

**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC  
ENVIRONMENT**

**CIRCULATED SCHEDULE NO. 52/08**

**Date to Members: 24/12/08**

**Member's Deadline: 06/01/09**

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

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

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

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
  - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
  - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

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

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

- Before referring an application always speak to the case officer or Area Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email [planningapplications@southglos.gov.uk](mailto:planningapplications@southglos.gov.uk). Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

## CIRCULATED SCHEDULE

**DATE: 24/12/08**

**SCHEDULE NO. 52/08**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [Planningapplications@southglos.gov.uk](mailto:Planningapplications@southglos.gov.uk).

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

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### COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
<b>Have you discussed the application(s) with the case officer and/or area team leader?</b>			
<b>Have you discussed the application with the ward members(s) if the site is outside your ward?</b>			

**Please note: - Reason for Referral**

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 24 December 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK08/3023/F</b>	Approve with conditions	147 High Street, Marshfield, South Gloucestershire, SN14 8LR	Boyd Valley	Marshfield Parish Council
2	<b>PK08/3034/F</b>	Approve with conditions	44 & 46 Courtney Road, Kingswood, South Gloucestershire	Woodstock	
3	<b>PK08/3061/F</b>	Approve with conditions	74 Cranleigh Court Road, Yate, South Gloucestershire, BS37 5DL	Yate North	Yate Town Council
4	<b>PK08/3063/F</b>	Approve with conditions	2 Rockland Road, Downend, South Gloucestershire, BS16 2SP	Downend	Downend and Bromley Heath
5	<b>PK08/3073/F</b>	Approve with conditions	The Old Chapel, Oxleaze Farm Road, Inglestone Common, South Gloucestershire, GL9 1BS	Cotswold Edge	Hawkesbury Upton Parish Council
6	<b>PT08/2927/F</b>	Approve with conditions	10 Hillside Close, Frampton Cotterell, South Gloucestershire, BS36 2RG	Frampton Cotterell	Frampton Cotterell Parish Council
7	<b>PT08/2981/F</b>	Approve with conditions	Westerleigh, Quarry Road, Alveston, South Gloucestershire, BS35 3JJ	Thornbury South and Alveston	Alveston Parish Council
8	<b>PT08/3075/F</b>	Approve with conditions	1 Kipling Road, Filton, South Gloucestershire, BS7 0QP	Filton	Filton Town Council
9	<b>PT08/3077/F</b>	Approve with conditions	2 Conygre Road, Filton, South Gloucestershire, BS34 7DA	Filton	Filton Town Council

**Dates and Deadlines for Circulated Schedule  
over the Christmas and New Year period 2008/2009**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
50/08	Friday 12 December 2008	Thursday 18 December 2008
51/08	Thursday 18 December 2008	Wednesday 24 December 2008
52/08	Wednesday 24 December 2008	Tuesday 6 January 2009
01/09	No Circulated Schedule Production	*

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

**App No.:** PK08/3023/F

**Applicant:** Mr T Philips T G M  
Construction

**Site:** 147 High Street, Marshfield, South  
Gloucestershire, SN14 8LR

**Date Reg:** 19th November  
2008

**Proposal:** Change of use of existing  
garage/workshop (Sui Generis) to 1no.  
dwelling (Class C3) as defined in the  
Town and Country Planning (Use  
Classes Order) 1987 (as amended).  
Alterations including modifications to  
front elevation and raising roofline.  
Erection of single storey rear extension.

**Parish:** Marshfield Parish  
Council

**Map Ref:** 77440 73744  
**Application Category:** Minor

**Ward:** Boyd Valley  
**Target Date:** 7th January 2009



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100023410, 2008.

**N.T.S**

**PK08/3023/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule because the Parish Council and the local residents object to the proposal.

### **1. THE PROPOSAL**

1.1 The application relates to a workshop/garage situated in the heart of Marshfield. The property lies within the Marshfield Conservation Area and Cotswolds AONB. The property lies to the south of High Street and is surrounded by other residential dwellings.

- The proposal is to convert the existing garage/workshop to 1 no. dwelling. A number of alterations are proposed including the modifications to front elevation and raising roofline and erection of a single storey rear extension.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment

#### 2.2 Development Plans

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

D1 Design  
L3 Cotswolds AONB  
L12 Conservation Areas  
H2 Proposal for residential development  
EP6 Contaminated Land

Marshfield Conservation Area SPG Note

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

3.1 PK05/2657/F Change of use existing garage/workshop to office. Installation of 2 no. front dormers and alterations including modifications to front elevation and raising roofline to facilitate B1 use. Erection of two-storey rear extension. Withdrawn 30.09.05

3.2 PK05/3121/F Alterations including modifications to front elevation and raising roofline. Erection of single storey rear extension (Resubmission of PK05/2657/F)  
Approved 18.04.06

### **4. CONSULTATION RESPONSES**

4.1 Marshfield Parish Council

The Parish Council object to this application on grounds of untraditional design of the building which is out of keeping with the surrounding area, lack of parking provision and no amenity space.

- 4.2 Sustainable Transport  
No objection.

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received and the local resident raised the following issues:

- Inadequate design, not locally distinct or of sufficient quality to preserve or enhance the character of the conservation area
- Ambiguity over materials. Doors and window surrounds – natural stone or recon? Window labelled as a casement and drawing shows a badly proportioned sash render to rear – roughcast? Coloured? Deep untraditional fascia board shown. Overhanging eaves / split roof untraditional and out of keeping rainwater goods? Roofing materials inconsistently labelled as retaining existing then new double roman – which? Colour?
- Parking and access, on street parking here already at capacity
- Bin and cycle store shown in unfeasibly small space at foot of stairs blocking fire escape.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to preserve or enhance the character or appearance of the Conservation Area. Policy H2 of the adopted Local Plan allows proposals for residential development within the existing urban areas and the boundaries of settlements as defined on the proposals map.

- 5.2 Density  
The site area is approximately 34.31 square metres and the proposal would achieve a density of 291 dwellings per hectares. Although the proposal would create a very high density development, officers acknowledge that the high resulting figure due to its very small site area. Officers consider that the proposal for a residential dwelling would be acceptable in principle.

- 5.2 Scale, Design and Impact upon Conservation Area  
The property concerns a garage / workshop located amongst traditional stone cottages on the High Street frontage. The property is single storey with garage doors to the street and early petrol pumps on the pavement. It is now proposed to change the commercial use of the building to form a one bedroom dwelling. This will result in the raising of the roof height, allowing for an upper floor, so the ridge will coincide with that of the adjoining cottage at 149 – but with lower eaves helping to maintain the small scale nature of the building.

The front wall to the property will be built up to the eaves using reclaimed local stone and the existing garage doors will be removed and new windows and door inserted in line with its new domestic use. To the rear a single storey lean-



to rendered extension will be constructed to replace the existing dilapidated structure. The use of render and shallow roof pitch are not particularly sympathetic to the character and it is considered that the use of stone would be preferable.

Officers therefore have no objection in principle to this proposal however it will be important that the materials and details are sympathetic to the property and conservation area.

Therefore, during the course of the planning application, a revised drawing has been submitted showing the following:

- Cast iron or cast aluminium rainwater goods
- Eaves details to be traditional with no large fascias or modern box
- Reuse existing clay roof tiles
- Rebuild existing lean-to building and build up front wall to new eaves height in natural stone to match with use of lime mortar slightly recessed pointing
- Additional windows in traditional cottage style softwood finish

To ensure that the proposal would preserve or enhance the character of the conservation area, a number of planning conditions will be imposed with regard to the detailed design of joinery, materials, and colour of rainwater goods.

### 5.3 Residential Amenity / Environmental Issues

The proposal is to demolish the existing lean-to addition and to erect a single storey extension. No window is proposed in any elevation, and the proposed extension would be modest in scale. It is therefore considered that the proposal would not cause significant loss of privacy or overbearing impact to the adjoining properties.

With regard to the location of the bin store, officers acknowledged that it is not an ideal location for keeping bin store. Nevertheless, the proposal would make the best use of the building. In addition, it is a very small accommodation, officers therefore consider that the proposal would not cause a detrimental impact upon the residential amenity of the future occupiers, and would not block the fire escape.

With regard to the provision of amenity space, the proposal is to provide one bedroom accommodation, officers therefore consider that the lack of privacy amenity space would not cause significant harmful impact upon the residential amenity of the future occupiers.

The historical use of the site as garage/workshops means that there is a potential for land contamination to be present and as such the officers imposed the following conditions to ensure that risks from land contamination to the future occupiers and neighbouring land are minimised, together with those to controlled waters, property and ecological system, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

#### 5.4 Landscape Issues

The property lies in the heart of the built up area and the proposal would not harm the natural beauty of the Cotswolds AONB.

#### 5.5 Sustainable Transport

Planning permission has previously been granted to modify the existing garage/workshop building and to erect a single storey rear extension (PK05/2657/F).

This current proposal seeks to change the use of the existing garage/workshop to form a one-bed residential dwelling. Alterations to the existing front elevation, raising the roofline and erection of a single storey rear extension are again proposed.

Officers acknowledge that there are existing on-street parking issues on the High Street in Marshfield. However, there is currently no vehicular parking available within the site boundary. It should also be noted that there is no increase in the building footprint over that current permitted on site.

In light of there above, there is no transportation objection to this proposal.

#### 5.6 Provision for education, leisure, recreation and community facilities

The proposal would provide a very small one bedroom dwelling, officers therefore do not consider that the it would generate significant impact upon the existing provision within the vicinity.

#### 5.7 Design and Access Statement

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

#### 5.8 Section 106 Requirements

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

### 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK08/3023/F**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

## **CONDITIONS**

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

Reason:

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

2. No development shall take place on site until a full detailed survey has been undertaken and the result report, which is in accordance with the attached details, has been submitted to and approved in writing by the Local Planning Authority. The survey report shall include the following items A) Site Characterisation, B) Remediation Scheme, C) Implementation of Approved Remediation Scheme, D) Reporting of Unexpected Contamination and D) Long Term Monitoring and Maintenance. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site and the building shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated site and building to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
  - (a) joinery details
  - (b) windows and doors
  - (c) eaves overhang;
  - (d) skirting.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new external rainwater and soil pipes shall be formed in cast iron or cast aluminium and painted black.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The facing stonework, including window and door surrounds, shall match the existing original natural stonework in respect of colour, texture, coursing, jointing with use of lime mortar slightly recessed pointing.

Reason 1:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Existing natural clay tiles shall be re-used and any new tiles to be used in the development hereby permitted shall match those of the existing building in material, colour and profile.

