



**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. 43/11

Date to Members: 04/11/11

Member's Deadline: 10/11/11 (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 you 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.

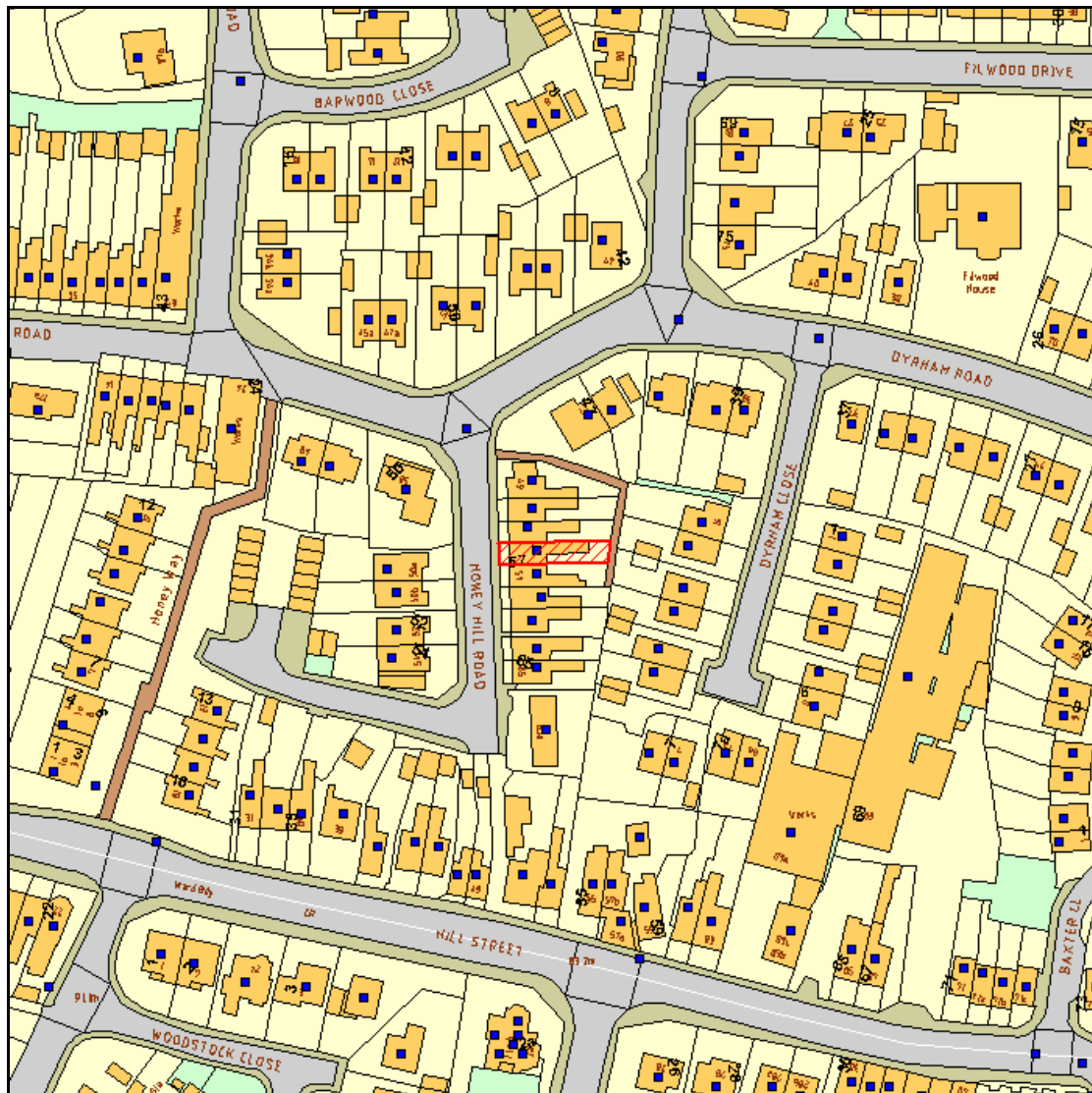
CIRCULATED SCHEDULE – 04 NOVEMBER 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/2553/F	Approve with Conditions	55 Honey Hill Road Kingswood South Gloucestershire BS15 4HN	Kings Chase	None
2	PK11/2702/F	Approve with Conditions	21 Station Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NB	Ladden Brook	Wickwar Parish Council
3	PK11/2947/F	Approve with Conditions	126 Bromley Heath Road Downend South Gloucestershire BS16 6JJ	Downend	Downend And Bromley Heath Parish Council
4	PT11/2438/F	Approve with Conditions	Land Between 4 And 5 Blackhorse Hill Easter Compton South Gloucestershire	Almondsbury	Almondsbury Parish Council
5	PT11/2912/F	Approve with Conditions	21 Rannoch Road Filton South Gloucestershire BS7 0SA	Filton	Filton Town Council
6	PT11/2948/F	Approve with Conditions	10 Charles Avenue Stoke Gifford South Gloucestershire BS34 8LW	Stoke Gifford	Stoke Gifford Parish Council
7	PT11/2962/CLP	Refusal	Lyde House Berwick Lane Easter Compton South Gloucestershire BS35 5RU	Almondsbury	Almondsbury Parish Council

ITEM 1

CIRCULATED SCHEDULE NO. 43/11 – 04 NOVEMBER 2011

App No.:	PK11/2553/F	Applicant:	Mr Kirk Elliott
Site:	55 Honey Hill Road Kingswood Bristol South Gloucestershire BS15 4HN	Date Reg:	21st September 2011
Proposal:	Erection of first floor rear extension to provide additional living accommodation.	Parish:	None
Map Ref:	365832 173791	Ward:	Kings Chase
Application Category:	Householder	Target Date:	14th November 2011



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK11/2553/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a small, mid-terrace, two-storey, dwelling house, probably early 20th C in age; located in a densely populated residential area of Kingswood. There is a single-storey extension to the rear, constructed of white rendered block with a tiled roof. There is no vehicular access into the site and all car parking is on-street. A narrow lane to the rear of the terrace is currently overgrown and impassable.
- 1.2 It is proposed to erect a first-floor rear extension to provide an additional bedroom.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open Areas
H4 - Development within Residential Curtilages
T8 - Parking Provision
T12 - Transportation Development Control Policy for New Development.
EP1 - Environmental Protection
L17 & L18 - The Water Environment.

South Gloucestershire Core Strategy Submission Draft (Dec. 2010)

CS1 - High Quality Design

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. **CONSULTATION RESPONSES**

4.1 Parish Council
Not a parished area.

4.2 Other Consultees (including internal consultees of the Council)

None.

Other Representations

4.3 Local Residents

In response to the initial round of consultations relating to the originally submitted plans; 4no. responses were received (2 from the occupier of no.51) objecting to the proposal. The concerns raised are summarised as follows:

- Not in-keeping to the detriment of visual amenity.
- Would set a precedent for similar applications.
- Loss of light and overshadowing of decking area to no.53.
- Loss of privacy due to overlooking of no. 53.
- Disturbance during construction phase.
- Rear access lane is not suitable for deliveries of building material or disposal of rubble.
- Overbearing impact on no.53.
- Would result in damp at no.53.
- Increased on-street parking.

Following the receipt of revised plans a second round of consultations was conducted to which 1no response was received raising no objection to the revised scheme and stating that there should be no disruption during the development phase.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, permits development within residential curtilages, including extensions to existing dwellings, subject to a number of criteria that are discussed below. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010 seek to secure good quality designs in new development.

5.2 Scale and Design

The originally submitted scheme proposed to erect an extension above the entire length of the existing rear extension, which would have created a two-storey rear wing 6.8m long by 2.5m wide with eaves at the same level as the terrace, hard on the boundary with neighbouring no.53. Officers considered the scale of the development to be wholly inappropriate for this small terraced property.

- 5.3 Following negotiations with the applicant, the scheme was amended to now show the first floor extension greatly reduced in length, so that it would now extend only 3.5m out from the main rear wall and above the existing single-storey rear extension. Officers note that this is a very similar scale and design to the existing extension to the rear of neighbouring no. 57. Furthermore the materials to be used in construction would match those of the existing single-storey extension.
- 5.4 Concerns have been raised about precedent and impact on visual amenity. Most of the properties within the terrace already have rear extensions of some form, albeit that they are predominantly single-storey. The proposed extension would be tucked away to the rear of the terrace and would not be visible from the public domain. Officers do not consider that the proposal would set any precedent, as any future similar proposals would be determined on their individual merits having regard to cumulative impact.
- 5.5 The scale and design of the proposal are now considered appropriate for this property and would respect the massing, scale, proportions, materials, overall design and character of the existing property and neighbouring properties. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft (Dec. 2010).
- 5.6 Impact Upon Residential Amenity
The objections received all related to the originally submitted scheme and none were received in relation to the amended scheme. Although hard on the boundary with neighbouring no.53, the proposed extension would now only be 3.5m long. Furthermore the hipped roof would help to reduce the massing of the extension, the roof ridge of which would be set 0.9m below that of the terrace. Officers are satisfied that the proposed extension would be sufficiently subservient to the host dwelling and would not result in excessive overbearing impact or overshadowing for neighbouring properties. The amount of garden space would not be reduced.
- 5.7 There are no windows proposed for the side elevation adjacent to no.53 and there would be adequate distance between facing habitable room windows to the rear. The proposed first floor, rear bedroom window, might afford some additional overlooking of neighbouring gardens but this would be from an appropriate distance and angle. Some overlooking of neighbouring property from first floor windows is only to be expected in a densely populated urban location such as this and should not justify refusal of the application.
- 5.8 A proposed first floor bedroom window would be inserted in the south elevation facing no.57, but this would be a secondary window only and would only face the blank side elevation of the extension to the rear of no.57.
- 5.9 The proposal would make efficient use of land within the urban area, which accords with government guidelines contained in PPS3. There would be no significant adverse impact on residential amenity in planning terms. It is understood that the rear access lane has been allowed to become overgrown for security purposes.

