

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO: 12/22

Date to Members: 25/03/2022

Member's Deadline: 31/03/2022 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

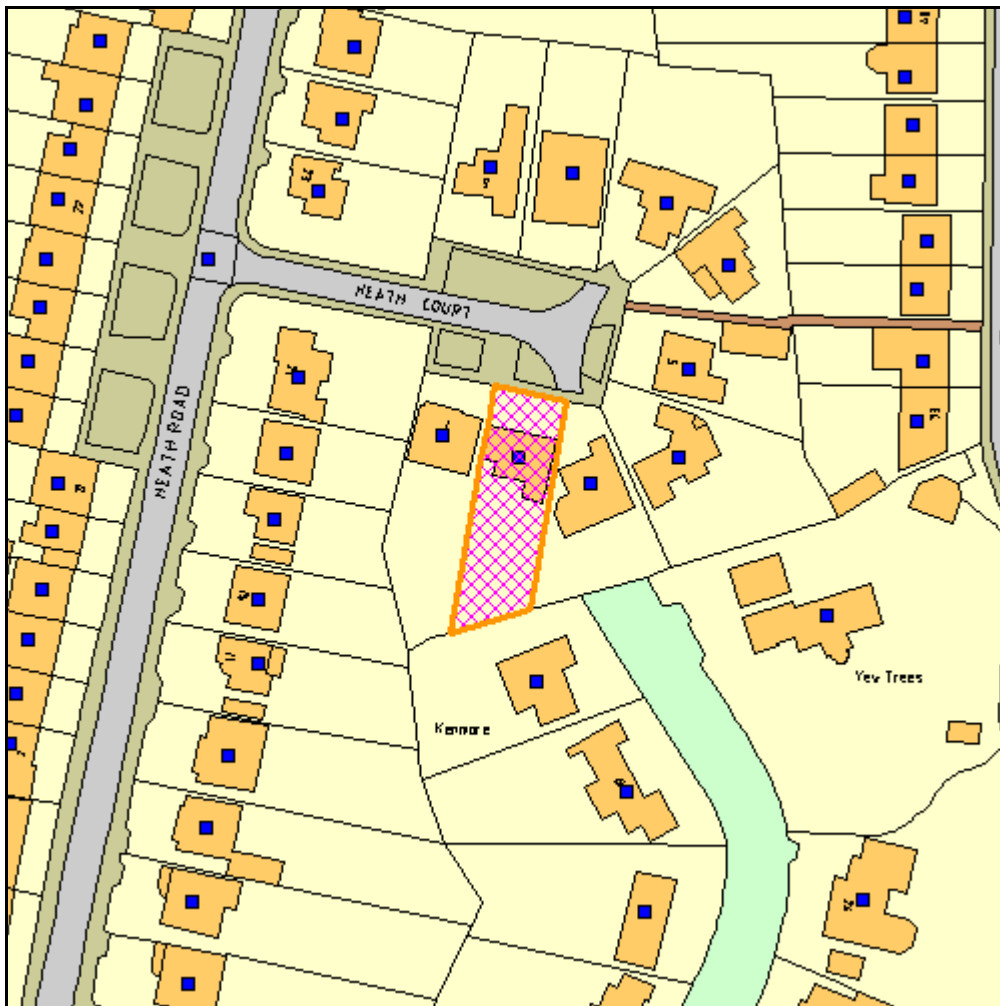
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 25 March 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/05578/F	Approve with Conditions	2 Heath Court Downend South Gloucestershire BS16 6HG	Frenchay And Downend	Downend And Bromley Heath Parish Council
2	P21/07042/F	Approve with Conditions	8 Wiltshire Avenue Yate South Gloucestershire BS37 7UF	Yate North	Yate Town Council
3	P22/00302/F	Approve with Conditions	11 Viburnum Road Almondsbury South Gloucestershire BS32 4DH	Almondsbury	Almondsbury Parish Council
4	P22/00350/F	Approve with Conditions	172 Ellicks Close Bradley Stoke South Gloucestershire BS32 0EU	Bradley Stoke North	Bradley Stoke Town Council
5	P22/00642/F	Approve with Conditions	42 Mayville Avenue Filton South Gloucestershire BS34 7AB	Filton	Filton Town Council
6	P22/00699/CLP	Approve Certificate of Lawfulness	School House The British Yate South Gloucestershire BS37 7LH	Ladden Brook	Iron Acton Parish Council

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P21/05578/F	Applicant:	Mr Frazer Stew
Site:	2 Heath Court Downend South Gloucestershire BS16 6HG	Date Reg:	26th August 2021
Proposal:	Erection of a single storey rear and two storey side and rear extensions, installation of 2 no. front, 1 no. rear dormer and raising of roof line, to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364917 177408	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	20th October 2021



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Contrary view of Downend and Bromley Heath Parish Council. The Parish Council believe that the proposal would represent overdevelopment.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of single storey rear and two storey side and rear extensions, installation of 2no. front and 1no. rear dormer windows, and raising of roof line to form additional living accommodation at 2 Heath Court, Downend.
- 1.2 The application site comprises a detached bungalow with accommodation in the roof. The existing dwelling has a rear conservatory and attached side garage that would both be removed as part of this application. The application site is located within the defined Bristol eastern fringe settlement boundary.
- 1.3 The proposed side extension would have a width of 2.5 metres and an eaves height to match the existing dwelling. The proposed rear extension would have a depth of 3 metres and an eaves height to match the existing dwelling. The proposed raising of the roof line would raise the ridge of the roof by 1.4 metres from 7 metres as existing to 8.4 metres as proposed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plan

South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
Objection - overdevelopment.

4.2 Sustainable Transport
No objection

4.3 Local Residents
4 support comments from local residents have been received making the following points:

- Support;
- No objection but the design of the proposed first floor windows could be changed to be more in keeping and offer greater privacy;
- No objection; and
- No objection.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application seeks permission for extensions at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed side extension would replace in part the existing attached side garage and would have a width of 2.5 metres, less than half the width of the existing dwelling. The proposal would therefore appear proportional to the existing dwelling. The proposal would be finished in materials to match the finish of the existing dwelling.

5.4 The proposed rear extension would replace in part the existing rear conservatory and would have a depth of 3 metres. The proposal would appear

- proportional to the existing dwelling and would be finished in materials to match the finish of the existing dwelling.
- 5.5 The proposed raising of the roof line and installation of 2no. front and 1no. rear dormer windows would significantly alter the appearance of the existing dwelling. The proposed raising of the roof line would increase the ridge height of the existing dwelling by 1.4 metres. It is considered that the proposed works would be a visual improvement over the existing dated looking dwelling and whilst the proposed works could not be described as subservient to the existing dwelling they would lead to a visual improvement of both the site and its context.
- 5.6 In regards to the proposed developments impact on the street scene, it should be noted that the neighbouring property directly east of the application site has previously undertaken similar works to what are being proposed with this application. The proposed raised ridgeline would appear similar in height to the adjacent dwelling to the east and would therefore not appear out of character with the existing street scene.
- 5.7 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.8 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.9 When considering the impact of the development on the residential amenity of neighbouring residents, the neighbouring properties which are most likely to be affected are the adjacent property to the east at 3 Heath Court, the adjacent property to the west at 1 Heath Court, and the adjacent property to the south at 21 Cleeve Lawns
- 5.10 In respect of the adjacent property to the east, it is noted that the proposed rear extension and alterations to the roof would have some impact on the residential amenity of the neighbouring property. Due to its proximity and orientation the neighbouring property has a number of windows that are overshadowed by the existing dwelling. The windows in question all serve rooms that are also served by other windows that are not impacted by to the application dwelling and would not be impacted by the proposed works. It is therefore considered that whilst the proposed development would have an impact on the windows of the neighbouring property, this impact would represent a significant enough increase over the existing situation to warrant refusal of the application. The first floor side facing window proposed would be obscure glazed and non-opening below 1.7 metres above floor level, this would be secured by condition.