Reason 1:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

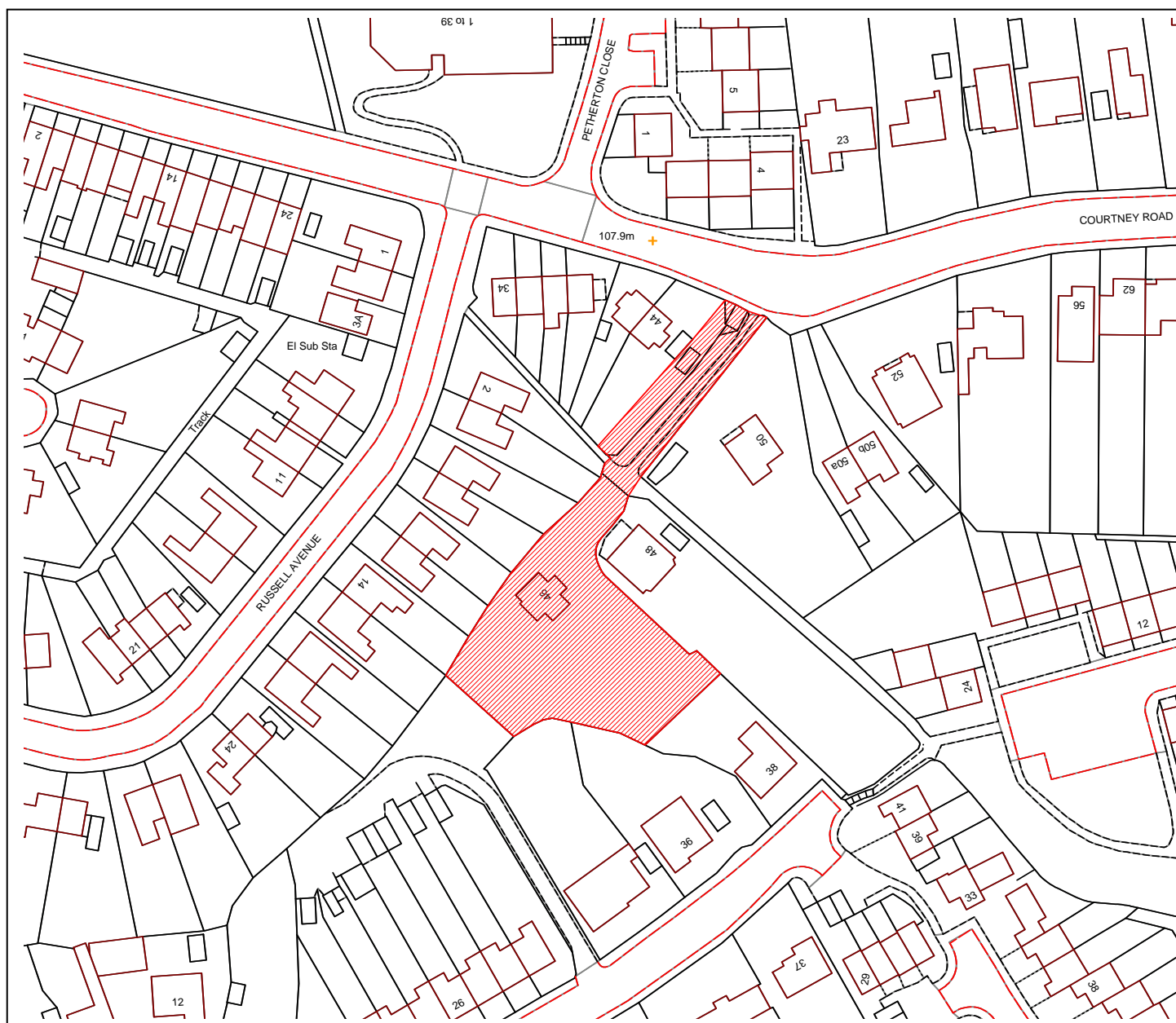
7. The windows and doors hereby approved shall be of traditional construction of wood and shall be painted finish.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

<b>App No.:</b>	PK08/3034/F	<b>Applicant:</b>	SKS Developments
<b>Site:</b>	44 & 46 Courtney Road, Kingswood, BRISTOL, South Gloucestershire	<b>Date Reg:</b>	21st November 2008
<b>Proposal:</b>	Demolition of 46 Courtney Road to facilitate the erection of 5no. dwellings with access, parking and associated works.	<b>Parish:</b>	
<b>Map Ref:</b>	65138 73227	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th January 2009



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100023410, 2008.

N.T.S

PK08/3034/F

## **INTRODUCTION**

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.207 ha. plot comprising two principle areas:
- To the north, directly adjacent to Courtney Road highway is a single dwelling plot, currently forming part of the garden of no. 44 Courtney Road.
  - To the south is the main site area of no. 46 Courtney Road, currently accommodating a single, detached dwelling and its garden.

1.2 The plot adjacent to no.44 Courtney Road (Area A)

This area is currently open land adjacent to a semi-detached dwelling and is bounded mainly by a 1.8m high timber fence. No.44 is set away from the site boundary, with a car port structure adjacent to the application site boundary. There is a gated vehicular access with hard-standing on the lot itself. To the east of no.44 is a private access lane leading to nos. 46 & 48 Courtney Road. To the rear of no.44 is a public footpath (PROW – KW/35/10), linking Russell Avenue to Claypool Road; this footpath links into two other PROW's – KW/35/30 and KW/35/20 which run along the access lane from Courtney Road. The locality is suburban in character, comprising mostly 2-storey semi-detached dwellings of varying style with some bungalows also in evidence.

1.3 Main Site Area (Area B)

The access lane between nos.44 & 50 Courtney Road leads to the main site area. Within area A is a vacant two-storey dwelling and large garden. The site is quite overgrown with vegetation, including a number of large trees within the plot and to the boundary edges. Whilst the access lane is on level ground, the main plot slopes generally from NW to SE with a fall of some 3 to 4 m to the southern edges. This back-land site is enclosed by the rear gardens to private dwellings in Russell Avenue (to the NW), Claypool Road (to the SW) and the garden of no. 48 Courtney Road to the east. With the exception of no.48, which is a bungalow, the neighbouring dwellings are all two-storey. The properties in Russell Avenue and Claypool Road generally lie on higher ground in relation to the application site Area B.

- 1.4 It is proposed to demolish the existing dwelling no.46 Courtney Road, and construct 5no dwellings, including associated access roadways, parking and landscaping works. One of the dwellings would be constructed on the vacant land to the side of no.44 Courtney Road.
- 1.5 Planning permission PK08/0861/F was previously granted to construct a dwelling on the land to the side of no.46 Courtney Road i.e. Area A. However, due to a slight realignment of the shared access to the main site Area B, and thereby the boundary of the individual plot, Area A forms part of the current

proposals and consent for the new dwelling on this land is again sought as part of this application.

1.6 The application is supported by the following documents:-

- Arboricultural report by Treescope.
- Landscape Design Statement by AFLA.
- Transport Statement by Key Transport Consultants
- Ecological Report by Wessex

## **2. POLICY CONTEXT**

### 2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

### 2.2 Development Plans

#### Joint Replacement Structure Plan

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 34 - Re-use of Previously Developed Land (support for infill)
- Policy 54 - Car Parking Provision

#### South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open areas
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

#### Supplementary Planning Guidance

- South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007
- Trees on Development Sites (SPG) adopted November 2005.

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

- 3.1 P91/4343 - Erection of 1no. 2 bed detached dwelling with car parking.  
Approved 30<sup>th</sup> Aug 1991 - (Area A)
- 3.2 P93/4158 - Erection of one 3-bedroom house with parking. Alteration of existing access (outline).  
Approved 14<sup>th</sup> May 1993 - (Area A)
- 3.3 PK08/0861/F - Erection of 1no. detached dwelling and associated works.  
Erection of 1.8m high wall, fencing and gates.  
Approved 16<sup>th</sup> May 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
6no. letters of objection have been received from local residents. There was however general support for the development of the site and for bungalows in particular. The concerns raised are summarised as follows:
- Given the location of the PROW and angle of access to no.48 Courtney Rd. additional traffic would make entry/exit to no.48 more difficult.
  - The access lane is too narrow to serve 5no. houses. There is no provision for pedestrians or cyclists.
  - The access onto Courtney Road is too narrow.
  - There should be a warning or barrier for pedestrians and cyclists using the PROW crossing the access lane.
  - The raised height of plot 4 will shade the garden and greenhouse of no.48.
  - Overlooking of no.48 from plot 4.
  - Wildlife on the site.
  - Fencing would not support the slope at the bottom of the garden of 34 Claypool Rd. A retaining wall should be built.
  - Plot 3 too close to 34 Claypool Road.
  - Trees to be removed lie within the garden of no.34 Claypool Road.
  - Loss of trees/excavation could cause subsidence on boundary of no.34 Claypool Road.
  - Overdevelopment of site.
  - Loss of privacy from elevated windows and verandas to rear of plots 3 and 4.
  - Loss of trees and shrubs.
  - Query position of site boundary with nos.8 Russell Avenue and 34 Claypool Road.
  - In order to prevent subsidence, a retaining wall should be built on the boundary with 8 Russell Avenue.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the Urban Area and being residential curtilage, is previously developed land and can therefore be assessed as a brownfield windfall site. There is therefore no in-principle objection to the development of the site for residential use.

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

5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*”

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

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

5.5 Also of relevance is Policy H4 which relates to development within existing residential curtilages. The acceptance in principle of the erection of a two-storey dwelling on Area A has already been established with the granting of planning permission PK08/0861/F. The current proposal for Area A is much the same as was previously approved, the only difference being the re-configured access onto Courtney Road.

5.6 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 24.15 units per ha.

- 5.7 Given that the site includes a long access driveway with turning areas and accommodates a number of trees within the site and on the raised boundaries, it is unlikely that a higher density development could reasonably be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a fairly sustainable location, reasonably close to the centre of Kingswood with its local shopping and community facilities and main bus routes on Regent Street. The proposal therefore accords with Government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.8 Scale and Design

The two-storey 3-bedroom house on Area A (Plot 5) was previously approved under PK08/0861/F and in terms of scale and design would be perfectly in-keeping with the street scene along Courtney Road.

- 5.9 All of the four new dwellings on Area B would be 2 bedroom bungalows and given the proximity of neighbouring dwellings and the location of the existing trees, this scale of building is considered to be appropriate for this back-land site.

- 5.10 It is proposed to provide brick and render walls to the two-storey dwelling on Area A. The bungalows on Area B would be brickwork construction to the walls and tiled roofs. These materials would be consistent with those used in the neighbouring properties and would therefore be in-keeping. Furthermore the dwellings have been designed to incorporate a number of low energy solutions to reduce the carbon footprint of the development.

- 5.11 Residential developments on back-land sites have tended to be resisted due to difficulties of access and the disturbance and lack of privacy suffered by neighbouring residents. It is evident however, from a number of recent appeal decisions, that in assessing proposals for residential development on back-land sites, considerable weight must be given to the recent government policy (PPS3) to make the most efficient use of land in the urban area. The impact of the scheme on neighbouring residential amenity will be discussed below, but notwithstanding this issue, officers consider that there is no in-principle objection to the development of the site, given that it already accommodates a dwelling, has an existing vehicular access and that the proposed development would be moderate in scale.

5.12 Landscape

The site is within the existing urban area and is mostly a neglected garden area. There are a number of mature trees to the boundaries, several of which are located on adjoining sites and as such could not be removed.

5.13 The site is well integrated into the broader landscape by existing buildings and vegetation and is not considered to be significant in terms of its open character (see Policy L5). A comprehensive survey of the existing vegetation has been carried out and a landscaping proposal, including tree constraints plan, has been submitted. Officers are satisfied that none of the trees on the site are worthy of Tree Preservation Order (TPO). The landscape proposals are considered to be an appropriate landscape enhancement and are therefore acceptable. The proposal is therefore considered to comply with Policies L1 and D1.