Whilst it is feasible to unblock the lane to allow access to the rear of no.55 during the development phase, it is equally feasible, for this modest development, to bring materials through the house. Any disturbance during the building phase would be temporary only and this could be mitigated for by imposing a condition to control the hours of working. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.10 Highway Issues

Parking arrangements would not be altered and it is not considered that the extension would significantly increase traffic generation in this highly sustainable location. There are therefore no highway objections to the proposal, which accords with Policies H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.11 Environmental Issues

The extension would be the subject of Building Regulation Control and existing drains would be utilised. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.12 Landscape Issues

The proposal would not affect any trees or any landscape features within or around the site. The proposal would not result in the loss of significant areas of open space and an adequate amount of garden would be retained. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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 development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extension hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy D1/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

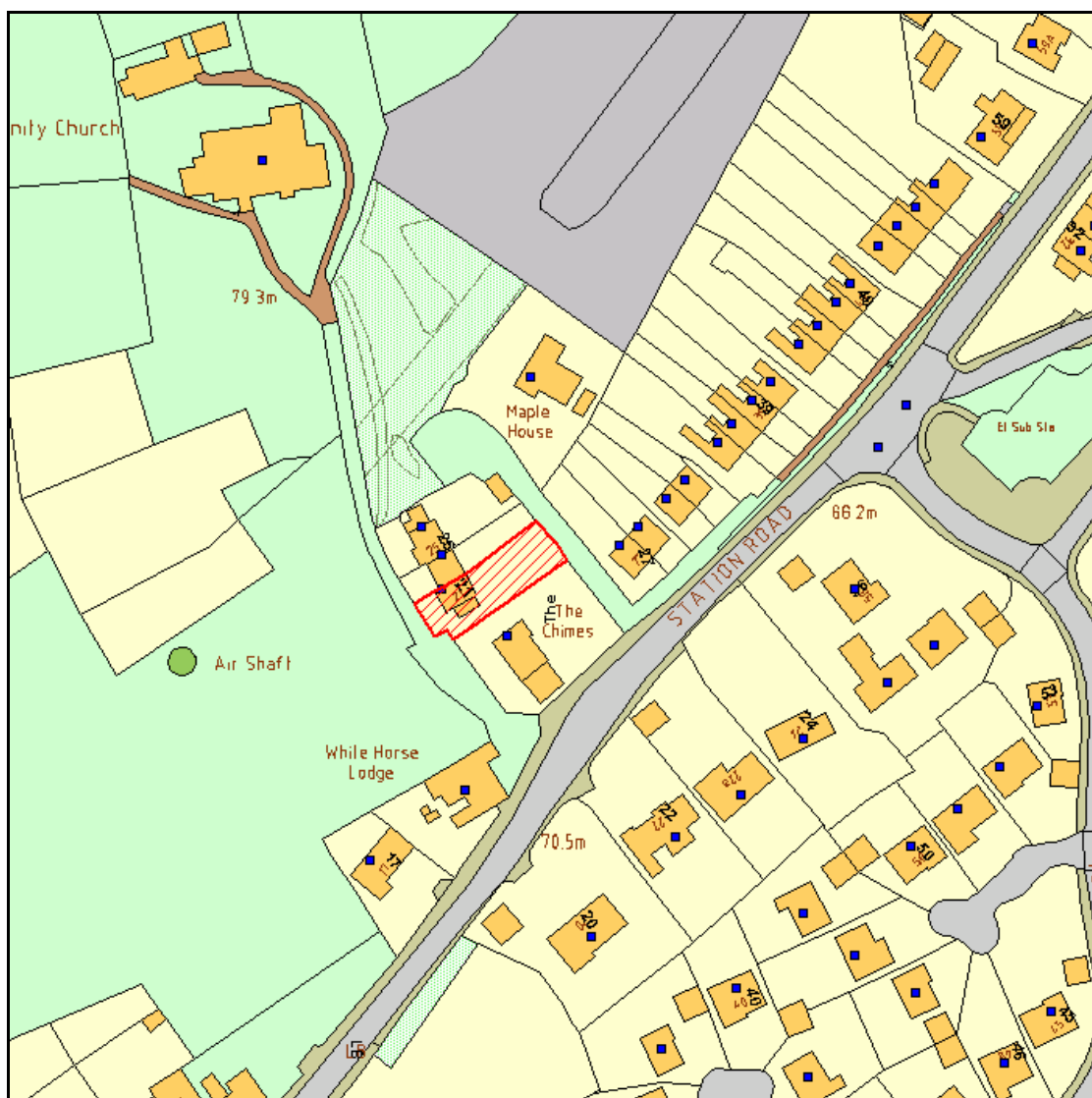
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 43/11 – 04 NOVEMBER 2011

App No.:	PK11/2702/F	Applicant:	Mr And Mrs Mason
Site:	21 Station Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NB	Date Reg:	16th September 2011
Proposal:	Erection of two storey side and single storey rear extension to provide additional living accommodation	Parish:	Wickwar Parish Council
Map Ref:	372388 188829	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	8th November 2011



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK11/2702/F

REASON FOR REFERRAL 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 The application property consists of an end of terrace two-storey Victorian cottage. It is situated in the village of Wickwar and is located via an access lane to the row of cottages and some other detached properties.
- 1.2 This application seeks planning permission for the erection of a two storey side and single storey rear extension to form additional living accommodation. The application site is situated within the Wickwar Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS5, "Planning for the Historic Environment" and Historic Environment
Planning Practical Guide (March 2010).

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1	Landscape protection and Enhancement.
L12	Conservation Areas
T8	Parking Standards
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) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2003/C Works of demolition to facilitate erection of first floor side extension over existing kitchen.
Approved 19-AUG-97.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No response received.

Other Representations

4.2 Local Residents

Two letters have been received, raising the following points:

- o Care should be taken to ensure the Arboricultural report is followed closely to ensure no damage occurs to the trees on the stank.
- o Both sets of plans seem to indicate the extended building is the same distance from the boundary fence both before and after the work has been done.
- o The proposed two storey side extension would block light to the neighbouring detached house
- o The extension would be too close to the neighbouring detached house
- o The extension would be cause privacy issues to the neighbouring detached house especially if trees are to be cut down

- 4.3 The submitted proposed floor plans and proposed elevation plans show the correct dimensions of the extension; this has been supplemented by a proposed block plan.

4.4 Drainage Engineer

No objection, subject to informative placed on the decision notice regarding sewer location.

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 site is situated within Wickwar Conservation Area. Policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area. The principle of development is therefore acceptable subject to the following detailed assessment.

- 5.2 The application property is an extended end of terrace Victorian cottage. The row of cottages is sited at the bottom of a steep hill below the level of the lane leading to Holy Trinity Church and therefore there is a large retaining wall sited very close to the side and the rear of the cottages. Beyond the wall are many trees. The cottages are within the conservation area, with the boundary

- running along the end of the front garden. The detached dwelling to the south is sited at a slightly higher level than the cottages, beyond the retaining wall.
- 5.3 Design/Visual Amenity/Conservation Area
The cottage has an existing two storey side extension that is set down from the ridge of the original dwelling and set back from the front wall of the original dwelling. The proposed two storey side extension will increase the width of the existing side extension from 2.4 metres to 4 metres in width. The depth of the two storey side extension will remain at 4.75 metres and the ridge height will remain the same. The proposed single storey rear extension will span the width of both the existing and proposed two storey side extension. It will have a lean-to roof, with a depth of 1.6 metres and a width of 3.6 metres. The roof and facing materials used in both extensions will match the host dwelling.
- 5.4 There are no conservation objections to the proposal, subject to the materials and finishes matching the existing and the proposed rooflights to be conservation rooflights. This will be secured by condition where relevant. The proposed extension is subservient to the host dwelling and is considered to be of an appropriate simple design in keeping with the row of cottages. Therefore the design of the extensions are considered to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.5 Residential Amenity
Overbearing Analysis/ Privacy Analysis
The proposed two storey side extension will not project beyond the front wall of the existing dwelling. It will increase the width of the existing extension by only 1.6 metres. The proposed single storey rear extension is relatively small in scale and is screened by the existing retaining wall that is built into the steep slope at the back and side of the dwelling. Due to this slope, the detached dwelling to the south is sited at a higher level than the application dwelling. The proposed side extension will be sited over 6 metres from the neighbouring detached dwelling. There is a steep slope with a close boarded fence on the boundary with the neighbour to the south; this can be increased to a height of 2 metres without the need for planning permission.
- 5.6 A letter has been received raising concern over the impact of the proposed extension, stating that the extension would be too close to the neighbouring detached dwelling and block the light from to this dwelling. As the extension is only 1.6 metres wide, and the application dwelling is sited to the north of the neighbouring dwelling, it is considered that the proposed extension will not create a material loss of light for the neighbouring dwelling. It is also considered that the attached dwelling will not experience an overbearing affect as the proposed single storey rear extension will be screened from the attached dwelling by the existing single storey rear extension attached to that dwelling. It is therefore considered that the proposed extensions will not have an overbearing effect on the neighbouring properties.
- 5.7 A letter has been received stating that the proposed extension will create a loss of privacy to the detached dwelling to the south. The adjacent property to the south has no openings on the side elevation closest to the proposed extensions. There is an existing first floor window in the side elevation of the

application property, however, this will be reduced to a small high level window as shown on the proposed plans.