- 5.11 In respect of the adjacent property to the west, it is noted that the proposed works would extend to roof of the dwelling closer to the shared boundary and would extend past the rear elevation of the neighbouring property. The neighbouring property has no side facing windows and the proposal would extend past the rear elevation of the neighbouring property by less than 3 metres. The first floor side facing window proposed would be obscure glazed and non-opening below 1.7 metres above floor level, this would be secured by condition. It is considered that the impact on the proposed extension on the residential amenity of the neighbouring property would be limited.
- 5.12 In respect of the adjacent property to the south, it is noted that the proposed development would introduce 2no. first floor rear facing windows. The proposed windows would be approximately 24 metres from the side elevation of the neighbouring property, more than the 20 metres advised in the Assessing Residential Amenity TAN. It is therefore considered that the proposed development would not lead to any detrimental overlooking or loss of privacy for the neighbouring property.
- 5.13 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.14 Highway Safety and Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development would increase the number of bedrooms in the property from 2 (1 of the existing bedrooms is not compliant) to 4 so under the Councils minimum parking standards the minimum number of on-site parking spaces requires at the property would be 2. Adequate on-site parking is provided to the front of the dwelling.
- 5.15 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.16 With regards to the above this planning application is considered to have a neutral impact on equality.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 conditions included on the decision notice.

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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

P01 - Site Location Plan (Received 17/08/2021)

P02A - Existing Floor Plans (Received 17/08/2021)

P02B - Existing Elevations (Received 17/08/2021)

P03A - Proposed Floor Plans (Received 24/08/2021)

P03B - Proposed Elevations (Received 17/08/2021)

Reason

To define the terms and extent of the permission.

3. 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. Prior to the use or occupation of the extensions hereby permitted, and at all times thereafter, the proposed first floor windows on the east and west elevations, and the proposed ground floor window on the west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east or west elevations of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P21/07042/F	Applicant:	Mrs Y Luff Blackwell Designs (Lively Arts Ltd)
Site:	8 Wiltshire Avenue Yate South Gloucestershire BS37 7UF	Date Reg:	11th November 2021
Proposal:	Erection of 1 no. detached ancillary annexe.	Parish:	Yate Town Council
Map Ref:	372093 183322	Ward:	Yate North
Application Category:	Minor	Target Date:	5th January 2022



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule, due to a consultation response received, from the Town Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of 1 no. detached ancillary annexe.
- 1.2 The property is a detached dwelling with associated curtilage, within the residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Access/Transport

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1 Parking Standards
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD
South Gloucestershire Annexes and Outbuildings SPD (Oct 2021)

3. RELEVANT PLANNING HISTORY

PK05/3400/F
Refusal (05.01.2006)
Erection of 1m high boundary fence and gates (retrospective).

PK03/2179/F
Approve with Conditions (15.09.2003)
Erection of 1.8m high side boundary wall, 0.5m high gate and railings.
(Resubmission of PK03/1114/F)

PK03/1114/F
Refusal (27.05.2003)
Erection of 1.8m high side boundary wall, 0.9m high gate and railings.

PK02/1091/F
Approve with Conditions (20.05.2002)
Erection of first floor side extension

N4144/8
Approve with Conditions (05.01.1981)
Erection of a single storey rear extension to provide games room.

N4144
Approve with Conditions (16.03.1978)
Erection of 72 detached houses and garages and construction of estate roads and associated footpaths (in accordance with the revised layout plans received by the Council on 26th January 1978, and on the 2nd March 1978).

4. CONSULTATION RESPONSES

4.1 Yate Town Council

This is a large building in the garden of 8 Wiltshire which adjoins the pavement along the side, and a tree lining public open space and footpath at the rear. It partly replaces two sheds that are currently there, but will be higher, and about double the depth and width. It is effectively erecting a one bed house in the garden, with no additional parking. There are concerns about the impact of the trees on any building or vice versa. Even if there is a non-severance condition, the location of this annex, at the bottom of the garden, adjoining public open space/ footpath is not acceptable.

Sustainable Transportation

No objection in principle, however clarification is required regarding the numbers of bedrooms to the property in relation to minimum parking requirements to ensure this is satisfactory.

Other Representations

4.2 Local Residents

One letter has been received, objecting to the proposal, pending reassurance on the following concerns:

- concern over two tall trees in the vicinity to the proposed annex and whether the foundation, soak away, construction or associated ground works could weaken their stability
- Given that the building is timber, there is concern regarding soundproofing

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for

consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

5.2 Annex Test

For a proposal to be an annex it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling.

The proposed annex would have one bedroom, joint kitchen/living room and a bathroom. Whilst the proposed annex potentially has sufficient accommodation to be self-sufficient, its layout and orientation does essentially rely on a functional relationship with the host dwelling, - it does retain a close physical reliance and shared amenity space and parking and access.

5.3 The proposals would share amenity space and parking/access. Further subdivision of the property is unlikely to provide sufficient amenity and parking space. Within the shared curtilage the orientation of the annexe and any windows and openings face the existing dwelling and curtilage. Given the size, location, amenity and parking space available it would be associated with and linked to the host dwelling, and within the private curtilage of it. Therefore, given the relationship and location to the main house, its use as an annex to provide ancillary accommodation is acceptable.

5.4 As such, officers are satisfied that the annex would be ancillary to the main house in planning terms. Notwithstanding this use as a separate and individual residential unit would require separate further planning permission, which would need to take matters such as amenity, parking layout and siting into account separately. A condition is also recommended restricting the use of the annex as ancillary to the main dwelling, for clarity.

5.5 Design

The proposals would be located on the northern and western boundaries of the property, so in this respect could be prominent from public view. In this respect any outbuilding may be visible to an extent. The proposals are of single storey, relatively shallow pitched roof design. The height to the eaves would be approximately 2.25 metres, within the boundary treatment, with a shallow pitched roof which would help reduce prominence. The proposals incorporate natural materials, i.e. timber, which are more sensitive to a garden setting as an outbuilding from the main dwelling, in this respect it is not considered that it would have a significant or material impact upon the streetscene, such as to warrant objection and sustain a refusal on this basis. The building is subservient in height and scale to the main dwellings and proportionate to the size of the property as a whole. The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. Materials would be acceptable.

5.6 Residential Amenity

The proposals would be located on the boundary of the property with the road, furthest away from adjacent neighbouring properties. The properties to the west

are separated by footway and verge/planting area. All windows and openings are facing inwards towards the curtilage and host property, reducing any direct inter-visibility and privacy issues with the surrounding public highway and footpaths. The building would need to meet Building Regulation requirements in terms of insulation etc. The length, size, location and orientation of the proposals and the relationship with other properties in the area, are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance. Sufficient amenity space remains to serve the property as a whole.

5.7 Transportation.

The proposals used as ancillary to the main property as intended, would not materially alter the travel demand associated with this site and this proposal is unlikely to create any severe or unacceptable highways or transportation issues. The parking and access arrangements are unaffected by the proposals. One further bedroom would be added to the property under this application. The total bedrooms for the dwelling would then be 5. Plans submitted indicate that there would remain up to 4 off street spaces. This would accord with the required adopted off street parking standards.

5.8 Trees

The nearest trees are past the bottom of the garden, beyond a footpath that runs between properties. The applicants has confirmed that piles for a wooden beam/base would be used for the annexe. Nonetheless a condition for an arboricultural method statement for the annexe is recommended to ensure the trees are satisfactorily taken account of in the development. Building Regulations would also stipulate the nature of foundations required in each case.

