



**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. 05/11

Date to Members: 04/02/11

Member's Deadline: 10/02/11 (5pm)

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

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

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

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 4 FEBRUARY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/3229/F	Approve with Conditions	124 Somerset Avenue Yate I South Gloucestershire	Yate North	Yate Town
2	PK10/3542/F	Approve with Conditions	9 Fouracre Avenue Downend I South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK10/3557/CLP	Refusal	Bramble Cottage Latteridge Road Iron Acton I South Gloucestershire BS37 9TW	Frampton Cotterell	Iron Acton Parish Council
4	PK10/3574/F	Approve with Conditions	23 Downend Park Road Downend South Gloucestershire BS16 5SZ	Downend	Downend And Bromley Heath Parish Council
5	PT10/3159/RM	Approve with Conditions	Charlton Hayes Northfield Filton Aerodrome Patchway South Gloucestershire BS34 5DZ	Patchway	Patchway Town Council
6	PT10/3465/CLP	Approve with Conditions	36 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PK10/3229/F	Applicant:	Mrs Shirley Ogborn
Site:	124 Somerset Avenue Yate South Gloucestershire BS37 7SJ	Date Reg:	24th December 2010
Proposal:	Erection of 1.85m boundary wall (Retrospective).	Parish:	Yate Town Council
Map Ref:	371830 182960	Ward:	Yate North
Application Category:	Minor	Target Date:	16th February 2011



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100023410, 2008.

N.T.S.

PK10/3229/F

REASON FOR REFERRING THE APPLICATION TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the retention of a 1.85 metre high boundary wall. The boundary wall replaces a brick boundary wall that has been demolished.
- 1.2 The property is a detached bungalow situated on a on a corner of a spur road within the cul-de-sac of Somerset Avenue. Somerset Avenue is a 'Radburn' style development. The applicant states that the reason for replacing the wall is due to it being unstable.
- 1.3 The wall is currently unfinished; the applicant has stated that it is to be rendered and painted.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy

South Gloucestershire Council Core Strategy (Submission Draft) December 2010
CS1 Good Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted Aug 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P1186 Erection of dwellings (Removed PD rights)
Approved

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection. Visual appearance and material not in keeping with local area. However if rendered and painted in an acceptable colour, in keeping with the local area, it would be more acceptable.

Other Representations

4.2 Local Residents

3 letters have been received (2 from one person), raising the following points.

- Boundary walls in Somerset Avenue are constructed of brick, including replacement walls.
- The structure is out of keeping with the area.
- The wall is located in a prominent position
- The unsightly appearance is likely to have an affect of property values
- The structure exceed the permitted height for a boundary wall
- No objection, providing the wall is properly finished (painted white or yellow)
- Currently the wall is not in keeping with neighbouring boundary walls
- Neighbours have had to replace their walls with brick walls
- The objective of the purchaser was to rebuild the wall at minimum cost

4.3 Sustainable Transport

No objection.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within residential curtilages providing it is within keeping with the character of the area and subject to considerations of design, residential amenity and highway safety. Policy D1 permits development where good standards of design are achieved. This is reflected in Policy CS1 of the emerging South Gloucestershire Core Strategy Submission Draft. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

The replacement wall is located on the north and west side boundaries of the rear garden. The wall is of breezeblock construction with wooden infill panels and has a maximum height of 1.85 metres from ground level. The wall is currently unfinished; the applicant has stated that it is to be rendered and painted.

5.3 Somerset Avenue is a Radburn style development and subsequently there are many heights and styles of wall within the locality. Whilst it is accepted that most of the walls are constructed of brick, it is considered that when rendered, the wall will be of a similar colour and texture to the surrounding brick. It is recommended that a condition be attached for a sample of finished render to be submitted to and approved in writing by the Local Planning Authority. An informative will also be attached requesting that the render must match the colour of the surrounding brick in the immediate locality.

5.4 Objections have been received stating the wall is situated in a prominent

position and is out of keeping with the surrounding area. However, it is considered that when the wall is rendered with a suitable coloured render, it will result in a development that will not significantly harm the visual amenity of the area. Additionally, the Parish Council and a local resident have stated that if the wall is appropriately finished, it would be more acceptable.

5.5 The height of the wall is greater than the original, however, there are many boundary walls of similar height in the vicinity. Therefore, in respect of the design of the wall, with the height suitable for a residential setting, it is considered it is an appropriate addition to the dwelling and the streetscene.

5.6 Residential Amenity

Given the scale and location of the boundary wall, it is not considered that the wall would have any detrimental impacts on the residential amenities of the neighbouring properties.

5.7 Highway Safety Analysis

It is considered that the replacement wall will not prejudice highway safety. There are no transportation objections to the development.

5.8 Other Matters

Representations have been made regarding the possible effect of the wall on property values and also on the possible cost of the building the wall. When assessing the application, it is considered that these points will not have a material affect on the planning application. Additionally, it has been raised that the wall exceeds the permitted height of a boundary wall; with the benefit of planning permission, there is no maximum height for such a wall.

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 It has been assessed that the replacement wall, when finished, has been designed to respect and character of the dwelling and the streetscene. It is also considered that the proposal would cause any significant adverse impact in residential amenity. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is considered that the replacement wall does not impact upon highway safety in terms of visibility, and therefore it is considered that the development accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions as on the decision notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