It is therefore considered that the proposal would not cause any significant adverse impact in residential amenities by way of overbearing impact or loss of privacy.

5.8 Tree Officer

The application is supported by a comprehensive arboricultural report and implications assessment. South Gloucestershire Council tree officer is in agreement with the findings of the report in that the significant trees at the rear of the property should be unaffected by the proposed development. It is considered that if the recommendations contained within the report are followed there should be no adverse impact on the significant trees adjacent to the property, in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006. This will be secured by condition.

5.9 Amenity Space

Whilst the single storey side extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

5.10 Highway Safety Analysis

The proposed extensions will not impact upon the property's parking arrangements, located outside of the curtilage, nor will it prejudice highway safety.

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 proposed extension has been designed to respect and maintain the materials and design and character of the dwelling. It is not considered that the proposal would cause any significant adverse impact in residential amenity. The development therefore accords with Policy D1, L12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 It is considered that the development will preserve the significance of the building and the character and appearance of Wickwar Conservation Area and therefore accords with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6.4 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 set out on the decision notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Notwithstanding previously submitted details, all rooflights will be Conservation Style rooflights.

Reason

In order that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policies L12 and D1 of the Adopted South Gloucestershire Local Plan.

3. All tree protection measures are to be carried out in accordance with the recommendations contained within the submitted Arboricultural Report and submitted Tree Protection Plan.

Reason 1

To protect the character and appearance of the area to accord with Policies H4, D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

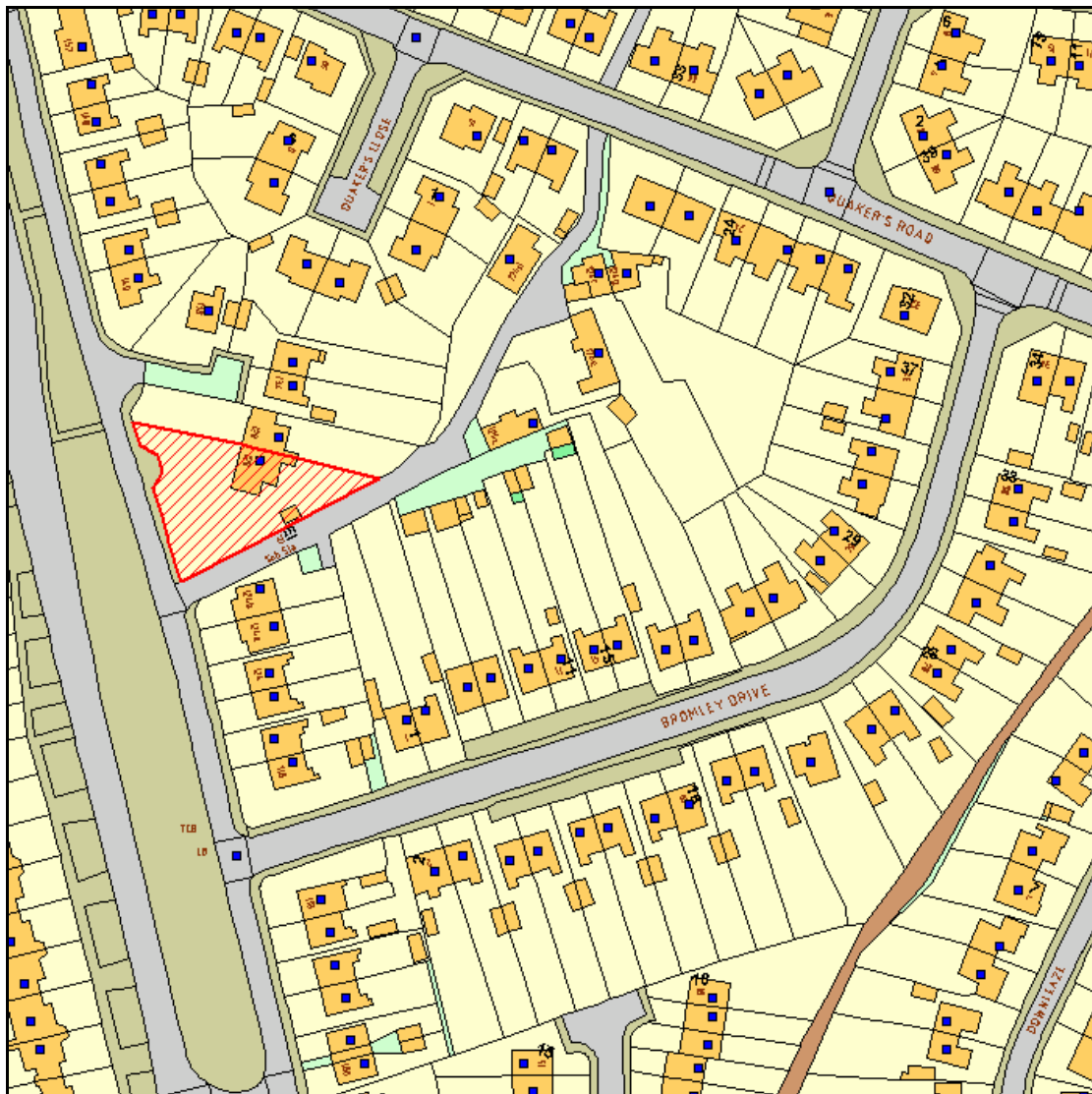
Reason 2

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 43/11 – 4 NOVEMBER 2011

App No.:	PK11/2947/F	Applicant:	Mr P Baldwin
Site:	126 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6JJ	Date Reg:	22nd September 2011
Proposal:	Erection of 1no. detached dwelling and construction of vehicle access from Bromley Heath Road associated works	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364788 177923	Ward:	Downend
Application Category:	Minor	Target Date:	14th November 2011



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK11/2947/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application seeks full planning permission for the erection of a detached three bedroom dwelling, including an integral garage attached in the side garden of No. 126 Bromley Heath Road, a semi detached pebbledash and tile property, identical with its neighbour. The residual dwelling has a distinctive cat-slide roof that sweeps down either side of the first floor windows to connect with a full width projecting ground floor element.

1.2 The site is currently the side garden bounded to the south by an access road leading to detached dwellings to the rear. The site fronts a service road set back from Bromley Heath Road with a wide grass strip dividing them. The street scene is predominantly semi detached properties, but No. 126 and its other semi occupy a more withdrawn position than is generally evident and at an angle to the established street scene. The proposal is for a detached dwelling in three elements: the main part of the house, featuring bay windows, a subservient two storey element, set back and set down and finally a single storey garage element, smaller again. This design reflects the triangular shape of the site. A separate access, with turning area was originally proposed to stand next to the existing access for No. 126. Amended plans were received and re-consulted upon to show that a shared access for the host and proposed dwellings would be created, reducing the size of the proposed on site manoeuvring area, while maintaining the number of parking spaces..

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within residential cartilages
T8 Parking Standards
T12 Highway Safety

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design
CS17 Housing diversity

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection. Following re-consultation, the Parish still had no objection.

4.2 Other Consultees (including internal consultees of the Council)
Sustainable Transportation

The site currently accesses onto a service road and the proposed new access will be adjacent to it. As such the accesses will not interfere with through traffic on the main carriageway. From the planning application form the existing property has 2 parking spaces and once the new three bed residence is complete a total of 5 parking spaces will be provided. This is within the SGC T8 Policy guidance. The revised plan sent 17/10/11 shows the new location of the five parking spaces, which removed the previous highway concerns with this proposed application.

Environmental Protection

No objection in principle but recommend a condition limiting construction times.

Technical Services

No objection in principle, subject to the use of conditions regarding sustainable drainage details and permeable paving of the parking areas.

Other Representations

4.3 Local Residents

2 letters of objection have been received, citing the following concerns:

- How will the builders deal with parking and deliveries to site so that access to the lane at the rear is not affected?
- Will the building times be restricted to 0800 to 1800 and no working at weekends?
- What are the proposals for the boundary wall with the lane?
- What will happen to the condition of the lane?
- What provisions will be made that the green opposite the property is not damaged during the works?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the urban area and therefore the principle of residential development is acceptable, subject to the following analysis:

5.2 Impact on Residential Amenity

The proposed dwelling would stand to the side of the existing semi-detached property on site, set slightly forward of the front building line of the host dwelling. Windows are proposed to face front and back. It is not considered that the proposal would give rise to any overlooking of rear gardens that would worsen the current pattern of overlooking and that it would not have any overbearing impact on any neighbouring property, including the host dwelling. This proposed dwelling itself is considered to have no impact on residential amenity.

With regard to the amenity space for each dwelling, the residual house would have some 82 square metres of private space in its remaining rear garden and

the new three bedroom dwelling some 60 square metres. These space standards are considered to be acceptable, given that a similar amount of further amenity space, admittedly not as private but still screened, is also available at the front of the site. It is considered that the proposal would have no adverse impact on residential amenity and accords with policy H4 of the Local Plan in this respect.

With regard to the point raised over construction hours through the consultation process, a condition limiting these hours has been suggested by Environmental Protection and appears below, in order to preserve residential amenity.

