



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

CIRCULATED SCHEDULE NO. 32/09

Date to Members: 14/08/09

Member's Deadline: 20/08/09(5pm)

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **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

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. 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: 14/08/09

SCHEDULE NO. 32/09

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

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.

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

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

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

**Dates and Deadlines for Circulated Schedule leading up to the
August Bank Holiday 2009**

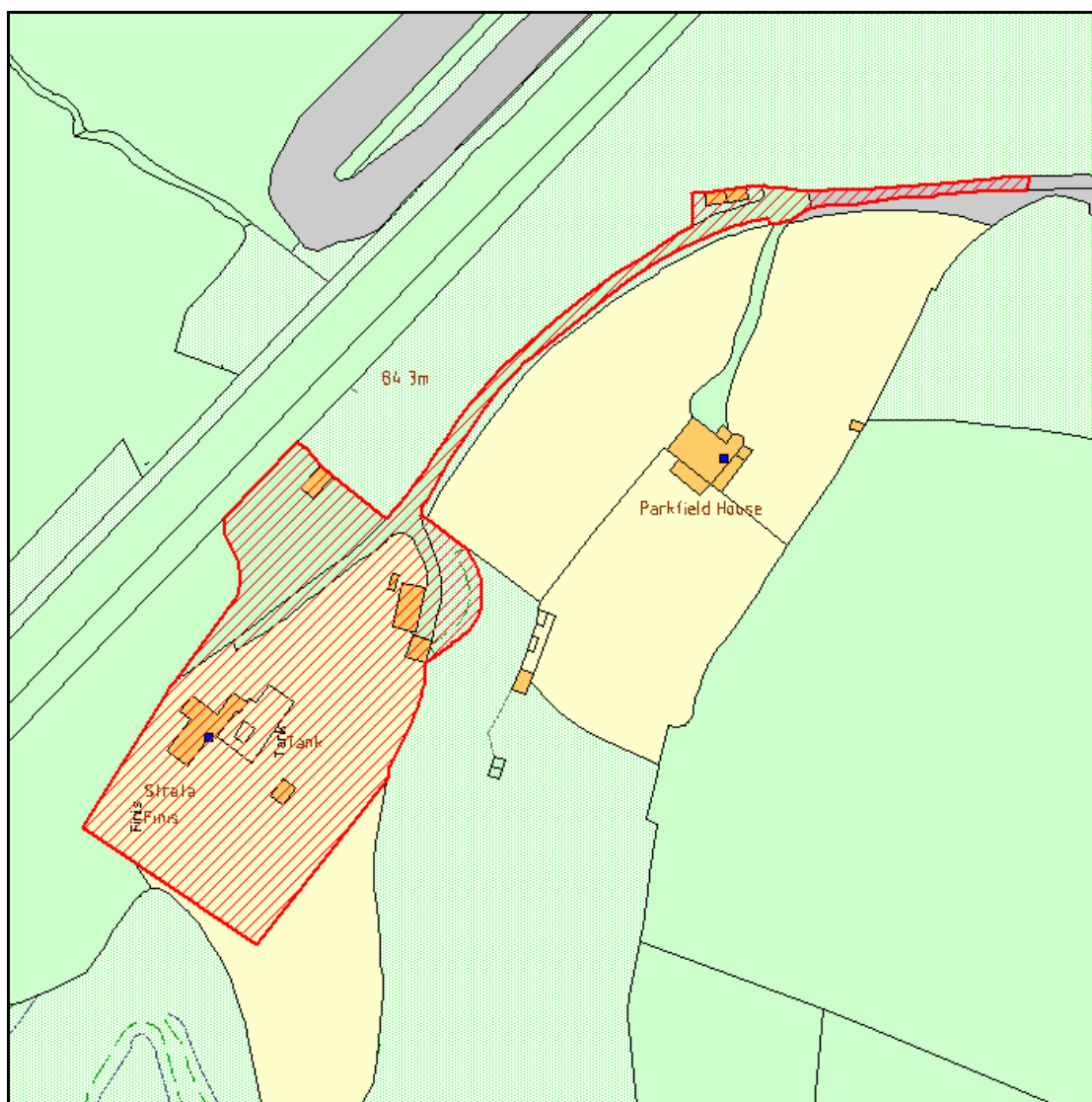
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
34/09 Week commencing 24 August	Thursday 27 August 2009	Thursday 3 September 2009

CIRCULATED SCHEDULE – 14 AUGUST 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/1139/F	Refusal	Strata Finis Parkfield Pucklechurch South	Boyd Valley	Pucklechurch
2	PK09/1191/F	Approve with Conditions	Land adjacent to 138 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton
3	PK09/1205/F	Approve with Conditions	25 Oakhill Avenue Bitton South Gloucestershire BS30 6JX	Bitton	Bitton
4	PK09/1274/R3F	Deemed Consent	Cadbury Heath Primary School Lintern Crescent Warmley South Gloucestershire BS30 8GB	Parkwall	Oldland
5	PK09/1276/F	Approve with Conditions	23 Mountbatten Close Yate South Gloucestershire BS37 5TD	Yate North	Yate
6	PK09/1282/F	Approve with Conditions	Land rear of 184 Bath Road Longwell Green South Gloucestershire BS30	Longwell Green	Hanham Abbots
7	PK09/1286/CLP	Approve with Conditions	14 Park Road Kingswood South Gloucestershire BS15 1QU	Kings Chase	
8	PK09/1307/F	Approve	63 Milford Avenue Wick South Gloucestershire BS30 5PP	Boyd Valley	Wick & Abson
9	PT09/1222/F	Approve	Carel New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy
10	PT09/1275/CLE	Approve with Conditions	5 Robel Avenue Frampton Cotterell South Gloucestershire	Frampton Cotterell	Frampton
11	PT09/1320/CLP	Approve with Conditions	58 Stroud Road Patchway South Gloucestershire BS34 5EW	Patchway	Patchway

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PK09/1139/F	Applicant:	Mr & Mrs R Hallett
Site:	Strata Finis Parkfield Pucklechurch South Gloucestershire BS16 9NS	Date Reg:	19th June 2009
Proposal:	Demolition of existing dwelling to facilitate erection of 1 no. dwelling with associated works. (Resubmission of PK08/3175/F).	Parish:	Pucklechurch
Map Ref:	3687870 1776870	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	12th August 2009



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100023410, 2008.

N.T.S.

PK09/1139/F

INTRODUCTION

This application appears on the Circulated Schedule as letters of support have been received, which would be contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This is a resubmitted planning application for the demolition of an existing dwelling, Strata Finis, and the erection of a detached two-storey replacement dwelling.
- 1.2 A Previous planning application was refused for the following reasons:
 - i. The proposed replacement dwelling would be situated within the Green Belt wherein there is a general presumption against inappropriate development. The proposed replacement dwelling by virtue of its disproportionate size and scale over and above the original dwelling would constitute inappropriate development and as such would result in material harm to the Green Belt. No very special circumstances have been put forward to overcome the presumption against refusal. The proposal is therefore contrary to policy GB1 of the adopted South Gloucestershire Local Plan and Government Guidance contained in PPG2 Green Belts.
 - ii. The proposed replacement dwelling is situated outside the existing urban areas and boundaries of settlements as defined in the proposals maps of the adopted South Gloucestershire Local Plan. The proposal by virtue of its disparate size and scale to the existing dwelling would be materially harmful to the character and appearance of the area and as such the proposal is contrary to policy H11 of the adopted South Gloucestershire Local Plan and Government advice contained in PPS1 and PPS7.
 - iii. The proposed excavation into the bank to make way for the new dwelling appears to come close to the rooting areas of trees to the east of the existing building. However inadequate information regarding the tree has been submitted with the application to allow a full and proper assessment of the proposal in terms of its impact upon the tree contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted).
- 1.3 The major difference with this application is the size and design of the new dwelling, and re location of the dwelling to address refusal reason 3.
- 1.4 The application site is situated outside the settlement boundary of Pucklechurch and is within the Bristol/Bath Green Belt. The existing detached dwelling is a single storey building with a number of extensions. A designated public footpath runs along the south west boundary of the site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
EP1	Environmental Pollution
GB1	Green Belt
H11	Replacement dwellings in the countryside
T6	Cycle Routes and Pedestrian Routes
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007
Development in the Green Belt – June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N4463 Erection of single storey extension to provide enlarged kitchen.
Approved 25.05.78
- 3.2 PK08/3175/F Demolition of existing dwelling to facilitate erection of 1 no.
dwelling with associated works. Refused 06.02.09

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

No objection.

4.2 Other Consultees

Environmental Services

No objection

Sustainable Transport

No objection

Drainage engineer

No objection

Public Rights of Way

Concerns raised in related to the future use of the adjacent public right of way.

Other Representations

4.3 Local Residents

Three letters of support received from the local residents.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H11 of the South Gloucestershire Local Plan is supportive in principle of proposals for the replacement of existing dwellings in the countryside subject to the replacement is of similar size and scale to the existing dwelling and provided that the existing dwelling has not been abandoned and is incapable of retention in its current state.

The application site is also situated within the Bristol / Bath Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan proposals for replacement dwellings must not result in 'disproportionate additions' over and above the size of the original dwelling. The policy also states that any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.

5.2 Green Belt and Replacement Dwelling

The overriding concern with the replacement of existing dwellings within the Green Belt is the effect upon openness and replacement buildings will only be allowed if there is no greater impact on the openness of the Green Belt than that of the original dwelling.

The applicant states that the existing bungalow is approximately 585 cubic metres and the total volume of all adjoining domestic outbuildings, which would be demolished as part of this proposal, is approximately 125 cubic metres. The proposed new dwelling would have three double bedrooms and the total volume of the replacement dwelling would be approximately 799 cubic metres. Therefore the applicant has calculated the replacement dwelling to constitute approximately 12.5% increase in volume terms over the existing dwelling.

As the replacement dwelling would be approximately 12% larger than the total volume of the existing dwelling and outbuildings, officers consider that the proposal would not represent a substantial increase in size. Nevertheless the proposal would still need to satisfy Policy H11C which requires the replacement dwelling will be of a similar scale to the existing dwelling. Although officers acknowledge that the proposal would not be materially larger than the existing dwelling in terms of size, officers are concerned that the mass, bulk and height of the new dwelling when compared to the existing dwelling, which is a single storey low profile designed bungalow. In addition, the new dwelling would have

a number of dominant features, such as large gable ends and two storey glazed link, particularly viewed from the adjacent public footpath. It is therefore considered that the proposal would fail to meet Policy H11C and as such is unacceptable development in principle.

5.3 Visual amenity

The site is presently located in open countryside to the west of Pucklechurch but the allocated development site of Emersons Green East site closely adjoins the site immediately to the west. The site immediately adjoins a PROW that provides an important link to the wider network of major recreational routes.

The site is well integrated into the landscape by existing vegetation and apart from a few garden trees and shrubs this vegetation will be unaffected by the proposed development.