5.9 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

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

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended.

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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Location Plan, Block Plan, and Existing and Proposed Plans and Elevations (Refs 0822-01A, 12 and 22), received by the Council on the 2nd and 10th November 2021, and Parking Plan (0822-01B), received by the Council on the 18th March 2022.

Reason

To define the terms and extent of the permission.

3. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement for the annexe shall be submitted to the Council for written approval. The development shall thereafter be implemented in accordance with the details approved.

Reason

In the interests of the protection of the trees and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy.

4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Wiltshire Avenue.

Reason

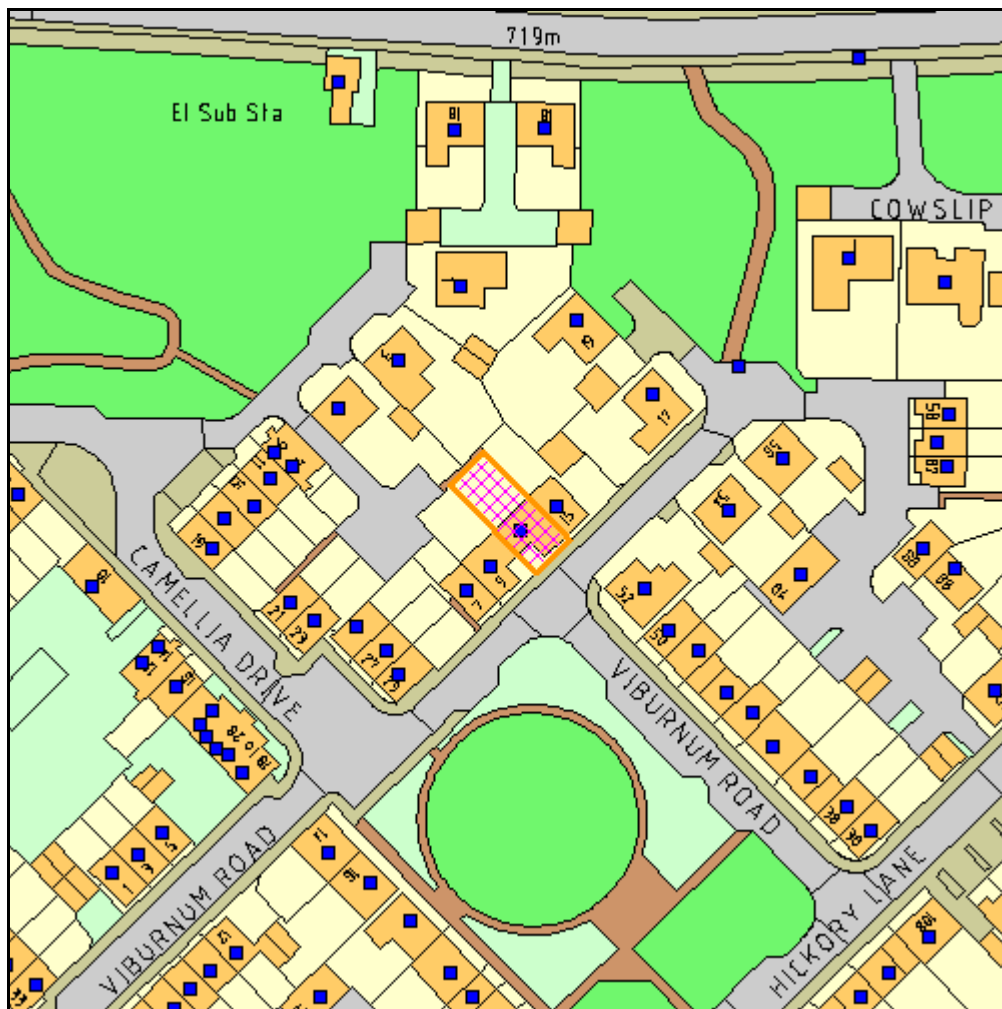
The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

Case Officer: Simon Ford

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P22/00302/F	Applicant:	Mr Craig Stooke
Site:	11 Viburnum Road Almondsbury South Gloucestershire BS32 4DH	Date Reg:	25th January 2022
Proposal:	Erection of two storey rear and first floor side extension to provide additional living accommodation.	Parish:	Almondsbury Parish Council
Map Ref:	361883 184431	Ward:	Almondsbury
Application Category:	Householder	Target Date:	22nd March 2022



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 100023410, 2008. **N.T.S.** **P22/00302/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure due to 3no objection letters from local residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of two storey rear and first floor side extension to provide additional living accommodation at 11 Viburnum Road, Almondsbury.
- 1.2 The application site is located outside of any settlement boundary and is washed over by the Bristol and Bath Green Belt. No other restrictive designations apply.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017

- | | |
|-------|--|
| PSP1 | Local Distinctiveness |
| PSP7 | Development in the Green Belt |
| PSP8 | Residential Amenity |
| PSP11 | Transport |
| PSP16 | Parking Standards |
| PSP38 | Development within Existing Residential Curtilages |
| PSP43 | Private Amenity Standards |

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Residential Amenity TAN (Endorsed) 2016
Householder Design Guide SPD (Adopted) 2021

3. CONSULTATION RESPONSES

- 3.1 Almondsbury Parish Council – No objection
- 3.2 Sustainable Transport – No objection

3.3 3no. letters of objection from local residents have been received, the key points are summarised below:

- Development would set an unwanted precedent;
- Out of keeping;
- Loss of light and overshadowing;
- Loss of privacy;
- Insufficient levels of parking;
- Loss of outlook, over dominating, and oppressive;
- Harm from foundations to neighbouring property;
- Harm to drainage for connecting properties;
- Risk of damage to neighbours property;
- Loss of access from the front;
- Conflict of interest – application is closely related to a member of Almondsbury Parish Council; and
- Contradicts to the Hortham Village open space ethos.

4. **ANALYSIS OF PROPOSAL**

4.1 Green Belt - Whether the development is inappropriate

The National Planning Policy Framework (the Framework) indicates that 'inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 149 of the framework provides an exceptions list to development in the Green Belt, for which the extension or alteration of a building can be provided as appropriate provided that it does not result in a disproportionate addition over and above the size of the original building. Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (PSPP) states that extensions which result in a 30% increase in volume require careful assessment in terms of scale and proportion, and extension which result in a volume increase of over 50% of the original building are likely to be disproportionate and be refused for being inappropriate development.

4.2 The volume of the original property (as built) measure 217.3sq m, the volume of the proposed extensions would be 88.7sq m. This equates to an increase of 40.8% over the original volume. When viewing the proposed extensions in the setting of the host property, they would not appear as disproportionate additions with the original building retaining its visual dominance.

The effect of openness

4.3 In regards to the test of openness (defined as a lack of built form), the application site is located within a built-up area and forms part of a modern residential development. Whilst there would impact of openness by the very nature of development, the resultant harm would be highly localised and is not considered unreasonable. The proposed development would therefore comply with policy PSP7 of the PSPP and paragraph 149 of the NPPF.

Design and Visual Amenity

4.4 Policy CS1 of the Core Strategy and policies PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be

informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Proposed first floor site extension

- 4.5 The proposed first floor side extension would be erected above the existing garage and set back from the elevation below, which is already recessed from the main elevation of the property. The eaves level would align with the existing and the window and sill would echo the existing. The pitched roof would follow that of the host, albeit with at a reduced ridgeline.

Proposed rear extensions

- 4.6 The proposed 2 storey element of the rear extension would extend 2m from the rear elevation and span a width of 4.4m. The eaves level would be 5m, supporting a double pitched roof with a ridge height of 6.6m. Materials and detailing would be set to match the host property.