5.3 Design/ Visual Amenity

A Design and Access Statement has been submitted to accompany the proposal. The scale of the proposed dwelling is considered to accord broadly with the host dwelling and is appropriate to the street scene. It is a little higher than the host dwelling due to it being a two storey house and not a chalet bungalow, but would be read in the street scene, due to the reserved position of the dwellings as similar in scale. The materials selected would match the host dwelling in general terms and a condition below requires the submission of samples. The design is considered to respect local distinctiveness in respect of scale, materials and detailing. The garage would, appropriately, match the house to which it would be attached. It is considered that the design of the proposal is appropriate and accords with policy D1 and the relevant part of policy H4 of the Local Plan.

5.4 Transportation Issues

As the Transportation comments at 4.2 above show, the parking provision is considered to be acceptable in order to avoid generating on street parking and the manoeuvring area is satisfactory to allow vehicles to enter and exit the site in forward gear. It is considered therefore that the proposal accords with policies T8 and T12 of the adopted Local Plan. A condition below ensures that the parking will be provided before the first occupation of the new dwelling. With regard to the parking of builders' vehicles, there is no reason to assume that this could not take place on site, without compromising the building works, as there is adequate space available in front of the proposed dwelling. The situation with builders potentially using the green for parking is no different than any other vehicles being parked on it at present and is not directly a planning matter, as it is controlled through other legislation.

5.5 Other Issues

The consultation process has raised other issues not addressed above. In regard to the proposals for the boundary wall with the lane at the side of the site, no works are part of this proposal. As the lane carries vehicular traffic, any boundary treatment of a height over 1 metre above ground level will require planning permission. It seems most likely that the existing wall would be retained out of convenience. With regard to the condition of the lane, this is irrelevant to the proposal. Access would be derived from the front of the site, shared with the existing dwelling and therefore the proposal would not directly affect the access lane to the side of it.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension would create a well designed new dwelling. It would provide adequate off street parking and adequate, private amenity space for both the proposed and residual dwelling, without affecting existing standards of residential and visual amenity or highway safety. The proposal accords with policies H4, D1, T8 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the plan hereby approved shall be provided using a permeable surface 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to 0730-1800 Monday to Friday; 0800-1300 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

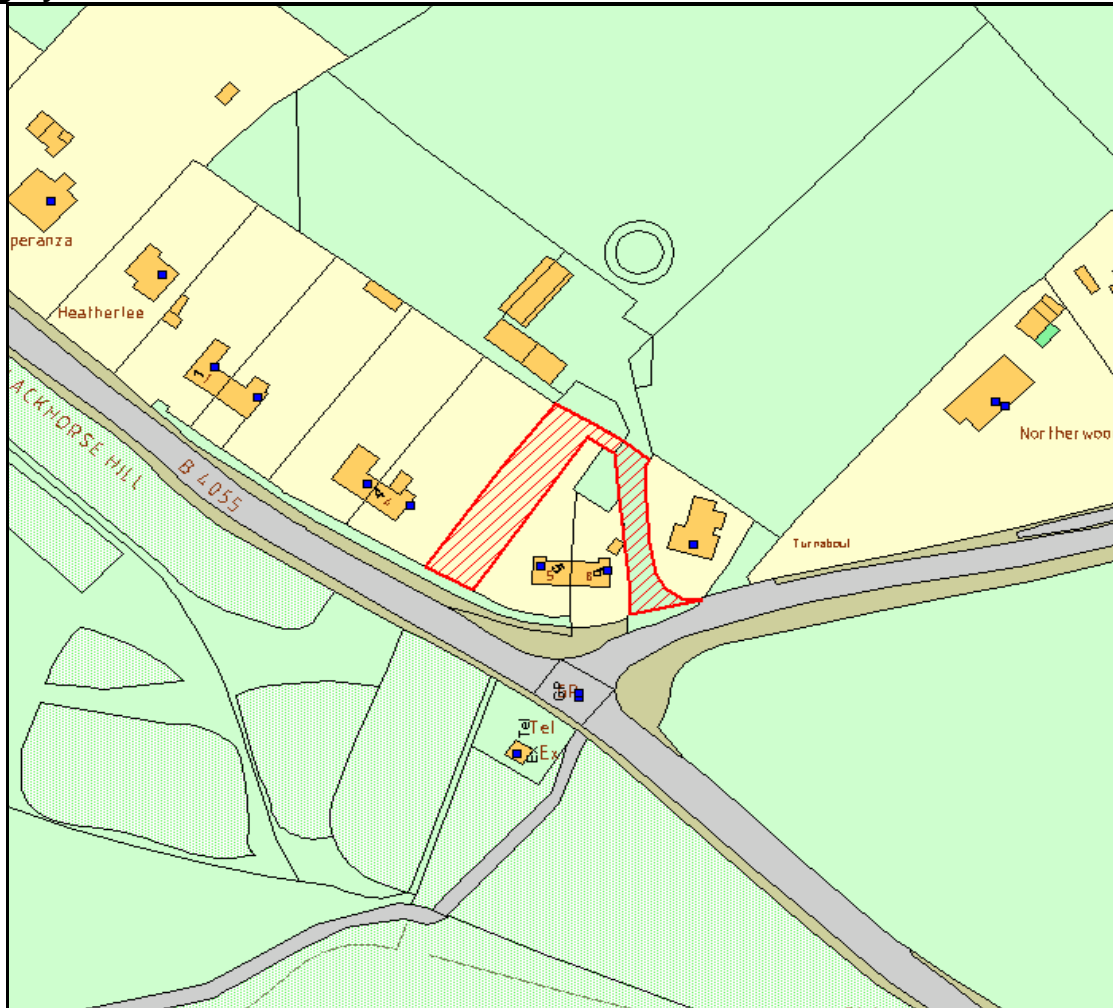
Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 43/11 – 4 NOVEMBER 2011

App No.:	PT11/2438/F	Applicant:	Mr Jeremy Davies
Site:	Land Between 4 And 5 Blackhorse Hill Easter Compton Bristol South Gloucestershire BS35 5RR	Date Reg:	3rd August 2011
Proposal:	Erection of 1 no. detached dwelling, with landscaping, garage and associated parking. (Amendment to previously approved scheme PT09/0568/F to add obscure glazing windows to side, WC window moved to front elevation and installation of lower level glass balustrade to rear) (Retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	357680 182005	Ward:	Almondsbury
Application Category:	Minor	Target Date:	23rd September 2011



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT11/2438/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated to Members as a result of objections from neighbours which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application is for the erection of a house within the settlement boundary of Easter Compton. Easter Compton settlement is washed over by green belt.
- 1.2 The application seeks planning permission following the commencement of development pursuant to planning permission being granted for a single house under application PT09/ 0568/F. The works commenced on were started before the discharge of pre-commencement conditions and the works commenced involved certain differences from the approved scheme. The differences established between the approved scheme and that commenced on site are set out below:
- New door on side elevation facing 5 Black Horse Hill
 - Additional windows both sides, all obscure glazed
 - Fence height changed from 1.8m to up to 2.4m
 - Obscure glass to part of rear elevation
 - Number of bedrooms has increased from three to four and the first floor area is increased by the removal of the feature ground to roof level void.
 - Height of building from the rear elevation has been raised
 - The chimney has been made external
 - Shortening of the over hang of the asymmetrical roof.
- 1.3 However the purpose of this application is to consider the impact of the proposed development rather than to dwell on the alterations since the previously approved scheme.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS2	Green Belt
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development
H4	Development in residential curtilages
H6	Affordable Housing
T7	Cycle Parking
T8	Vehicle Parking
T12	Transportation Development Control Policy

LC2	Education Provision
L1	Landscaping
L5	Open areas within the defined settlement
GB1	Green Belt

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1	High Quality Design
CS9	Environmental Resources and Built Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

3. RELEVANT PLANNING HISTORY

P98/1330 Residential Development (Outline).

PT02/0510/R3O Residential development on 0.1 hectares of land to form one dwelling. (Outline) Deemed Consent

PT09/0568/F Erection of one detached dwelling and associated works Approved

PT11/0727/F Erection of 1 no. detached dwelling, with landscaping, garage and associated parking. (Amendment to previously approved scheme PT09/0568/F to add obscure glazed windows to side, WC window moved to front elevation and install balcony to rear) Withdrawn

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No objection

4.2 Other Consultees

Tree Officer
No objection

Environmental Protection
No objection but suggest good practice construction sites informatives be attached to any consent.

Highway Officer
No objection

Drainage Engineer

No public surface water sewer is available. Subject to a scheme of suds being implemented – no objection. The applicant has submitted sufficient detail to discharge the drainage condition imposed on the previous application and in order to satisfy drainage matters on this application.