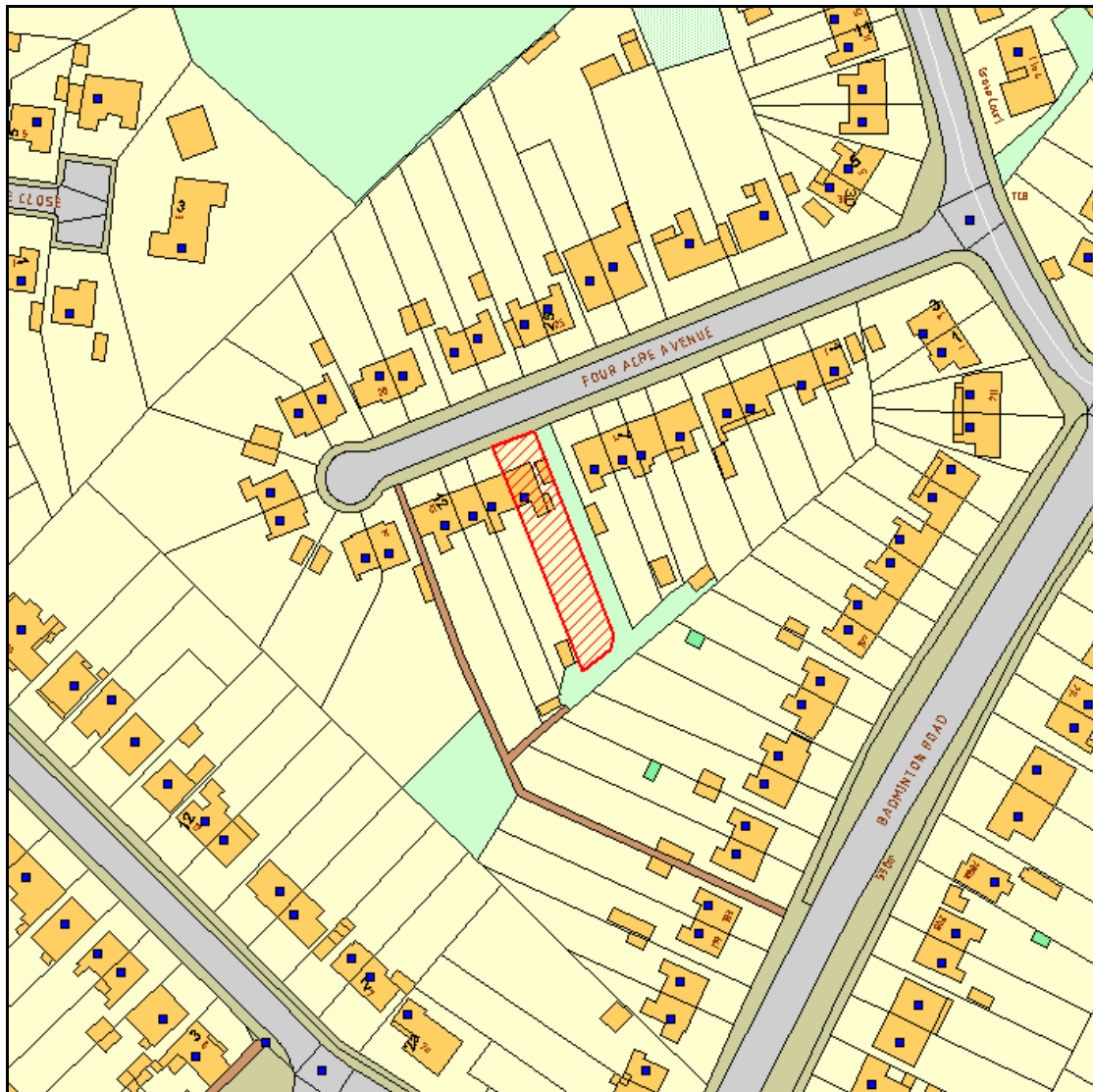
1. Within 1 month of the date of this decision, a sample of finished render to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 3 months of the date of this decision and maintained as such at all times thereafter.

Reason

In view of the materials used, the colour is essential to ensure that the wall retains a domestic appearance. In order to protect the visual amenity and character of the area and accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2007.

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PK10/3542/F	Applicant:	Mr S Krajnik
Site:	9 Fouracre Avenue Downend South Gloucestershire BS16 6PD	Date Reg:	24th December 2010
Proposal:	Erection of single storey side and rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365346 177692	Ward:	Downend
Application Category:	Householder	Target Date:	15th February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following objections being received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side and rear extension to provide additional living accommodation. The proposed single storey rear and side extension would measure 3.5 metres in depth, 9 metres wide at the rear, 3 metres wide at the front, 11.5 metres in length and achieve a maximum height of 3.5 metres.
- 1.2 The application site is a two storey end of terrace dwelling located in the residential area of Downend, Bristol.
- 1.3 Officers expressed concerns over the materials proposed for the exterior walls. Amended plans were requested to indicate a spar finish to the side and front to match that of the host dwellinghouse rather than the originally proposed red brick. These were duly received by the Council.

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 Design in New Development

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T8 Parking Standards

T12 Transportational Development Control

South Gloucestershire Core Strategy, Submission Draft December 2010

CS1 High Quality Design

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

3. RELEVANT PLANNING HISTORY

- 3.1 K7892 Erection of single storey side and rear extension
Approved 20th April 1995
- 3.2 PK09/1025/F Erection of detached double garage
Approved 10th July 2009

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
None received

Other Representations

- 4.3 Local Residents

Letters of comment and objection have been received by two local residents. These are summarised below:

- is the size of the proposal in keeping with existing properties in the area
- proposed face brickwork is not in keeping with existing spar finished property
- concerns regarding over-development due to proposed size of extension and an already existing substantial double garage
- will existing drainage be able to cope with increased capacity?
- boundary fences will have to be removed to facilitate the extension and no agreement has been made
- no agreement made for access to neighbour's property to facilitate construction
- query regarding future maintenance of guttering
- concerns regarding potential damage to neighbouring property when existing render removed during construction

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policies T8 and T12 seek to ensure that an adequate amount of off street parking is provided and that the proposed works will not detrimentally affect highway safety.

- 5.2 Design and Visual Amenity

The application site is a two storey end of terrace spar rendered dwellinghouse which currently benefits from white uPVC windows, a single detached garage to the east side and a lean to rear extension. A number of previously extended dwellinghouses are visible in the street scene. To facilitate the development an existing single storey garage would need to be demolished.

Other extensions of varying designs, sizes and styles, including two storey extensions, can be seen in the road. Although substantial in size the proposed single storey side and rear extension is not considered to be excessive.

Concern was expressed by the case officer regarding the original proposed red brick finish. This was regarded as not in-keeping with the host dwellinghouse which has a spar render finish. The application site can be clearly seen when

entering the road and it was felt that due to the size and prominence of the proposed extension a red brick finish would be out of character with both the dwellinghouse and the general character of the area. The applicant agreed to change to a spar finish along the front and east side with red brick quoin details at the corners. This will match the existing house which has red brick detailing around the front door. The rear and smaller west side will be of red brick. The amended proposal is deemed to be of a scale and design that is in character with the host property and furthermore, matches the local area.