- 4.7 The proposed single storey rear extension would have a flat roof measuring 2.9m in height and would span 7.1m, and have a depth of 2.5m. As such, the dimensions of this element would be compliant under permitted development. Nonetheless, the extensions as a whole would appear as subservient elements when compared to the host property, and would respect the character of the site and its context. The extensions are appear well designed in terms of scale, proportions and detailing, and comply with policy PSP38 and the provisions of the Residential Design Guide SPD.

4.8 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.

- 4.9 The proposed extension in terms of its scale is fairly modest when compared to other extensions of this nature received by the council. However a number of concerns have been raised by neighbouring residents, including matters of loss of privacy, overshadowing and overbearingness. The main impacts of development would be experienced from no.9 and 13 Viburnum Drive. Whilst objections have been sent from other addresses within the vicinity, these are not close enough to be impacted by the proposed development, with the properties on Camillia Drive being over 20m from the main rear elevation of the host property.

- 4.10 Concerning the impact to no.9, the proposed two storey side extension would comply with the 45o window-to-wall test. As such, there would not be any unreasonable harm concerning loss of natural light and outlook from the associated rear rooms. In addition, the rear elevations of the properties face in a northwest orientation, with no.9 situated to the southwest of the application site. As a result there would unlikely be any unreasonable harm by means of overshadowing. When reviewing the height and depth of the extension (which is in compliance with design guidance) relative the neighbouring property,

officers do not consider that the proposal would result in a development which is overbearing or over dominating.

4.11 Concerning the impact to no.9, as a result of the size, scale and design on the single storey rear extension, the proposals would not result in any unreasonable harm by means of overshadowing or loss light. Nor would it be overbearing or dominating. As such, the proposed development would not result in any unreasonable harm to the living conditions of the neighbours, and compliance is met with policy PSP8 of the PSPP.

4.12 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development would not result in an increase in bedroom numbers and therefore no additional off-street parking is required. It is recognised that a neighbour has raised concerns surrounding access during the construction period, however any disruption would only be temporary. Should access be required at the neighbouring property for the development, this would form a civil matter and not one of the councils.

4.13 Other Matters

Concerns have been raised from neighbours in regards to possible harm to their properties as a result of development, such as harm to foundations, which may encroach the neighbouring property. These matters do not form material planning considerations, and are a civil matters. Concerning the applicant being related to a local parish council member, all planning applications are considered on their individual merits (inclusive of any relevant material considerations) assessed against the provisions of the local development plan and any other policy deemed necessary. Officer assessments and recommendations are independent and based on professional judgement.

4.14 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

5. CONCLUSION

5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

6. **RECOMMENDATION**

6.1 It is recommended that planning permission is GRANTED.

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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Received by the council on 19th January 2022: Combined Plan, and Location Plan.

Reason

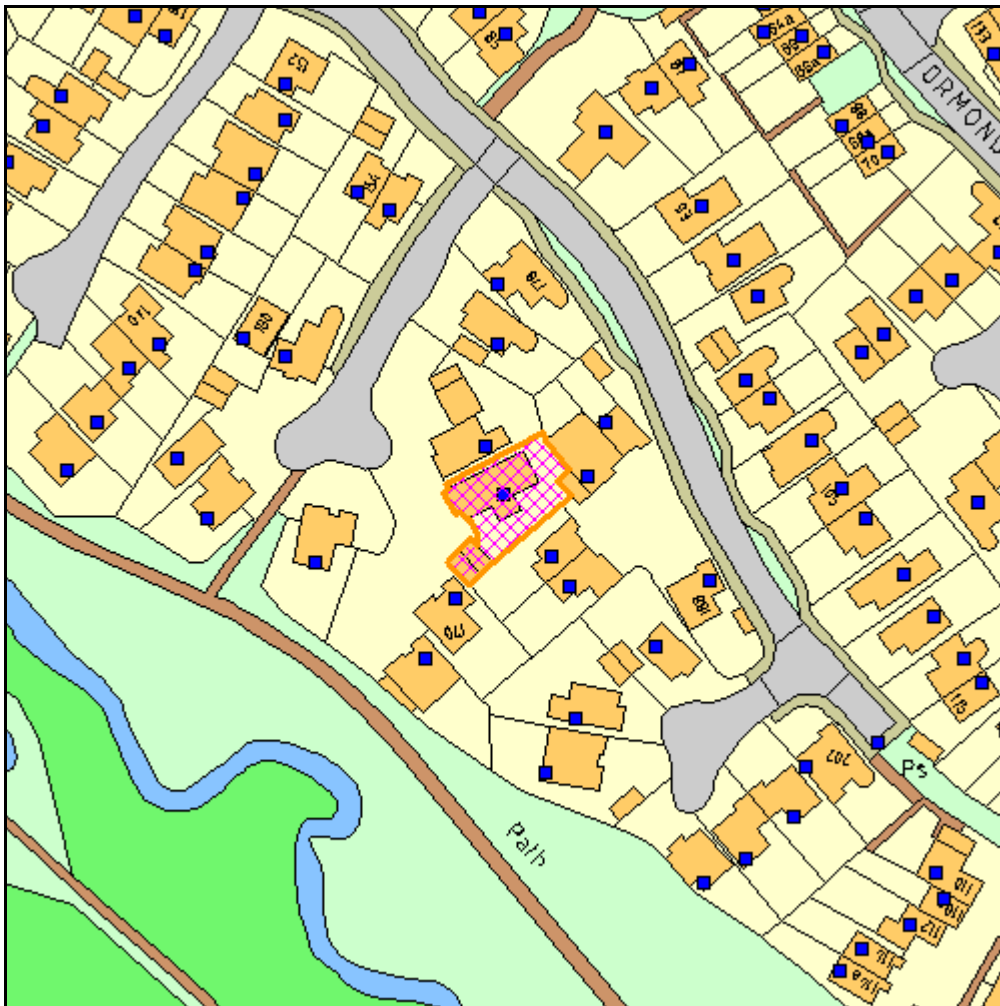
To define the terms and extent of the permission.

Case Officer: Thomas Smith

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P22/00350/F	Applicant:	Mrs Carly Cole
Site:	172 Ellicks Close Bradley Stoke South Gloucestershire BS32 0EU	Date Reg:	4th February 2022
Proposal:	Erection of single storey side extension to existing garage to facilitate conversion to annexe ancillary to the main dwelling.	Parish:	Bradley Stoke Town Council
Map Ref:	362244 182430	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	31st March 2022



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 100023410, 2008. N.T.S. P22/00350/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council contrary to the findings of this report and the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey side extension to existing garage to facilitate conversion to annexe ancillary to the main dwelling, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at No.172 Ellicks Close, located within the established built up residential area of Bradley Stoke, and is set within a good sized plot. The dominant feature within the site is a two-storey detached dwellinghouse with detached garage.
- 1.3 Here it is to be noted that since the application was initially submitted and consultations were received, revised drawings for the application have been accepted by the local authority. The amendments are limited to the proposed flat roof being replaced with a pitched roof featuring gable-end.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Adopted November 2017)

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted August 2007)
Residential Parking Standards (Adopted December 2013)
Householder Design Guide (Adopted March 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 **PT05/1183/F**. Erection of single storey rear extension to form sun room.
Approve with Conditions. 05/07/2005.
- 3.2 **PT02/3733/F**. Erection of two storey side extension to form family room, utility room and extended kitchen with master bedroom and en-suite bathroom over.
Approve with Conditions. 21/01/2003.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Object to this planning application on grounds of the flat roof being out of keeping with the surrounding area and overdevelopment of the site.
- 4.2 Sustainable Transport – Transportation DC
With the conversion of the garage, 2 off street parking spaces would remain. The applicant is required to confirm the number of bedrooms within the main dwelling, the bedroom within the proposed annexe will then be added to this to ascertain whether parking levels are in line with SGC guidance.