Other Representations

4.3 Local Residents

- a) Height of the building is too high and dwarfs No 5 considerably. It does not fit in with the skyline of the existing houses.
- b) Do not want the 2.15m high fence.
- c) Loss of privacy in the garden.
- d) Requests obscure glazing to be put into own side door and window
- e) Due to being built on a 1.3m base (not previously disclosed) the building does not fit the existing landscape of other houses. The house does not step down the hill like the other houses.
- f) Looks like a block of flats
- g) The fence should be 3.1m high to equate to the previous house and a 1.8m high fence but the writer believes that 2.8 metre boundary fence (to be mutually agreed between No 5 and the applicant. The developers have verbally agreed that a three metres high fence can be installed but this is not shown on the plans.
- h) Fence should be tapered off from 2.4m down to 1.8m past the tree.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 This application results from alterations undertaken to a previous scheme. On commencement of the build the site was cleared and the base level of the building was taken from the highest point on what now appears to be a reasonably sloping site. This created a distinct disparity between the floor level at the rear of the house and the outside ground level at the rear of the house. This application seeks to amend the previous application and in doing so regularise the works undertaken to date.
- 5.2 The site lies within the development boundary of Easter Compton which is a washed over settlement where infill housing is acceptable in principle. The situation regarding Green Belt has not changed since planning application PT09/0568/F was approved. Whilst the height of the house appears to be higher than anticipated it does not encroach on the green belt as they are clearly within the settlement boundary and will not have a materially greater impact on the visual amenity of the greenbelt than the existing approved dwelling. As such the application is appropriate development and does not conflict with policy GB1.
- 5.3 Policy H2 of the Local Plan permits such development providing that criteria relating to environmental and transportation effects, residential amenity and density considerations and provided that the site would not be subject to unacceptable pollution or place undue strain on public facilities. In addition to this Policy H4 seeks to ensure that the proposal respects the surrounding

character and that adequate private amenity space is provided for any new dwelling.

5.4 As such the principle of the residential development is acceptable subject to further consideration under the following headings:

5.5 Layout and Design

The house is bounded on each side by hipped roof semi detached houses and to the rear is open fields. Access to the site is from Over Lane and directs vehicles to the rear of the site, although the proposed house would, as the neighbours do, front onto Black horse Hill. The house is located centrally within the width of the plot, allowing modest access to each boundary and generally in line with the frontages of the neighbouring houses. This is not dissimilar to the approved scheme, although the chimney on the west elevation is now proposed to be expressed instead of internal.

5.6 The house has an asymmetrical roof form where the front roof slope finishes at a higher location than the rear roof slope. This is similar to the approved scheme but the submitted scheme now shows that the 350mm overhang to the roof will be reduced to a 50mm overhang, thus reducing the height modestly and reducing the visual prominence of the roof. The house is located behind an embankment of shrubs and small trees and would not be clearly visible from directly in front of the house. However this building will be seen on approach to Easter Compton from Cribbs Causeway and more prominently by neighbours. Whilst the proposal does appear to be taller overall than the originally approved scheme it is not considered to have a detrimental impact on the visual amenity of the surroundings nor is it so materially different in the street scene as to warrant the refusal of the application on it's wider visual impact. The impact on neighbours is considered separately below.

5.7 A garage is shown to be located in the rear garden in the same place as the approved scheme where the detail of the garage were approved. The garage is not considered formally in this application.

5.8 In light of the above the findings the application complies with policy D1 of the Local Plan.

5.9 Privacy and Residential amenity

Whilst changes have been made to the submitted scheme which have added three new openings in the south-east elevation and an additional window has been added to the north-west elevation, these are all proposed to be obscure glazed and where appropriate a 2.15m high fence is proposed to prevent overlooking from the kitchen door and high level window. A major change to the internal layout of the first floor has been shown which increases the number of bedrooms from three to four by using the area previously approved as a void area on the rear of the house and a further area of window is proposed in the rear elevation. Given that the house has an asymmetrical rear elevation, the result of access to the first floor windows would have been to facilitate direct view from a bedroom directly into a bedroom with a side facing window at No.4 Black horse Hill. However the proposed scheme seeks to obscure this north

facing window and utilise the east facing window in the room for its means of escape and airflow.

The height of the finished floor level above the external ground level of the rear garden causes a potential issue of direct overlooking. It is generally accepted that it is unreasonable to prevent overlooking of the whole of a domestic garden but that the occupiers of a dwelling may expect their privacy inside the home and possibly a modest area of ground close to the rear elevation of a house may be protected from being overlooked. The gardens adjacent to this site are bounded by low wire mesh fencing and each can be easily viewed from the rear parking area. As such views out of the proposed house, towards the rear gardens adjacent to the site, can be reasonably expected. It is not considered that the view would cause a material loss of privacy. The view out of the north facing window at ground floor, similarly to that at first floor, would cause overlooking into the neighbouring house at No.4 Blackhorse Hill and as such this window is also proposed to be obscure glazed.

As such the scheme being considered would not cause overlooking and the windows shown to be obscure glazed can be adequately secured by appropriate glazing and opening conditions. The neighbours at 4 Blackhorse Hill have requested that the fence adjacent to their home is raised to 3.1m but this is not required to protect the privacy and amenity of that neighbouring household, particularly as obscure glazing is incorporated into the design of the scheme.

With regard to the mass of the proposal it is clear that the proposed house, now built to such a point as to see the scale of the proposal in relation to the neighbouring houses, is taller at the rear than it was intended to be in the approved scheme. It is also clear that the result of the taller building is most prevalent on the north west corner of the proposed dwelling near to 4 Blackhorse Hill and to a lesser degree on the north-east corner closest to 5 Blackhorse Hill. The question to be asked here is whether the occupiers of No 4 or 5 Blackhorse Hill are unduly prejudiced by the height of the proposed house. Given the distances between the houses and the general feeling of space around each of the neighbouring properties it is not considered that the mass of the proposed structure would have an overbearing impact on those neighbouring properties. It has already been shown above that the privacy of the neighbouring houses is not materially affected.

5.10 Access and Transportation

The access and parking arrangements have not changed from the satisfaction of the transportation team and fall with the maximum parking standards of the Local Plan. As such the parking and access issues of the site are considered acceptable.

5.11 Education

Policy LC2 of the Local Plan seeks to secure provision or contributions to ensure that educational facilities are available for the future occupiers of the development proposed. The proposal is not considered to previous application secured contribution towards two secondary school places by means of a

unilateral undertaking dated 2 March 2009. However as time has passed the school age demographics have changed in this area and there are sufficient secondary school and other school places to provide for the likely inhabitants of these four houses. As such no education contribution is required.

5.12 Affordable Housing

Policy H6 seeks that in Rural settlement areas a development of five or more new dwellinghouses or a site area of 0.2Ha triggers the requirement for affordable housing provision. Policy H6 of the adopted plan seeks 33.3% of the units to be provided as affordable housing.

5.13 This site falls under both the site size and dwelling number threshold and as such no affordable housing is required from this site.

5.14 Other matters

The neighbour at 5 Blackhorse Hill has requested that the developer change the writers own glazing. This is not something that a planning application can enforce and in any case the mitigation measures of fencing and obscure glazing have prevented direct overlooking from the proposed house into that neighbouring property.

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.

- 1 The proposal has been designed to be in keeping with the general character of the area taking into account the design, siting, height and materials of the surrounding area – Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- 2 The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 3 The proposal would not harm the Green Belt – Policy GB1 South Gloucestershire Local Plan (adopted) January 2006; Development in the Green Belt SPD.
- 4 The access and parking facilities are appropriate to the site and accord with policy –T7, T8, T12 South Gloucestershire Local Plan (adopted) January 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 planning permission is granted subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan 3404/03 Rev A hereby approved and the details of the garage as detailed on plan 3067/015 (approved under planning application PT09/0568/F) shall be provided before the building is first occupied, and thereafter retained for that purpose.

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

2. This development shall proceed in accordance with the details of drainage agreed by condition previously in planning application PT09/0568/F.

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details and having regard to condition 4 attached to this consent. The works shall be carried out prior to the occupation of any part of the development or during the next appropriate planting period.

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

4. The height and location of fencing as shown on the Site Plan 3404/03 Rev A, and having regards to the exceptions set out below, shall be installed prior to occupation of the dwellinghouse hereby permitted and thereafter maintained.

1) The 2.15m high fencing on the boundary adjacent to 5 Blackhorse Hill shall commence at the location of the side gate and run rearwards to the point indicated on the drawing.

2) The 2.15m high fencing on the boundary adjacent to 4 Blackhorse Hill shall commence immediately behind the family room window and run rearwards to the point indicated on the drawing. The fence shall then be stepped down to 1.8m.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development samples of the roofing and timber boarding (including the finish) 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.

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

6. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the windows shown in the side elevations of the dwelling house proposed shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

