site. Accordingly, only the conditions from the original consent that relate to this area will be copied over to the new consent and reworded to ensure that the details submitted to discharge the conditions are implemented in full.

# 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.

The proposed access achieves an acceptable standard of design and will not have a significant adverse affect on highway safety. The proposal therefore, accords with policies T12 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significantly greater impact on the health and visual amenity of a tree that makes a significant contribution to the character and visual amenity of the area. The proposal therefore, accords with policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a materially greater impact on the setting of the locally listed building than the previously approved scheme. The proposal therefore, accords with policy L15 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED subject to the conditions in the decision notice.

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

## **CONDITIONS**

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The development shall be carried out in accordance with the drainage details agreed by the Local Planning Authority in the discharge of conditions letter (condition 8) dated 18th October 2012.

Reason

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

3. The development shall be carried out in accordance with the scheme of landscaping agreed by the Local Planning Authority in the discharge of conditions letter (condition 9) dated 18th October 2012.

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.

4. The development shall be carried out in accordance with the slowworm mitigation strategy agreed by the Local Planning Authority in the discharge of conditions letter (condition 10) dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The development shall be carried out in accordance with the hedgehog mitigation strategy agreed with the Local Planning Authority in the discharge of conditions letter (condition 11) dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The development shall be carried out in accordance with the ecological habitat creation and management plan agreed by the Local Planning Authority in the discharge of conditions letter (condition 12) dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The development shall be carried out in accordance with the scheme of bird nest boxes agreed by the Local Planning Authority in the discharge of conditions letter (condition 13) dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The development shall be carried out in accordance with the demolition strategy to prevent harm to bats agreed by the Local Planning Authority in the discharge of conditions letter (condition 14) dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All works shall be carried out in accordance with the revised 'Pegasus Arboricultural Report' dated 11th July 2011 unless otherwise agreed in writing by the Council.