5.14 Transportation

The existing access track from Courtney Road is narrow and poorly surfaced. Following a number of concerns raised by officers and local residents (see para. 4.3 above), a revised access plan has been submitted. The revised proposal would upgrade the track so that it would now be 5.2m wide at its junction with Courtney Road, which would be wide enough to allow two vehicles to pass each other. Within the site, the track would be narrower (approx. 3.9m wide) but there would be individual passing places along it. Visibility distances at the junction of the access track and Courtney Road are considered to be acceptable.

5.15 A suitable turning area would be provided at the end of the track that would allow service vehicles to enter and leave the site in forward gear. Two parking spaces would be provided for each dwelling and this level of parking provision satisfies the maximum standards outlined in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.16 Concerns were also raised about the likely conflict between the increased traffic movements accessing/exiting the site and the pedestrians that regularly use the PROW's KW/35/30, KW/35/20 and KW/35/10. In mitigation it is now proposed to introduce a number of warning signs on the footways and these can be adequately secured by condition. Furthermore it is proposed to create a segregated footway along the access track by white lining along the access to delineate the route for pedestrians and this can also be secured by condition. Subject to these conditions officers raise no objection to the proposal.

5.17 Impact Upon Residential Amenity

Officers consider that a key issue in determining schemes for the residential development of back-land sites, is whether or not the level of disturbance and loss of privacy for neighbouring residents would be acceptable.

5.18 In this case the site already accommodates a two-storey dwelling on the northern part of Area B and traffic already has access into Area B via the existing track from Courtney Road. The track lies adjacent to the neighbouring gardens of nos. 44, 50, and 48 Courtney Road as well as the rear gardens of nos. 2-8 Russell Road. The access track is currently well enclosed and screened from these gardens by high fences and hedgerows, which in most part would be retained. The additional hard-standings and manoeuvring areas are restricted to the northern and north-eastern part of the site, adjacent to the boundary with no.48 and to some extent the rear gardens of nos.2-8 Russell Road. Officers are satisfied that adequate boundary treatments to these

- properties would be retained or provided through the proposed landscape scheme.
- 5.19 Adequate private garden space would be retained to the rear of no.44 and the new property next door. Each of the four proposed bungalows on Area B would also have reasonable sized gardens, which would all abut the neighbouring gardens. Adequate amenity space would therefore be provided to serve the future residents.
- 5.20 Concerns have been raised about the proximity of plots 3 and 4 to neighbouring dwellings and loss of privacy from overlooking or overshadowing of neighbouring gardens that would result. In terms of overlooking, officers consider that if the government policy of making the most efficient use of land in the urban area is not to be frustrated, some level of overlooking of neighbouring property is inevitable. In this case, the site is well enclosed by high boundary treatments, much of which is sited on higher ground. The proposed buildings on Area B would all be bungalows with no windows in the roof spaces. Due to the sloping nature of the site, some of the verandas and windows appear to be in an elevated position in relation to neighbouring sites. Given however the level of screening afforded by the existing boundary vegetation and fences, which would be enhanced by the proposed scheme of landscaping, officers consider there would be no significant loss of privacy for neighbouring occupiers. Similarly there would be adequate screening to the south of plots 3 and 4.
- 5.21 The southern corner of Plot 3 would lie within 1m of the boundary with no.34 Claypool Road, but there is a dense belt of vegetation along the top of the bank on this boundary, which grows within the garden of no.34. To the east, the side elevation of plot 4 would lie in close proximity to the rear garden of no.48 Courtney Road. To reduce overlooking, a small side window on the eastern elevation of plot 3 could be obscurely glazed. It is however proposed to erect a new panel fence on this boundary.
- 5.22 The rear garden of no.48 faces south/south-east and would receive a good deal of sunlight throughout the day. Given the modest scale of the bungalow on plot 4 and the existing high boundary treatment, it is likely that any additional overshadowing would only occur late in the evening, when the sun sets in the west.
- 5.23 Concerns have also been expressed about possible subsidence of the sloping boundaries, should vegetation be removed. Officers consider that in order to address this matter, a condition can be imposed requiring the prior submission and approval of a slope stability survey and measures of mitigation should any evidence of subsidence be found.
- 5.24 The proposed bungalows are more likely to be occupied by elderly couples rather than young families and as such the level of disturbance for neighbouring occupiers is likely to be less. On balance therefore, officers are satisfied that the impact on residential amenity would be acceptable.

## 5.25 Ecology

The site is not covered by any nature conservation designations. Officers consider that the site is adequately described within the ecological report prepared by Wessex Ecological Consultancy as mostly having minimal nature conservation value. No protected species have been recorded on the site, however given the likely presence of hedgehogs on the site, a condition is considered justified to secure an ecological watching brief during site clearance works. Subject to this condition there are no ecological objections.

## 5.26 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence. Given the past mining history in this location, the prior submission of a Coal Mining Report is also required.

## 5.27 Affordable Housing

The proposal is for 5no. dwellings only, which is below the Council's threshold (15) for affordable housing provision.

## 5.28 Education Servive

There is a projected surplus capacity at both primary and secondary schools within the area of the proposed development. In this case therefore, no contributions are requested towards Education facilities.

## 5.29 Community Services

The proposal is for 5no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

## 5.30 Other Concerns Raised

Of the concerns raised that have not been addressed in the above paragraphs:

- Boundary disputes are civil matters and are not resolved through the planning system.

## 5.31 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23<sup>rd</sup> August 2007.

## 5.32 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to approve planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Background Papers**      **PK08/3034/F**

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

### **CONDITIONS**

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

Reason

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

2. For the bungalows hereby approved only - Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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 Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All hard and soft landscape works shall be carried out in accordance with the approved landscape details shown on plan no. 317-002. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

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

Reason

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

6. The off-street car parking and turning facilities, shown on the Proposed Site Plan No. 2401-L-010 hereby approved shall be provided before the first occupation of the dwellings so approved, and thereafter retained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

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

7. Prior to the commencement of the development hereby approved, the access lane shall be widened in accordance with the approved Proposed Access Road plan no.3. The details of the proposed material to be used to surface the lane shall be submitted to and approved in writing by the Local Planning Authority and thereafter the surfacing works shall be carried out in full accordance with the details so approved.

Reason

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

8. Prior to the first occupation of any of the bungalows hereby approved, a footpath of minimum width 1.2m shall be delineated along the access track by way of marking with white lining in accordance with the approved Proposed Access Road plan no.3 and maintained as such thereafter.

Reason

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

9. No development shall take place until a scheme of signage relating to the junction of the access track with the Public Rights Of Way has been submitted to and approved in writing by, the Local Planning Authority. Thereafter the signs shall be erected prior to the first occupation of any of the bungalows hereby approved.

Reason

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

10. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. All site clearance and demolition works shall be carried out under the supervision of a suitably qualified ecologist. Should any protected species be found, the works shall cease until such time that adequate measures of mitigation have been agreed in writing by the Local Planning Authority.

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. For the two-storey dwelling (hereby approved) only, no windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side (north-west and south-east) elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first use or occupation of the bungalow on plot 4 hereby permitted, and at all times thereafter, the proposed bedroom window on the eastern side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.



Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
  - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
  - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Immediately following the ground clearance works, a slope stability survey shall be conducted of the site boundaries. If slope instability is found, no further works shall be carried out on the site until a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the details so approved and prior to the first occupation of the dwellings hereby approved.

Reason

To ensure the prevention of subsidence of the site boundaries and to protect neighbouring residential amenity in accordance with Policies EP7, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

17. No development shall take place until details/samples]of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

18. The boundary treatments shown on the Proposed Site Plan no.2401-L-010 and Landscape Detail Plan 317-002 hereby approved shall be in place prior to the first occupation of any of the dwellings hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 3

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

<b>App No.:</b>	PK08/3061/F	<b>Applicant:</b>	Mr M Taylor
<b>Site:</b>	74 Cranleigh Court Road, Yate, South Gloucestershire, BS37 5DL	<b>Date Reg:</b>	26th November 2008
<b>Proposal:</b>	Erection of 1no. end terraced dwelling with access and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	70763 82856	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th January 2009



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100023410, 2008.

N.T.S

PK08/3061/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a new two storey dwelling. The new dwelling would be added onto the end of an existing row of terraced properties so would become an end-terraced property. The property would be two storeys in height and would have three bedrooms.
- 1.2 The site is within the residential curtilage of No. 74 Cranleigh Court Road, Yate. Whilst the address is Cranleigh Court Road, the site faces onto Birch Road. The dwellings surrounding the site are all very similar in scale, design and layout comprising either semi-detached or terraced units – some of which are split into flats.
- 1.3 There is an existing extant outline permission on the site for the construction of one dwelling house approved in April 2008 (PK08/0571/O). Layout, scale and access were determined as part of this outline application. Whilst the access arrangements are the same as on the previously approved scheme, the layout and scale have been altered slightly hence the reason this is a full application rather than a reserved matters application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPG3 - Housing
- PPG13 - Transport

#### 2.2 Development Plans

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

- D1 - Design
- H2 - Residential Development
- H4 - Development within Residential Curtilages
- L1 - Landscape Protection and Enhancement
- T12 - Transportation Development Control Policy for New Development

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

- 3.1 PK08/0571/O Erection of 1 no. end of terrace dwelling (outline) with layout, scale and access to be determined. All other matters reserved. (resubmission of PK07/2341/O)  
Approved April 2008
- 3.2 PK07/2341/O Erection of 1 end terrace dwelling (outline) with layout and access to be determined. All other matters reserved.  
Refused September 2007

## 4. CONSULTATION RESPONSES

### (a) Statutory Consultees

- 4.1 Yate Town Council  
No Objection

### (b) Other Representations

4.2 Local Residents

One letters of objection has been received from a local resident who raises the following points of concern:

- The plot is not wide enough to allow tow hard standings side by side
- The neighbour requires vehicle access at all times and doesn't want their driveway obstructed by extra vehicles
- Suggests that parking to the front of the property would be better.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

- 5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of a new dwelling within existing residential curtilages providing that that following criteria are complied with;

5.3 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

In general terms, the proposed dwelling is very similar to that previously agreed at outline stage. The proposed new dwelling varies from that previously agreed in the following ways:

- An increase in width from 4.9 metres to 5.5 metres
- An increase in depth from 7 metres to 7.5 metres

Other than these minimal increases in size, the dwelling in terms of its height and location is exactly as per that already agreed at outline stage.

The plan submitted with the application show that the new dwelling will integrate fully with the existing dwellings. Whilst on a slightly narrower scale, the windows and doors to be inserted into the new dwelling, particularly on the front elevation, will reflect the strong rhythm and symmetry on the existing row of terraced dwellings to which this will be attached. The material to be used in the construction of the new dwelling will also fully integrate with the existing

dwelling. The walls are to be finishes with reconstituted stone and reconstitutes stone details will be added to the quoins and window surrounds as is a feature of the existing properties.