The proposed dwelling is to be taller than the existing dwelling, although smaller than the previous submission, but it is unlikely this additional height will present any significant additional visual impacts given the amount of existing vegetation. It is also noted that the applicants are prepared to carry out further planting both in the interests of visual amenity and nature conservation.

5.4 Impact upon the existing trees

There are several garden trees within the site that are unlikely to influence the development. There is a full Tree survey and report submitted with this application. The tree officers have no objection to the trees marked for removal with this application. There is 1 Oak tree marked as T13 on the submitted survey plan which has a Root Protection Area which conflicts with the access construction. There is a detailed method statement showing the method of construction for the access whilst protecting the roots of the tree mentioned. The construction will employ the use of a cellular confinement system to be put in place prior to the commencement any construction traffic entering the site. The proposed tree works to the crown of this tree are also acceptable in order to prevent the likelihood of damage to the tree from vehicles entering the site. In short there are no objections to the recommendations made by the Arboricultural Consultant.

5.5 Residential amenity

The proposed dwelling would have no material impact on the amenity enjoyed by the adjacent occupiers due to its design, distance from the neighbouring dwelling, i.e. Parkfield House which is approximately 90 metres and substantial existing boundary treatment which comprises mixed hedging and trees.

5.6 Highway Safety

Planning permission has previously been refused on this site for similar proposals (PK08/3175/F). No transportation objection was raised to this proposal.

This current proposal is exactly the same in transportation terms as the previous proposal.

On that basis, there is no transportation objection to this proposal.

5.7 Ecological Issues

The site comprises an existing property, outbuildings and mown lawn amid a curtilage/screen of mature trees and garden amid open countryside and adjoining the former Bristol/Bath cycle path south of the M4 motorway corridor.

The application site forms part of Parkfield Site of Nature Conservation Interest (SNCI) designated for its calcareous and neutral grassland, scrub, and broadleaved woodland. It also adjoins the Disused Railway, Shortwood Farm to Lyde Green Farm SNCI.

SNCI

The footprint of the development consists of a domestic garden and would not support any of the types of habitat for which the area is designated. The property has probably been included within the SNCI due to the complexity of the boundary if they were excluded - SNCIs generally exclude the gardens of domestic dwellings.

Given this, the application should not materially impact upon the nature conservation interest of Parkfield SNCI.

Bats

Whilst the building is structurally unconventional and poor, there is nonetheless a possibility of bats being present, particularly given that the surrounding semi-natural habitat of Parkfield SNCI and along the Bristol/Bath cycle path would provide good quality feeding habitat.

All British bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 1994).

Where bats are present, a licence would be required under Regulation 44 for development to be lawful. The application would furthermore need to include details of a mitigation strategy describing how impacts upon bats will be avoided.

Para 99 of ODPM Circular 06/05 accompanying PPS9 on Biodiversity stipulates:-

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted'.

Bats can be found using buildings/structures at any time of the year. If found in the course of dismantling the existing building development would inevitably be subject to considerable delays. Given this, and given the requirements of Circular 06/05, the weight attached to it in a recent judicial review and that we are amongst the recognised surveying months for bats, it is recommended that the building(s) should be surveyed for bats.

If present, a mitigation strategy will need to be drawn up and agreed with the Council/Natural England as part of a licence application under the 1994 Regulations.

Slowworms

Neglected gardens can provide excellent habitat for reptiles such as slow-worms.

Slowworms are protected under the Wildlife & Countryside Act 1981 (as amended) and are listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require developers to take specific measures to conserve and enhance populations.

There is potential for reptiles to use rank grassland/vegetation within the site, particularly on its periphery. Given this, it is recommended that the site be surveyed for slow-worms; and, if present, a working methodology adopted to safeguard reptiles be establishing a curtilage of unsuitable habitat around the work site by a combination of strimming/mowing.

In this instance, officers consider a survey for bats and slowworms together with a mitigation strategy will be required. If planning permission were granted for the proposal, a planning condition could be imposed to seek details of the survey and mitigation measures before the commencement of development.

5.8 Public Rights of Way

Council Public Rights of Way Officer raised the following concerns:

The footpath LPU29, although currently obstructed at one end of the garden, has a good walkable alternative. Officers are satisfied that a temporary working can be made subject to an application for a temporary Traffic Regulation Order to officially close the affected section of footpath for safety reasons.

PROW Officer is concerned with regard to the improvement of current access to the proposed Sustrans Yate and Mangotsfield Cycle Route and the utilising of the track for a multi-user link to the disused railway line. As the proposal would not affect the future use of the existing public rights of way, officers consider that it would be unreasonable to impose a condition or enter a legal agreement, related to this application to secure these improvements.

5.9 Other Issues

The applicant has drawn officers' attention on two planning applications reference no. P99/4265 and PK08/1102/F. Officers studied these applications and summarised the cases as follows:

P99/4265: The proposal was to erect of a two storey side extension to form a granny annexe at Parkfield House, which is a neighbouring property of Strata Finis. In the report, officers stated that the actual footprint of the building would increase by about 79 squares metres or 40% as a result of the proposed works...although the extension increased the original floor space of the house in excess of the Council's guideline of 30%, officers were satisfied that the proposal would not create an intrusive feature in the landscape and would not prejudice the integrity and original scale of the dwelling.

PK08/1102/F: The proposal was to erect a two storey rear extension to form additional living accommodation at Greatwood, Coxgrove Hill, Pucklechurch, and planning permission was approved in June 2008. The application proposed to demolish all single storey extensions and outbuildings surrounding the dwelling and to erect a two storey extension on the rear of the existing dwelling that will basically replicate the scale and design of the existing two storey element.

Although the above proposals were approved, officers consider that the nature of the above schemes were significantly different from the current scheme, which is proposed to erect a replacement dwelling. Policy H11C of the adopted Local Plan – Replacement Dwellings in the Countryside states that proposals for replacement of a single existing dwelling outside the existing urban areas and the boundaries of settlement will be permitted provided that the replacement dwelling is of a similar size and scale to the existing dwelling, within the same curtilage, and of a design in keeping with the locality and which minimises intrusion in the countryside. In this instance, officers consider that the scale of the proposed new replacement dwelling would be significantly larger than the existing dwelling. In addition, the first mentioned scheme was determined in 1999, the current local plan was adopted in January 2006 and

the Supplementary Planning Document – Green Belt was adopted in June 2007. These policies not only provide more clear and precise policy and they are more rigid than the previous area local plans with regard to the proposals for development in the Green Belt. Taking into consideration of the above issues, Officers therefore consider that the above historic planning applications would not carry sufficient weight to overcome the officers' concerns of this application.

5.10 Use of Energy and Sustainability

Officers are advised that the proposal would achieve Code Level 3 or above of Code of Sustainable Homes.

5.11 Improvements achieved to the scheme

None

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

7. RECOMMENDATION

- 7.1 That planning permission be refused for the following reason:

Background Papers **PK09/1139/F**

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

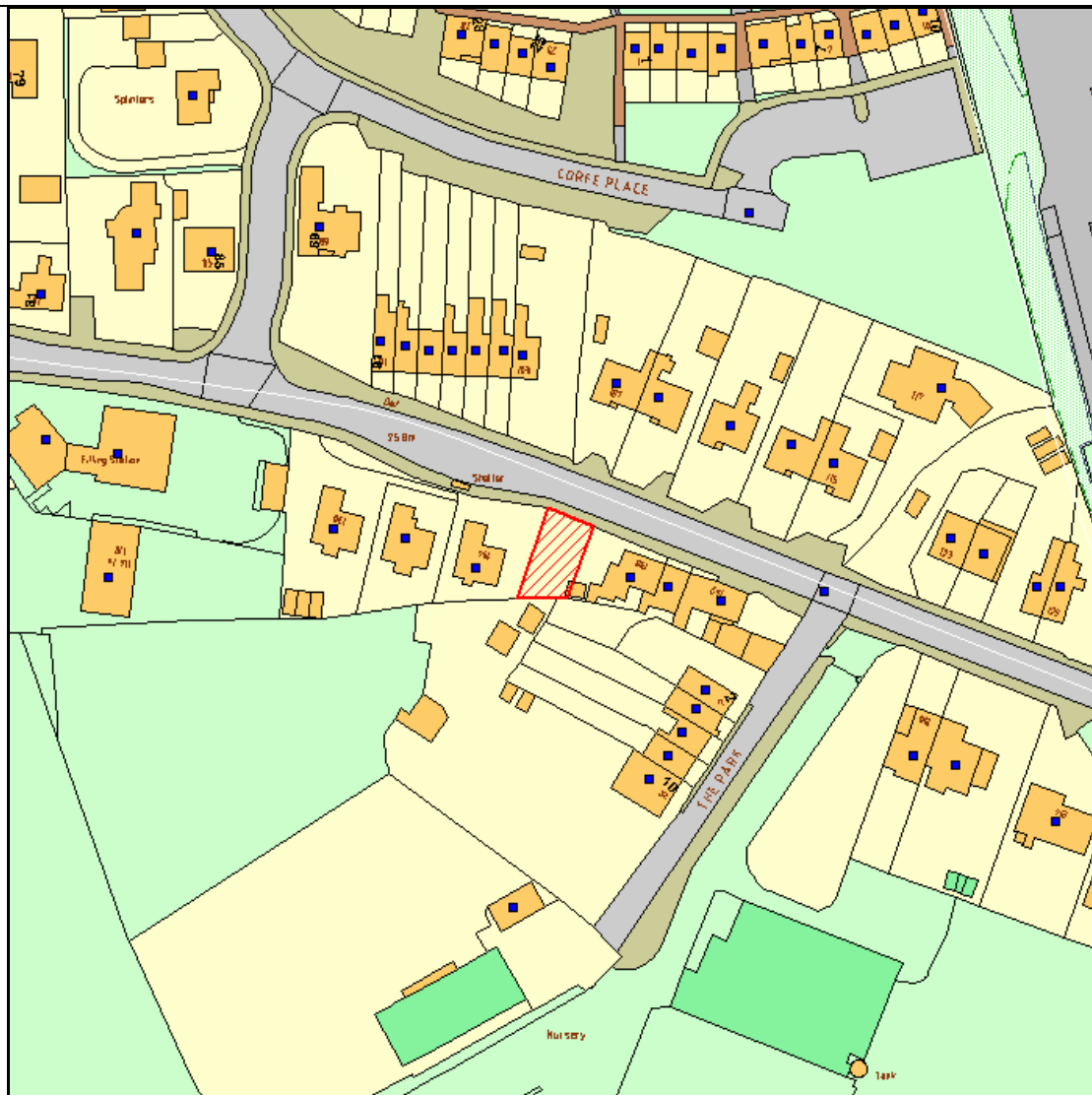
Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

REASONS FOR REFUSAL

1. The proposed replacement dwelling is situated outside the existing urban areas and boundaries of settlements as defined in the proposals maps of the adopted South Gloucestershire Local Plan. The proposal by virtue of its disparate scale to the existing dwelling would be materially harmful to the character and appearance of the area and as such the proposal is contrary to policy H11 of the adopted South Gloucestershire Local Plan and Government advice contained in PPS1 and PPS7.

CIRCULATED SCHEDULE NO.32/09 – 14 AUGUST 2009

App No.:	PK09/1191/F	Applicant:	Mr M Purnell
Site:	Land adjacent to 138 Bath Road Willsbridge South Gloucestershire BS30 6EF	Date Reg:	29th June 2009
Proposal:	Erection of 1 no. detached dwelling with access and associated works. (Resubmission of PK08/1162/F)	Parish:	Bitton
Map Ref:	3668470 1702960	Ward:	Bitton
Application Category:	Minor	Target Date:	21st August 2009



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N.T.S.

PK09/1191/F

This application has been placed upon the Circulated Schedule due to the receipt of objections contrary to the officer recommendation.

1. **THE PROPOSAL**

1.1 This is a resubmitted planning application seeking permission for the erection of a detached dwelling and the associated construction of a new vehicular access at the side of No. 138 Bath Road, Willsbridge.

1.2 Previous planning permission was refused for the following reasons:

- (i) The proposed dwelling would be adjacent to No. 138 Bath Road, which is a locally listed building that makes a significant contribution to the character and distinctiveness of the locality. The proposal, by reason of design, scale, siting and materials, would be harmful to the character of the locally listed building and the visual amenity of the area.
- (ii) The proposal, by virtue of its scale and proximity of the neighbouring property, No. 134 Bath Road, would cause significant overbearing impact upon the neighbouring property
- (iii) The proposed garage and the parking spaces are considered to be substandard in terms of its dimensions.
- (iv) By reason of inadequate turning and manoeuvring space (independent of the parking area) on site, the proposed site access is considered unsatisfactory and if allowed, it would increase vehicles standing and manoeuvring on the public highway thereby interfere with safe and free flow of traffic on the A431 Bath Road a principal classified road to detriment of highway safety.

1.3 The site plan shows the plot related to the proposed dwelling is approximately 234 square metres of land situated within a former residential curtilage of No. 138 Bath Road, Willsbridge. No. 138 Bath Road is a two-storey end terraced cottage, which is also a locally listed building. The site lies to the south of A431 Bath Road, which is a classified road between Bristol and Bath. There is a stone wall to the front boundary of the property. To the west, the plot is adjacent to a garden of No. 134 Bath Road, which is bungalow. The locality is mainly residential in character.

1.4 The main differences of the proposal are: (i) the design of the new dwelling, (ii) the omission of garage (iii) the new dwelling would be two-storey.

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

L1 Landscape Protection and Enhancement

L17 and L18 The Water Environments

EP1 Environmental Pollution

EP2 Flood Risk and Development

T7 Parking Standards

T8 Cycle Parking

T12 Transportation Development Control Policy for New Development

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK04/0271/O Erection of 1 no. detached dwelling. Construction of new vehicular access to existing dwelling. All other matters reserved.
Approved 06.09.04
- 3.2 PK08/1162/F Erection of 1 no. detached dwelling with access and associated works. Refused 13.06.08

4. **CONSULTATION RESPONSES**

(a) Statutory Consultees

4.1 Bitton Parish Council

Councillors objected to the proposals for the following reasons:

- 1) the ridge level of the proposed property would be higher than that at 138 Bath Road
- 2) over-intensification of use of the site, leaving a small garden area to the rear
- 3) not in keeping with the terrace of houses at 138-142 Bath Road. The view of Highways officers was sought on access arrangements.

(b) Other Representations

4.2 Local Residents

Three letters of support have been received from local residents and one letter of objection has been received from a local resident, raising the following issues:

- Loss of amenity
- Loss of privacy
- Inadequate turning area
- The proposal is a two-storey dwelling

- The proposal would create an additional vehicular access
- The applicant has constructed an enlarged vehicular access without turning space

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the existing Urban Area and Defined Settlement Boundaries, as identified on the South Gloucestershire Local Plan (Adopted) January 2006. Policy H4 of the adopted Local Plan allows new dwellings within existing residential curtilages subject to a number of criteria including satisfactory layout, scale, design, and the proposal not prejudicing highway safety or the residential amenity of neighbouring properties. The history of the site is also material in determining the acceptability of the principle of development.

5.2 Density

The plot for the proposed dwelling is approximately 0.0234 hectare in area and one dwelling on the site equates to 43 dwellings per hectare net. Officers consider that the density of the development proposed would comply with the guidelines outlined in PPG3 (being within 30-50) and would respect the overall character of the area.

5.3 Design and Scale

The design of this proposal has been significantly altered since the previous refusal, with the new scheme designed to integrate better with the character and setting of the adjacent local listed terrace of buildings.

The new building has been designed as a Victorian double fronted villa which bridges the gap between the modern 20th Century bungalows and the Victorian terraces within which it sits. The scale, form, proportions and use of materials are now sympathetic to the historic character of the locality.

The position of the building in the plot was previously raised as an issue and there was a suggestion that the building should be closer to the front of the plot, similar to the adjoining terraces. The historic settlement pattern in this area is a mix of terraces and detached villas similar to the proposed scheme. The position of buildings in the plots, however, does vary with some being further back than others, so officers consider that the proposal has been designed having regard to the traditional scale, form proportions and materials used in the adjoining terrace without being a direct copy. It is considered to be acceptable subject to conditions.

5.4 Residential Amenity

To the east is a 2-storey traditional cottage, which has a window on the first floor level facing the application site, and to the south is the rear garden of a mid-terrace cottage. The southern boundary is comprised of timber fence and blockwork boundary wall, which are approximately 1.8 metres high. To the west is a modern style bungalow, which has habitable windows facing the application site. Its primary garden area is also immediately adjacent to the

application site and there exists an approximately 1.8 metres high wall along this boundary according to the applicant's topographical survey.

The proposed new dwelling would be approximately 10 metres from the side elevation of the adjacent bungalow. It should be noted that the previous refusal proposal was approximately one metre from the western boundary and the current proposal would be approximately 4.5 metres from the boundary. In addition, the new dwelling would have a subsidiary shallower 'lean-to' roof to the rear. Officers therefore consider that the proposal, on balance, would not cause significant overbearing impact upon the adjacent bungalow, No. 134, to justify the refusal of planning permission.

Although the new dwelling would be immediately on the eastern boundary, it would be 5 metres away from the adjacent two-storey dwelling, No.138 and the two storey part of the new dwelling would only project beyond the rear elevation of No. 138 by approximately 4 metres. It is therefore considered that the proposal would not cause a significant overbearing impact upon the adjacent property, No. 138.

One window is proposed on the ground floor west elevation, and there is no window is proposed on the east elevation. On the rear elevation, there would be three rooflights and one obscured glass window on the first floor. Officers therefore consider that the proposal would not cause loss of privacy to the neighbouring properties.

With regard to the provision of amenity space, the dwelling would have approximately 62 square metres for this 3-bedroom dwelling. Officer therefore consider that the proposal would provide adequate drying space and private outdoor area and would not cause adverse impact upon the residential amenity of future occupiers.

5.5 Environmental Implications

No objections are raised from the Council Technical Services regarding the proposed drainage of the site.

5.6 Transportation Implications

The proposal is to erect a new detached two storey dwelling on the land adjoining to the existing property no. 138 Bath Road. It is also proposed to create a new vehicular access to serve the development.

Planning permission has previously been sought to erect a new dwelling on this area of land (PK08/1162/F). This proposal was recommended for refusal due to its inadequate turning and manoeuvring space.

Two parking spaces are now shown on the plan and the whole front of the site is indicated as a parking and turning area which overcomes the previous concerns over inadequate manoeuvring space. However, to avoid loose stone being dragged onto the highway it is recommended that the parking / turning area has a permeable but bound surface.

No. 138 Bath Road does not currently have a turning area and it will remain unchanged with this proposal.

Subject to suggested conditions, there is no transportation objection to this proposal.

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 Use of Energy and Sustainability

Officers are informed that it is proposed to construct the new house to the insulation and air tightness standards of the Code for Sustainable Home Level 3. In addition, the majority of lighting will be low energy types and all fixed appliances will to the latest energy saving standards. The south facing orientation of the main windows to habitable rooms also makes maximum use of passive solar gain.

Provision will be made by installing a dual coil hot water storage cylinder for connection of solar water heating panels on the rear roof and will provide the majority of central heating and hot water needs.

All rainwater drainage will be taken to soakaways within the site to ensure that there is no surface water run-off from the site.

5.9 Improvements Achieved to the Scheme

Not necessary

5.10 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 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.

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 & Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, E, G and H), or any minor operations as specified in the Town and Country Planning (General Permitted Development) Order 1995 Schedule Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. All new external joinery including cill, head and reveal details. For the avoidance of any doubt, all new windows are to be constructed in timber with a painted finish.
 - b. Quoins
 - c. Eaves, verges and ridge
 - d. Chimney & pots
 - e. All new vents, flues, extracts and meter boxes.
 - f. Rainwater goods

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure that the external appearance of the building maintains and enhances the setting of the locally listed building and to accord with policy D1 of the adopted local plan.

4. A sample of the clay double roman tile shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced.

Reason: To ensure that the external appearance of the building maintains and enhances the setting of the locally listed building and to accord with policy D1 of the adopted local plan.

5. A sample panel of stonework, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority before the relevant parts of the work are commenced. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency.

Reason: To ensure that the external appearance of the building maintains and enhances the setting of the locally listed building and to accord with policy D1 of the adopted local plan.

6. A sample panel of roughcast render, of at least one metre square, showing the colour and texture, shall be erected on site and approved in writing by the local planning authority before the relevant parts of the work are commenced. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency.

Reason: To ensure that the external appearance of the building maintains and enhances the setting of the locally listed building and to accord with policy D1 of the adopted local plan.

7. Prior to occupation of the new dwelling, the whole parking and turning area to the front of the site to have a permeable bound surface and be satisfactorily maintained as such.

Reason

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

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) class F.

8. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

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.

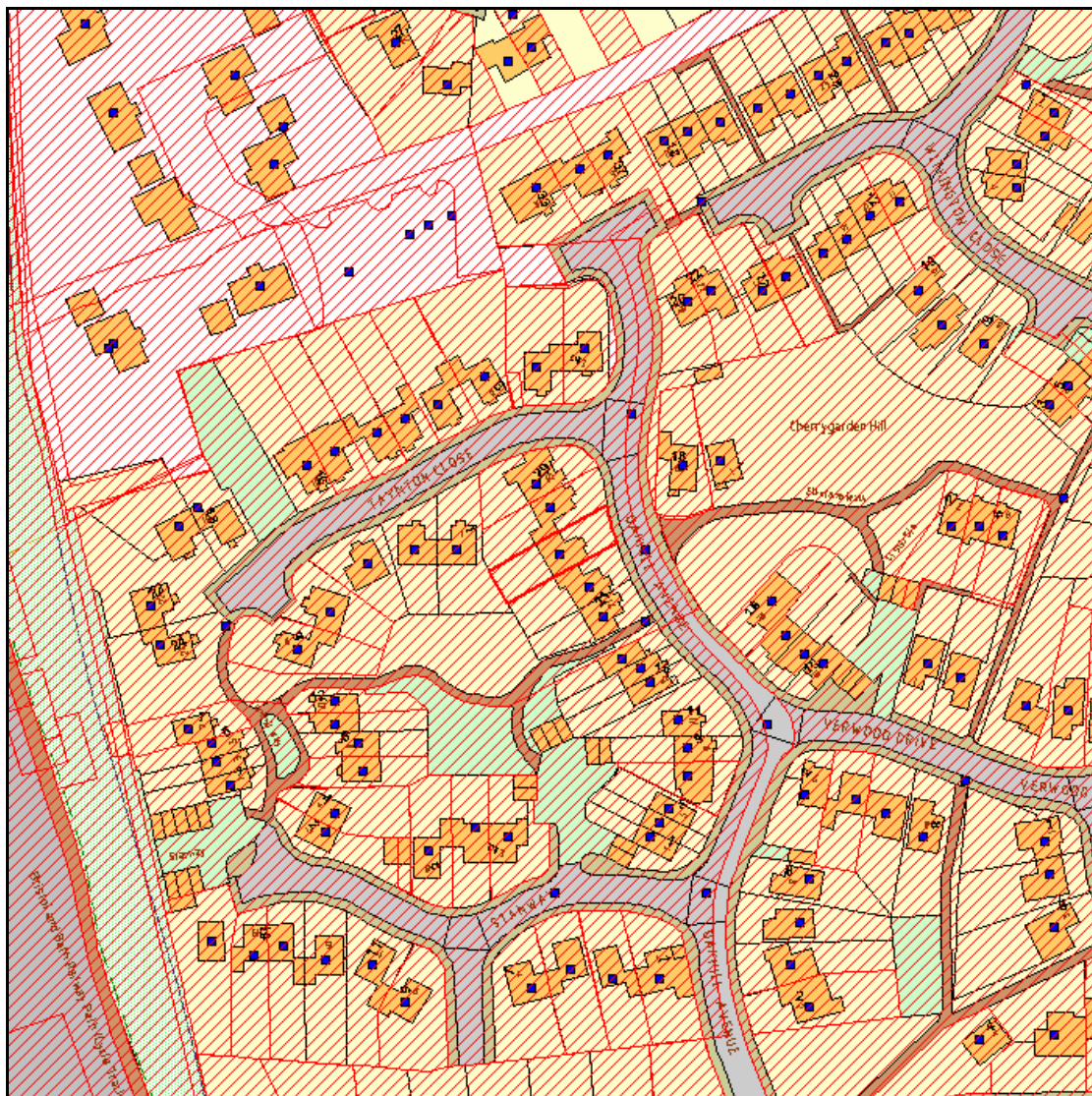
9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side and rear elevations elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PK09/1205/F	Applicant:	Mrs K Sasson-Shaw
Site:	25 Oakhill Avenue Bitton South Gloucestershire BS30 6JX	Date Reg:	1st July 2009
Proposal:	Erection of two storey rear and single storey front extensions to form additional living accommodation.	Parish:	Bitton
Map Ref:	3670710 1705460	Ward:	Bitton
Application Category:	Householder	Target Date:	24th August 2009



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PK09/1205/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as objections have been received from the Parish Council and local residents regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the erection of a two storey rear and single storey front extension to form additional living accommodation.
- 1.2 Application site relates to a two storey dwelling with attached single garage. Property is adjoined either side by neighbouring garages.

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
- 2.3 Supplementary Planning Guidance
SPD Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors objected to the proposed extensions. The front extension was felt to be out of keeping with the street scene and forward of the building line. The rear extension was felt to be overbearing on the neighbouring property and detrimental to the view from the open space behind. The two extensions were considered to be an over-intensified use of the site.

Other Representations

- 4.2 Local Residents
Two letters have been received from local residents raising the following planning objections regarding the proposed development, which have been summarised by the Planning Officers as follows:
-Rear extension would be overbearing

- Loss of light
- Issues of party wall Act & damage to adjoining garage
- Scale of extension out of keeping
- Require that side window be frosted
- Require evidence that extension would not increase shading.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a two storey detached dwelling with attached single garage and single front porch. This application proposes to replace the porch with a 1.80m deep single storey front extension along the entire frontage of the dwelling. An objection has been raised by the Parish Council on the grounds that it would be out of keeping with the street scene and forward of the building line.

5.3 Members are advised to consider the following. The adjacent properties are set forward of the application site and as there is no definitive building line along this frontage, it is considered that the erection of a 1.80m deep extension would not detract from the visual amenities of the street scene. Two nearby properties in the adjacent Verwood Drive have carried out similar single storey front extensions.

5.4 Permission is also sought for a 3.0m deep two-storey rear extension, which will continue out from the existing roofline. Objections have been raised on the grounds the scale of the extension is out of keeping. Whilst it accepted the form of the dwelling would be altered due to the elongated roofline, it is considered, as the extension is 3.0m in length it would not have such an adverse impact on the character of the existing dwelling so as to warrant refusal of the application. It is also considered that the site is large enough to accommodate both extensions without resulting in overdeveloping of the site.

5.5 Residential Amenity

Objections have been received regarding the impact of the proposed two storey rear extension on neighbouring occupiers in terms of overbearing and loss of light.

5.6 The application site dwelling projects beyond the rear building line of no. 23 by approx. 1.0m and no.27 by 3.0m. Permission is sought for a 3.0m deep extension, which in turn will increase the overall projection. Regard must be had however for the fact that no.23 is set back from the adjoining boundary of the application site by 3.0m due to an existing single garage and no.25 by 5.0m due to 2 garages in place.

5.7 It is therefore considered that given that the setting of the application site property in relation with no. 23 & 27, that a two storey rear extension of this

scale and in this location would not have an adverse impact on the existing amenities in terms of overbearing impact.

5.8 Whilst it is accepted that the extension would have some impact on levels of light given the orientation of the dwelling in relation to no. 27, issues of light however are not considered a material planning consideration.

5.9 Other issues

Issues relating to Party wall Act and damage to adjoining garage are civil matters and not material planning considerations.

A neighbour has requested that the proposed side window be conditioned to have obscure glazing. As this window serves a non-habitable room window i.e. landing it is not considered necessary or reasonable to impose such a condition. A condition has been imposed however restricting any new openings on the side elevations.

5.10 Design and Access Statement

Not required in this instance.

5.11 Use of Energy and Sustainability

No specific measures proposed.

5.12 Improvements Achieved to the Scheme

None required.

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 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.

Contact Officer: Tracy 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 & Country Planning Act 1990 (as amended).

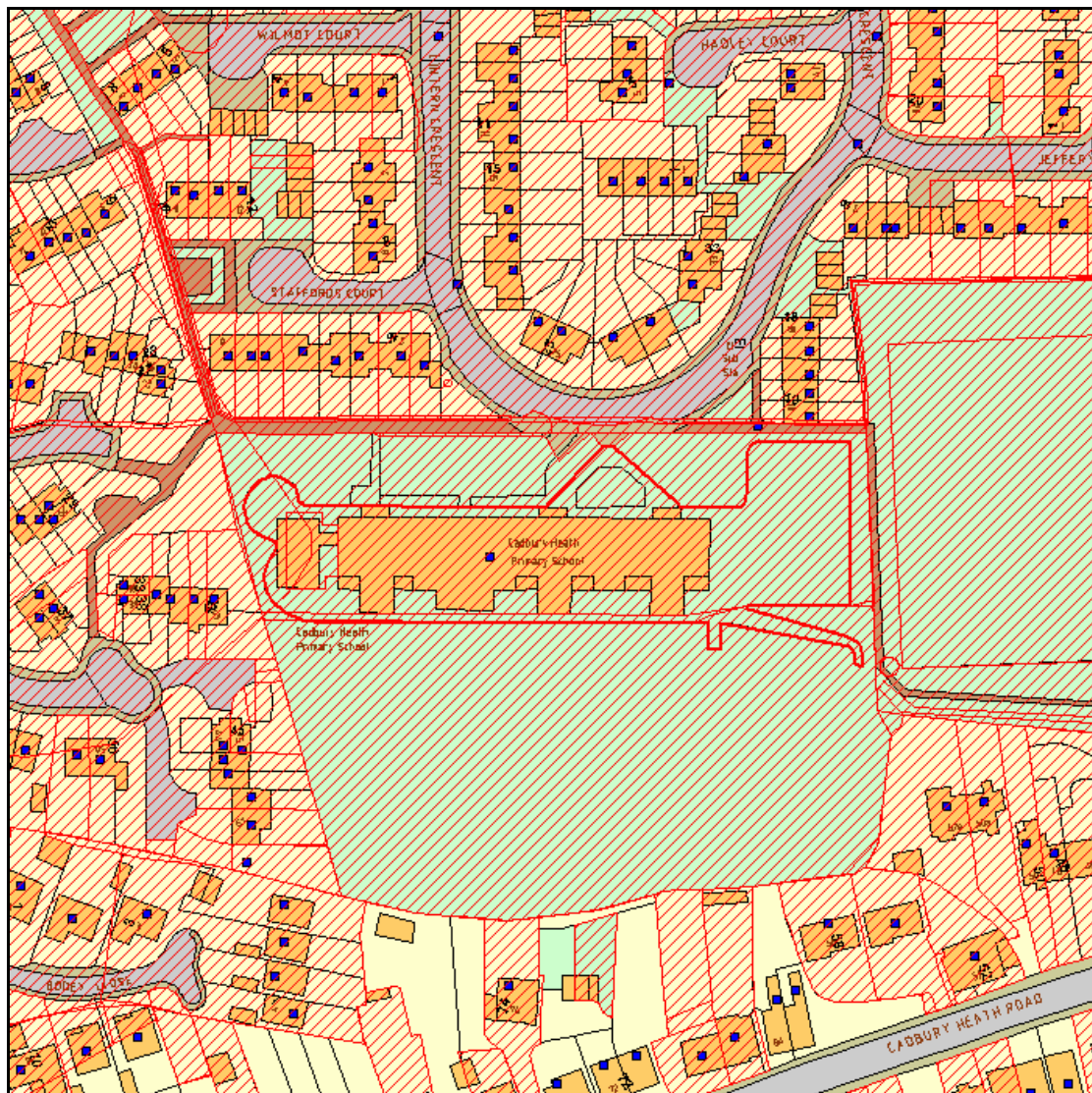
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the two storey rear extension. hereby authorised.

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. 32/09 – 14 AUGUST 2009

App No.:	PK09/1274/R3F	Applicant:	Mrs S Elliot
Site:	Cadbury Heath Primary School Lintern Crescent Warmley South Gloucestershire BS30 8GB	Date Reg:	10th July 2009
Proposal:	Erection of canopy over reception entrance door and canopy over reception boot storage area.	Parish:	Oldland
Map Ref:	3665290 1725700	Ward:	Parkwall
Application Category:	Minor	Target Date:	31st August 2009



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PK09/1274/R3F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the installation of two canopies over two entrance doors to the school. One canopy is to provide an entrance to the reception class and the other canopy is to be used as a boot store providing a dry entrance to the school.
- 1.2 The two canopies are both to be attached to the existing school building and consist of a roof element only. The canopies will be open to the elements and will not have any new enclosing walls.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Proposals for the Expansion of Education Facilities

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of applications in the past none of which however are relevant to the determination of this application.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No Objection

Other Representations

- 4.2 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies D1 and LC4 of the South Gloucestershire Local Plan (Adopted)

January 2006 are relevant to this planning application. Policy D1 seeks to ensure that the designs of the canopies are appropriate and sympathetic for their setting. Policy LC4 relates to the expansion or improvement of existing community facilities and seeks to ensure that the development would have no unacceptable transportation effects or effects upon existing levels of residential amenity.

5.2 Design/Visual Amenity

The application forms states that the roof beams of the canopies are to be finished in a brown colour. The roof will be made of translucent plastic roofing sheets. The brown colour of the beams and structural elements of both canopies will match the guttering and eaves detail on the existing school building. The design of the canopies continuing the existing eaves line will ensure their successful integration. The majority of both canopies will be screened from view by the existing roof on the school and it is not considered that they will have any significant visual impact. The design of the canopies is therefore considered to be acceptable.

5.3 Residential Amenity

Due to the small size of the canopies, the fact that they are well integrated with the existing building and the distances involved, the canopies will have no impact upon existing levels of residential amenity.

5.4 Transportation Effects

The canopies will have no impact upon existing parking or access arrangements at the school.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.6 Use of Energy and Sustainability

Not applicable for this scheme

5.7 Improvements Achieved to the Scheme

None Required

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

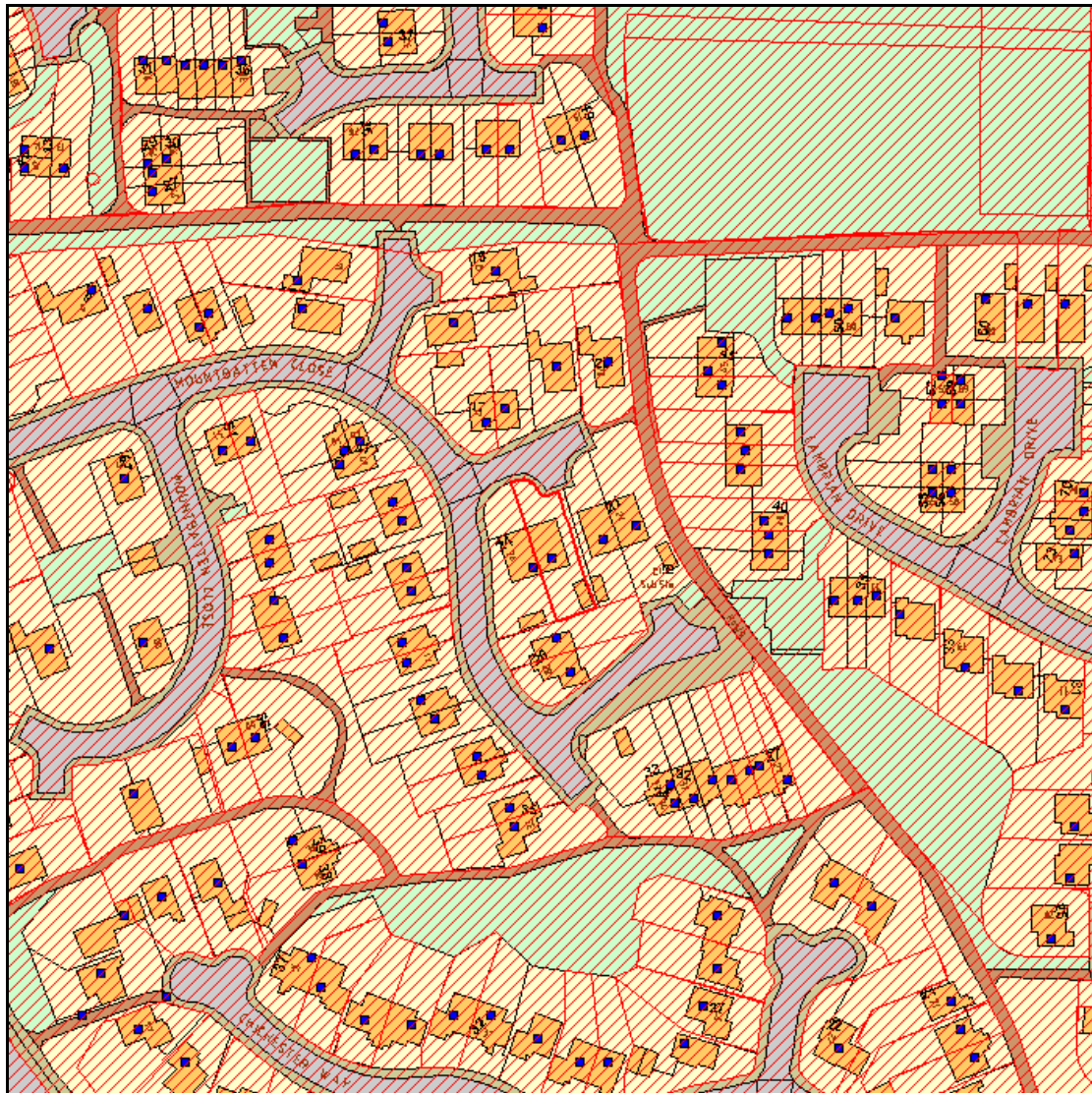
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 32/09 –14 AUGUST 2009

App No.:	PK09/1276/F	Applicant:	Mr Billings
Site:	23 Mountbatten Close Yate South Gloucestershire BS37 5TD	Date Reg:	10th July 2009
Proposal:	Erection of rear conservatory.	Parish:	Yate
Map Ref:	3709250 1832910	Ward:	Yate North
Application Category:	Householder	Target Date:	1st September 2009



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N.T.S.

PK09/1276/F

This application is reported on the Circulated Schedule due to the receipt of an objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a conservatory on the rear elevation of this brown brick and brown tile semi-detached bungalow in a cul-de-sac location.
- 1.2 The site is enclosed to the rear by a tall boundary fence and to the northern side by a detached garage which stands to the rear of the dwelling. The proposed conservatory would be virtually the full width of the dwelling and it would extend to 3.1 metres from the rear building line, as a maximum, although considerably less nearest the sides of the properties, as it forms an approximate semi-circular shape.

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 House extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
One letter of objection was received, citing the following concerns:

- Overbearing impact due to proximity to a bedroom window and the height of the eaves of the proposed conservatory

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against the policies listed above in the light of all material considerations. The issues to be resolved are the impact of the proposal on existing levels of residential and visual amenity.
- 5.2 Residential Amenity
Given the shape of the proposed conservatory, described at 1.2 above, the impact on the other side of the semi-detached dwelling would be negligible and is not considered to have any negative impact on existing levels of residential amenity. The consultation process has raised an issue regarding the bulk of the conservatory in proximity to the other side of the semi detached bungalow. In

this case, where it would be in close proximity to the adjoining property, due to the shape of the extension, it would project by one metre. This degree of projection increases to 3.1 metres, but only at a point where it is offset by 2.2 metres from the site boundary, which is marked by a fence. The roof would slope away from the boundary, starting at an eaves height of 2.3 metres, which is not considered to be markedly higher than the boundary fence. It is therefore considered that the proposal would not cause any overbearing impact to a degree where the residential amenity of the adjoining property would be harmed. The proposal is considered to comply with policy H4.

5.3 Visual Amenity/ Design

The location of the proposed extension is considered to be well screened and therefore have very limited visual impact. The design is considered to be acceptable in that it proves its subservience to the host dwelling and it is considered that policy D1 has been satisfied in this instance.

5.4 Use of Energy and Sustainability

The conservatory, being east-facing and constructed of glass, will achieve some degree of solar gain.

5.5 Improvements achieved to the scheme

None sought.

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

7. RECOMMENDATION

7.1 That planning permission is approved subject to the condition shown below.

7.2

Background Papers **PK09/1276/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

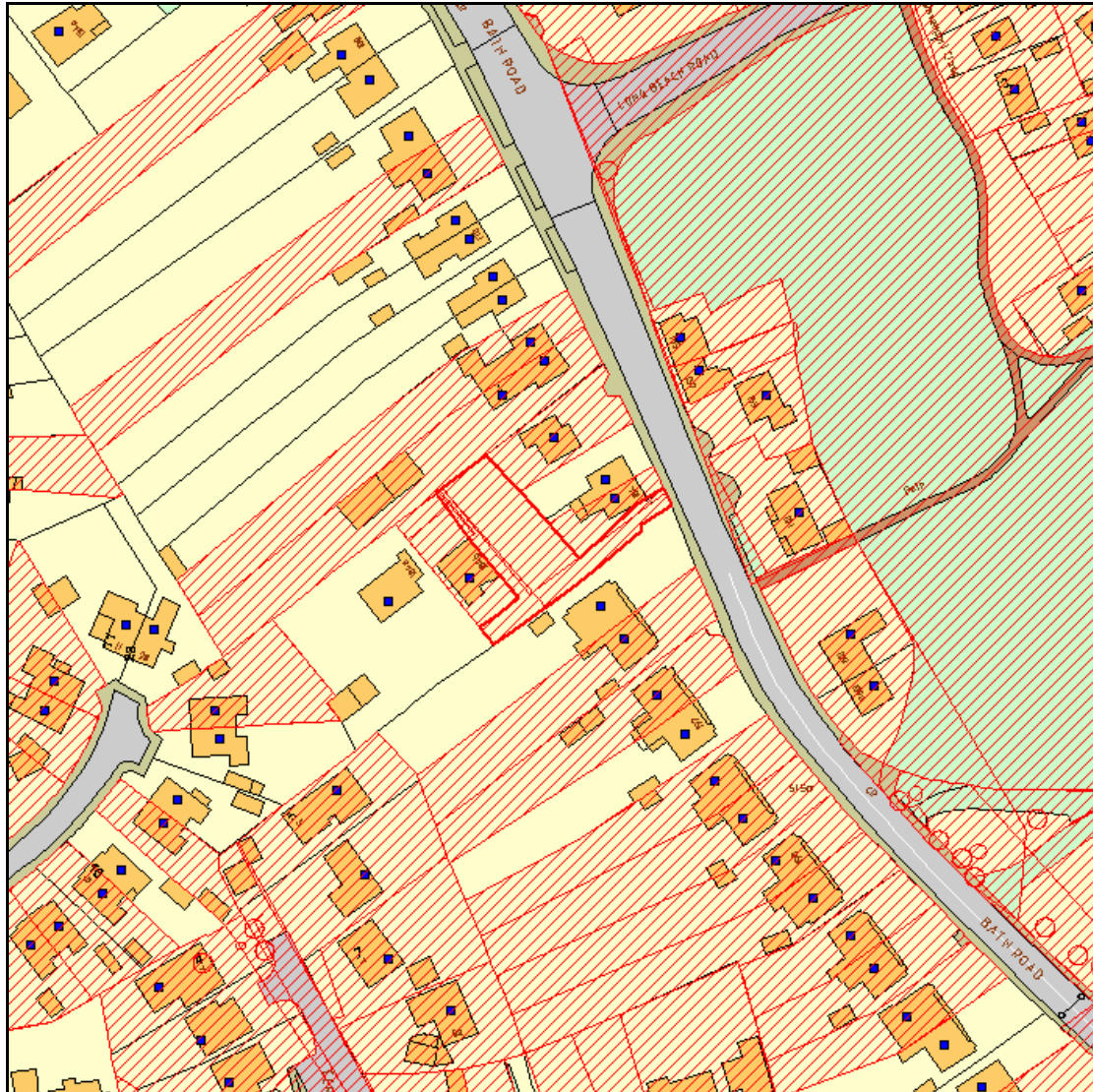
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PK09/1282/F	Applicant:	K.P. Developments
Site:	Land rear of 184 Bath Road Longwell Green South Gloucestershire BS30	Date Reg:	13th July 2009
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Hanham Abbots
Map Ref:	3659630 1708080	Ward:	Longwell Green
Application Category:	Minor	Target Date:	2nd September 2009



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N.T.S.

PK09/1282/F

This application has been referred to the Circulated Schedule due an objection raised by Hanham Abbots Parish Council and due to the receipt of six letters of objection from neighbouring residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a detached dwelling to the rear of 184 Bath Road, Longwell Green. The proposed dwelling would measure 9.3 metres wide by a maximum of 11.6 metres in depth and would have an overall height to ridge of 8.8 metres.
- 1.2 The proposed dwelling would be situated on a vacant plot of land to the rear of 184 Bath Road and adjacent to 184b Bath Road. The property would be accessed via the existing private road off Bath Road.

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 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within the Existing Urban Area
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
EP1 Environmental Protection
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4601 Erection of 1no two storey four bed house with garage. (Outline)
Approved October 1988
- 3.2 P89/4308 Erection of 1 No. four bed detached house with integral garage. Alter existing vehicular/pedestrian access.
Approved August 1989

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Object to the proposal for the following reason: The application constitutes excessive backland development and would also create additional parking

problems in an area that is already heavily congested. The access road is very narrow and would cause a traffic hazard for residents already living around this proposed development. There are already drainage problems in the area, an additional property would exacerbate this problem.

4.2 Sustainable Transport No objections

Other Representations

4.3 Local Residents

Six letters of objection have been received from local residents raising the following concerns

- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of surrounding properties.
- Loss of privacy and overlooking
- Visually overbearing
- Insufficient parking to the detriment of road safety and pedestrians
- Extra vehicular activity within the site is unacceptable.
- Site access is not in accordance with acceptable standards
- Development would exacerbate the existing problems on the A4 Bath Road where several minor accidents have occurred.
- The lane to the rear of No's 180-184 would serve as a secondary route into the drive of No. 178 where a garage of bungalow design which a change of use has been applied for in the past.
- Access to 178 unnecessary as can be accessed from the road
- Developer is hiding their identity
- Already residential development to the rear of 184 has already led to intensive backfilling.
- Further property would place an extra burden on drainage, water and energy supplies.
- Concerns about vehicular usage during construction, dust fumes, noise and smells.
- The foundations of the wall of the neighbouring property adjoining the site will be affected and may cause severe damage
- No space of bin storage on collection days.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 (a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

Concern has been raised by local residents that insufficient car parking spaces have been proposed. In addition concerns have been raised regarding the impact of the development on the A4 Bath Road and regarding pedestrian and vehicle access on the private lane.

The proposed dwelling would be accessed via the existing private access road off Bath Road, which already serves residential properties at 184a and 184b. One integral garage space and space for one car on the driveway is proposed. The parking provision would be in compliance and within the Councils required parking standards, outlined in Policy T8. The Councils Transportation Officer has raised no concerns regarding the access to the proposed development which only intensifies an existing use and as such the proposal is considered acceptable.

Residential Amenity

The proposed dwelling would be erected adjacent to and in line with No. 184b Bath Road. Abutting the north-western side boundary of the application site would be an access lane to the rear garden of No. 178 Bath Road. The proposed dwelling would be located approximately 4.5 metres away from the neighbouring property, No. 184 Bath Road, and 8 metres away from 182 Bath Road. However, at its closest point the single storey attached garage of the proposed dwelling would be located over 9 metres away from the existing rear protrusion of No. 184 Bath Road and the front elevation of the proposed dwelling would be over 12 metres away from the side elevation of 186 Bath Road. As such, by virtue of the location of the new dwelling and the distance from the surrounding residential properties, it is not considered that there are any issues of overbearing or overshadowing.

Concern has been raised regarding overlooking from the front and rear windows of the proposed dwelling. Given the location of the dwelling adjacent to No. 184b with the same outlook as this existing dwelling, it is not considered that the windows on the front elevation of the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing neighbouring dwelling. The rear elevation windows would overlook the rear garden for the property and to a lesser extent the rear garden of No. 178 Bath Road. This has however been mitigated

against with the proposed planting of trees along the rear boundary. Given the location of the first floor rear windows, set away from the boundaries of neighbouring dwellings it is considered that whilst the windows would inevitably result in some increase in overlooking, it is not considered that the proposal would result in a significant increase in overlooking or loss of privacy, to warrant the refusal of the application.

The plans show adequate private and useable amenity space would be provided to serve the proposed dwelling. The impact on residential amenity is therefore considered to be acceptable.

5.3 (b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.

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.

Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling could be accommodated on the site and as such density has been maximised.

5.4 (c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 (d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

There is a mix of housing types and ages in the vicinity. The proposed dwelling has been designed to match the neighbouring property No. 184 Bath Road. As such it is considered that the proposed dwelling is of an appropriate standard in design and reflects the character of the surrounding properties. The proposed dwelling would be located to the rear of 184 Bath Road and would not be readily visible from Bath Road. It is therefore considered that the proposal would not be harmful to the character and appearance of the street scene. Concern has been raised that the proposal constitutes as excessive back-land development. Given that No's 184a and 184b are located on land behind the main pattern of development, which fronts onto Bath Road, it is considered that the refusal of another building on this land due to it being back land development could not be justified or substantiated at appeal.

5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and 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 Councils 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 any development could commence.

5.8 Use of Energy and Sustainability

No measures proposed, beyond Building Regulations.

5.9 Improvements achieved to the scheme

None required

5.8 Other Issues

The temporary storage of the bins on the pavements on collection days would not warrant the refusal of planning permission and is common to all developments. Furthermore, there is sufficient space for bin storage within the application site. With regard to possible damage to the wall of a neighbouring property, this is a civil matter which would be addressed under non planning legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

5.11 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

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 & Country Planning Act 1990 (as amended).

2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07.30-18.00 Monday-Friday and 08.00-13.00 Saturday nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 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.

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building 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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PK09/1286/CLP	Applicant:	Mr Lock
Site:	14 Park Road Kingswood South Gloucestershire BS15 1QU	Date Reg:	13th July 2009
Proposal:	Application for Certificate of Lawfulness for the proposed installation of rear dormer to facilitate loft conversion.	Parish:	
Map Ref:	3649660 1739380	Ward:	Kings Chase
Application Category:	Minor	Target Date:	2nd September 2009



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PK09/1286/CLP

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer to facilitate a loft conversion at 14 Park Road, Kingswood. The property is a two storey semi-detached dwelling and is located within the residential area of Kingswood.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class B and Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of any parish boundaries

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

- 5.2 The proposed development consists of a rear dormer and the alteration of an existing soil and vent pipe. This development would fall under the criteria of *Schedule 2, Part 1, Class B*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof). Developments which fail any of the following criteria would not be permitted:

Class B

- (a) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The dormer would not exceed the ridge height of the existing roof.
- (b) **Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**
The dormer would be located on the rear elevation of the dwelling, this is not the principle elevation nor does it front a highway.
- (c) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) **40 Cubic metres in the case of a terrace house, or**
(ii) **50 Cubic metres in any other case:**
The property is a semi detached dwelling, the cubic content of the proposed dormer would be approximately 24 cubic metres. The proposal therefore meets this criterion.
- (d) **It would consist of or include-**
(i) **The construction or provision of a veranda, balcony or raised platform, or**
(ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**
The proposal does consist of a soil and vent pipe, this is therefore assessed under the criteria within Class G as outlined in paragraphs below under the subheading Class G.

- (e) **The dwellinghouse is on article 1(5) land.**
The dwelling is not located on article 1(5) land.

Conditions

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

The main roof of the dwelling house as existing is finished with clay tiles, the proposed dormer would be externally clad with concrete hanging tiles. It has been confirmed by the agent that the materials would be of a colour to match the existing and the plans have been amended accordingly. As such it is considered that the exterior of the proposed dormer would be similar in appearance to the main dwelling house.

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

The proposed dormer would be located approximately 20cm above the eaves height of the main dwellinghouse, therefore this condition is met.

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

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

No windows on the side elevation of the dormer are proposed.

Class G

- (a) **The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The soil and vent pipe shown on the proposed plans would extend 900mm above the dormer and ridge height of the main roof. Therefore the proposal meets this criterion.

- (b) **In the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-**

- (i) **Fronts a highway, and**
(ii) **Forms either the principal elevation or a side elevation of the dwelling house.**

The dwelling is not located on article 1(5) land

5.3 Conclusion

It is therefore considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required.

6. RECOMMENDATION

- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PK09/1307/F	Applicant:	Mr E Kennedy
Site:	63 Milford Avenue Wick South Gloucestershire BS30 5PP	Date Reg:	15th July 2009
Proposal:	Erection of 2.15m high rear boundary fence (retrospective).	Parish:	Wick & Abson
Map Ref:	3699980 1733440	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	4th September 2009



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PK09/1307/F

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a 2.15 metre high rear boundary fence, at 63 Milford Avenue, Wick. The application is retrospective, as such the fencing is already present. The fence measures 4.9 metres in length adjacent to the rear access lane and a further 2.6 metres of fencing and gates angle back away from the rear access lane to enclose the garden.
- 1.2 The property is a detached dwelling and is located within a residential area of Wick, the application site is also located within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Development in the Green Belt
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No response received
- 4.2 Sustainable Transport
No objections

Other Representations

4.3 Local Residents

One letter of objection was received from a neighbouring resident raising the following concerns:

- Breach of planning control and has harmful effect on highway safety
- Initially told by council officers that the fence was dangerous should be set back 1 metre from the highway.
- Vehicles travel down the lane at speeds greater than 50mph and oil delivery lorries and service vehicles have to use the lane.
- The fence makes accessing opposite garage difficult.
- The applicant always reverses out of the rear access gates which is dangerous.
- By erecting the fence the applicants have decreased their off street parking spaces
- Planning applications should be assessed on individual merit and not on precedence, most the walls and fences were constructed 30-50 years ago.
- Water is being discharged by a down pipe hidden by the fence.
- Most surrounding structures are 1.8 metres high, the fence in question is 2.2 metres in height.
- The developer covenanted that structures such as fences should not be allowed.

Four letters of support have been received stating the following points.

- No objections as the lane at that point is approximately the same width as at many places along its length.
- The development is the only solution to stop others trespassing onto the land.
- Development turns an area of un-secure garden and un-secure parking into an enclosed secure garden and secure parking area. Helping to alleviate on street parking.
- Development appears no different from many other surrounding constructed boundaries and is in keeping with the area.
- The positioning of the gates does not pose any more danger than previous layout.
- The development enhances the visual look of the area and is sympathetic to surroundings.
- The majority of lane users are residents, therefore lane usage and vehicle speeds are low and care is duly taken.
- The fence does not provide any worse visibility than any of the other properties.
- There are no records of accidents along the lane which demonstrates that visibility and traffic speeds are not a major safety concern

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that development should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and

surrounding area, it 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 Impact on the Green Belt

The application site lies within the designated Green Belt, where proposals must not compromise the 'openness' of the Green Belt. The application site is located within the settlement boundary of Wick. Furthermore, given the location of the boundary treatment, in combination with the fact that the majority of the neighbouring properties have existing boundary walls and/or fences of similar height and length, it is not considered that the fencing to the rear of 63 Milford Avenue would have a detrimental impact on the openness of the Green Belt.

5.3 Design / Visual Amenity

It is considered that the rear boundary fence is of an appropriate standard in design and reflects the character of the surrounding area. Concern has been raised that application should be assessed on individual merit and not on precedence. The existing boundary treatments in the surrounding area are a material planning consideration. There are walls and fences of various height and design along the rear access lane that serves Milford Avenue and Holbrook Lane, consequently it is not considered that the rear boundary fence would harm the visual amenity of the area. This is particularly the case given its location at the rear of the building, its simple design and its moderate dimensions. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.4 Residential Amenity

The boundary fence is located to the rear of the property, adjacent to the rear access lane. Given the location and scale of the fencing it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings. 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.

5.5 Highway Safety Issues

The planning application is seeking retrospective planning permission for a garden fence and a new vehicular access at the rear of property no. 63 Milford Avenue. The applicant has already erected a new 2.1m high wooden fence on his land on the boundary with the existing public highway. The height and position of the new boundary fence (for 63 Milford Avenue) is similar to those arrangements on neighbouring properties along this lane.

As part of the new boundary fence, the applicant has also installed a new gate, which provides access to a parking space. The gate is set back from edge of the road by a distance of approximately 1m. Drivers exiting new entrance would have good visibility to left of the access but visibility to the right of the

access is limited to pedestrian splay only. Whilst visibility to the right does not fully comply with visibility guidance, it is considered acceptable in this case.

Concerns have been expressed by a local resident about position of the fence and its affect on traffic movements at this location. It should be noted that the new fence is located on the applicant's own land. From the transportation officer's own site inspection, it is clear that there are already a number of other similar fences / walls constructed close to the edge of road along this lane and therefore it is felt that sufficient precedence is set for planning approval. It is important to note that this lane is primarily used by local residents accessing garages from this direction and as such, traffic volume along this lane is low including uses by a small number of service vehicles. Vehicular speeds along this lane are also low. Against this background, it is considered that there would be no additional risks by the proposal to the highway users at this location.

In view of all the above therefore, there is no highway objections to this proposal.

5.6 Other Issues

Concerns have been raised that a covenant stipulates that structures such as fences should not be allowed. This is not a material planning consideration. With regard to the concerns raised about water being discharged by a down pipe behind the fence, this is not related to the application which is for the erection of the fence only.

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 Use of Energy and Sustainability

No measures proposed

5.9 Improvements achieved to the scheme

None required

5.10 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.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PT09/1222/F	Applicant:	Mr & Mrs Lock
Site:	Carel New Road Rangeworthy South Gloucestershire BS37 7QH	Date Reg:	2nd July 2009
Proposal:	Erection of detached double garage. (Amendment of previously approved scheme PT07/0760/F) (Retrospective)	Parish:	Rangeworthy
Map Ref:	3693450 1858310	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	24th August 2009



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PT09/1222/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of a representation from a local resident which contrary to the case officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning permission for the retention of a detached double garage. The garage is approximately 5 metres in width, 6 metres in depth, and 4.8 metres in height.
- 1.2 The application site relates to a detached dwelling and its associated residential curtilage. The site location within the Rangeworthy settlement boundary.
- 1.3 This application has been submitted following an investigation into an alleged breach of planning permission.

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 Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3646/F Erection of detached double garage for Carel, New Road, Rangeworthy. Erection of 3no. dwellings with car spaces and associated works.
Withdrawn 13 February 2007
- 3.2 PT07/0760/F Erection of detached double garage for Carel, New Road, Rangeworthy. Erection of 3no. dwellings with car spaces and associated works.
Approved 25 May 2007
- 3.3 PT08/1964/F Erection of 3 no. dwellings and associated works (Amendments to previously approved scheme PT07/0760/F)
Approved 15 August 2008

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

No objection.

4.2 Local Residents

One letter of objection has been received from a local resident. The main points are summarised below: -

- a) No objection to a garage in principle, or the position.
- b) The height is excessive.
- c) Only 2 years ago our garden was open on all side.
- d) Now we have houses on the left almost on the boundary, excessively high 3 storey houses at the back with 3 metres, and now this garage to the right on the boundary which is in the order of 5.5m high.
- e) This means that from Oct to March, almost no direct sunlight falls on the bottom half of our garden.
- f) No one has taken any of our views into account in any of these applications.
- g) This garage should have been no higher than the norm that we understand is 4 metres.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

respecting the character and appearance of the existing dwelling and the surrounding area;

not prejudicing the amenities of nearby occupiers;

maintaining highway safety; and

providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

5.3 Residential Amenity

The garage is sited in the host dwellings rear garden, and is reasonably isolated from the surrounding dwellings. For instance the nearest dwellings are situated approximately 11m to the south of the site. In view of this context, it is considered that the 4.8 metre high garage does not result in a material overbearing effect or loss of light.

- 5.4 Representations have been received from a local resident (Lyndale Cottage) who claims that the height of the garage means that almost no direct sunlight falls on the bottom half of their garden. It is noted the garage would result in the reduction of some sunlight from the final third of their garden. Nevertheless, this part of the garden is significantly detached from main dwelling house, which is situated some 23 metres to the northeast of the application site. As such, it is reasonable to expect that this part of the garden would not be used for residential purposes on daily basis. For this reason, it is considered on balance, that the garage would not materially harm residential amenity through an overbearing effect or loss of light, and would accord to policy H4 of the local plan.
- 5.5 Visual Amenity
The garage is situated in the rear garden, and has adopted a simple dual-pitch roof design. The garage has been finished in render and tiles. The proposed garage is approximately 4.8 metres in height. Representations have been received from a local resident that states that the garage is excessively high and is higher than a normal garage. Notwithstanding these comments, the garage is surrounded by two storey residential development, in view of this context it is considered that the scale of the building respects the character and appearance of its locality, and would accord to policy D1 and H4 of the local plan.
- 5.6 Use of Energy and Sustainability
None.
- 5.7 Improvements Achieved to the Scheme
None.
- 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.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

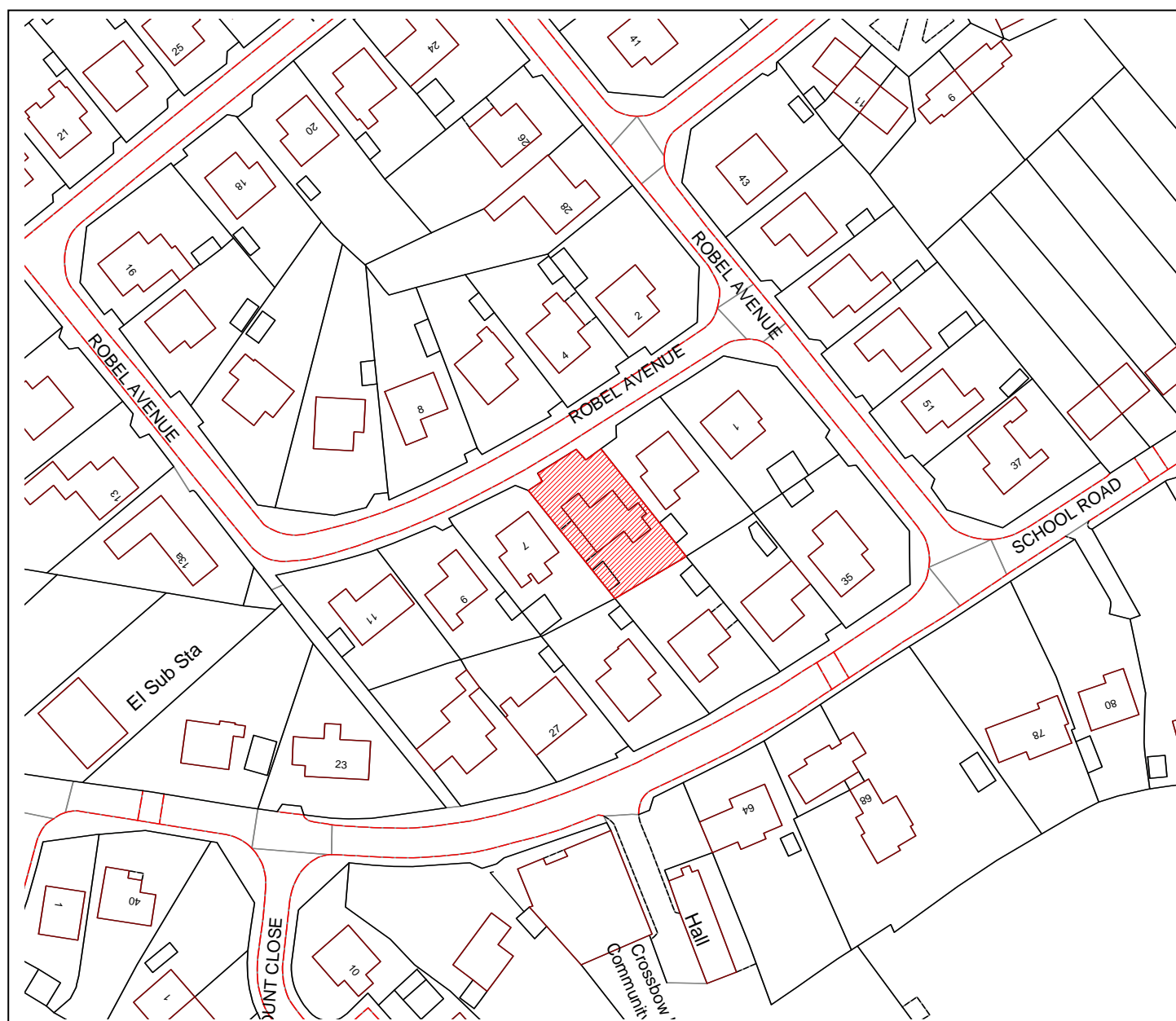
7. RECOMMENDATION

7.1 Planning permission to be **GRANTED**.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.:	PT09/1275/CLE	Applicant:	Mrs H Sanerkin
Site:	5 Robel Avenue, Frampton Cotterell, South Gloucestershire, BS36 2BY	Date Reg:	10th July 2009
Proposal:	Application for Certificate of Lawfulness for the existing use of rear conservatory and conservatory extension.	Parish:	Frampton Cotterell Parish Council
Map Ref:	66024 81907	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	31st August 2009



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100023410, 2009.

N.T.S

PT09/1275/CLE

This application appears on the Circulated Schedule list because it comprises a Certificate of Lawfulness submission.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness for a rear conservatory and rear conservatory extension.
- 1.2 The application site comprises a single storey detached dwellinghouse with accommodation in the roof located within the established residential area of Frampton Cotterell. The host property is located on the southern side of Robel Avenue.

2. POLICY CONTEXT

- 2.1 Because this application forms a Certificate of Lawfulness, the policy context is not directly relevant and therefore, it will not be determined on its planning merit. The only consideration is whether, on the balance of probability, the conservatory has been in place for a continuous period of 4 or more years.

3. RELEVANT PLANNING HISTORY

- 3.1 No site history.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The applicant seeks a Certificate of Lawfulness for the existing use of a rear conservatory and conservatory extension. The main consideration in this instance is whether, on the balance of probability, the conservatory and the conservatory extension have been in place for a continuous period of 4 years prior to the date of this application. The application is purely an evidential test irrespective of planning merit.
- 5.2 Evidence in Support of Application
The following information has been submitted in support of the conservatory having been in place for 4 years or more:

- a guarantee from 'high-tech windows limited' for the installation of the conservatory dated 07/04/98;
- a deposit acknowledgement letter dated 10/03/98;
- a letter from 'high-tech windows limited' stating that work will commence on the week commencing 23/03/98;
- a specification sheet including a plan of the conservatory dated 10/03/98, which includes the applicants details and signature.

5.3 The following information has been submitted in support of the conservatory extension having been in place for 4 years or more:

- a guarantee from 'high-tech windows limited' for the installation at the applicants address dated 09/01/03;
- a sales invoice dated 08/01/03;
- a specification sheet including a plan of the conservatory extension dated 26/11/02, which includes the applicants details and signature.

5.4 The applicant has also submitted a sworn affidavit declaring that the conservatory was constructed prior to 9th April 1998 and the conservatory extension prior to 9th January 2003.

5.5 Conflicting Evidence

No conflicting evidence has been received.

5.6 Conclusion

The evidence submitted is accepted as being true unless conflicting evidence is submitted. Given that no conflicting evidence has been submitted, on the balance of probability, it is considered that the conservatory and conservatory extension have been in place for 4 or more years. A Certificate of Lawfulness should therefore be granted.

6. RECOMMENDATION

6.1 A Certificate of Existing Lawful Use is GRANTED.

The applicant has proved that on the balance of probability, the conservatory and conservatory extension have been in position in their current form for a period of 4 years or more prior to the submission of the application.

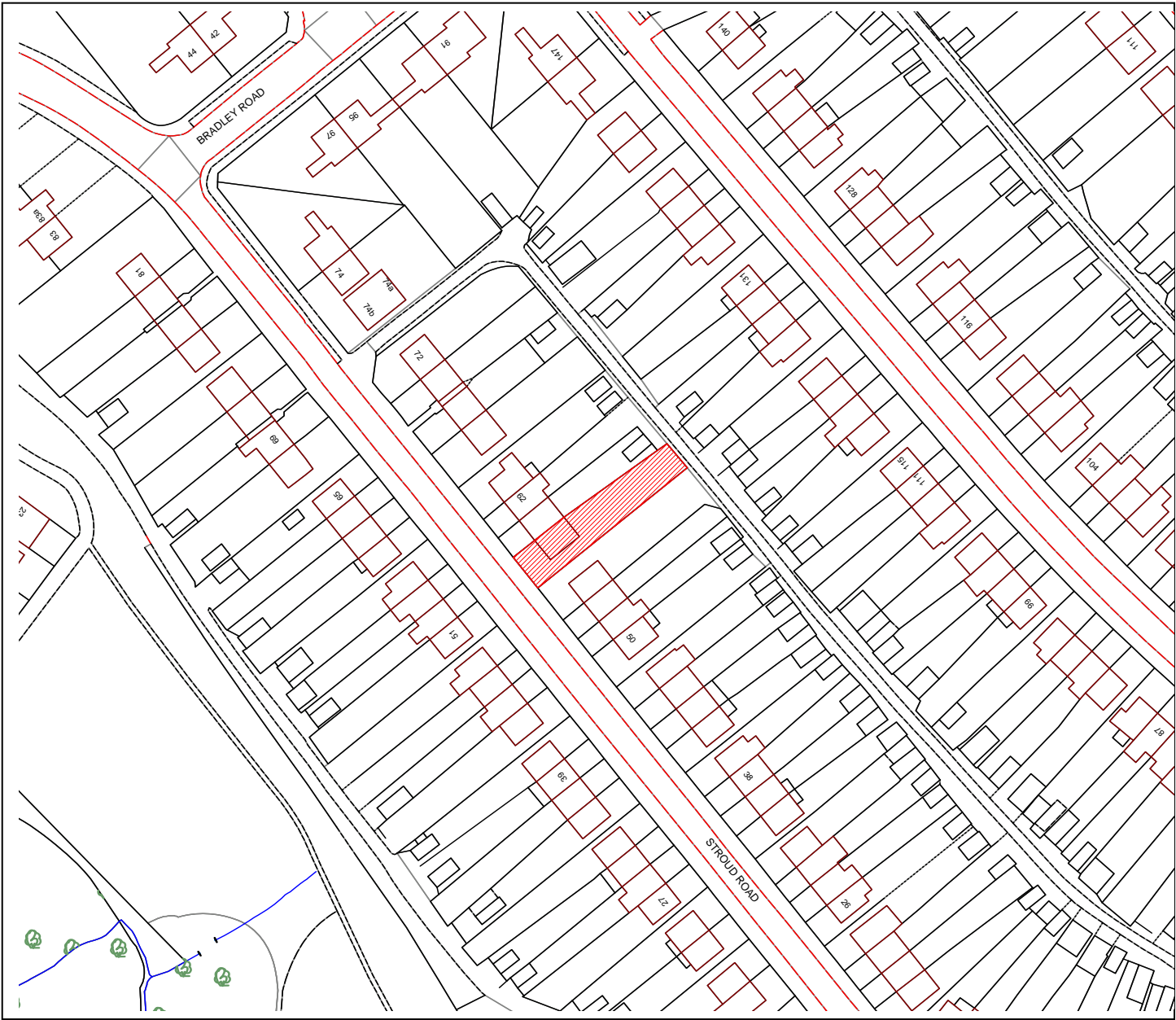
Background Papers PT09/1275/CLE

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 32/09 – 14 AUGUST 2009

App No.: PT09/1320/CLP
Site: 58 Stroud Road, Patchway, South Gloucestershire, BS34 5EW
Proposal: Application for Certificate of Lawfulness for the proposed erection of single storey side and rear extensions to form additional living accommodation.
Map Ref: 59561 81794
Application Category: Minor

Applicant: Ms S Bulger
Date Reg: 16th July 2009
Parish: Patchway Town Council
Ward: Patchway
Target Date: 8th September 2009



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 100023410, 2009.

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness submission. In addition, an objection has been received from a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application forms a certificate of lawfulness for the proposed erection of single storey side and rear extensions to form additional living accommodation.
- 1.2 The application site comprises a two storey semi detached property located within the established residential area of Patchway. The property is located on the eastern side of Stroud Road.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/1486/F, Erection of two storey side extension and single storey rear extension, 18/07/02, Approval.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a neighbouring occupier. The occupier objects to the development going ahead until the garden has been fully cleared of brambles and tidied up. The neighbour states that the brambles sometimes go through into their garden and it is an eyesore.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy, it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the recently amended permitted development rights afforded to householders. It must be ascertained whether the proposed single storey side and rear extensions fall within the criteria of Schedule 2, Part 1, Class A of the General Permitted Development Order by means of size and positioning.

- 5.2 The application site comprises a two storey semi detached property, which has its permitted development rights in tact.
- 5.3 Schedule 2 Part 1, Class A of the General Permitted Development Order (2008) allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted if:

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

The property benefits from a large curtilage as shown on drawing no. GA 001 which shows that the extensions would not cover 50% or more of the curtilage.

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

The proposed extensions are single storey in height as shown on plan no. GA 003 and would not exceed the height of the existing roof apex.

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

Plan no. GA 003 shows that the eaves height would be lower than the existing eaves height.

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

(i) fronts a highway, and

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

The extensions would be located on the rear of the property. The side extension would not extend past the principal elevation as demonstrated on plan no. GA 001.

The enlarged part of the dwellinghouse would have a single storey and—

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

(ii) exceed 4 metres in height;

The rear extension would have a depth of 2.3 metres and an apex of 3.8 metres as shown on plan no. GA 003.

The enlarged part of the dwellinghouse would have more than one storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extensions would be single storey. This criteria is not therefore, relevant.

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Although the extensions would be within 2 metres of the boundary of the curtilage, the height of the eaves would be 2.6 metres as shown on plan no. GA 003.

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,**
- (ii) have more than one storey, or**
- (ii) have a width greater than half the width of the original dwellinghouse; or**

The side extension would be 3.8 metres in height, be single storey, and have a width of 2.3 metres. The width of the existing dwellinghouse is approximately 5.3 metres as shown on plan no. GA 003.

It would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.**

The plans and description do not demonstrate that the proposal would comprise any of the above.

A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not located within a Conservation Area. The above criteria are therefore, irrelevant.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

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

Additional information received from the agent on 4th August 2009 identifies that the materials would match the existing property.

any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

The proposed extensions would be single storey.

where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extensions would be single storey.

7. RECOMMENDATION

7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Background Papers **PT09/1320/CLP**

Contact Officer: **Jonathan Ryan**

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