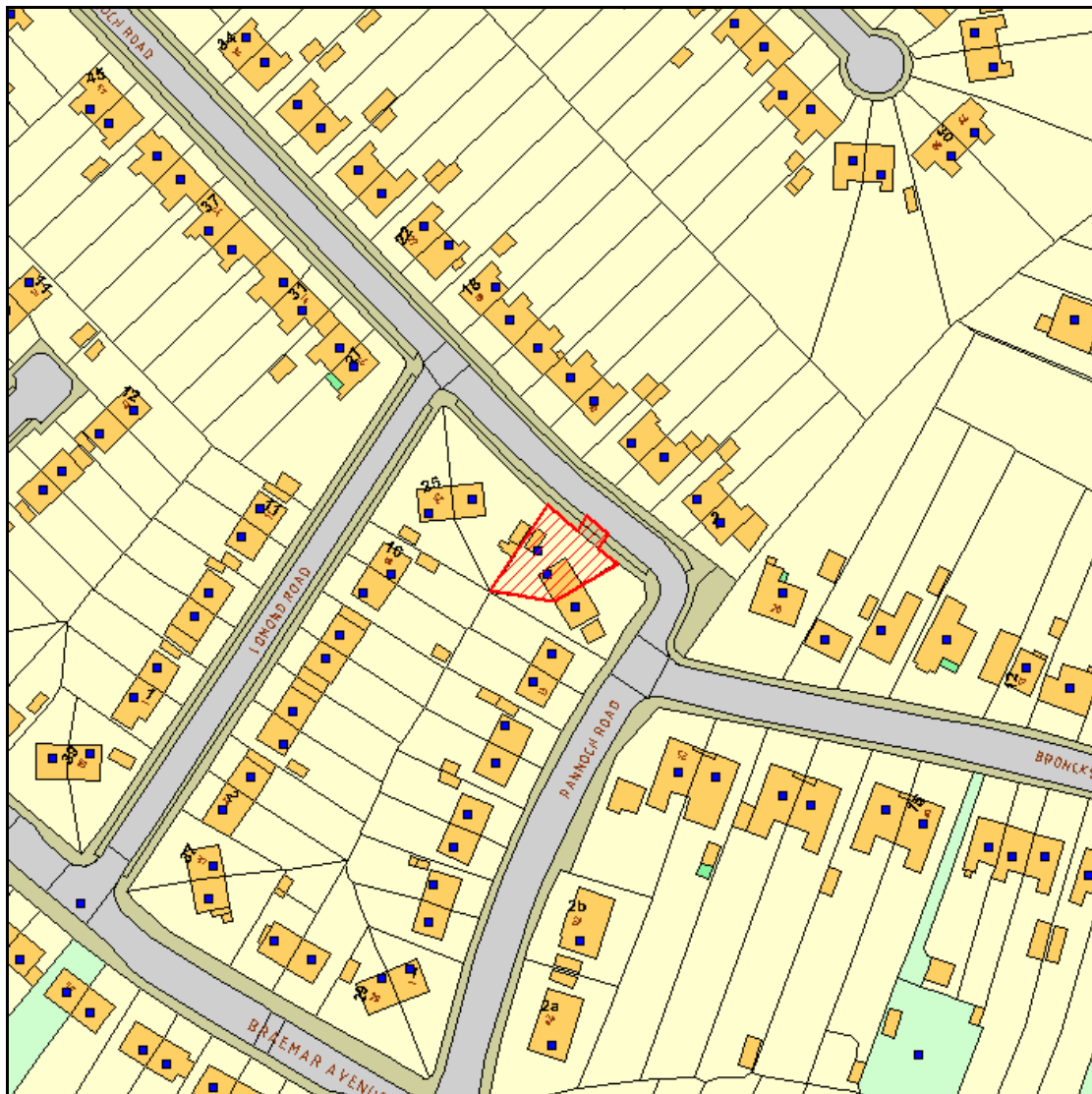
Reason

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

ITEM 5

CIRCULATED SCHEDULE NO. 43/11 – 04 NOVEMBER 2011

App No.:	PT11/2912/F	Applicant:	Mr D Gharvy
Site:	21 Rannoch Road Filton Bristol South Gloucestershire BS7 0SA	Date Reg:	21st September 2011
Proposal:	Erection of 1no. attached dwelling with access and associated works. Amendment to previously approved scheme PT11/1735/F.	Parish:	Filton Town Council
Map Ref:	359713 178434	Ward:	Filton
Application Category:	Minor	Target Date:	11th November 2011



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT11/2912/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as concern was raised by the local Town Council in regard to the amendment sought as part of this application.

1. INTRODUCTION

- 1.1 The applicant seeks full planning permission for the erection of 1no. attached dwelling with access and associated works. This is an amendment to previously approved scheme PT11/1735/F.
- 1.2 This is a semi-detached property with access onto Rannoch Road to the front of the site. It is proposed to build a two storey side extension to the north west of the existing dwelling to facilitate a 3 bedroom house. Development has commenced on site with foundations and blockwork of the external walls having built up to approximately 0.3 m in height.
- 1.3 There are two extant planning permissions still valid on the site. The first one (PT09/0744/F) is for the erection of a two storey side and single storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. The applicant has decided not to implement this scheme thus far due to changes in the financial/property markets. Permission was then granted under application PT11/1735/F for the erection of 1no. attached dwelling with access and associated works. The current scheme is submitted as an amendment to the PT11/1735/F scheme and incorporates a change in location of the front porch and the extension in width of the proposed dwelling by approximately 1 metre.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

Emerging National Guidance

Draft National Planning Policy Framework (published 25th July 2011)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Proposals for Residential Development within the Defined Settlement Boundaries
H4	Development within Existing Residential Curtilage
L1	Landscape Protection and Enhancement

L5	Open Areas within Defined Settlements
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

Emerging Development Plan

Core Strategy Proposed Changes Submission Publication Draft (December 2010)

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT08/0999/F - Erection of two storey side and single storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Refused 26/06/2008. Approved on appeal 27/10/2008.
- 3.2 PT09/0744/F - Erection of a two storey side and single storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Amendment to previously approved scheme PT08/0999/F. Approved.
- 3.3 PT11/1735/F - Erection of 1no. attached dwelling with access and associated works. Approved.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
Unable to comment as the amendment to the scheme is unclear.

4.2 Other Consultees

Transportation
No objection.

Drainage
No objection subject to condition.

Other Representations

- 4.3 Local Residents
No response.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is situated within the Bristol north fringe urban area, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policies H2 and H4 of the Local Plan allows for new residential development within settlement boundaries and the curtilages of dwellings. On this basis the proposed development would be acceptable in principle.

5.2 PPS3 expects schemes to make an effective use of the site by achieving the maximum density compatible with the sites accessibility, environmental constraints, and its surroundings. The expectation under Policy H2 of the Local Plan states that all developments will achieve a minimum density of 30 dwellings per hectare.

5.3 Notwithstanding this policy context in June 2010 the Coalition Government issued a Ministerial Statement under the title of *'New Powers for Local Authorities to Stop 'Garden Grabbing'*. The Ministerial Statement has raised some important points regarding the design and density of new residential development. Firstly the statement reiterated the need to ensure that residential development does not result in the overdevelopment of neighbourhoods, the loss of green space, and impact upon local character. These matters can be reasonably resisted on the basis of existing policies (D1, L5, H2, and H4) within the South Gloucestershire Local Plan.

5.4 The second point relates to the requirement in PPS3 for all new residential developments to achieve the national indicative density target of 30 dwellings per hectare. This policy objective was reflected in Policy H2(b) of the South Gloucestershire Local Plan which stated that the maximum density compatible with the sites location should be achieved, but with an expectation that it will achieve a minimum density of 30 dwellings per hectare. The Ministerial Statement has removed the requirement for new residential development to achieve the national indicative minimum density, and thus very limited weight should be given to Policy H2(b).

5.5 The remaining advice in PPS3 states *"Good design is fundamental to using land efficiently..."* (Para. 48) and *"Careful attention to design is particularly important when chosen local strategy involves intensification of the existing urban fabric. However when well designed and built in the right location, it can enhance the character and quality of an area"* (Para. 49). *"Density is a measure of the number of dwelling that can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."* (Para. 50).

5.6 On this basis in this application the need to achieve an efficient use of land is still an important material consideration. However this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed.

5.7 Density

The site has an area of 0.0296 hectares. The provision of 4 residential units on the site (as proposed under application PT09/0744/F) results in a density of 135 dwellings per hectare. Advice contained within PPS3 and the adopted local plan encourages higher densities exceeding 50 dwellings per hectare in and around town centres and locations well served by public transport. However, with the removal of the requirement for new residential development to achieve the national indicative minimum density, very limited weight is given to Policy H2 of the adopted local plan. The built form of the development is very similar to that of the proposal for 4 flats and therefore, it is considered that the provision of 1 larger dwelling achieves an acceptable density.

5.8 Design

The proposed two storey side extension would maintain the ridge height of the existing dwelling and replicate the fenestration detail to the front facing the street. A front porch is proposed to the front to replicate the one seen on the host property. The increase in width of the property by approximately 1 m would, if anything, improve the appearance of the new dwelling as the front porch is better spaced to replicate the existing dwelling and also the proposed frontage is closer to the size of the existing dwelling. Both roofing materials and the render to the walls would match existing. To the rear the two storey extension is considered of an appropriate scale and massing and is to be set down from the existing ridge height ensuring subservience. The proposal does not protrude beyond the front building line of Rannoch Road and the site is large enough to accommodate the size of extension proposed. A sufficient sized gap of 0.9 m remains between the rear corner of the proposed dwelling and the boundary fence for side access into the rear garden. The proposal is considered to comply with Policies D1 and H4 of the Local Plan.

5.9 Residential Amenity

With regard to residential amenity, the proposal is considered acceptable. The two storey element of the proposal is located to the side of the existing property and also to the rear where the extension would protrude 2 m from the existing rear building line. This is considered a modest distance and no significant loss of privacy or overlooking will occur due to the siting of the proposal. In addition no windows at first floor level are proposed on the side elevation of the extension. The provision of 1.8m timber fencing to the rear boundaries will also ensure no loss of privacy will occur from the rear amenity space. The amount of private amenity space provided for the new house is considered acceptable.

The increase in width of the proposed property by approximately 1 m would not have a significant impact upon neighbouring occupiers.

The Council's Environmental Health Officer has requested a condition restricting hours of building operation to appropriate daytime hours and this is considered reasonable given the close proximity to neighbouring dwellings.

5.10 Transportation

The Council's Highways Engineer was consulted as part of the application process and raised no objection in terms of highway safety. Two off street parking spaces are provided for the new dwelling, and two retained for the existing property and this is considered acceptable.