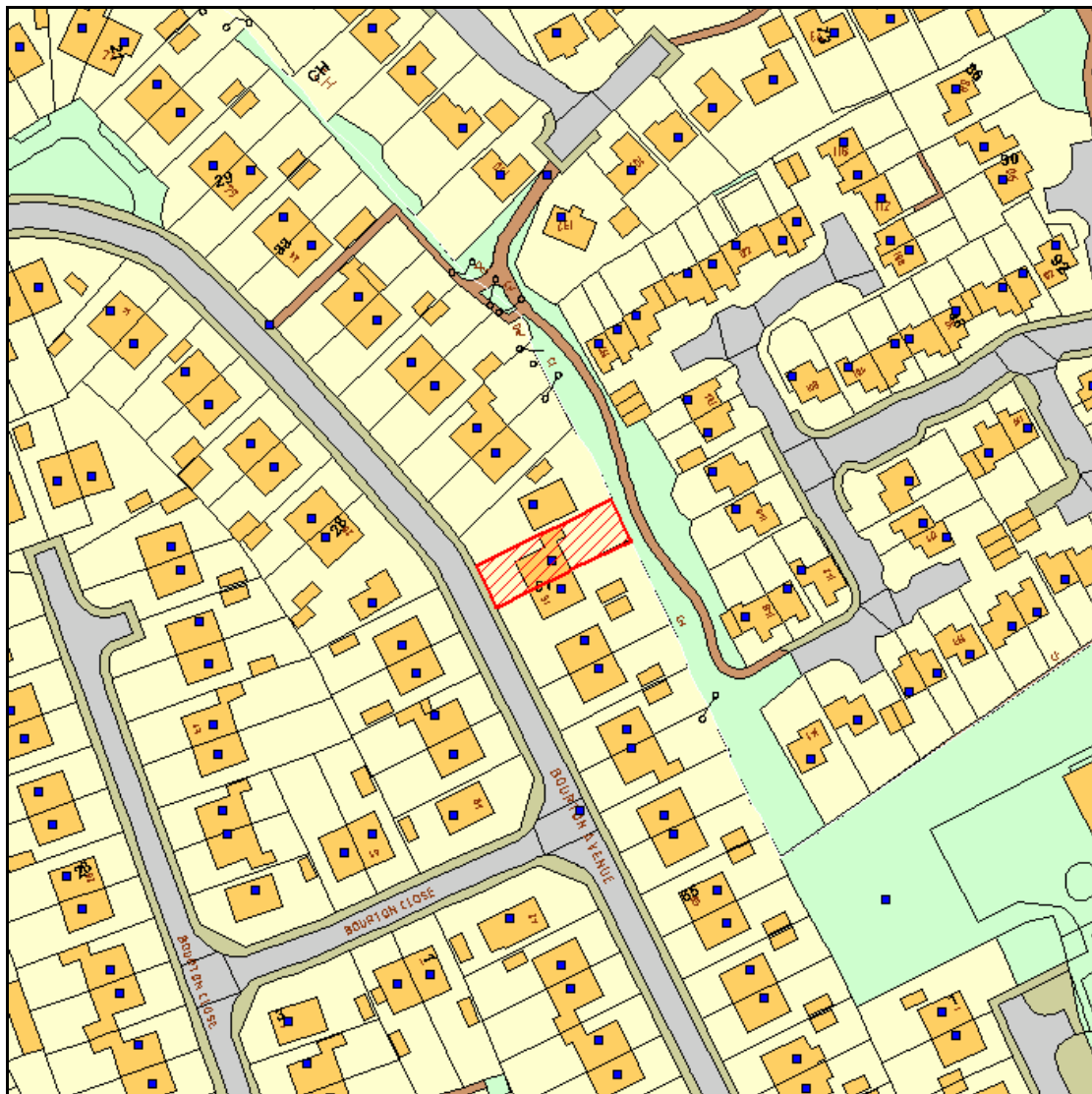
Reason

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

# ITEM 8

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PT12/4077/F	<b>Applicant:</b>	Mr Jim Sperring
<b>Site:</b>	49 Bourton Avenue Patchway South Gloucestershire BS34 6EB	<b>Date Reg:</b>	14th December 2012
<b>Proposal:</b>	Erection of front dormer windows to form loft conversion. Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	361245 181930	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th February 2013



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

This application appears on the Council's Circulated Schedule of applications as representation has been received raising concerns contrary to the officer's recommendations.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a front dormer window to form a loft conversion and the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site comprises a single story semi-detached dwelling within the established residential area of Patchway.

### **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: Achieving a Good Standard of Design in New Development

H4: Residential Development within Existing Residential Curilages

T8: Parking Standards

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 SPD (adopted) 2007

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

None

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
No response

- 4.2 Drainage Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a member of the public. The following is a summary of their comments:

- There are concerns over the very large number of vehicles Mr Sperring family and business colleagues already park throughout Bourton Avenue.
- Vehicles parking on the highway as apposed to using the parking provisions available.
- There are concerns over the development will have an impact on the parking provisions already available.
- There are also concerns that proposed ground floor extension, combined with the existing garage and several sheds kept at the rear of this property exceeds 50% of the total area of land around the original house.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for extensions to existing dwellings. The main issues to consider are the appearance/ form of the proposed (Policies D1 and H4 of the Local Plan) and the effect on the residential amenity of neighbouring occupiers (Policy H4 of the Local Plan).

### 5.2 Design/ Visual Amenity

The proposal relates to a single storey rear extension to provide additional living accommodation, which will give space to extend the kitchen area and a front dormer window that will form a loft conversion.

#### Rear Extension:

The proposed rear extension will measure 3m in width by 3m in length with a maximum height of 2.6m. The materials of the extension will match the existing dwellinghouse. The extension is of a small scale and located to the rear of the property and so will not have a detrimental impact on the overall visual appearance of the property. In terms of design and visual amenity the rear extension is deemed acceptable.

#### Front Dormer:

The proposed front dormer window will measure 6.9 in width by 3m in depth with a maximum height of 2.2m, the volume for the dormer window will be approximately 23m<sup>3</sup>. The dormer window is located to the front of the property and there are a number of other similar front dormer windows in the area, the dormer window will have hanging tiles which matches those used on the existing roof.

- 5.3 Given the above the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.4 Residential Amenity

No amenity space to the property would be lost following the erection of the proposed rear extension and dormer. The dormer would only create a very modest increase in built form to the existing dwelling. As such the proposed

extension would not prejudice the amenity of neighbouring occupiers and in terms of loss of daylight, overshadowing or overbearing/ bulky development.

The proposed dormer would face onto the public street. As such the proposed dormer would not prejudice the amenity of neighbouring occupiers in terms of loss of privacy/ overlooking. Nor will it prejudice highway safety or the retention of an acceptable level of parking provision, the application site has a modest size front garden and garage serving the property.

As such the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.5 Parking and Highways Safety

A local resident has raised concerns over the proposal having effects on the loss of parking provision at the site, the proposal would not impact the parking provisions available nor will it impact upon highway safety and as such would be in accordance with Policy T8 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

There are no parking restrictions. On street parking is available if there is a problem resulting in inappropriate parking then this would be a police matter, this carries little weight in the assessment of the 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 proposed single storey rear extension and installation of a front dormer window to form a loft conversion is considered to be in-keeping with the overall character of dwelling and surrounding area in terms of its scale, design and materials used. Furthermore, there will be no effect to the residential amenity. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 No alterations are proposed to the existing parking provisions and the proposal will not materially affect the existing highway conditions. As such the proposal accords with Policies T8 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 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: Melissa Hayesman**  
**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 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.