If recommended for approval, we would require the development to provide electric vehicle charging in line with our emerging EV policy, these items should be fully approved by SGC before use. To this end, we would recommend that appropriate conditions are imposed on any planning permission granted for this site to ensure that this takes place

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site is situated within the north fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would extend and convert the existing detached garage to form an annexe ancillary to the host dwelling.

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.

5.2 Annex Test

For a proposal to be an annex it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling.

5.3 The proposed annexe would be a self-contained, single-storey structure converted from an existing garage building. It would have accommodation space for 1no. bedroom, kitchen, lounge/dining room and bathroom. In terms of physical reliance, the proposed annex would be detached from the main dwelling (albeit in very close proximity) and located to the south of the property. The garden area, in addition to the available off-street parking provision would be shared with the host dwelling. Whilst the proposed annex could be accessed independently of the main dwelling, it would not provide an attractive proposition for the residents of the host property or the annex if it were to serve as an independent dwelling. Furthermore, due to the proposed annex not being served within its own private amenity space, it would not be able to secure permission as an independent dwellinghouse. Therefore, given the relationship and location of the proposed annex relative to the host dwelling, the annex test is met.

5.4 As such, officers are satisfied that the annex would be used ancillary to the main house. A condition should be included on the decision to secure this should the application be found acceptable in all other respects.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the application site and its context.

5.6 The proposed development comprises a single-storey extension to the existing garage. The extension will project (approx.) 2.6 metres from the garages side (north-east) elevation and have a depth of 3 metres. The extension will feature a dual pitched roof with gable-end, which will rise from an eaves height of 2.1 metres to a maximum ridge height of 3.5 metres, following a similar pitch to that of the main garage.

5.7 The extension will function as a lobby area, as well as house a bathroom. As such, the proposed fenestration is limited to 1no. external door to the extensions front elevation, serving access to the annex. Furthermore, the existing tilt-up door to the garages north-west elevation will be replaced with 1no. window, identical to that already present on the garages front façade. Infill around the new window and external finish to the extension will be facing brick with tiled roof to match the existing dwelling. Whilst all new doors and windows will be double glazed set in uPVC frames.

5.8 The proposed development appears subservient to the host building, maintaining the garages architectural integrity, balance of the pair and character of the area. The proposals have been designed to complement the existing garage and property through its proportions and choice of materiality,

ensuring that the aesthetical appearance of the dwelling is harmonious and continues to complement neighbouring properties. Overall, the proposal complies with policies CS1 and PSP38.

5.9 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

5.10 The only potentially affected neighbours of this development would be No.170 and 184 Ellicks Close. The proposals will extend and convert the existing detached garage into a residential annex to the host dwelling, therefore the majority of internal area will form habitable space. Although, the insertion of additional fenestration is proposed to the building, this has been carefully positioned and designed, serving to substantially mitigate concerns regarding privacy and overlooking arising from such a proposal.

5.11 With regards to No.184, although the extension will sit tight against the adjoining boundary, given the extensions single-storey nature and set down ridgeline from the existing garage, the addition is modest in scale. As such, the impact on the level of amenity afforded to neighbouring dwelling by virtue of overbearing and loss of light is acceptable.

5.12 Furthermore, whilst it is acknowledged that there will likely be an increase in noise from the application site. Officers note that the site is located within a well-established sub-urban area, whereby a degree of noise is not uncommon and is to be expected. Overall, the proposed scheme will not result in any unreasonable harm to residential amenity, satisfying policy PSP8.

5.13 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. Although the annex is self-contained, it is still considered ancillary to the host dwelling. As such, the proposed development will increase the occupancy of the application property, as well as build on existing rear garden. A property of the proposed size (5-bedrooms) is expected to provide a minimum of 70m³ private external amenity space. The remaining private external amenity space would continue to be in excess of the Council's design standards, complying with policy PSP43.

5.14 Transport (Access and Parking)

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. For the purposes of clarity, the combination of annex and host dwelling constitutes a requirement of 3no. off-street parking spaces for the site. Although the existing garage is to be lost as parking provision, the submitted revised

block plan indicates that the properties driveway holds the capacity to accommodate 3no. vehicles. Therefore, the proposals satisfy policy PSP16.

5.15 The case officer acknowledges the comment received from sustainable transport regarding the attachment of a condition to the application stating that the proposal should include the provision of electric vehicle charging facilities, in accordance with the Council's emerging policy. However, the condition is disproportionate to the nature of this application.

5.16 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above, this planning application is considered to have a neutral impact on equality.

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 development plan 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 conditions.

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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below (received 21st January - 21st March 2022):

Floor Plans
Proposed Foundation Plan
Proposed Section
Existing Elevations
Site and Block Plan
Existing and Proposed Block Plan (Revised)
Proposed Elevations (Revised)

Reason

To define the terms and extent of the permission.

3. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No.172 Ellicks Close, Bradley Stoke, South Gloucestershire, BS32 0EU.

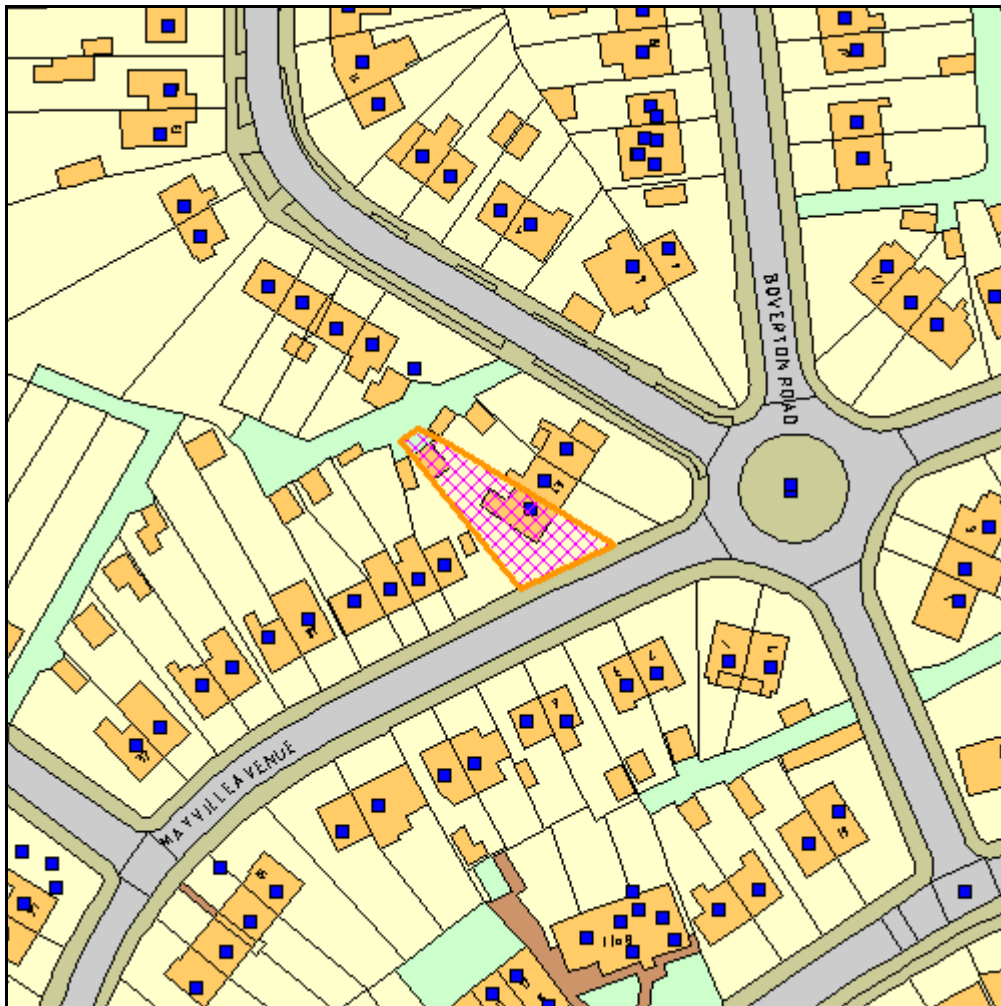
Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P22/00642/F	Applicant:	Mr Padbury Kasa Real Estate Ltd.
Site:	42 Mayville Avenue Filton South Gloucestershire BS34 7AB	Date Reg:	8th February 2022
Proposal:	Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking to accommodate Change of Use from C4 HMO to ten bedroom large house in multiple occupation (Sui Generis) for up to ten people .	Parish:	Filton Town Council
Map Ref:	360490 179417	Ward:	Filton
Application Category:	Minor	Target Date:	4th April 2022