5.3 Residential Amenity

The proposed extension will be to the east side of the existing dwellinghouse and adjacent to a lane giving access to a number of garages to the rear of properties on Fouracre Avenue. The property benefits from a long rear garden bound by 1 metre high mesh fencing to the east and three 1.8 metre high wooden fence panels, followed by 1 metre high mesh fencing to the west.

Given that the wall adjacent to the lane will have one small window which will be fitted with obscure glazing and the return elevation on the west side will have no openings in it, it is considered that there are no issues of overlooking or overbearing to consider. Furthermore, it is deemed that there are no issues of inter-visibility or loss of privacy. There are also no concerns relating to loss of daylight/sunlight and sufficient garden space will remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Transport and parking

An existing single garage situated to the east of the main dwellinghouse would need to be demolished to facilitate the proposal. A recent double garage is present at the end of the application site garden accessed via the lane adjacent to the east side of the property. In this respect the loss of the single garage does not impact on the transport and parking provision of the property. Furthermore, following the development off-street parking provision for one car on an existing driveway will remain to the front of the property.

5.5 Other matters

The comments made regarding drainage, guttering and future maintenance cannot be considered under this planning application. However, Wessex Water can be contacted with regard to drainage concerns. Access, boundary treatment and potential damage also need to be considered separately as civil matters.

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 development is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded

to neighbouring properties is protected. As such the proposal accords with Policies D1, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- 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 conditions laid out in the decision notice.

Contact Officer: Anne Joseph
Tel. No.

CONDITIONS

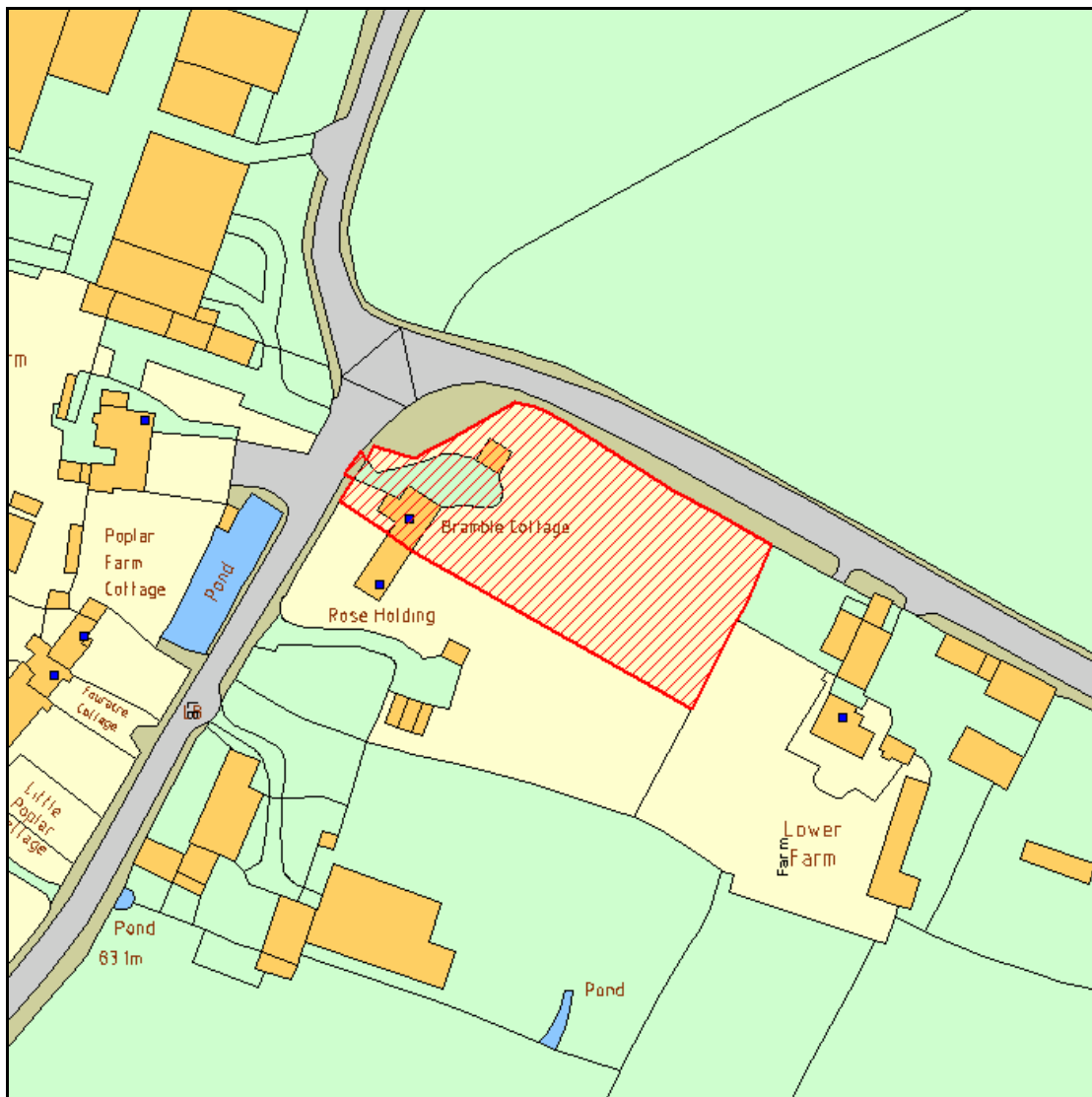
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PK10/3557/CLP	Applicant:	Mr And Mrs R Hinder
Site:	Bramble Cottage Latteridge Road Iron Acton South Gloucestershire	Date Reg:	24th December 2010
Proposal:	Application for Certificate of Lawfulness for erection of incidental outbuilding.	Parish:	Iron Acton Parish Council
Map Ref:	366585 184762	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	16th February 2011



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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 erection of a single storey detached building for use incidental to the enjoyment of the dwellinghouse, within the curtilage of Bramble Cottage, Iron Acton. The application property is a two storey semi-detached dwelling and is located outside of any settlement boundaries and within the Bristol/Bath Green Belt.
- 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.
- 1.3 If granted, the building will replace an existing detached double garage. The proposed building will contain a living room, bathroom, a double bedroom, kitchen/workshop and integral garage.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class E 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 P93/1741 Erection of two storey side extension to form dining room and cloakroom with bedroom and en-suite bathroom over.
Approved July 1993
- 3.2 PK10/0837/F Erection of first floor over existing garage and two storey side extension to facilitate conversion of existing garage to form garage and residential annexe ancillary to main dwelling.
Refused 4 June 2010.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Object to the proposal. The Parish Council consider that a planning application should be submitted rather than an application for the Certificate of

Lawfulness. The application and all the plans submitted show all the attributes of a dwelling. Also, the Parish Council would question the appropriateness of this development within the Green Belt.

4.2 Drainage

The drainage engineer objects to this application as submitted as drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated.

Other Representations

4.3 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. This legislation has an associated "Technical Guidance" published by the Government in August 2010 entitled "Permitted development for householders".

The proposed development consists of the erection of a single storey detached building. This development would fall under the criteria of Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house).

5.2 Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwelling house. The applicant is proposing a single storey detached building that would contain a living room, bathroom, a double bedroom, a kitchen/workshop and integral garage.

The view that is taken in cases such as this, is that to qualify as permitted development under Class E, Part 1 of the General Permitted Development Order, the proposal should not include any accommodation that could be regarded as adding or extending the normal living accommodation of the dwelling house. It is considered that something that is 'incidental' to the

dwelling house cannot be primary living accommodation. Page 40 of the Technical Guidance “permitted development for householders” states the following:

A purpose incidental to the dwelling house would not, however, cover normal residential uses, such as separated self-contained accommodation, nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen.

The purpose of the building as outlined on the submitted plans and in supporting information, is therefore not considered to be incidental to the enjoyment of the dwellinghouse. As such, it is considered that the proposed purpose of the building would not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and that the certificate be refused.

5.3 There are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is set within a large plot of land. The proposed building in combination with all other existing structures, excluding the main original dwelling house would not cover a total ground area exceeding 50% of the total area of the curtilage.

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

The proposed building would be located to the side of the main dwelling, and would not be situated on land forward of a wall forming the principal elevation of the original dwelling house.

(c) The building would have more than one storey;

The proposed building would be single storey.

(d) The height of the building, enclosure or container would exceed-

(i) 4 Metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or

(iii) 3 metres in any other case;

The proposed building would be situated more than 2 metres from the boundary of the curtilage and would have a dual pitched roof which is less than 4 metres in height.

(e) The height to eaves of the building would exceed 2.5 metres;

The eaves height of the proposed building would be 2.5 metres.

(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The application property is not a listed building.

(g) It would include the construction or provision of a veranda, balcony or raised platform;

The proposal would not include any of the above.

(h) It relates to a dwelling or microwave antenna; or

The proposal is for a new detached building, not an existing dwelling, and does not contain a microwave antenna.

(i) The capacity of the container would exceed 3,500 litres.

Not applicable.

E.2 In the case of any land within the curtilage of the dwelling house which is within-

(a) A world Heritage Site,

(b) A National Park,

(c) An area of outstanding natural beauty, or

(d) The Broads,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.

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

5.4 Other issues

This application is a formal way of establishing whether or not the proposal requires planning permission. Accordingly there is no consideration of planning merit and the Local Plan is not of relevance in the determination of this application, as such drainage concerns, the location of the site within the Green Belt or the request for a full planning application rather than a Certificate of Lawfulness cannot be taken into consideration in the determination of the application.

5.5 Conclusion

The proposed building in terms of scale and location meets the criteria set out in the Class E of the General Permitted Development Order, however, the purpose of the building is not considered to be incidental to the enjoyment of the dwelling house and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

6. RECOMMENDATION

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

The purpose of the proposed building is not considered to be incidental to the enjoyment of the dwelling house due to it containing living accommodation (living room, bathroom, a double bedroom, kitchen/workshop) and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. The purpose of the proposed building is not considered to be incidental to the enjoyment of the dwelling house due to it containing living accommodation (living room, bathroom, a double bedroom, kitchen/workshop) and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PK10/3574/F	Applicant:	Mr T Scott
Site:	23 Downend Park Road Downend South Gloucestershire BS16 5SZ	Date Reg:	4th January 2011
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364865 176288	Ward:	Downend
Application Category:	Householder	Target Date:	23rd February 2011



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 100023410, 2008. **N.T.S.** **PK10/3574/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report has been recommended for submission to the Circulated Schedule following an objection being received from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension to provide additional living accommodation. The proposed extension will measure 5.9 metres wide by 3.3 metres deep and achieve an overall height to ridge of 3.4 metres.
- 1.2 The application site relates to a two storey semi detached dwellinghouse situated within the residential area of Downend. The property has a metre high course of red brick starting at ground level with painted spar render above and benefits from brown double Roman roof tiles and white uPVC windows.
- 1.3 During the course of the application revised plans were submitted showing the width of the proposed extension would be reduced by 10cm, thereby allowing the existing boundary wall between the application site and No. 25 Downend Park Road to remain in place.

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 Design in New Development

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Core Strategy, Submission Draft December 2010

CS1 High Quality Design

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

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection

4.2 Other Consultees

Sustainable Transport

No comments received

Other Representations

4.3 Local Residents

An objection has been received by a neighbour. These comments are summarised as:

- concerns expressed that a recently erected boundary wall will be demolished and replaced by the side wall of the new extension
- new foundations will encroach onto neighbour's property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.

5.2 Design and Visual Amenity

The proposed rear extension will be of a lean-to design of an appropriate scale and is considered to reflect the character of the host dwelling and properties in the surrounding area. To facilitate the development an existing single storey pitched-roof rear extension will need to be demolished. The proposed extension will have brown pantiles to achieve the low pitch required for the lean-to roof and will be finished in painted render to match the walls of the host dwellinghouse.

The materials used will be of good quality and as such it is considered that the proposed rear extension is of an appropriate design and accords with Policy D1 of the South Gloucestershire Local Plan (adopted) 2006.

5.3 Residential Amenity

The proposed extension will project from the rear of the main dwellinghouse by 3.3 metres and replace an existing single storey extension currently projecting into the garden by the same length. Boundary treatment to the east comprises a 1 metre high stone wall with a 1.8 metre high fence inside the neighbouring garden of No. 21 Downend Park Road thus further screening the application site. The sides of the garden narrow to the south and the rear boundary comprises wooden fencing/ gate and part of a semi-detached single storey garage. To the west a 4.2 metre length of 2.0 metre high wall separates the application site from No. 25 Downend Park Road. This feature is part spar rendered and part brick wall. Revised plans indicate that the proposed new development will not involve the demolition of this wall and it will remain in place. No windows are proposed for the east or west elevations of the proposed extension.

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

5.4 Other Matters

One comment received from a neighbour relates to issues regarding boundary walls and the proposed foundations of the development. This is a civil and not a planning matter and as such cannot be addressed in this report.

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 proposed extension is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2007

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 conditions found in the decision notice.

Contact Officer: Anne Joseph
Tel. No.

CONDITIONS

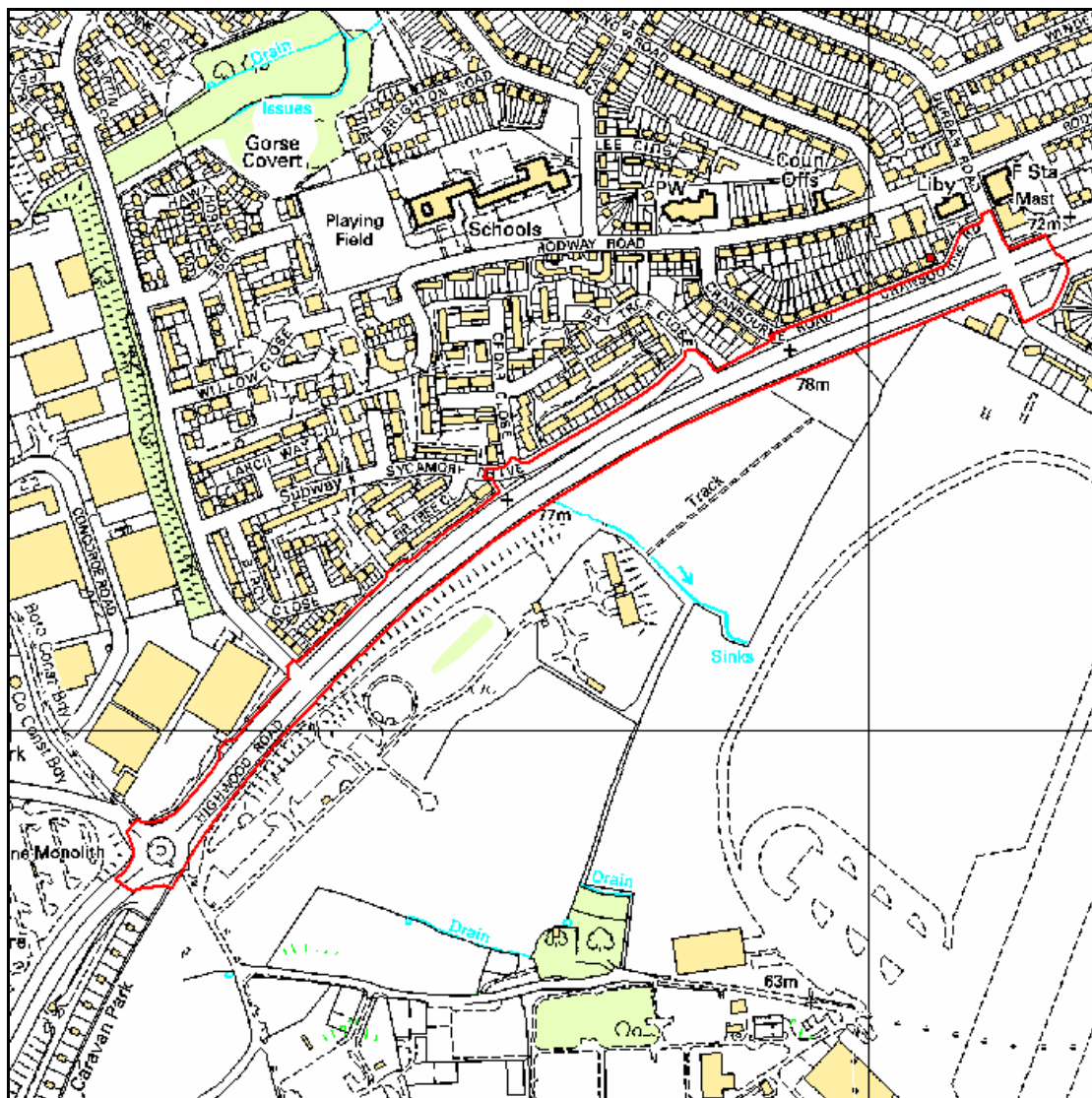
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PT10/3159/RM	Applicant:	Bovis Homes Ltd
Site:	Charlton Hayes Northfield Filton Aerodrome Patchway South Glos.	Date Reg:	19th November 2010
Proposal:	Creation of 5.49ha of Linear Park comprising infrastructure highway design, landscaping paving materials and street furniture. Approval of reserved matters (to be read in conjunction with outline planning permission PT03/3143/O).	Parish:	Patchway Town Council
Map Ref:	360063 181479	Ward:	Patchway
Application Category:	Major	Target Date:	16th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3159/RM**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks reserved matters permission for appearance, landscaping, layout and scale for the creation of a 5.49 ha linear park on Highwood Road including highway design, landscaping, paving materials and street furniture. The application should be read in conjunction with outline planning permission for the Northfield (Charlton Hayes) site PT03/3143/O.
- 1.2 The proposal includes the creation of parkland on the southern carriageway of Highwood Road, with landscaped areas (including tree planting), grass, paved areas, benches, and informal vehicular access to the properties in Charlton Hayes (from the 'side streets'), as well as pedestrian and a cycleway. The northern half of the carriageway is a dedicated bus lane with 'fast' commuter cycleways in both directions. Non-bus vehicular traffic is proposed to stop at the main 'Entrance Boulevard' to the Charlton Hayes site, with a left-in, right-out configuration, and at the other end of the site at Standing Stone roundabout
- 1.3 The closure of Highwood Road will be approved by a Traffic Regulation Order, which is legislation under the Highway Act 1980, as opposed to the assessment of this reserved matters application, which is the under the Town and Country Planning Act 1990 (as amended).

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy
M1 Site 4 Major Mixed Use Development Proposals at Northfield, Filton Aerodrome, Patchway

South Gloucestershire Core Strategy Submission Draft

Policy CS1 High Quality Design
Policy CS8 Improving Accessibility
Policy CS26 Cirbbs/Patchway New Neighbourhood

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT03/3143/O Major mixed-use development across 81.25 hectares of land comprising 2,200 dwellings, 66, 000 sq m of employment floorspace (B1, B2 and B8), 1,500sq m of A1, A2,, A3, A4 and A5 floorspace; together with the provision of supporting infrastructure and facilities including: new vehicular and pedestrian accesses to Highwood Road, new link road, public open space, primary school, community building a and hotel (C1). (Outline). Approved March 2008.
- 3.2 Condition 7 (ii) of PT03/3143/O required a design brief to be submitted and approved before the submission of a reserved matters permission for the development of Highwood Road. This was submitted in April 2010 and approved in August 2010.

4. **CONSULTATION RESPONSES**

- 4.1 Patchway Town Council
No response received

- 4.2 Other Consultees

Environment Agency

No objection

Health and Safety Executive

The HSE were consulted due to the presence of a high pressure gas pipeline on the site (that runs along the existing road on the northern carriageway).

The HSE have confirmed that the inner, middle and outer zones of the pipeline are all set at 3m and that any development beyond the 3m does not need consultation with the HSE and they would not advise against the development.

Wales and West Utilities

The pipeline is constructed in 12.7mm of thick wall steel pipe. It is recommended by the Institution of Gas Engineers that no normally occupied buildings be erected within 3 metres either side of the pipeline.

The Inner, Middle and Outer PADHI zones are all 3 metres either side of the pipeline and therefore the HSE planning advice on any development more than 3 metres from this pipeline should be 'Do Not Advise Against'.

From an inspection of the plan attached to PT10/3159/RM it would appear that all the publicly accessible uses are outside the 3m zone and the HSE advice should be 'Do Not Advise Against'.

Council's Conservation Officer

No objection

Council's Ecologist

No ecological constraints to granting planning permission.

Council's Transportation Officer

The Linear Park is a key feature of the Council's objective of integrating the two Patchway communities and has been an integral part of the planning application from the concept statement stage. The proposals therefore include removal of the southern carriageway of Highwood Road and replacing it with tree planting and green areas to encourage the existing and new residents to use the space for leisure and recreation. The northern carriageway is to stay open but the minimal traffic access will effectively eliminate any perception of severance between the existing and emerging developments.

The northern carriageway will remain open for buses as part of the alternative travel access options for the new development and, in due course, it will also form part of the North Fringe to Hengrove Rapid Transit route. Even this minimum level of traffic will be managed to ensure the absolute safety of the Linear Park users.

The Bus Link is proposed to run for approximately 700 metres along the existing northern carriageway between the existing Coniston Road junction in the west and the new Boulevard junction in the east. Access into it will be controlled by "gateway" features to discourage illegal use by general traffic. The length of the link will be self-enforcing as any car travelling along it would be immediately identifiable by any observer as illegal but additional enforcement measures will also be introduced. The speed limit on the Bus Link will be 20 mph. It will be open to pedal cyclists as a commuter route option to the recreational footway/cycleway on the southern side of the "linear park".

Some parts of the southern carriageway will be used for local access roads serving the new properties that will front the southern side of the park but it will not be possible for drivers to use these local accesses to travel along the whole length of Highwood Road.

Access for refuse vehicles, emergency services and maintenance vehicles can be direct from the bus link carriageway or from the local service roads.

The application includes amendments to the junctions at Durban Road cross roads, Coniston Road signal junction and the Standing Stone roundabout as well as the formation of a new signal controlled junction at the Boulevard entrance to the development. It is essential that the works to these junctions is closely coordinated in order to ensure safe working of the bus link and continuing access to Coniston Road, Durban Road and Callicroft Road for local residents. It is therefore recommended that a condition to the effect that prior to commencement of the works a construction management plan is submitted to

and approved by the Council. Subject to this there is no transport objection to the proposals.

Council's Landscape Officer

The design for the linear park will result in a well planned public space with good tree cover, hedge planting, lawns and regular informal seating areas along its length, which will provide a pleasant environment for pedestrians and cyclists. High quality materials are proposed, using a variety of paving types and unit sizes which should provide visual and textural interest. The park has been designed with a continuous theme along its length, punctuated with feature paving and planting at the important nodal/pedestrian crossing points.

In general the planting proposed includes a good tree structure and variety of shrubs, grasses and perennials to provide year round interest. The 'Elvedon' instant Yew hedging will provide instant structure to the scheme, separating planting beds and grass areas. Fastigate Oaks and Liquidamber are used as feature trees, with an avenue of Ornamental Pear used towards the eastern section. Generally the proposed plant species are acceptable and the specification of plant material indicated on the drawings should provide a high quality scheme. However please note the following:

Dwg.no.ACJ5425/315B shows *Rosa rugosa* next to one of the main footpath routes crossing the site. This is a very thorny species and best set back from public footpaths.

Tree planting is shown adjacent to the proposed Severnvale Hub on Durban Road (recent planning permission PT10/0283/R3F). Although the tree planting should not clash with that proposed on the Severnvale Hub site, it would be beneficial to include a Hornbeam hedge along the boundary within the Highwood Road site. This would visually contain the Severnvale Hub car-park from the linear park and provide a demarcation between the two sites.

Generally the proposed hard surfacing materials are acceptable. The use of contrasting sizes of paving units, ranging from slabs to granite aggregate setts should provide an interesting scheme.

It is considered that the hard and soft landscape proposals are generally acceptable.

Public Right of Way Field Officer

No objection

Other Representations

4.3 Local Residents

Two representations have been received from local residents objecting to the application, on the following grounds:

- Residents of Sycamore Drive, Bay Tree Close, Cedar Close and Fir Tree Close will have to drive all the way round Coniston Road to access Rodway Road or Patchway roundabout

- Residents of Patchway are being put to a great deal of inconvenience because Bovis Homes want to isolate the Northfield from Patchway to create another Bradley Stoke type area- Charlton Hayes should be part of Patchway and fully integrated
- The proposed bus lane is a relatively short length and without any enforcement will be used by local residents
- Highwood Road and Hayes Way should be used together to ease congestion at peak times
- People will not use buses to buy white goods and televisions

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of Highwood Road being used as a bus lane and a linear park was established in the outline planning permission and was set out in the Design and Access Statement that forms part of that permission. The approved Design Brief followed on from the Design and Access Statement by giving more detail in terms of implementation. The partial closure of Highwood Road and the implementation of a two-way bus lane is furthermore set out in Schedule 4 of the S106 agreement pursuant to the outline permission.

5.2 The scaling down of Highwood Road to a bus lane and footpath/cycle way has always been an integral part of the development of Northfield, since the concept statement. This evolved through masterplanning work to a linear park, which is shown on the masterplan approved as part of the outline planning permission. It has always been considered that the current dual carriageway creates a barrier between the potential new community of Charlton Hayes and that of Patchway, due to the high levels of traffic and lack of pedestrian and cycle crossings along Highwood Road itself. The downgrading of Highwood Road to create a linear park and a bus only lane, along with the development of the new link road, Hayes Way, which opened recently, is considered to help the integration of the new and growing community of Charlton Hayes and the established community of Patchway, by creating a number of safe crossing points for pedestrian and cycle routes between the two.

5.3 As such, the principle of development is considered acceptable and of considerable benefit to the growing community of Charlton Hayes and the existing community of Patchway.

5.4 Landscape and Visual Amenity

The proposed downgrading of Highwood Road and creation of a bus lane and a linear park will result in a substantial improvement in the visual amenity of the area, given that the existing environment consists of a dual carriageway. There is a central reservation with a number of street trees, the majority of which are being retained and incorporated into the design, along with retained street trees on the northern verge of the dual carriageway.

5.5 The design of the linear park consists of the creation of foot and cycle ways with some areas in soft landscaping and some in hard with a variety of materials. Whilst the Council's Landscape Officer is happy with the hard

- landscaping proposed, samples of the materials used will be required by condition to ensure quality of the development.
- 5.6 The Council's Landscape Officer has commented regarding a thorny bush (*Rosa Rugosa*) that should be set back from the footpath and this will be ensured by a recommended condition. A condition will also be recommended requiring details of the planting between the linear park and the interface between the car parking for the Severn Vale Hub, as this is not shown in detail on the plans, but is within the red line area.
- 5.7 Subject to the above recommended conditions, the landscape and visual amenity aspects of the development are considered acceptable and will result in a visual enhancement of the area.
- 5.8 Transportation
The northern carriageway of the dual carriageway is proposed to remain open for buses. The Bus Link is proposed to run for approximately 700 metres along the existing northern carriageway between the existing Coniston Road junction in the west and the new Boulevard junction in the east. Access into it will be controlled by "gateway" features to discourage illegal use by general traffic. The length of the link will be self-enforcing as any car travelling along it would be immediately identifiable by any observer as illegal but additional enforcement measures will also be introduced. The speed limit on the Bus Link will be 20 mph. It will be open to pedal cyclists as a commuter route option to the recreational footway/cycleway on the southern side of the "linear park".
- 5.9 The application includes amendments to the junctions at Durban Road cross roads, Coniston Road signal junction and the Standing Stone roundabout as well as the formation of a new signal controlled junction at the Boulevard entrance to the development. It is essential that the works to these junctions is closely coordinated in order to ensure safe working of the bus link and continuing access to Coniston Road, Durban Road and Callicroft Road for local residents. It is therefore recommended that a condition to the effect that prior to commencement of the works a construction management plan is submitted to and approved by the Council.
- 5.10 It is acknowledged that there will be some affect on the amenity of residents of Sycamore Drive with the closure of a 700m section of Highwood Road to buses only, as they will have to drive around Coniston Road to avoid it. However, given the overall improvement to the local environment with the closure of the dual carriageway and the benefits that it brings in visual terms as well as in terms of integrating the two communities of Charlton Hayes and Patchway, the inconvenience to some residents of Sycamore Drive is considered, on balance, acceptable.
- 5.11 Subject to the addition of the condition recommended above, the transportation implications of the proposal are considered, on balance, acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is concluded that the layout, landscape and design of the proposed scheme is consistent with the approved Site Wide Design and Access Statement, and the approved Highwood Road Design Brief and is therefore compliant with Policy D1, L1 and M1 of the South Gloucestershire Local Plan, the Design Checklist SPD and Policies CS1 and CS26 of the emerging Core Strategy. The proposed bus lane, cycle and pedestrian routes are in accordance with the Site Wide Design and Access Statement and the Highwood Road Design Brief and is therefore compliant with Policy T12 of the South Gloucestershire Local Plan and Policy CS8 of the emerging Core Strategy.
- 6.3 The recommendation to grant reserved matters consent 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 reserved matters consent is GRANTED subject to the following conditions.

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

1. Prior to the commencement of development samples of the hard surfacing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained thereafter as such unless otherwise agreed in writing.

Reason

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

2. Details the following shall be submitted to and approved in writing prior to commencement of development:
 - the Rosa Rugosa shown on plan no: ACJ54251/315B shall be set back from the public footpath
 - details of the planting in the interface area between the linear park and the Severn Vale Hub scheme

The development shall be implemented in accordance with the approved details and maintained thereafter as such, unless otherwise agreed in writing.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development details of any external illuminations, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

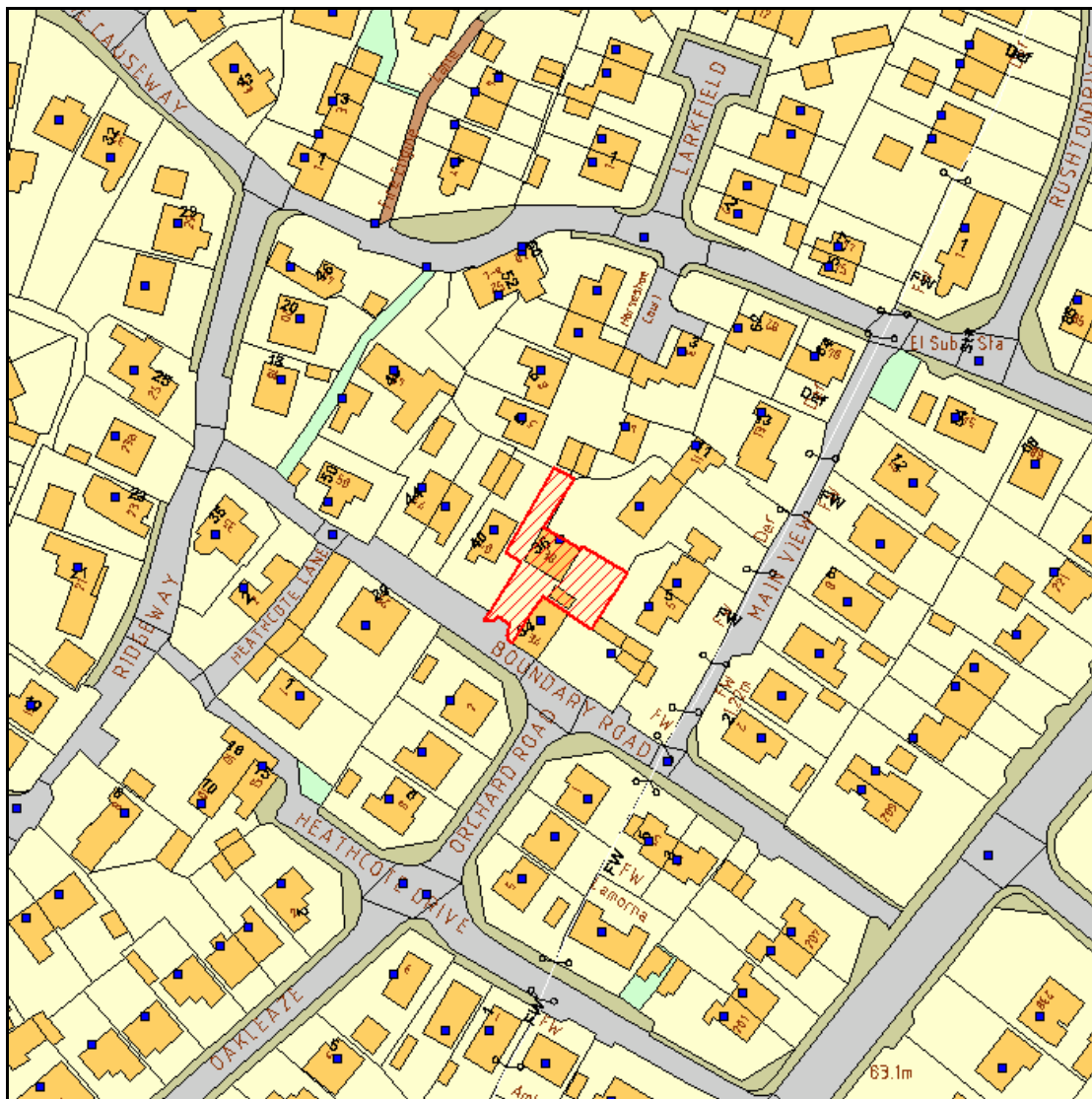
4. Prior to the commencement of development, details of a construction management plan shall be submitted to and approved in writing by the Council. The scheme shall be implemented in accordance with the approved construction management plan.

Reason

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

CIRCULATED SCHEDULE NO. 05/11 – 4 FEBRUARY 2011

App No.:	PT10/3465/CLP	Applicant:	Mr S Osborne
Site:	36 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	Date Reg:	17th December 2010
Proposal:	Application for Certificate of Lawfulness to erect single storey side extension, front porch and the construction of rear dormer.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367611 181166	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	9th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3465/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Members will recall that this application appeared on Circulated Schedule 04/11 (28 January 2011). It has been identified that there were some inaccuracies within the report. For the avoidance of any doubt, these have been amended and the application has been re-circulated to members.

1. THE PROPOSAL

1.1 The applicant seeks a Certificate of Lawfulness for:

- a. The erection of a single storey side extension.
- b. A front porch.
- c. The construction of a rear dormer.

1.2 The application site relates to detached dwelling and its associated curtilage. The site is situated within the Coalpit Heath settlement boundary.

2. POLICY CONTEXT

2.1 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO).

3. RELEVANT PLANNING HISTORY

3.1 PT10/2931/F Erection of two storey side extension, alterations to existing roof. Erection of front porch. (Resubmission of PT10/1778/F)
Split Decision – Two storey extension refused and front porch approved 24.11.2010.

3.2 PT10/1778/F Erection of two storey side extension, alterations to existing roof. Erection of front porch.
Refused 08.09.2010.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

The Planning Committee met last night to discuss 36 Boundary Road, but felt unable to comment on the Certificate of Lawfulness as they felt that they did not have the technical knowledge to understand this.

4.2 Local Residents

One letter of objection has been received in response to this application. The main points are summarised below: -

- a) the width & height of the dormer window would result in loss of light.
- b) the bedroom window would overlook the garden and would give views into the property.

5. ANALYSIS OF PROPOSAL

5.1 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, rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

5.2 A. Single storey side extension

The proposed side extension would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed side extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed side extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed side extension would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed side extension would be on the side elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed side extension would not have more than one storey.
- (g) The proposed side extension would be further than 2 metres from the boundary.
- (h) The proposed side extension would not have a width greater than half the width of the original dwelling.
- (i) The proposed side extension would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

5.3 B. Front porch

The proposed porch would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class D of the GPDO is summarised below:

- (a) The ground area (measured externally) of structural (2.1m²) would not exceed 3 square metres.
- (b) No part of the structure would be more than 3m above ground level.
- (c) No part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

5.4 C. Construction of a rear dormer

The proposed rear dormer would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class B of the GPDO is summarised below:

- (a) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the roof.
- (b) No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.
- (c) The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres (41.4m³).
- (d) The proposed rear dormer would not consist or include; a veranda, balcony, raised platform, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class B, B.2 of the GDPO.

5.6 Residential Amenity

It is acknowledged that the adjacent occupiers are concerned that the proposed dormer window would give rise to a loss of light and privacy. Furthermore, it is noted that the Local Planning Authority has refused planning permission for two previous planning applications for two storey rear extension at this property due to their impact on the adjacent property.

5.7 Notwithstanding these facts, the applicant has applied for a Certificate of Lawfulness to establish whether the proposal is permitted development under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008. This type of application solely considers whether the development would accord with the criteria permitted development and be

lawful. Thus the Local Planning Authority cannot consider the merits of the development, such as its design or its effect upon residential amenity.

6. RECOMMENDATION

- 6.1 That a Certificate of Lawfulness of Proposed Use be approved as it has been shown on the balance of probability that the proposed developments would fall within Schedule 2, Part 1, Classes A, B, and D of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does require planning permission.

Contact Officer: Peter Rowe
Tel. No. 01454 863131