# ITEM 9

## CIRCULATED SCHEDULE NO. 04/13 – 25 JANUARY 2013

<b>App No.:</b>	PT12/4084/F	<b>Applicant:</b>	Mr Nathan Irwin
<b>Site:</b>	Birch House Bristol Road Thornbury South Gloucestershire BS35 3JA	<b>Date Reg:</b>	12th December 2012
<b>Proposal:</b>	Erection of two storey side extension including conversion of part of existing garage to provide additional living accommodation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363616 189448	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st February 2013



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100023410, 2008.

**N.T.S.**

**PT12/4084/F**

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

The application is circulated as a result of the neighbour and Town Council objection.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a two storey side extension to the side of the house which also involves building over part of the garage. The proposal creates an additional bedroom over revised living accommodation. Part of the existing double garage would be encompassed within the house. The application has been amended since first submission and as such the proposal does not extend over both garage spaces.
- 1.2 This detached house is located on the edge but within the settlement area of Thornbury and fronts onto the Green Belt. The proposal would be finished in materials to match the existing house.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Section 7 Requiring good design
- 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  
L1 Landscape
- 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  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT09/5812/F Erection of 2no. new dwellings and 2no.detached garages with associated works Approved 29.01.2010

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Objection to the revised plans - the proposal is considered over development of the site and would affect neighbours amenities.
- 4.2 Highways Officer

No objection. The dwelling after development will have four bedrooms. Policy T8 states that a maximum of three parking spaces would be required for the size of this dwelling. The Applicants show that they can provide this level of parking within their site boundary as shown on the plans submitted. This vehicular parking is independent of the shared access drive. The three parking spaces on site therefore meet the requirements of the Local Plan.

## **Other Representations**

### **4.3 Local Residents**

One household objects to the proposal (but acknowledged amendment is better) for the following reasons:

- Overbearing
- out of scale,
- loss of open aspect and view from The Larches
- loss of privacy between proposal and master bedroom at The Larches.
- Loss of parking, and visitors to the house already regularly park on the shared drive as there is insufficient in front the house.
- Disruption and parking, access problems whilst potential works area underway.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the local plan.

- 5.2 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.

### **5.3 Design**

This is one of a pair of modern, recently erected houses set high above Bristol Road. The rear garden slopes down towards the Bristol Road and the houses face the property known as the Larches, set further back off the road.

The extension is considered to be acceptable and in accordance with current policy. The extension reflects the character of the original house, being of similar proportions to the existing gabled roof form which projects to the other

side of the house. The proposal increases the overall size of the house by less than a third and as such the scale of the proposal is also acceptable. The pallet and location of materials reflects the various materials used on the original house. The fenestration is located on all sides and reflects the form of the original house windows although these are generally smaller as they generally have a functional/secondary purpose with the exception of the front kitchen window. This does not detract from the overall appearance of the dwelling and the extension would not have an adverse impact on the visual amenity of the street.

#### 5.5 Residential amenity

The proposal is located amongst others alongside Bristol Road. There is also a house known as 'The Larches' directly behind the application site and as a result the application site and 'The Larches' have their main elevations facing each other. The extension begins almost half way down the side elevation of the property and as such the mass of the proposal would not be overbearing on 'The Larches'. Neither is it considered to affect the other near neighbour. There is a ground floor window serving the new kitchen area which is not considered to cause any overlooking issue to the neighbouring houses. Other windows are either small WC/bathroom windows which would be expected to be obscure glazed or windows which face towards the Bristol Road. In order to prevent a material loss of privacy between the proposed WC/bathroom windows on the front and side of the proposed extension a condition can be used to secure obscure glazing of the window panes. As such the proposal would not materially affect the residential amenity of neighbouring houses. It is therefore considered that the application accords with the above policy criteria.

#### 5.6 Transportation

This property currently has the capability to park two cars in the double garage and two easily on the drive. The proposal would retain the two parking spaces and only one space within the garage. This is in accordance with the Local Plan. The neighbour raises concern that there is insufficient parking on the site and that visitors use the shared driveway to park. This appears to be a private matter of ownership running alongside this application and is not a matter for the Local Planning Authority given that the proposal is in accordance with the local plan. As such there is no highway objection in parking standards or highway safety terms.

#### 5.7 Other issues

The neighbour has raised concern that the process of carrying out the building works will cause disruption and traffic conflicts. This is a matter which has the potential to occur in any development and is a short term matter which needs to be considered and dealt with by the developer. It is not a reason to refuse this development. The neighbour also raised concern that their outlook between the proposal and the neighbouring house would be restricted. The Local Planning Authority can not protect the outlook from a property unless it impacts on the residential amenity of the residents. The impact of the development on the residential amenity of the objecting neighbour has been considered already above and found to be acceptable.



## **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 proposal would have no material impact on the neighbouring properties and the 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 detrimental 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 planning conditions set out on the decision notice.

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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. 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 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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the front and side elevations shall be glazed with obscure glass to level 3 standard.

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.