Whilst the front corner of the proposed dwelling will be closer to the edge of the highway that previously approved at outline stage, the slight encroachment towards the carriage way is not considered to be of sufficient concern to warrant the refusal of the planning application. Subject to the attachment of conditions, the design of the new dwelling is considered to be acceptable and will fully integrate with the surrounding street scene.

5.4 **(b) Would not prejudice the amenities of nearby occupiers;**

As was the case at outline stage also, it is not considered that the dwelling as proposed would have any adverse impact on existing levels of residential amenity. All habitable room windows are to be in the front and rear elevation of the new dwelling facing out over gardens as is standard practice. Two small windows are proposed in the side elevation of the dwelling but these are landing and WC windows only. However, given that these two windows do face out towards the neighbouring property (albeit at an oblique angle), a condition will be attached to ensure that these two windows are fitted with obscure glazing.

The proposed new dwelling will be set 2.4 metres back further than the main rear wall of the existing dwelling 74 Cranleigh Court Road. At list limited depth, given the adequately sized gardens, it is not considered that it will result in any issues of overbearing or overshadowing.

5.5 **(c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;**

Access and parking arrangements for the new dwelling have previously been agreed at outline stage. The dwelling is to have three bedrooms and two parking spaces would be provided to serve each of the existing and proposed dwellings. The plans are also annotated to state that there will be no perimeter boundary treatments within 3 metres of the edge of the rear access lane. This allows vehicles extra space to manoeuvre into the parking spaces and makes vehicle access much more accessible. A condition will be attached to any consent granted to ensure that no demarcation in the form of fence, wall or other boundary treatment is constructed within 3 metres of the rear access lane to ensure that this space is kept free of obstruction as far as possible.

Subject to the attachment of an appropriate condition, sufficient off street parking is proposed to meet the needs of the existing and proposed dwellings. Whilst the additional dwelling will result in the intensified use of the rear access lane, it is not considered that the new dwelling would have any detrimental impact on existing levels of highway safety.

5.6 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

The plans show how adequate private and useable amenity space will be provided to serve each of the existing and proposed dwellings. There is thus no objection to the proposed dwelling on the basis of adequate amenity space.

5.7 Section 106 Requirements

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

5.8 Design and Access Statement

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK08/3061/F**

**Contact Officer:**    **Marie Bath**  
**Tel. No.**                **01454 864769**

**CONDITIONS**

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

Reason:

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

2. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason:

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

3. There shall be no boundary treatment constructed along the boundary line between the existing and proposed dwellings within three metres of the rear access lane.

Reason:

To ensure the parking spaces are easily accessible and to ensure the satisfactory provision of parking facilities in the interests of highway safety and to accord with the requirements of Policies T8 and T12 of the Adopted Local Plan.

4. The materials to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match those used in the existing dwelling unless the local planning authority gives written consent to any variation.

Reason:

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

5. Prior to the first occupation of the dwelling hereby permitted and at all times thereafter, the two proposed windows in the side elevation of the dwelling shall be fitted with obscure glass to level 3 standard or above.

Reason:

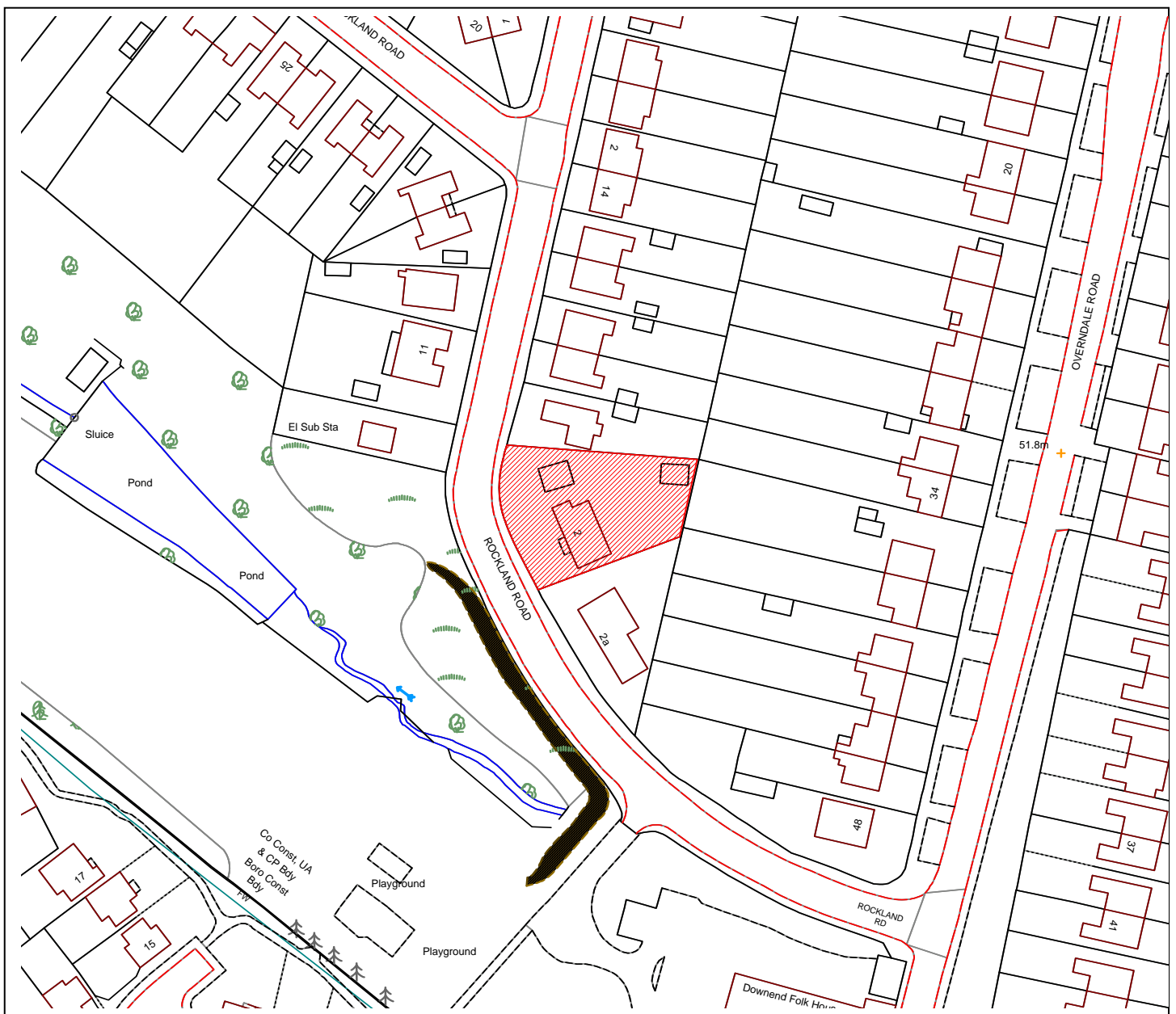
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008**

**App No.:** PK08/3063/F  
**Site:** 2 Rockland Road, Downend, South Gloucestershire, BS16 2SP  
**Proposal:** Installation of 1no. side dormer window to form additional living accommodation. Erection of first floor and rear extensions to existing double garage to form 1no. ancillary self contained flat with associated works. (Resubmission of PK08/2283/F).  
**Map Ref:** 64576 77080  
**Application Category:** Minor

**Applicant:** Mr R Huckle  
**Date Reg:** 26th November 2008  
**Parish:** Downend and Bromley Heath  
**Ward:** Downend  
**Target Date:** 15th January 2009



## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as result of objections received from a local resident regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for:  
-Side Dormer Window  
-Erection of first floor and rear extension to garage to provide ancillary residential accommodation.
- 1.2 The application site relates to a large two storey detached dwelling with detached double garage set within large grounds, within the established residential area of Downend.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Extensions & Development within residential curtilages
- 2.3 Supplementary Planning Guidance  
Design Checklist

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

- 3.1 PK06/1020/F Erection of rear conservatory  
Approve May 2006
- 3.2 PK08/2283/F Installation of 1no. side dormer window to form additional living accommodation. Erection of first floor and side extensions to existing double garage to form 1no. ancillary self contained flat with associated works.  
Refused September 2008 on Design & Residential amenity

### **4. CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish Council  
No objection

#### **Other Representations**

#### 4.2 Local Residents

One letter has been received from a local resident raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Revised plans do not address previous objection
- Building will still read as a dwelling and will be incongruous
- Overbearing impact
- Surprised Parish Council raise no objection
- Existing garage be used for proposed use.

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

#### 5.1 Principle of Development

Policy H4 of the SGLP allows for extensions to existing dwellings and development within residential curtilage subject there being no adverse impact on existing visual and residential amenities.

5.2 Members are advised to consider that planning permission PK08/2283/F has recently been refused on this site for similar works. The keys issue therefore as part of the planning consideration of this application is whether or not this scheme has addressed the previous planning objections.

#### 5.3 Visual amenity

The application site relates to a large two storey detached dwelling mock tudor external finish at first floor level with long extended roof on northern elevation. This application comprises of two parts.

5.4 This application seeks permission for the installation of a hipped dormer on the side elevation of the property. The proposed dormer by reason of its hipped roof will reflect that of the main dwelling. Whilst no objection was raised in principle with regards the previous application for the dormer in terms of scale and siting an objection was raised with regards the proposed facing materials i.e render. The scheme has been revised and now proposes the use of hanging tiles which will ensure that it successfully integrates with the existing roof plane. It is therefore considered that the previous planning objection has been addressed.

5.5 This application also seeks permission for the erection of a first floor extension above detached double garage with proposed rear extension. The garage at present reads as a domestic garage and subservient development when compared with the main dwelling on site. Members are advised to consider that the previous works to the garage were refused on the following grounds:

*It is considered that the proposed works i.e. proposed extensions, fenestration details, external appearance and form would result in a building that no longer reads as a domestic garage but that of a dwelling which if allowed would result in an incongruous development out of keeping with the character of the application site and the immediate street scene.*

5.6 An objection has been received from a local resident on the grounds that this revised scheme has not addressed the previous planning objection. The plans submitted with this application still seek permission for the erection of an

- extension above the existing garage and had reduced the overall height of the proposed garage by 0.50m. The Planning Officer was of the view however that this alone was not enough to overcome the previous planning objection. Subsequent plans have been submitted reducing the overall height by a further 0.20m, therefore bringing the overall height of the resultant garage from 7.50m as originally applied for under PK08/3063/F to that of 6.80m. The fenestration details have subsequently been amended in terms of increasing the brick work above the garage openings. This in itself has given the building a more subservient appearance.
- 5.7 The Planning Officer is of the view that in light of the overall reduction by 0.70m and given the revised fenestration details, and in light of the fact this area is characterised by large detached properties, it is now considered that a development of this scale and design is acceptable and has addressed the previous refusal reason.
- 5.8 Residential Amenity  
An objection has been raised by the neighbouring occupier on the grounds that this revised scheme has not addressed the previous planning objection in terms of overbearing impact on neighbouring occupiers.
- 5.9 The existing garage is set back 8.0m from the side elevation of the neighbour's living room window. Due to the difference in ground levels only the side elevation of the existing garage roof is visible. The previous planning application was refused on the following grounds:
- The proposed extension will result in a 3.40m high gable wall with roof above, with an overall height of 5.80m. It is considered that the proposed development by reason of its scale and siting if allowed would have an overbearing impact on the adjacent occupiers. An objection has been raised that the proposed stair case will also for overlooking. It is considered it would not have such an adverse impact so as to warrant refusal of the application on these grounds.*
- 5.10 The overall height of the building when viewed from the neighbour will now be 5.10m. Members are advised to consider that the garage is set back from the adjoining boundary by an area of landscaping within the applicant's control. The applicant has agreed to plant additional planting adjacent the proposed garage, which in will soften the development. It is considered that on balance due to the revised changes i.e. reduction in height and proposed landscaping that this revised application has addressed the previous planning objections.
- 5.11 In terms of the proposed dormer window it is considered that as it will be set back 15.0m from the side elevation of the neighbouring property and will serve a non habitable room i.e. ensuite, it is considered that the dormer by reason of its position would not impact on existing levels of privacy.
- 5.12 Design and Access Statement  
Not required with this application.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

### **Background Papers      PK08/3063/F**

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

### **CONDITIONS**

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

Reason:

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the northern elevation of the garage.