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule following objection comments from local residents, a Councillor and the Town Council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning for the change of use from C4 HMO to a ten bedroom large house in multiple occupation (Sui Generis) for up to ten people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking.
- 1.2 The application site, 42 Mayville Avenue, and lies within the settlement boundary of Filton.
- 1.3 This application follows the approval of P21/06629/F, which was for the change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking. The current application is identical in terms of external alterations, and internally the only change is the provision of two bedrooms in the western extension as opposed to one.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Development

PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Waste Collection: Guidance for new developments SPD (Adopted) 2015
 Houses in Multiple Occupation SPD (Adopted) 2021

3. **RELEVANT PLANNING HISTORY**

- 3.1 P21/06629/F - Change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking. – Approved 19.11.2021
- 3.2 P21/04459/F - Erection of a two storey side extension to form additional living accommodation. - Approved 6.10.21
- 3.3 P21/02728/CLP - Installation of 1 no. rear and side dormer to facilitate a loft conversion and associated works. - Approved 16.6.21
- 3.4 PT01/0904/F Erection of two storey rear extension and conservatory - Approved 9.5.01

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council – “*Objection Overdevelopment
 Insufficient parking
 Lack of bus provision to supply non drivers
 Already 6 bed HMOs 6,19,36 Boverton Rd, 7,10,26,29 Rodney Crescent,and
 22 Glebelands Rd
 The proposal for a HMO (house in multiple occupation) of 10 beds has been found to be contrary to the recently adopted supplementary planning document which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has a 11.2% concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021”.*
- 4.2 Transportation DC – No objection subject to conditions requiring the provision of access, parking and cycle parking.
- 4.3 Economic Development – No objection

Other Representations

4.4 Local Residents

14no. objection comments have been received, summarised as:

- Inadequate parking leading to dangerous parking on street
- Survey does not accurately show true representation of parking issues
- Property out of keeping
- Too many HMOs in area
- Noise issues caused by ten residents
- Work started despite permission not being granted
- Community disappearing
- Litter problems in area
- Students should be accommodated on campus
- HMOs attract transient population
- No properties for families
- Application only benefits owner
- Local rent costs will increase
- Volume of traffic will increase
- Previous objections were ignored
- Consultation for HMOs currently underway
- Students do not pay Council Tax

4.5 Councillor representations

Councillor Chris Wood: *"This application provides just 2 car parking spaces for a 10 bedroom HMO, on an already congested road, without a bus link, where vehicles often park dangerously on the pavement due to a lack of on-street parking.*

Under the Residential Parking Standards Supplementary Planning Document (SPD) 2013 a 10 bedroom HMO requires a minimum of 5 residential parking spaces with an additional 0.2 visitors spaces, the proposal falls very far short of this and will result in dangerous additional on street parking in a wholly unsuitable area. The Residential Parking Standards SPD, which outlines that HMO "developments can, if inappropriately located and/or by becoming concentrated in a locality, increase local on-street parking problems" and states that HMO applications will be permitted only if they "would identify acceptable off-street parking". The key term here is acceptable, no acceptable off-street parking has been identified and therefore the application should be rejected.

I am also concerned that this application breaches the Houses in Multiple Occupation: Guidance for new developments Supplementary Planning Document October 2021 as over 40% of South Gloucestershire's HMOs are located in Filton and the impact on parking, noise, litter and antisocial behaviour problems has increased dramatically as a result.

This application is inappropriately located, will further increase the already burdensome on-street parking problems, traffic congestion and endanger road users, including cyclists and pedestrians and lead to an increase in noise, litter and antisocial behaviour. There is no doubt that there are clear planning

guidelines laid out by this council which prohibit the granting of this planning application, as highlighted in the two SPDs noted above, hence why it should be rejected by members.”

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The applicant seeks full planning for the change of use from C4 HMO to a ten bedroom large house in multiple occupation (Sui Generis) for up to ten people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking.
- 5.2 This application follows the approval of P21/06629/F, which was for the change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking. The current application is identical in terms of external alterations, and internally the only change is the provision of two bedrooms in the western extension as opposed to one. This must be given significant weight for the determination of this application.
- 5.3 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term “neighbours” should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not ‘have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties’. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.6 Whilst the Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021 is written for change of use applications for proposals from C3 to large HMOs, it is also useful guidance to determine whether proposals from C4 to large HMOs comply with the existing Development Plan policies. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal.

- 5.7 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
 - Result in three or more adjacent licensed HMO properties.
- 5.8 In the case of the current application site, 42 Mayville Avenue the property would not be sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties in this road.
- 5.9 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.10 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.11 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.12 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.13 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.14 In the case of 42 Mayville Avenue, HMO properties currently represent 5.2% of households within the COA. Within 100m radius there are 95 properties, 6 of which are HMOs thereby achieving a 6.3% concentration of licensed HMOs within this radius.

- 5.15 The principle of a change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.
- 5.16 In regards to the proposed alterations, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Design and Visual Amenity

- 5.17 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design, that takes into account local design standards, continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.
- 5.18 The application site is a two-storey semi-detached dwelling. Dwellings here have a typical post WWII appearance with hipped roofs, bay fronted windows, smaller gardens to the front and larger gardens and parking to the rear accessed off a rear lane. The application site benefits from a single garage close to the lane which will remain and be put to use as the cycle storage area for the occupiers.
- 5.19 This application is assessing the change of use only as previously approved applications for the two-storey side extension and the side and rear dormers remain extant. These structures have been shown on submitted plans to demonstrate how the proposed 10 bedrooms and living accommodate would be presented.
- 5.20 As such no objection can be sustained with regards to the design or the comment of overdevelopment on this site. It is however considered that the property has been extended to its full capacity and therefore permitted development rights will be removed.

Residential amenity

- 5.21 With regards to the amenity of future occupiers, plans indicate the proposed extended property would have a kitchen/diner plus communal area on the ground floor along with 3 bedrooms. The first floor would have 5 bedrooms with the final 2 in the loft area. It is the responsibility of the landlord to ensure the rooms accord with internal national space standards for future occupiers.

- 5.22 The proposed development would entail the removal of the existing front garden wall to create two off-street parking spaces. A purpose built bin storage area would also be created in the front garden.
- 5.23 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standard for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m² amenity space. Using this standard, 10 x 1bed. flats would require 50m² amenity space. The rear garden would achieve sufficient useable amenity space to accord with adopted policy.
- 5.24 Extant permission for the two storey side and the roof dormer windows means there is no reason to re-visit the assessment made by Officers at the time of those recent approvals and the scheme is therefore acceptable in terms of having no adverse impact on residential amenity.