5.11 Drainage

No drainage details were submitted with the scheme. The Council's Drainage Engineer has requested a condition be imposed requesting further details of the proposed drainage system prior to the commencement of development and this is considered appropriate.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
 1. The proposed layout has been configured to allow a form of development that would be in keeping with the general pattern of residential development within the locality. As such, the proposal would be compliant with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would provide an appropriate level of density having regard to the site, its location and accessibility. As such, the proposal is considered to be compliant with the requirements of planning policy H2 (Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS3.
 3. The proposal would not cause any significant adverse impact to residential amenity. The proposal is therefore considered to accord with Planning Policies H2 (Residential Development) and H4 (Development within

Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The proposal has considered all environmental issues associated with the site and there are no constraints to granting planning permission on this basis. The proposal is therefore considered to accord with Planning Policy EP1 (Environmental Pollution) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the conditions attached to the decision notice.

Contact Officer: William Collins

Tel. No. 01454 863425

CONDITIONS

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

Reason

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

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

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

Reason

To minimise disturbance to occupiers of neighbouring properties and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The development hereby permitted shall be carried out as an alternative to the permission granted on 11th December 2009; for the 'Erection of two storey side and two storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Amendment to previously approved scheme PT08/0999/F' at no. 21 Rannoch Road, Filton (Reference PT09/0744/F) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To prevent an unsatisfactory mix of development and over- development of the site and to accord with Policy H2 of the South Gloucestershire Local Plan 2006.

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

Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 43/11 – 04 NOVEMBER 2011

App No.:	PT11/2948/F	Applicant:	Ms S Woodhead
Site:	10 Charles Avenue Stoke Gifford Bristol South Gloucestershire BS34 8LW	Date Reg:	21st September 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation. (Amendment to previously approved scheme PT11/1000/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362096 179906	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	14th November 2011



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT11/2948/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of an objection to the application which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission to erect a single storey rear extension at the rear of this end of terrace.
- 1.2 The house is currently finished in brick and tiles and it is proposed to match these in the proposed development.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
Draft National Planning Policy Framework
- 2.2 Development Plans
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving good quality design in new development
L1 Landscape protection and enhancement
H4 Development within existing residential curtilages, including extensions and new dwellings.
T8 Parking standards
T12 Transportation development control policy for new development
- 2.4 South Gloucestershire Core Strategy Proposed Changes Dec 2010
CS1 Design
- 2.5 Supplementary Planning Document
South Gloucestershire Design Checklist (adopted)
South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

3. RELEVANT PLANNING HISTORY

PT11/1000/F Change of use of amenity land to residential curtilage. Erection of single storey side and rear extensions to provide additional living accommodation. (Resubmission of PT10/3479/F). Approved 20 June 2011.

PT10/3479/F Change of use of amenity land to residential curtilage. Erection of single storey side and rear extension to provide additional living accommodation. Refused 2011 due to the amount of the amenity land being enclosed.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council

- No objection.
- 4.2 Other Consultees
Tree Officer
No objection subject to a condition relating to tree protection measures during the construction process.

- Other Representations
- 4.3 Local Residents
One objection received from the owner of the attached house in relation to the following points;

- ◆ The proposed extension wall will deprive the neighbouring property of light, even though it is on the north side.
- ◆ Concern that the boundary has not been agreed with the neighbour and that work started without agreement with the neighbour. Concern that the plans are not sufficiently clear to that the development will be wholly on the applicant's land.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Extensions to residential dwellings are generally acceptable subject to guidance set out in Policies D1 and H4 of the Local Plan. As such the main issues to consider are the implications of the development for neighbours and the appearance of the proposal in relation to the existing house and surrounding area. In addition matters of transport and whether sufficient garden area would be retained are relevant issues to consider. In this case the visual amenity of the enclosure of land and the other extension work shown on the drawings submitted have already been considered under planning application PT11/1000/F.

- 5.2 Residential amenity
Policy H4 seeks to protect the neighbour from overbearing proposals or proposals which overlook neighbouring properties. This application is for alterations to the previous approval of planning permission which showed the kitchen extension being flush with the existing southern elevation and part of the rear extension works was a conservatory. The changes proposed are to move the extension away from its initial location by 225mm. The direction of movement is away from the boundary. The other change to the scheme is that the conservatory part of the extension is to be constructed in brick and have a solid roof. The conservatory was previously centrally located on the plot and as such this would have no impact on the adjoined house. These changes would have less overall impact on the neighbouring properties and are acceptable in design terms. The three metres deep extension, when taken with the set forward of the attached house, would create a 4m deep extension which, given that it is located close the boundary might potentially have an overbearing impact on the amenity of the neighbouring property. However the attached neighbour has a conservatory across the rear of their property and as such there is considered to be negligible impact on that property. Furthermore as the proposed kitchen is located directly north of the neighbour there would be

negligible loss of day or sunlight into the neighbouring house. These issues were considered previously and also found to be acceptable at that time.

Policy H4 also seeks to ensure that there is adequate amenity space retained for the existing dwelling. In this case sufficient amenity space would be retained at the dwelling and in fact the garden area is proposed to be extended by planning consent PT11/1000/F.

As such there would be no material harm to neighbours.

5.3 Visual Amenity & Design

Policy D1 seeks to ensure that such proposals are acceptable in appearance. The form and materials of the extensions proposed reflect the form and materials of the house and as such the proposed extension is considered to be acceptable in design terms.

5.4 Trees/landscaping

In the area of land situated to the side of the existing property, there are three existing trees. A young mountain ash is situated at the front of the property, this should be unaffected by the proposed development and is intended to be retained.

There is a hawthorn on the edge of the land adjacent to the public footpath which will be removed to accommodate the enlarged garden. This tree is relatively small and offers little visual amenity to the area.

At the western end of the strip of land is a semi mature Norway Maple. This tree exhibits good form and is a significant feature of the landscape and should be retained in accordance with South Gloucestershire Council adopted policy L1. This tree is the subject of a recent Tree Preservation Order.

The proposed extension works will be situated outside the root protection area (RPA) of the Norway maple as defined in BS5837:2005, therefore the construction of foundations should have minimal impact on the health of the tree. Detail of the protective fencing proposed for the tree was received on 23 May 2011 with regards to the original approval PT11/1000/F.

To ensure there is no compaction of the soil or contamination within the root protection area (RPA) of the tree, protective fencing should be erected in accordance with BS5837:2005 prior to the commencement of any works and maintained for the duration of the development. The applicant has confirmed this and a condition could adequately deal with this matter if planning permission were granted.

5.5 Transportation

There would be a total of two parking spaces on the frontage with a further substandard length garage space shown to be maintained. As such the proposal complies with the Councils maximum parking spaces and the substandard garage can provide for cycle parking.

5.6 Ownership

The rear extension is proposed to be located wholly within the land owned by the applicant and a notional boundary line is shown the ground floor plan showing the location of the proposed kitchen. The kitchen wall appears to be shown within the site indicated by the notional boundary line. The applicant has signed Certificate A on the application form to indicate that the development is on her own land. The Council does not control the exact location of boundary lines and has no accurate records of boundary locations, this is a civil matter which may be pursued independently to the planning application.

It is understood that the substructure for the previous planning approval is in place and is up to damp proof course. This was approved under the previous consent and does not influence this application.

6. CONCLUSION

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

- 1 The proposal has been designed to be in keeping with the character of the area taking into account the design, siting, height and materials of the existing house and surrounding area – Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- 2 The proposal would not materially harm the residential amenities of neighbouring properties by reason of loss of privacy or natural light, or by being overbearing - Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.
- 3 The parking facilities maintained complies with the Councils parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 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 planning permission is GRANTED subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The works shall not be commenced until the tree protection fencing as shown on Root Protection Fence Line Plan received by the Local Planning Authority on 23 May 2011 has been erected on site. There shall be no machinery or materials stored within the fencing zone as outlined on that plan nor machines used within that area. The fencing shall be maintained as such until the development is complete and the site cleared of building materials and machinery.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

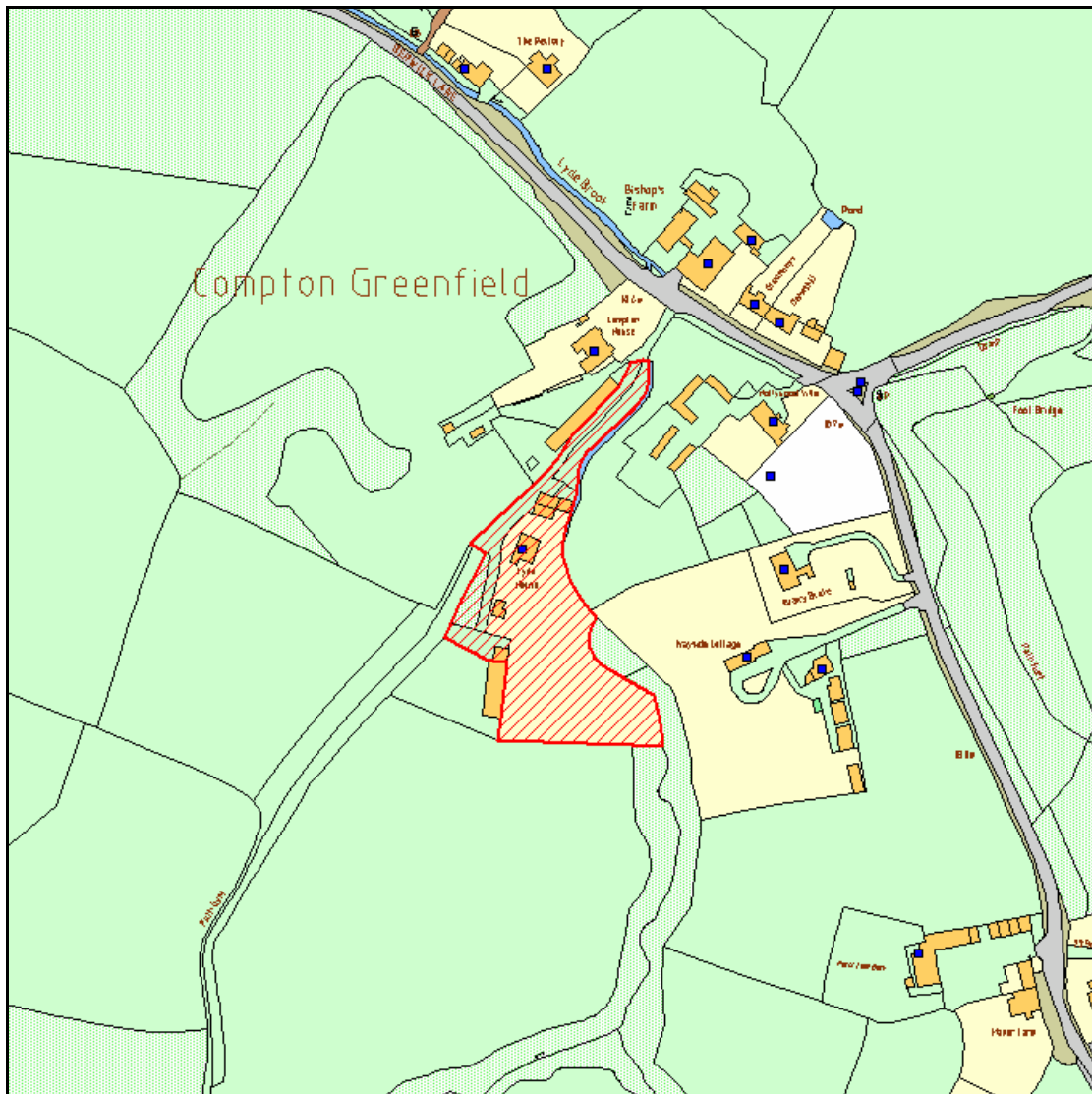
Reason

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

ITEM 7

CIRCULATED SCHEDULE NO. 43/11 – 4 NOVEMBER 2011

App No.:	PT11/2962/CLP	Applicant:	Mr S Cook
Site:	Lyde House Berwick Lane Easter Compton Bristol South Gloucestershire	Date Reg:	21st September 2011
Proposal:	Application for Certificate of Lawfulness for the proposed erection of two storey rear extension, front porch, detached garage and detached games room.	Parish:	Almondsbury Parish Council
Map Ref:	356823 181728	Ward:	Almondsbury
Application Category:	Minor	Target Date:	2nd December 2011



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT11/2962/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a two-storey rear extension, front porch, detached garage and detached games room.
- 1.2 The application site comprises a two-storey detached dwellinghouse situated on the southern side of Berwick Lane. The site is located within the open Green Belt outside the defined settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (General Permitted Development) Order 1995 (as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The development should comply with planning regulations in the Green Belt.
- 4.2 Transportation DC Officer
Transportation DC has no comment to make on this application
- 4.3 Tree Officer
There are no tree comments

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The applicant 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 permitted development rights afforded to householders. The proposal relates to the erection of a two-storey rear extension, front porch, detached garage, detached games room and the formation of a gravel parking area. Therefore, the main issues to consider are whether the proposal complies with Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Classes A (The enlargement, improvement or other alteration of a dwellinghouse), D (The erection or construction of a porch outside any external door of a dwellinghouse), E (The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) and F (The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwelling). The dwellinghouse has its permitted development rights in tact.

5.2 Games Room and Garages

The proposal relates to the erection of a large garage and games room. Part E allows for “*the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance improvement or other alteration of such a building or enclosure.*”

The proposed garage measures approximately 18.7 metres in width, 6 metres in length and 3.9 metres at ridge height and 2.5 metres at the eaves; the building is encompassed by a dual pitched roof. The proposed games room measures approximately 13 metres in width, 4.6 metres in length and 3.6 metres at ridge height and 2.5 metres at the eaves; the building is also encompassed by a dual pitched roof. It is considered that on the balance of probability, the buildings comply with the permitted development criteria in terms of their general scale. However, based on the proposed site plan submitted, it is considered that on the balance of probability, the proposed garage building is within 2 metres of the boundary and exceeds 2.5 metres in height. In addition, it is considered that the buildings do not comply with the criteria in terms of being incidental and being within the domestic curtilage.

Consideration is required as to whether or not the proposed buildings are located within the domestic curtilage of the dwelling. The applicant has submitted a red line plan no. 1377-00_A, which shows the proposed curtilage of the dwelling in red and the other land owned by the applicant in blue. The red outline encompasses agricultural buildings, associated hard standing areas and a long strip of land used for the keeping of chickens at the front of the site. To the rear, the red line encompasses a very large area of land, which includes part of an orchard and associated buildings.

The General Permitted Development Order does not contain a definition of ‘curtilage’ however, the Oxford English Dictionary defines curtilages as “*A small court, yard, garth or piece of land attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law: the area attached to and containing a dwellinghouse and its outbuildings*”. However, in the *Dancey V SOS & Lewes DC1980* case, the basic premise that the definition of curtilage is a matter of fact and degree was established.

It is considered on the balance of probability that the buildings and the residential use indicated by the red line plan are outside the domestic curtilage of the dwellinghouse. In the *Collins V SOS 1989* case a judgement was made that the sheer distance from a dwelling is also a criterion to be used in

determining whether land forms part of a curtilage. For example, the further from a dwelling that a large garden curtilage extends, the lesser must be its functional relationship. In this instance the red line extends for 85 metres to the front of the dwelling and 75 metres to the rear of the dwelling and therefore, the residential use indicated cannot be considered to be intimately associated with the dwellinghouse. The front and rear gardens adjoined to the dwellings are well defined, however, the proposed residential use extends well beyond the front and rear gardens and encompasses land, with no obvious functional residential purpose, i.e. part of an orchard to the rear and the agricultural land to the front.

Case law suggests that the sheer extent of buildings/uses proposed, while complying with the physical limitations laid down in the Order, may be considered to take the development out of the definition of incidental. In this instance, although the buildings comply with the physical limitations laid down in Class E of the General Permitted Development Order, it is considered that the scale of the buildings and the distance from the dwellinghouse are such that it is not reasonable to consider that they are required solely for purposes incidental to the enjoyment of the dwellinghouse. For example, the design of the garage proposed with the six separate access doors and the scale of the gravel parking area proposed is considered to be unreasonably excessive given the scale of the single residential unit. On the balance of probability, the proposed buildings are not located within the residential curtilage of the dwelling and are not required for purposes incidental to the dwellinghouse. The proposal does not fall within Part 1, Classes E and F of the General Permitted Development Order.

5.3 Two Storey Rear Extension

The applicant has submitted plans and elevation drawings and an analysis of the proposal in relation to permitted development to support the proposal. It is considered that the proposal complies with the majority of the criteria in Class A of the General Permitted Development Order, however, the most pertinent criterion is criterion (F). This specifies that development is not permitted by Class A if the enlarged part of the dwellinghouse would have more than one storey and –*extend beyond the rear wall of the original dwellinghouse by more than 3 metres.*

From comparing the western elevation on the existing and proposed elevation plans, it is clear that part of the proposal extends beyond the rear wall of the original dwellinghouse by more than 3 metres. The applicant states that the proposed extension extends about a distance of 1.5 metres. This taken from the end wall of the existing rear first floor cat slide roof, which projects backwards for approximately 2.8 metres, level with the chimney. However, the GDPO householder guide makes it clear that where the original rear wall is stepped, then each of the walls will form the rear wall of the original dwelling. It states that the limits on extensions apply to any of the rear walls being extended beyond. A clear illustration is shown on page 17 of the guide. As such, on the balance of probability, the proposed rear extension does not fall within Part 1, Class A (The enlargement, improvement or other alteration of a dwellinghouse) of the General Permitted Development Order.

5.4 Front porch and removal of dormer windows

The removal of the front dormer windows and the alterations to the front fenestration is considered to fall within Part 1, Class A (The enlargement, improvement or other alteration of a dwellinghouse) of the General Permitted Development Order. Part 1, Class D allows for the “*Erection or construction of a porch outside any external door of a dwellinghouse*” . Development is not permitted by Class D if, the ground area measured externally exceeds 3 square metres, any part of the structure would be more than 3 metres above ground level or any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway. The submitted plans demonstrate that the proposed porch has an external floor area of approximately 3 square metres and is 3 metres in height. In addition, it is considered that the proposed porch is more than 2 metres from any boundary of the curtilage with a highway.

5.5 Further Matters

The comment from the Parish Council with regards to complying with Green Belt criteria is noted. However, this application is not assessed on planning merit against planning policy. The application is required to be assessed on an evidential basis of whether on the balance of probability it is lawful for the applicants to carry out the development proposed without planning permission under permitted development regulations.

6. RECOMMENDATION

- 6.1 That a Certificate of Proposed Lawful Development is REFUSED for the following reason:

It has not been demonstrated that on the balance of probability the proposal complies with Schedule 2, Part 1, Classes A, E and F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538