Reason:

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

3. Prior to the commencement of development a scheme of proposed landscaping, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

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

4. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

5. No development shall take place until samples of the roofing materials and hanging tiles proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

<b>App No.:</b>	PK08/3073/F	<b>Applicant:</b>	Mr & Mrs B Jones
<b>Site:</b>	The Old Chapel, Oxleaze Farm Road, Inglestone Common, South Gloucestershire, GL9 1BS	<b>Date Reg:</b>	27th November 2008
<b>Proposal:</b>	Erection of single storey side extension to form attached garage.	<b>Parish:</b>	Hawkesbury Upton Parish Council
<b>Map Ref:</b>	75983 88416	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st January 2009



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PK08/3073/F

The application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident and due to an objection raised by the Parish Council.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey side extension to form an attached garage at The Old Chapel, Inglestone Common. The site is accessed from a narrow track and is situated at the northern edge of Inglestone Common but the site itself is outside of the designated Area of Outstanding Natural Beauty (AONB).
- 1.2 The proposed garage would measure 5.5 metres wide by 3 metres in depth with a maximum height to ridge of 4.2 metres.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Developmen  
T8 Car Parking Standards  
T12 Transportation Development Control for New Development  
H4 Development within Existing Residential Curtilages, Including  
Extensions and New Dwellings  
L17 & L18 The Water Environment  
EP1 Environmental Pollution.
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Advice Note No 2: House Extensions

## **3. RELEVANT PLANNING HISTORY**

- |     |             |  |
|-----|-------------|--|
| 3.1 | P91/1510    | Erection of domestic garage<br>Approved 1991   |
| 3.2 | P94/1195    | Conversion of redundant chapel to dwellinghouse<br>Approved 1994                               |
| 3.3 | P98/1464    | Erection of detached double garage and garden store<br>Approval 1998                           |
| 3.4 | P98/2589    | Erection of detached garage and store Revised Siting<br>Approved 1998                          |
| 3.5 | PK08/1463/F | Conversion of detached garage to form ancillary<br>residential accommodation.<br>Approved 2008 |



## 4. CONSULTATION RESPONSES

### 4.1 Hawkesbury Upton Parish Council

Object to this application for the following reasons:

- The increase in footprint of the existing converted chapel
- Access from the road on the common is not possible
- The visual impact
- The development would add to the existing flooding problems in the area

### 4.2 Sustainable Transport

No objections

## Other Representations

### 4.3 Local Residents

One letter of objection has been received raising the following concerns:

- Proposal would result in a major negative visual impact due to prominent position on Inglestone Common.
- Development would exacerbate present drainage problems and flooding of the property.
- The use of the garage should be conditioned so that it can not be converted to living space.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### 5.2 Design / Visual Amenity

The proposed side extension to form an attached garage would measure 5.5 metres wide by 3 metres in depth and would have an overall height to ridge of 4.2 metres. The extension would have one access door on the front, a door and window on the rear and the entrance into the garage for a car would be positioned on the side elevation. It is considered that the proposal is modest in size in comparison to the bulk of the main dwelling and suitably subservient to it. Furthermore the materials used would match the existing dwelling house assisting the successful integration of the structure. It is therefore not considered that the design is of sufficient concern to warrant the refusal of the application. This is particularly the case given its location, its simple design and its moderate dimensions.

The proposed extension would be located to the north west side of the existing dwelling. The existing access to the application site and surrounding properties is via a single track road, with the views of the site from Chase Lane, the main route through Inglestone Common, being limited. It is therefore considered that the proposal development would not have any significant adverse impact on the character of the dwelling or the visual amenity of the surrounding area.

### 5.3 Residential Amenity

The proposed garage would be approximately 7 metres away from the boundary with the nearest neighbouring property. Given the location and modest height to ridge, it is not considered that the proposed extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

### 5.4 Other issues

Concern has been raised that access to the garage would not be possible. No change to the access of the site is required and the applicant currently parks in the space where the garage is proposed. Therefore with no objections from the Transportation Officer the proposal is considered acceptable in terms of access.

With regard to the concern relating to the development adding to existing flood issues, a condition will be attached to secure the submission of a full drainage scheme for approval before development could commence. Furthermore, it is not considered that a possible future conversion of the proposed garage to living accommodation would have a significant impact on residential amenity, therefore it is considered unreasonable to condition the garage so that in future it can not be converted.

### 5.5 Design and Access Statement

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

### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK08/3073/F**

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

<b>App No.:</b>	PT08/2927/F	<b>Applicant:</b>	Mr M Hill
<b>Site:</b>	10 Hillside Close, Frampton Cotterell, South Gloucestershire, BS36 2RG	<b>Date Reg:</b>	4th November 2008
<b>Proposal:</b>	Erection of single storey side extension to provide garage and additional living accommodation (Resubmission of PT08/1995/F)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	67259 81218	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th December 2008



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 100023410, 2008.

This application appears on the Circulated Schedule as a letter of objection has been received from a local resident.

## **1. THE PROPOSAL**

- 1.1 The site consists of a modern semi-detached dwelling with vehicular access onto Hillside Close. The side of the property adjoins gardens of houses fronting Lower Chapel Lane. The proposal is to erect a single storey side extension along the side of the house and this would link to the existing rear single storey extension.
- 1.2 The proposed development would be constructed in bricks and tiles to match the original house.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Residential curtilages  
T12 Transportation development control policy for new development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Adopted August 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/1995/F Erection of single storey side extension to provide garage and additional living accommodation. Withdrawn.

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Town Council  
No comment received
- 4.2 Sustainable Transport  
Sufficient parking remains. No objection.

### **Other Representations**

- 4.3 Local Residents  
One objection on the following grounds.
- Writer has an existing small garden with garages on two sides (own and neighbours).
  - would make garden appear smaller than it already is
  - Structure would be overbearing
  - overpowering visual appearance

- sun/daylight casting shadows
- adverse impact on value of own property.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed extension is acceptable subject to the following considerations.

### 5.3 Design and Residential Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 supports this principle and also seeks to ensure that new development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

- 5.4 The development essentially fills the space to the side of the house with a single storey structure. The plot narrows from the front where it is widest to the rear. As such the gutter line which would run along the side boundary of the plot would be lower at the front than the rear. The eaves level reflects the current high eaves levels at the rear of the property. The properties in Chapel Lane are modestly higher than the site and a mixture of fences and neighbours garages form the boundary to the site.

In this instance the design of the proposal is consistent with the design of the property and is considered acceptable. Materials would match the house.

Given that the proposal is single storey and would be at least 8.5m from the rear of the objecting neighbours house with an eaves level of around 2.6m measured from the applicants lower land level at this location it is considered that the proposed development has no material impact upon the privacy and residential amenity of the occupants of nearby dwellings. With reference to the neighbours concerns about enclosure of the garden it is true that the eaves line will stand above the objectors fence but this would not cause material harm to the living conditions of the neighbours, even given the applicants own garage and the siting of another garage at the end of the garden. Similarly the modest loss of light to the garden is not considered to materially effect the dwelling house and would have only limited impact on the enjoyment of the neighbours outside space. Loss of value to a dwelling house is not considered to be a material consideration. Over all therefore the application is considered to accord with policy H4 and D1.

### 5.5 Design and Access Statement

A Design and Access Statement is not required as part of this planning application.

### 5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions.

**Background Papers**      **PT08/2927/F**

**Contact Officer:**    **Karen Hayes**  
**Tel. No.**                **01454 863472**

## **CONDITIONS**

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

Reason(s):

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

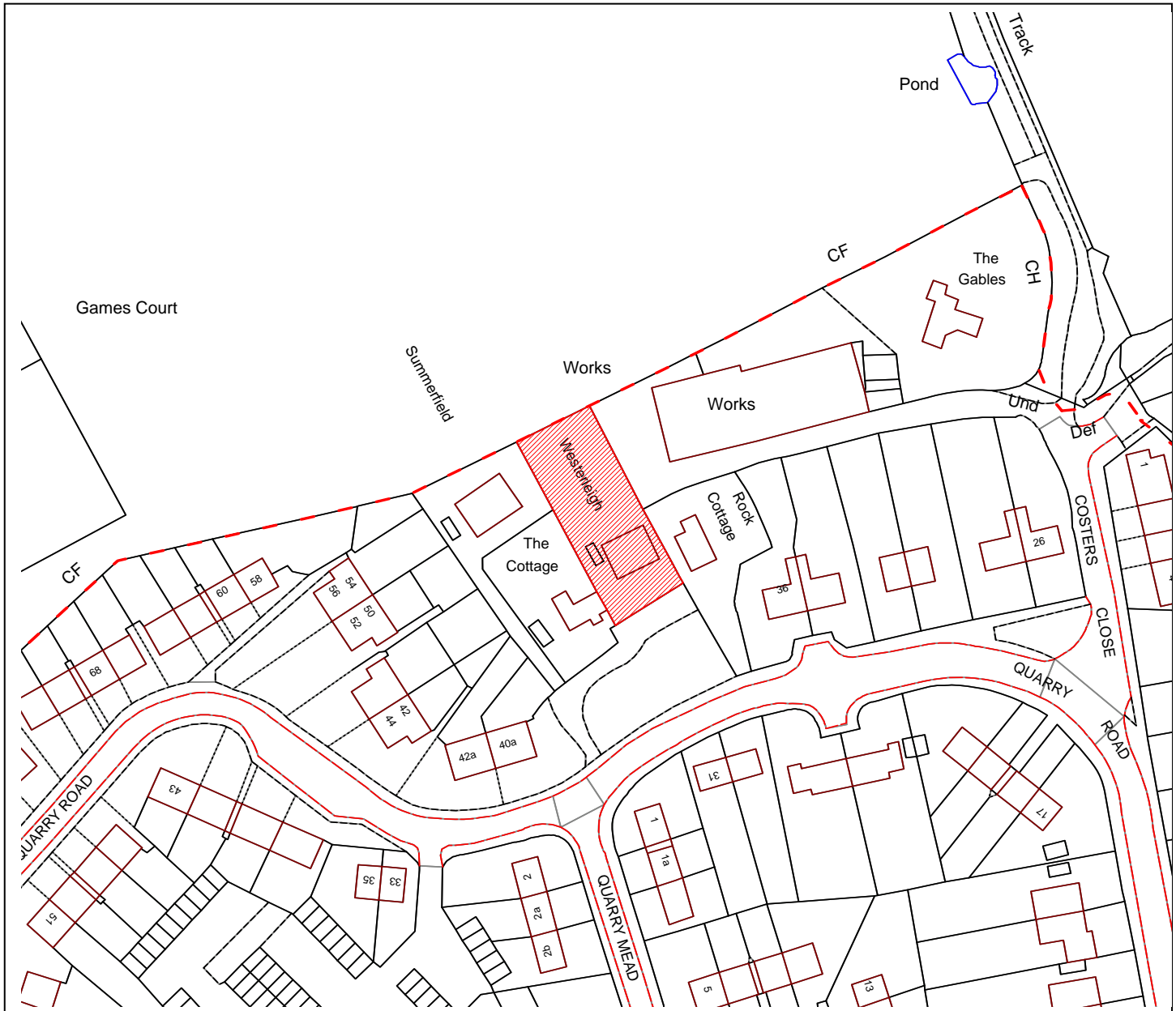
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