Sustainable transport

- 5.25 The applicant submitted a detailed parking survey with photographs, which Transport Officers have accepted and used to supplement their assessment.
- 5.26 The site is located within a sustainable location but adopted policy requires HMOs to provide 1 parking space per 2 bedrooms. In addition secure cycle storage would be needed.
- 5.27 An HMO of this size would according to our standards require a minimum of 5 car parking spaces. The site only indicates 3 parking spaces, with the existing garage converted to secure cycle parking. There is therefore a shortfall of 2 spaces.
- 5.28 It is noted that the previous application for a 9 bedroom HMO was assessed on the basis that it required 4 spaces. This was an error, as in the case of HMO applications the requirement should be rounded up to the nearest whole number of spaces.
- 5.29 Regardless, the accompanying parking survey indicates that sufficient car parking is available both at weekends and evenings to make up the shortfall without causing a highway safety issue.
- 5.30 Given the above there are no transport objections subject to a condition that prior to first use of the site the parking is provided.

Consideration of likely impact on Equalities

- 5.31 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.32 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.33 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

Other matters

- 5.34 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.35 Property value:
This is not a planning matter and therefore falls outside the remit of this planning assessment.
- 5.36 Waste and rubbish on the street and in the rear lane::
If such a situation occurs residents are advised to contact the Council's Street Care Team.
- 5.37 Noise and disturbance:
The property would be a domestic residence. Any inconsiderate behaviour over and above what is normally expected should be reported to the correct authority in this case The Police Authority or Environmental Protection. A condition will be attached to the decision notice regarding construction times and good working practice.
- 5.38 Vehicles hit and inconsiderate parking:
Again this is not a planning matter and any issues should be reported to the correct authority in this case The Police Authority.

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 development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that the application be APPROVED subject to conditions attached to the decision notice.

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. Development shall proceed in accordance with the following plans:

07 Feb 2022		LOCATION AND BLOCK PLAN
07 Feb 2022	202	SITE/BLOCK PLAN - PROPOSED
07 Feb 2022	301	FLOOR PLAN - EXISTING
07 Feb 2022	303	FLOOR PLAN - PROPOSED
07 Feb 2022	304	FLOOR PLAN - PROPOSED
07 Feb 2022	401	ELEVATION (FRONT) - EXISTING
07 Feb 2022	403	ELEVATION (FRONT) - PROPOSED
07 Feb 2022	501	SECTION - EXISTING
07 Feb 2022	502	SECTION - PROPOSED
07 Feb 2022	503	DRAINAGE SECTION PLAN
07 Feb 2022	504	BIN STORE AND PROPOSED BLOCK PLAN

As per the description of development, the HMO may only be occupied by a maximum of 10 people

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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. Prior to first use of the site as a ten bed HMO until the access, car and cycle parking arrangements have been completed in accordance with the submitted Existing/Proposed Site Plan.

Reason

To encourage sustainable methods of transportation and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Case Officer: Rae Mepham

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 12/22 - 25th March 2022

App No.:	P22/00699/CLP	Applicant:	Mr Daniel Williams
Site:	School House The British Yate South Gloucestershire BS37 7LH	Date Reg:	11th February 2022
Proposal:	Installation of hard standing, erection of 2 metre high fencing and siting of a mobile home ancillary to the main dwellinghouse (School House, The British).	Parish:	Iron Acton Parish Council
Map Ref:	369917 183749	Ward:	Ladden Brook
Application Category:		Target Date:	6th April 2022



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 100023410, 2008. **N.T.S.** **P22/00699/CLP**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

Ordinarily, applications for certificates of lawfulness need not appear on the Circulated Schedule. However, in this instance, the applicant is employed within the Department for Environment and Community Services and works within the planning service. The current scheme of delegation set out in the Council's constitution asserts that where this is the case, the application should be placed on the Circulated Schedule prior to determination.

1. THE PROPOSAL

- 1.1 A Certificate of lawfulness is sought for the installation of hard standing, erection of a 2-metre-high fence and the siting of a mobile home to be used ancillary to the main dwellinghouse (School House, The British).
- 1.2 The application site comprises a detached C3 dwelling situated to the North of The British, a residential cul-de-sac in Engine Common. The site is located within the designated Engine Common settlement boundary and is not within any other planning designations.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class F

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 2, Class A

Town and Country Planning Act 1990

The Caravan Sites and Control of Development Act 1960

The Caravan Sites Act 1968

The Town and Country Planning (Use Classes) Order 1987

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

3. RELEVANT PLANNING HISTORY

- 3.1 P22/01085/F (pending consideration):

- Erection of 1no. detached dwelling with associated works.
- 3.2 P21/00572/F (refused 01/04/2021 / appeal dismissed 31/12/2021):
Erection of 1no. dwelling with access, parking and associated works.
- 3.3 P20/23983/F (refused 29/01/2021 / appeal dismissed 31/12/2021):
Erection of 2no. dwelling with access, parking, new public footpath and associated works.
- 3.4 P20/10847/F (approved 21/07/2020):
Demolition of existing conservatory, single storey side/front extension and rear lean-to extension. Erection of single storey side/front extension and two storey side and rear extension to provide additional living accommodation. Installation of first floor dormer window to front elevation, 4 no. solar roof panel blocks and 2 no. sections of 2 metre high fencing.
- 3.5 P20/20651/F (approved 24/12/2020):
Demolition of existing outbuildings. Erection of 1 no. dwelling with access, parking and associated works (amendment to previously approved scheme PK16/1490/F).
- 3.6 P20/11417/CLP (approved 18/08/2020):
Erection of 2 no. polytunnels.

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Objection:

- Not in keeping
- Dwelling only accessed via narrow lane
- The British is used as the only available route for children walking from North Road Community Primary School to the school's sports field.
- Additional development will lead to increased danger to pedestrians and school children.
- Concern about cumulative development on The British which will lead to increased vehicle movements.

Officer Response:

Whilst these comments are noted, they relate to 'planning merit' which are not able to be considered within a certificate of lawfulness application. The LPA is only able to consider whether the proposed development would be lawful without the need for planning permission.

4.2 Local Councillors

No comments have been received.

4.3 Local Residents

No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 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 or use can be implemented lawfully without the need for planning permission. Accordingly, there is no consideration of 'planning merit', the application is based on the facts presented. The submission is not an application for planning permission and as such 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 or development would be lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development would be lawful.

5.2 The key issues in this application are threefold. First, the hardstand needs to be assessed under the terms of Schedule 2, Part 1, Class F of the GPDO. Then, the fence needs to be assessed under Schedule 2, Part 2, Class A of the GPDO. Finally, it needs to be established whether the stationing of the proposed mobile home for use ancillary to the dwelling would be lawful without the need for planning permission, taking into account the definition of development, and whether the proposed mobile home complies with the relevant legislation.

5.3 In support of the application, the applicant has provided the following:

- Planning statement
- Site location plan
- Proposed layout plan

Hardstand

5.4 The proposed hardstand would be located to the East side of School House and would cover an area of c.138sqm, between the side of School House and the proposed mobile home to the East, as shown on the site plan. Schedule 2, Part 1, Class F of the GPDO permits the following:

Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

5.5 In this instance, the proposal would include the provision of a new hardstand, albeit it is understood that some of the area of the proposed hardstand is already covered by tarmac, and is therefore an existing hardstand and so the proposal combines elements of both (a) and (b) of Class F.

5.6 Class F only has one restriction, which is that development is not permitted by class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). The dwellinghouse was not permitted to be used as a dwellinghouse by any of the above noted classes under Part 3, and as such would be permitted development.

5.7 Development under Class F is subject to the condition that where:

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

5.8 The hard surface area would be over 5sqm, but in the case of new hardstand, would not be situated on land between the principal elevation of the dwellinghouse and the highway. Moreover, this is a condition and so the onus is on the applicant to comply with it, in order for the works to be covered by Class F. It is noted that where the existing hardstand meets The British, there is a channel drain to prevent water run-off onto the highway. Considering the above, the proposed hard surface incidental to the enjoyment of the dwellinghouse would be permitted development under the terms of Schedule 2, Part 1, Class F.