<b>App No.:</b>	PT08/2981/F	<b>Applicant:</b>	Mr Vizzard
<b>Site:</b>	Westerleigh, Quarry Road, Alveston, South Gloucestershire, BS35 3JJ	<b>Date Reg:</b>	13th November 2008
<b>Proposal:</b>	Demolition of existing dwelling to facilitate erection of two new dwellings.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	62984 88418	<b>Ward:</b>	Thornbury South and Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th January 2009



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PT08/2981/F



## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of a letter of objection from a local resident which is contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of 2no. two bedroom semi-detached dwellings.
- 1.2 The proposed development comprises of two cottages which would front onto Quarry Road. The cottages have an adopted a simple design style, which is akin to the adjacent dwelling (The Cottage). Access to the site would be gained from Quarry Road and each dwelling is allocated one parking space.
- 1.3 The application site is situated within the Alveston settlement boundary, which is "washed over" by Green Belt. The site is approximately 0.07ha in area and is rectangular in shape. The site is adjoined by two adjacent residential dwellings and a small builders yard to the rear.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1: Delivering Sustainable Development
  - PPS3: Housing
  - PPG13: Transport
- 2.2 Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)
  - Policy 1: Sustainable development objectives
  - Policy 2: Location of development
  - Policy 16: Green Belt
  - Policy 33: Housing provision and distribution
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1: Achieving Good Quality Design in New Development
  - L1: Landscape Protection and Enhancement
  - H2: Proposed Residential Development within Settlement Boundaries
  - H4: New Development within Existing Residential Curtilages
  - GB1: Development within the Green Belt
  - T12: Transportation Development Control Policy for New Development
  - T8: Parking Standards
  - L17/L18: The Water Environment
- 2.3 Supplementary Planning Guidance
  - South Gloucestershire Design Checklist SPD (Adopted) 2007
  - South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

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

- 3.1 None

## **4. CONSULTATION RESPONSES**

4.1 Alveston Parish Council  
No objection.

4.2 Sustainable Transport  
No objection subject to cycle storage.

4.3 Local Residents

One letter of objection has been received. The main points are listed below: -

- The proposal indicates that the dwellings shall have one parking space in front of their property each. The area allocated is quite small and fronts onto a lane which we have right of way over. Should the occupants have more than one car, which is highly likely these days, or have guests, the obvious outcome is that they will end up parking on this lane and therefore block our access.
- The chances of parking opposite on Quarry Road itself is slim as the road has major parking issues anyway, hence the parking tickets that have previously been issued in the road.
- The dwelling is to be slightly larger than the existing site and although we have no issue with that in principle we have concerns that, should planning be granted, the wall closest to our kitchen window will be significantly closer. This will result in the light being limited in what is already a dark room. It would also entail our landing window to be obscured more, again resulting in limited light.

## **5. ANALYSIS OF PROPOSAL**

5.1 Main Issues

The proposed development comprises of the erection of two new dwelling within an existing settlement which is washed over by Green Belt. The main material planning considerations to be addressed in this report are outlined below: -

1. The principle of the development;
2. Density;
3. Design;
4. Green Belt;
5. Residential Amenity;
6. Drainage;
7. Transportation; and
8. Environmental Impacts.

5.2 Principle of Development

The application site is situated within defined settlement boundary of Alveston, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the Local Plan allow for new residential development within the boundaries of settlements, subject to the proposal:

- not having unacceptable environmental or transportation effects;
- not significantly prejudice residential amenity;
- achieving the maximum density compatible with the site;

- not resulting in unacceptable levels of noise disturbance, air pollution, smell or contamination;
- providing provision for education, leisure, recreation and other community facilities; and
- not being out of scale with the village.

### 5.3 Density

Policy H2 cites that proposals will be expected to provide the maximum density compatible with the site, location, accessibility and surroundings. Therefore, the expectation is that all development will achieve a minimum density 30 dwellings per hectare with higher densities achieved where local circumstances permit. Not least, in and around town centres, and where well served by public transport, densities of upwards of 50 dwellings should be achieved.

5.4 In this application the density of the site equates to some 29 dwellings per hectare (dph). This level is considered to be just below the density requirements. However, given the context of the application site and the surrounding area, it is considered that a higher density would not be compatible. Therefore the proposal would accord with the density requirements of Policy H2 of the Local Plan.

### 5.5 Design

National Planning Guidance within PPS1 makes it clear that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. This is reiterated at the local level within Policy D1 of the Local Plan and the South Gloucestershire Design Checklist SPD.

### 5.6 *Design Process*

The applicant has submitted a thorough site appraisal within the Design and Access Statement (DAS) which has identified the context of the surrounding townscape and the site constraints and opportunities. This demonstrates that the applicant has considered the context of the site and its surrounding in their design approach. The development therefore accords to the guidance given in Policy D1 of the Local Plan and also questions 1, 24 and 25 of the Design Checklist SPD.

### 5.7 *Layout and Siting*

The proposed detached dwellings have been sited in a linear fashion, whereby they would be sited inline with the adjacent dwelling and their front elevations would address the highway. It is noted that the front building line would be set back from the adjacent dwelling (The Cottage) by three metres to allow for adequate parking provision and front amenity space – there is no objection to this. With regard to the above features, it is considered that the proposed layout and siting would respect the character and appearance of the existing street scene.

### 5.8 *Scale and Massing*

The existing street scene comprises of two storey detached and semi-detached cottages. The proposed development would be 6.4m in height and would match the adjacent dwelling (The Cottage). Therefore, in view of this, it is considered that the scale and massing of the proposed development would be read in

context with the other two storey dwelling in the street scene and the wider area. As such, it is considered that the development would respect the character and appearance of the existing street scene.

#### 5.9 *Appearance*

Alveston is a well established rural village. Within the settlement there is a mix of traditional and more modern development. However, the local vernacular mainly consists of two storey stone built cottages, with pitched roofs which are broken up by chimneys.

- 5.10 This existing bungalow is a fairly non-descript residential property and does not contribute positively to the street scene. The proposed development proposes a pair of semi-detached dwelling. The applicant has adopted a traditional design approach which would echo the traditional rural style, materials and proportions of the adjacent dwelling (The Cottage). In view of this, it is considered that this design approach would provide an enhancement to the design quality of the street scene.

#### 5.11 *Landscaping/Trees*

To assess the landscape implications the Councils Landscape Officer has been consulted. It was concluded that the proposal would improve the amenity of the surrounding landscape. However, the street scene plan indicates that the Leylandii hedge at the front of the property would be removed. Whilst this would improve the landscape amenity of the area, it would be preferable if a small tree is planted in the front south east corner to help soften the visual appearance of the new dwelling. This shall be secured through the standard landscape condition.

#### 5.12 *Conclusion*

In view of the above, it is considered that the proposed development, in terms of its layout, siting, scale, massing and appearance, would respect the character and appearance of the surrounding area. As such the development would accord to policies D1, H2 and H4 of the adopted Local Plan.

#### 5.13 Green Belt

The application site is also designated as Green Belt. Within PPG2 there is a general presumption against new development which would be harmful to the openness of the Green Belt. However, provision is given in Policy GB1 and H2 of the Local Plan and the Development within the Green Belt SPD for limited infilling within the boundaries of settlements

- 5.13 Infill development is defined in the South Gloucestershire Development in the Green Belt SPD as a:

*'...development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between buildings, in a linear formation.'*<sup>1</sup>

- 5.14 The settlement of Alveston relates to a small rural village which is surrounded by open countryside. The application site relates to existing dwellings within the

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<sup>1</sup> South Gloucestershire Development within the Green Belt SPD, (2008)

settlement boundary. As such, the replacement of this building would not materially harm the openness of the Green Belt and fall within the definition of infill development given within the Development in the Green Belt SPD.

5.15 Residential Amenity

The application site is surrounded by residential development. The impact on the occupiers of these dwelling is assessed below: -

5.16 *The Cottage*

This dwelling is situated to the west of the application site. The majority of the proposed development would be kept within the confines of the existing dwelling. Furthermore, the development would not include any new windows which would provide direct views into the habitable rooms or private amenity space of this adjacent dwelling. In view of this, it is considered that the proposed development would not materially harm residential amenity.

5.17 *Rock Cottage*

The occupiers of this dwelling have objected to the proposed development on the grounds of a loss of light into their kitchen and landing. Notwithstanding, these objections, it should be noted that the distance between this dwelling and the proposed development would be reduced by approximately 1.1m, leaving a spacing of approximately 3.5m. It is considered that this distance is suitable distance between side elevations. As such, it is considered that there would be no material harm to residential amenity.

5.18 Drainage

To assess this issue the Council Drainage Engineer has been consulted. It has been recommended that an appropriate sustainable urban drainage system (SUDS) would alleviate any adverse drainage or flooding problems. It is therefore recommended that a planning condition is attached to ensure that details of the proposed SUDS are submitted and agreed prior to development commencing.

5.19 Transportation

Representations have been received which have objected to the proposal on the grounds of parking and access. To assess this, the Council Transportation Engineer has considered the proposal. It has been concluded: -

5.20 *Access*

The private access to the site is on a gradient and appears to be single vehicle width. Nevertheless, this access is considered to be acceptable given the slow speed nature of the adjoining unclassified road and the relatively small increase in traffic generation. Good inter-visibility is also available between vehicles leaving the site and those travelling along Quarry Road. Furthermore, there is room for conflicting vehicles to pass as the private access bends into the site. In view of this, the transportation officer has no objection to the proposed access arrangements.

5.21 *Parking*

Each two-bed dwelling has been allocated one parking space each which accords with standards though they should be indicated on a site plan. Cycle parking should also be introduced in accordance with minimum standards – this

shall be secured via a planning condition. As such, the transportation officer has no objection to the proposed parking arrangements.

5.22 Environmental Impacts

The Council Environmental Services department have been consulted and have raised no objection to the proposal.

5.23 Design and Access Statement

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

5.24 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

- 7.1 Planning permission to be **GRANTED** subject to the following conditions: -

**Background Papers**      **PT08/2981/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

**CONDITIONS**

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

Reason(s):

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

2. No development shall commence until a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4, D1, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall commence until drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

4. No development shall commence until detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

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

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

Reason(s):

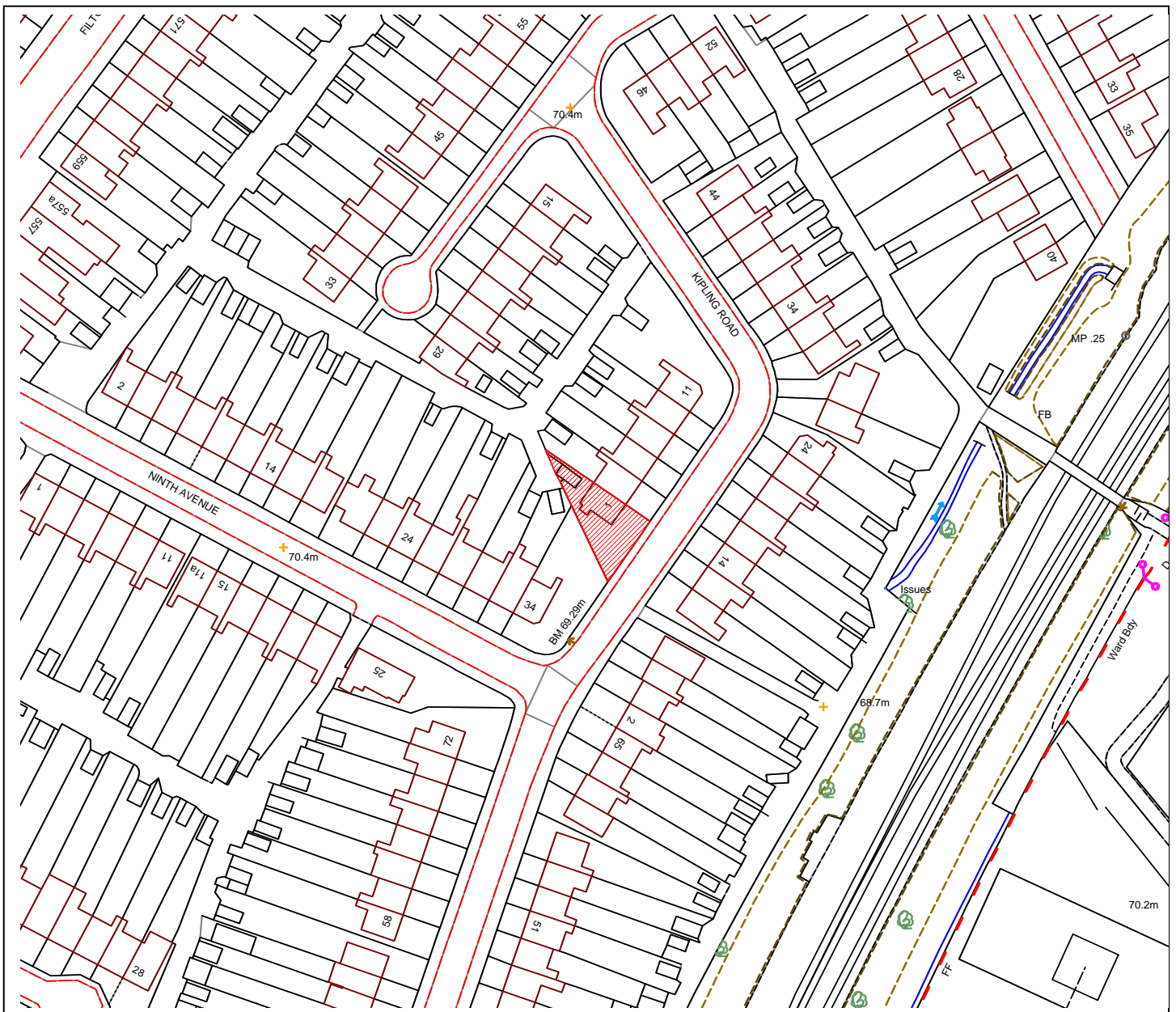
To minimise disturbance to occupiers of nearby dwellings and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 8

## CIRCULATED SCHEDULE NO.52/08 – 24 DECEMBER 2008

**App No.:** PT08/3075/F  
**Site:** 1 Kipling Road, Filton, South Gloucestershire, BS7 0QP  
**Proposal:** Erection of two storey side extension to form 1 no. self-contained flat with associated works (Resubmission of PT08/1073/F)  
**Map Ref:** 60721 78207  
**Application Category:** Minor

**Applicant:** Mr K Ayton  
**Date Reg:** 27th November 2008  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 21st January 2009



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100023410, 2008.

N.T.S

PT08/3075/F



This application has been referred to the Circulated Schedule due to objections from local residents.

## **1. THE PROPOSAL**

- 1.1 This application relates to the erection of two storey side extension to form 1 no. two bed dwelling with associated works at 1 Kipling Road, Filton. The application site is an end-terraced property on a triangular shaped plot. Vehicular access is to the rear of the property. The site lies within the urban area of Filton.
- 1.2 The proposed extension is 4.5m in width but is subservient in nature and set back some 0.75m from the front building line of the existing dwelling. The ridge height of the extension is also some 0.3m lower. All materials are to match existing. The proposal provides 2 off-street parking spaces to the front of the property and cycle storage within the dwelling.
- 1.3 This application is a resubmission of PT08/1073/F which related to the erection of a two storey side extension to form 2 no. self-contained flats. This application was refused on the grounds of its poor design/shape and lack of financial contribution.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### **2.2 Development Plans**

#### **Joint Replacement Structure Plan (Saved Policies)**

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution

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

D1	Design
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/1073/F          Erection of two storey side extension to form 2 no. self-contained flats with associated works.  
Refused 23 July 2008 on the following grounds:-  
1) poor design and cramped form of development;  
2) insufficient mitigation towards highway improvements.

#### 4. CONSULTATION RESPONSES

- 4.1 Filton Town Council  
Object to the proposal on the grounds that the proposal is over-intensive and cramped.

##### Other Consultees

- 4.2 Sustainable Transport  
No objection.

##### Other Representations

- 4.3 Local Residents  
2 letters have been received objecting to the proposal on the following grounds:-  
a) increased levels of on-street parking;  
b) loss of front garden for parking and increased run-off;  
c) could convert property to flats.

#### 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
The application site lies within the urban area of the Bristol North Fringe. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. PPS3 also indicates a presumption in favour of housing development as part of an objective to widen housing choice, the mix of development styles and tenure and creating sustainable residential environments. The provision of high quality housing is a key objective and para. 14 of PPS3 states that **“creating places, streets and spaces which meets the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character”**.
- 5.2 This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must be acceptable in terms of its impact upon the character of its surroundings and achieve good design to ensure that the character of the area is not adversely affected. As can be seen from the planning history, the previous application for residential development on this site was refused. However, the previous application differed greatly in terms of its design and size.
- 5.3 Housing Policy

Policy H2 of the adopted Local Plan specifically relates to new residential development within the boundaries of settlements and allows such development provided it is acceptable in transportation, residential amenity and density terms.

5.4 Transportation Issues

In transportation terms, the proposal provides 2 off-street parking spaces for the new dwelling to the front of the site with the existing garage remaining to serve the existing property at the rear. The proposed dwelling also accommodates a cycle parking area. The proposal provides car parking in line with the Council's maximum standards and is considered satisfactory. No transportation objection is therefore raised to the proposal. However, to offset any incremental impact of the development on the local highway network, a Section 278 Agreement requiring a financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters) will be required.

5.5 Residential Amenity

With regard to residential amenity issues, the proposal is considered acceptable. The dwelling is located to the side of the existing dwelling and a distance of some 14m exists between the side elevation of the proposed dwelling and nearest dwelling of 34 Ninth Avenue, the rear elevation of which backs onto the site. It is considered that this distance will ensure that no overbearing impact or loss of light will result from the proposal. In addition, no windows are proposed in the side elevation of the property and existing levels of privacy will not be materially affected. The application is therefore acceptable in this respect.

5.6 Density

The application site including the existing dwelling has an area of some 0.0248 hectares resulting in a density of 80 dwellings per hectare. Higher density development of over 50 dwellings per hectare within urban areas is advocated within the Local Plan, where local circumstances permit. Although the density is high, it is considered that the siting and design of the dwelling is compatible with its surroundings. It would be in keeping with the street scene and appears as a natural continuation of the terrace. The proposal is therefore acceptable in density terms.

5.7 Design Issues

Policy H4 of the adopted local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. Advice contained within PPS3 states the importance of good design in housing development and in particular it should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area.

5.8 In terms of design, the proposal is similar to the existing property of 1 Kipling Road and the area in general - it reflects the proportions of the host property but is clearly a subservient addition and all materials are to match existing. The siting of the dwelling also respects the layout of surrounding development. The design is appropriate within this area and the wider locality and is acceptable.

5.9 In terms of private amenity space the proposal provides an area of approximately 40m<sup>2</sup> for the proposed dwelling. Although small, the garden size is considered acceptable for the size of dwelling proposed, especially as numerous playing fields are within close proximity to the site.

5.10 In conclusion the proposal accords with policies D1, H2 and H4 of the adopted local plan and is acceptable.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement and would satisfy the tests set out in Circular 05/2005.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement to secure the following:

(a) A financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major

Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 6 months of this determination then, in view of the length of time the application should either:
- (a) Return to the Development Control Area Committee for reconsideration or alternatively;
  - (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section (1) a.

**Background Papers**      **PT08/3075/F**

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

**CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as

specified in Part 1 (Classes A, B and E), 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(s):

The rear garden area is limited in size and any further extensions would require the consideration of the Local Planning Authority in order to safeguard residential amenity and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No windows shall be inserted at first floor level in the side (south-west) elevation of the property.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To minimise disturbance to occupiers of neighbouring dwellings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development, details of all existing and proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and provided before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The paved parking area to the front of the property shall be constructed of a bound but permeable material.

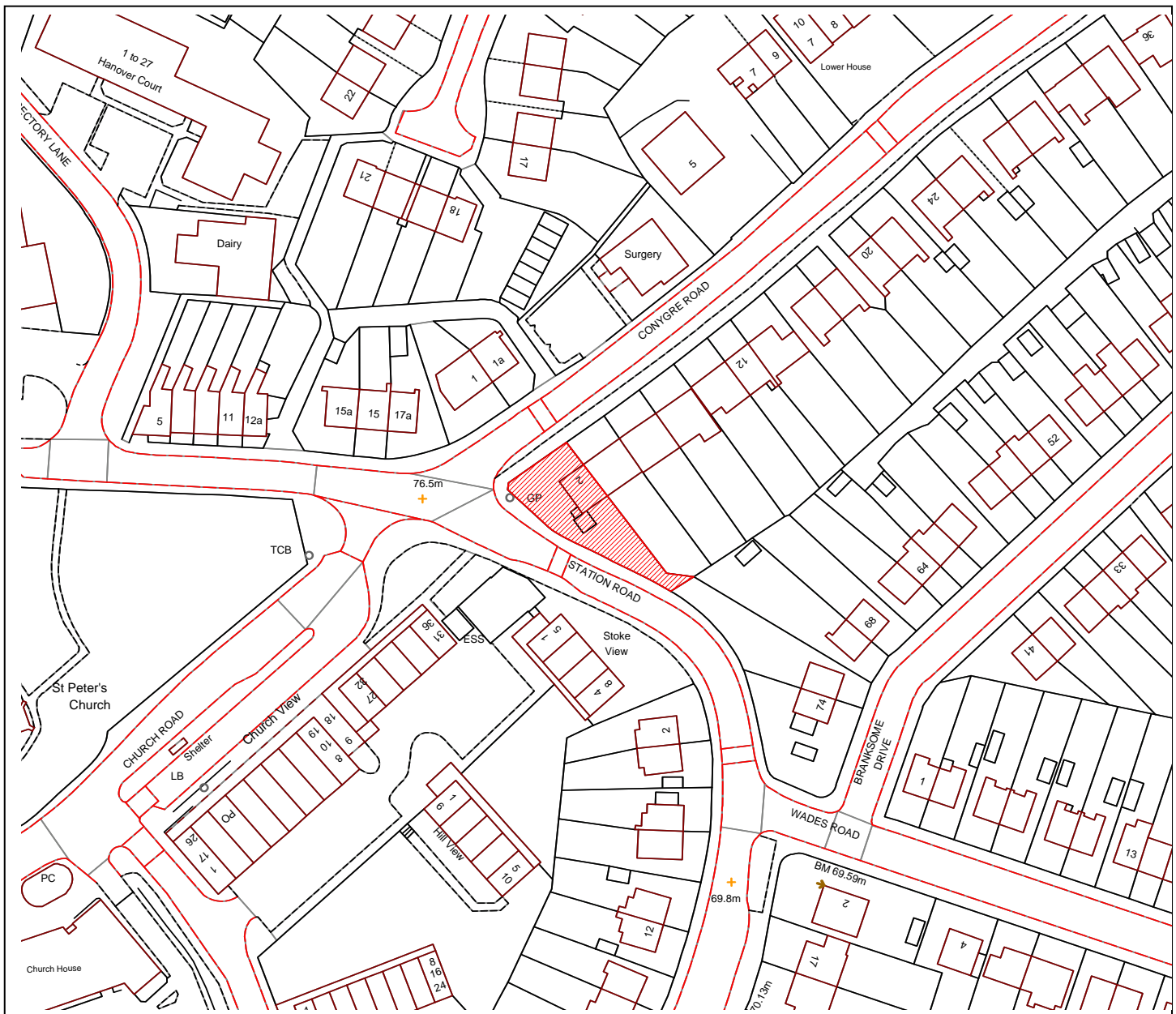
Reason(s):

In the interests of highway safety and to prevent non-point source pollution and flooding, and to accord with Policies T12 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 52/08 – 24 DECEMBER 2008

**App No.:** PT08/3077/F  
**Site:** 2 Conygre Road, Filton, South Gloucestershire, BS34 7DA  
**Proposal:** Erection of 2 storey side and rear extensions and loft conversion to facilitate conversion of existing house to 4 no. flats with associated works.  
**Map Ref:** 60439 79232  
**Application Category:** Minor

**Applicant:** Mr D Gharvy  
**Date Reg:** 27th November 2008  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 22nd January 2009



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 100023410, 2008.

This application has been referred to the Circulated Schedule due to objections received from Filton Town Council and local residents.

## **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of two storey side and rear extensions and loft conversion to facilitate the conversion of existing dwelling to provide three one bed flats and one two bed flat at 2 Conygre Road, Filton. The rear garden is to be split in two to provide garden area for both ground floor flats. Off-street parking for 4 vehicles is to be provided to the front of the site. The bin store and recycling area is located to the side of the extension and accessed from the front of the site. Bike storage for all four flats is also provided.
- 1.2 The application site is a semi-detached property located on a large corner plot on the junction with Conygre Road and Station Road. It lies within the urban area of Filton. Vehicular access is to the front of the site, off Conygre Road.
- 1.3 The application is a resubmission of PT07/3347/F which was allowed on appeal and is currently under construction. The current scheme differs in that a first floor rear extension is proposed as well as the conversion of loft to the original property. The proposal allows for an additional bedroom and enlarged living area for the first floor flats. Access/parking arrangements remain the same as previously approved.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport
- 2.2 Development Plans  
Joint Replacement Structure Plan  
Policy 1 Sustainable Development Objectives  
Policy 2 Location of Development  
Policy 33 Housing Provision and Distribution
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)



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

- 3.1 PT02/2162/F Erection of single storey side extension to form utility room and W.C.  
Approved 12 August 2002.
- 3.2 PT07/1735/F Erection of two storey side extension to facilitate conversion of existing dwelling to 4 no. flats and construction of new access with associated works.  
Withdrawn 9 July 2007.
- 3.3 PT07/2290/F Erection of two storey side extension to facilitate conversion of existing dwelling to 4 no. flats. Alteration to existing access with associated works (Resubmission of PT07/1735/F).  
Refused 20 August 2007 on the following grounds:-  
a) over-intensification in residential use of site which would increase noise and disturbance to surrounding residents and future occupiers of flats;  
b) cramped form of development;  
c) parking area would detract from visual and residential amenity;  
d) restricted rear communal garden area;  
e) cycle and bin store would detract from visual amenities of the locality.
- 3.4 PT07/3347/F Erection of 2 storey side and single storey rear extension  
To facilitate conversion of existing house to 4 no. flats to include alterations to existing access and associated works.  
Allowed on appeal 24 June 2008.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Object to the proposal on the following grounds:-  
a) work already underway;  
b) family homes converted to flats;  
c) parking.

Of the above **a** is not relevant as the works currently being undertaken relate to the previous permission granted at appeal under PT07/3347/F.

#### **Other Consultees**

- 4.2 Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents

2 letters have been received objecting to the proposal on the following grounds:-

- a) loss of sunlight;
- b) no other two storey rear extensions in road;
- c) original application allowed on appeal and this is even larger;
- d) footpath is blocked whilst work is being carried out;
- e) occupants of proposal may be undesirable;
- f) lack of parking;
- g) highway safety issues;
- h) proposal will change community.

Of the above d, e and h are not relevant planning objections.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Background

As can be seen from the planning history, the previous application was allowed on appeal. The principle of development has therefore already been accepted. The current application differs only by the erection of a first floor rear extension to provide a larger kitchen/dining area and the conversion of attic in the original dwelling.

### 5.2 Principle of Development

The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households, subject to compatibility with local amenity and site characteristics. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

**A. the development would not prejudice the character of the surrounding area;**

- 5.3 It is considered that the design of the proposal is acceptable. The extensions are of a size and design in keeping with the existing dwelling and the area as a whole. The two storey elements are clearly subservient additions, the side extension set 1m back from the front building line with the ridge height 0.8m below the ridge height of the existing dwelling. The existing hipped roof form is replicated and the proportions and proposed materials reflect the original dwelling. The Inspector in his decision letter relating to PT07/3347/F was of the view that the proposal respected the character of the locality, repeated various features contained on it and would not be out of keeping with its surroundings. It is considered that the design and form of the proposal is largely similar to the previous application and is acceptable in this regard. Although an objection has been made stating that no other two storey rear extensions are evident within the road, this is not a ground for refusal. The rear extension is in keeping with the existing property in terms of its design, massing and scale.

**B. it would not prejudice the amenities of nearby occupiers;**

- 5.4 The proposed extensions due to the location of the side extension and the limited depth of the rear extension at 3m with its 2.2m distance from the boundary with the adjoining property will not materially adversely affect the residential amenities of nearby occupiers in terms of any loss of privacy/overshadowing/overbearing impact.
- 5.5 Furthermore, the garden layout and location of bin stores and cycle parking ensures that the development is not cramped in appearance and can be adequately accommodated on the site without detracting from the street scene.
- 5.6 In terms of the off-street parking to the front of the site, the parking area will be screened to a degree by the existing stone boundary wall which is attractive in appearance and is to remain as part of the current scheme. This overcomes previous concerns relating to the visual impact upon the street scene and also provides more space to the front of the site, moving the car spaces further away from the development. The proposal therefore complies with this policy criterion.

**C. it would identify an acceptable level of off-street parking;**

- 5.7 The proposal provides 4 off-street vehicular parking spaces in the front garden area with the existing vehicular access widened and gate removed. Parking for 4 bicycles is also to be provided within the site. Access to the site is via a widened existing vehicle access and this is considered acceptable to serve the proposed development. The layout of the parking area ensures that it will be possible to enter and leave the site in a forward gear, albeit with a bit of manoeuvring. However, it is not a requirement for vehicles to enter and leave in a forward gear in this location. The existing wall along the street frontage can be retained as it will not impact upon the safe operation of this site.
- 5.8 The site is located in a sustainable location within South Gloucestershire, close to local services, public transport and employment. As such reduced parking standards would normally be expected. The surrounding highway network in the vicinity of the site currently has in force parking and waiting restrictions which control congestion and on-street parking in the area. The proposal provides for appropriate cycle storage for a minimum of 1 cycle per flat and this complies with policy T7 of the adopted local plan. Car parking provision provides one car parking space per flat. This also complies with policy T8 of the adopted local plan.
- 5.9 Following the grant of planning permission under the previous appeal decision the applicant has already paid a financial contribution of £1,800 (£900 per flat in the extended part of the building) in order to mitigate against incremental traffic damage towards the North Fringe Development Proposal (Transport Measures). As a consequence no Section 278 agreement is required under the Highways Act in this instance as the level of accommodation in the extended part of the building remains as before.

**D. it would provide adequate amenity space.**

5.10 The proposal provides rear garden to both ground floor flats. Although irregular in shape, they have a length of some 20m with the smallest garden having an area in excess of 60m<sup>2</sup>. This amount of garden is considered adequate to serve the size of accommodation proposed. The rear garden area will only be used by occupants of the ground floor flats which will overcome any noise and disturbance issues. Although it is recognised that both first floor flats will have no private amenity space, it is considered that as they relate to a one and two bed flat they are unlikely to be occupied by families. In addition, there is open space in the surrounding area that could be used by occupiers of these units. It must also be pointed out that recent appeal decisions for similar types of development have given little weight to the issue of the provision of amenity space, the view being that many households choose not to have gardens. As such it is not considered an essential requirement that private amenity space is provided for all units.

5.11 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above.

5.12 Design and Access Statement

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

5.13 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission be granted.

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

**CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To minimise disturbance to occupiers of neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All hard and soft landscape works shall be carried out in accordance with the scheme indicated on plan no. 1391-1F received on 30 October 2008. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The external stonework to be used in the closure of the gateway, shown on drawing No. 1391-1 Rev E shall match that used in the existing boundary wall in type, colour, texture, size, coursing and jointing.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

6. The screen fences shown on the approved plan shall be erected in the positions indicated before the flats are occupied.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. With the exception of the widened vehicular access and new pedestrian access to the rear, the existing stone wall enclosing the boundary of the site shall be retained.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1/H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No entrance doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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