2-metre-high fence

5.9 The proposed fence would run within the garden/curtilage of School House and would start at the Eastern edge of the hard surface discussed above and would run some 18 metres to the East within the garden/curtilage of School House. Schedule 2, Part 2, Class A permits:

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure, Subject to the following.

Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an

obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

The fence would be set some 9 metres behind the Southern boundary of the curtilage with The British (the highway). Given this level of separation, the fence would not fall within the remit of being adjacent to the highway. As such, the 1 metre height restriction above does not apply.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

It is stated that the fence would be 2 metres high, and therefore would comply with this criterion.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

There is no existing fence in this location, and the proposed fence would not exceed the limits set out in (a) or (b) above.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building

The application property and its curtilage are not listed.

Stationing of Mobile Home

- 5.10 The proposed mobile home would be stationed on land to the East of School House, within its residential curtilage, and would be situated behind the 2-metre-high fence which is discussed above as being lawful under the terms of the GPDO. The location of the proposed mobile home is articulated on the proposed site plan, submitted in support of this application. The use of the mobile home would be ancillary to the main dwelling, School House, The British.
- 5.11 The key considerations for this proposal are whether the siting of the mobile home itself would amount to development and whether its proposed use ancillary to the main dwelling would entail a material change of use of the land.
- 5.12 The term development is defined in Section 55 paragraphs (1) and (2) of The Town and Country Planning Act 1990 (as amended). This defines what can and cannot be included within the definition of the term 'development' for which

planning permission would be required. Paragraph (1) stipulates that development is:

The carrying out of building, engineering, or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land should qualify as development.

This definition is further qualified by a clarification of the term 'building operations' in the Planning and Compensation Act 1991 which is described as including:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

As elucidated in the definition above, such works would typically involve operations relating to a building and hence the definition of the term 'building' is itself pertinent to whether this proposal would constitute development requiring planning permission. Whilst this term is not defined in the legislation, its precise meaning and application has been revealed via various planning appeal decisions, most notably *Barvis Ltd v Secretary of State for the Environment* (1971). This established that the three key elements to consider whether a structure constitutes a building relate to its permanence, its size, and its physical attachment to the land.

5.13 However, rather than pursue this approach, the applicant has provided an extensive analysis as to what is lawfully defined as a caravan and provided evidence to justify that the siting of the mobile home would meet the criteria of being a caravan. If the proposed mobile home can satisfy the criteria of being a caravan, then this would demonstrate that the proposed siting would not involve 'building operations' as detailed above.

5.14 The meaning of the term 'caravan' is laid out in section 29(1) of the 1960 Caravan Sites and Control of Development Act, which is:

Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;

5.15 Section 13(1) of the later 1968 Caravan Sites Act further elaborates on what defines a caravan:

A structure designed or adapted for human habitation which—

(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

5.16 Section 13(2) of the 1968 Act provides limitations to the dimensions of a caravan. The maximum dimensions set out in 13(2) of the 1968 Act are:

- a) Length (exclusive of any drawbar); 20 metres
- b) Width; 6.8 metres
- c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level); 3.05 metres

5.17 Clearly, the above legislative framework sets out that there are essentially three matters to consider in deciding whether the proposed qualifies as a caravan, which are size, construction and mobility.

5.18 The proposed mobile home would have a length of 12.2 metres, width of 6.7 metres and the height would be no greater than 3.05 metres above the floor level. The submitted dimensions of the mobile home fit within the dimensions set out in the 1968 act, and as such the size test of whether the proposed is a caravan is met, in terms of scale.

5.19 The mobile homes construction is stated as being as follows:

The mobile home would be formed of two preconstructed interlocking sections that are proposed to be joined together on site. This process would involve the installation of a roofing ridge to make the roof watertight and external cover strips forming a skirt around its perimeter. Such works would qualify as the final act of assembly for the mobile home and are considered to be compliant with part a) of Section 13(1) of The Caravan Sites Act 1968, satisfying the construction test.

5.20 The joining together of two interlocking sections on site is consistent with section 13(1)(a) of the 1968 act. The assembly of the caravan would include the addition of cosmetic cover strips to form a skirt around the perimeter, and a roofing ridge would be installed to prevent water ingress where the two parts join at the ridge. These are conceded to be minor operations that would form

part of the assembly and could easily be removed to allow the moving of the unit on the highway in the case of the skirt, or to allow the disassembly of the unit in the case of the ridge and the skirt, which would allow the unit to be moved in its two constituent parts on the road network. The unit would rest under its own weight on the land, and the above-mentioned skirts would not be affixed to the ground and there would be no foundations required. The only physical attachment would be in the form of utilities (water, electricity and drainage), however these can be readily disconnected to allow the unit to be moved as and when required and would not amount to permanent attachments to the land.

- 5.21 Finally, mobility needs to be considered. The proposed mobile home would be formed of two constituent parts to be transported to the site via the road network. What is proposed would therefore be classed as a 'twin unit caravan' under the terms of the 1968 Act (section 13(1)(a)). Once constructed, the mobile home would need to be able to be physically moved, albeit section 13(1) of the 1968 Act clarifies that the test of mobility is only whether it is physically capable of being moved on the highway, irrespective of whether moving the caravan on the highway once assembled would be lawful. The proposed mobile home would be by no means small and would be likely to be classed as an abnormal load, requiring an escort and consent from the highway authority if moved on the public highway network. Nevertheless, the mobile home would be capable of being moved once assembled. This is because the mobile home would be constructed of a structural sub-base that would allow it to be lifted, once assembled, by a H-frame crane and sliding steel lifting beams, onto a trailer (presumably a large flatbed lorry given the size), which could then be physically moved on the highway. As the mobile home would be physically capable of being moved from one place to another on the highway once assembled, the mobility test is satisfied.
- 5.22 In light of the above, the proposed mobile home would, on the balance of probability, fall within the statutory definition of a caravan. It would therefore not fall under the remit of development and would not qualify as being a building. This is consistent with the general understanding that caravans are a chattel, not building. The next matter to consider is whether it would be lawful to site and use the caravan on the land in question. Put another way, to use a caravan on land would require the land to have a residential use (or a change of use would be required).
- 5.23 A material change of use is development under the terms of Section 55 of the Town and Country Planning Act. A change of use would occur if the siting of the mobile home resulted in the subdivision of the planning unit, and thus the creation of more than one dwellinghouse where there is currently one. In this instance however, the land on which the mobile home would be sited is already lawfully in a residential use and forms part of the residential garden and indeed, residential curtilage of School House.

5.24 The submitted information outlines that the mobile home would be used for purposes ancillary to the main dwelling (School House), providing ancillary accommodation for the applicant's family. The caravan would share the access, parking, and amenity space of School House, would be within its curtilage and would have a close physical relationship to School House, being only a short distance due East of the dwellinghouse. On that basis, the balance of probability tips in favour of the use being ancillary. However, the case officer would note that any use beyond ancillary residential use would require express planning permission, as a sub-division of the planning unit would occur.

6. RECOMMENDATION

6.1 That a certificate of Lawfulness for Proposed Development is **Granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities, the installation of hard standing would comply with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Installation of a 2 metre high fence as indicated on the submitted block plan would, on the balance of probabilities meet the requirements of Schedule 2, Part 2, Class A of the same order.

Evidence has been provided to demonstrate that on the balance of probabilities, the stationing of a mobile home as detailed in the supporting documents and submitted plan, for use ancillary to the main dwelling known as School House, would not amount to development under the terms of section 55 of the Town and Country Planning Act 1990 and would meet the statutory definition of a caravan, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath