



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

**CIRCULATED SCHEDULE NO. 51/14**

**Date to Members: 19/12/14**

**Member's Deadline: 29/12/14 (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](mailto: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 and 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](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, 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.

**Dates and Deadlines for Circulated Schedule**  
**Christmas & New Year Period 2014**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
51/14	Friday 19 Dec 2014	5pm Monday 29 Dec 2014
52/14	NO SCHEDULE	THIS WEEK
01/15	Wednesday 31 Dec 2014	5pm Thursday 08 January 2015

Above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2014/15

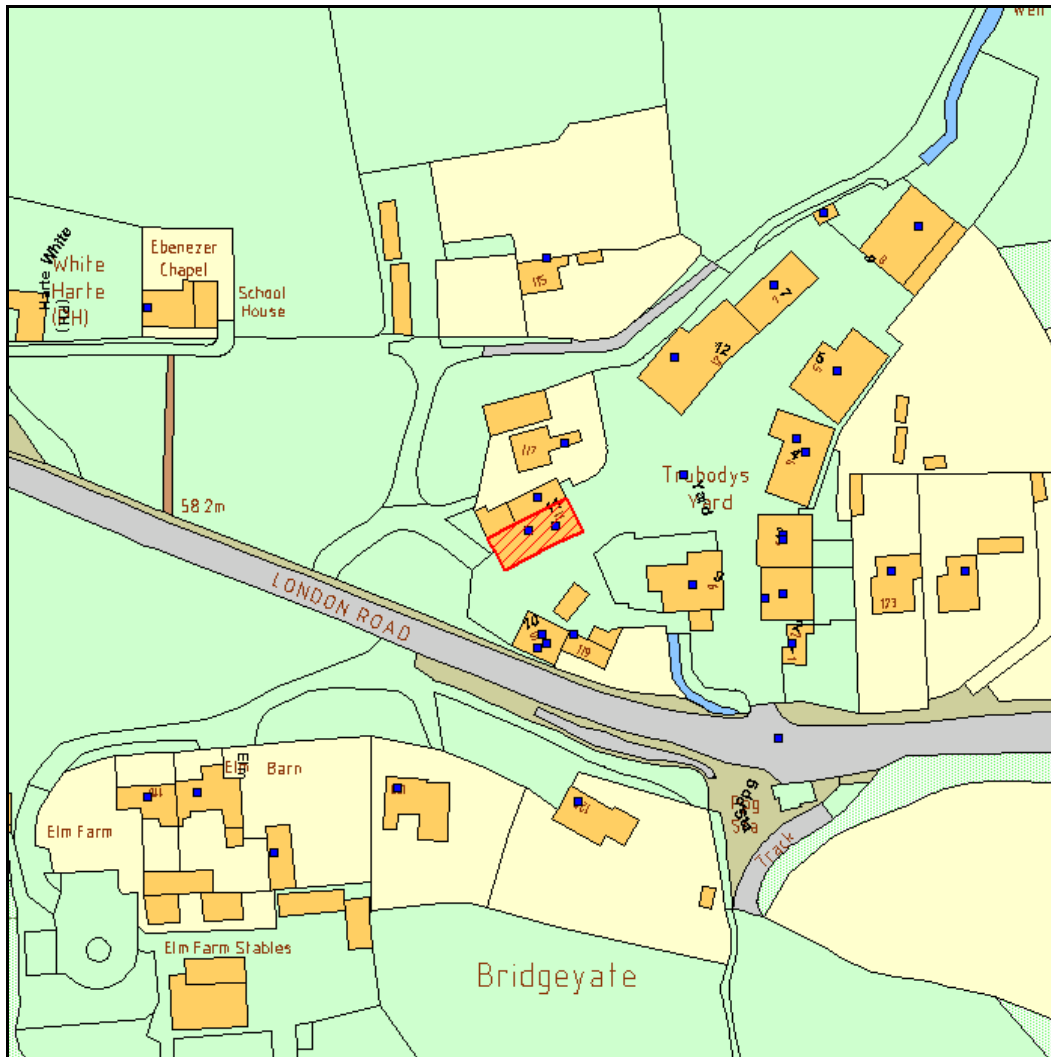
All other deadline dates remain as usual.

# CIRCULATED SCHEDULE - 19 December 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK14/3892/F</b>	Approve with Conditions	Unit 11 Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	Siston	Siston Parish Council
2	<b>PK14/4015/F</b>	Approve with Conditions	25 Kilnhurst Close Longwell Green South Gloucestershire BS30 9AB	Longwell Green	Hanham Abbots Parish Council
3	<b>PK14/4407/F</b>	Approve with Conditions	11 Morley Avenue Mangotsfield South Gloucestershire BS16 9JE	Emersons	Mangotsfield Rural Parish Council
4	<b>PT14/2834/F</b>	Approve with Conditions	Land To West Of 339 Badminton Road Winterbourne South Gloucestershire BS36 1AH	Emersons	Downend And Bromley Heath Parish Council
5	<b>PT14/4068/CLE</b>	Refusal	The Barn Washingpool Hill Road Tockington South Gloucestershire BS32 4NX	Severn	Olveston Parish Council
6	<b>PT14/4250/F</b>	Approve with Conditions	139 Bradley Avenue Winterbourne South Gloucestershire BS36 1HW	Winterbourne	Winterbourne Parish Council
7	<b>PT14/4341/CLP</b>	Approve with Conditions	Old Star Inn Pye Corner Bristol Road Hambrook South Gloucestershire BS16 1SE	Winterbourne	Winterbourne Parish Council
8	<b>PT14/4347/CLP</b>	Approve with Conditions	68 Nicholls Lane Winterbourne South Gloucestershire BS36 1NE	Winterbourne	Winterbourne Parish Council
9	<b>PT14/4397/F</b>	Approve with Conditions	5 Hazelgrove Winterbourne Bristol South Gloucestershire	Winterbourne	Winterbourne Parish Council
10	<b>PT14/4427/CLE</b>	Approve	Station Farm Station Road Pilning South Gloucestershire BS35 4JW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

**CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014**

<b>App No.:</b>	PK14/3892/F	<b>Applicant:</b>	Mr Hallaran
<b>Site:</b>	Unit 11 Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	<b>Date Reg:</b>	29th October 2014
<b>Proposal:</b>	Change of use from Light Industrial (Class B1) to Storage and Distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368291 173222	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th December 2014



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## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule as objections have been received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Trubodys Yard is a small industrial/commercial site located just off the London Road in Warmley. The current lawful use of the site is a mixed use of B1 (business/light industrial) and B2 (general industrial) uses.
- 1.2 This application seeks retrospective planning permission for the change of use of unit 11 within the Trubodys yard site from B1 use to B8 (storage/distribution) use. The application initially sought to extend the operating hours of that unit on Mondays to Fridays to 7am to 7pm (from the currently permitted hours of 8am to 6pm) but the applicant has subsequently omitted the request for the additional hour in the morning.
- 1.3 The change of use being applied for would ordinarily be permitted development under Schedule 2, Part 3, Class B(b) of the Town and Country Planning (General Permitted Development Order 1995 (as amended)). However a condition attached to the original permission for the Trubodys Yard (ref. K6138) to be used for a mixed use of B1 & B2 uses restricted certain buildings within the site to B1 use, including the unit the subject of this application. It should be noted that this restriction to B1 use was intended to avoid those buildings being used for B2 general industrial uses, which was not considered appropriate due to the proximity of residential dwellings.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Practice Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
E6 Employment Development in the Countryside  
T8 Parking Standards  
T12 Transportation Development Control for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS34 Rural Areas

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

- 3.1 K6138: change of use from builders merchant & cement mortar works to light industrial use and general industrial use – approved subject to conditions.

- 3.2 PK10/2471/F: change of use from business (Class B1) to personal training studio (sui generis) as defined in the Town and Country Planning Act (Use Classes) Order 1987 – approved subject to conditions.

#### **4. CONSULTATION RESPONSES**

4.1 Siston Parish Council

Objection: lorry parks give rise to concerns over safety for residents.

4.2 Other Consultees

Highway Drainage: no comments.

Sustainable Transport: no objection.

Landscape architect: no objection.

#### **Other Representations**

4.3 Local Residents

Four objections:

1. Objection to the increase in hours applied for, on the grounds of increase congestion, noise and air pollution.
2. Objection to conditions being changed. Should move to a different site if current rules are not acceptable, and will set a precedent for others.
3. Objection as will traffic, large vehicles, noise and smoke. Increased hours will exacerbate all of these issues, along with outside lighting, to the detriment of residents.
4. Objection identical to 3 but also identified errors on the application form in relation to vehicle parking.

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

5.1 Principle of Development

The principal Development Plan policy is Core Strategy policy CS34 which seeks to protect rural employment sites; the proposal accords with this aim by continuing employment use of the building. Local Plan policy E6 allows proposals for new employment use in the countryside where the development involves the re-use of an existing building. The proposal does not conflict with Parking Standards as no new parking is proposed and the standards for B8 use are lower than for B1 use. Transportation policy T12 supports development subject to the development not giving rise to additional congestion or safety concerns. No operational development or physical alteration of the site is proposed, and therefore no conflict with design policy CS1 arises. It is therefore considered that the development under consideration is in accordance with the policies of the Development Plan.

The site is located within the Green Belt. General Green Belt policy is currently derived from the National Planning Policy Framework, which is a material consideration of substantial weight. The re-use of buildings of permanent and substantial construction is appropriate development in the Green Belt (para 90) and as not operational development is proposed there is no impact on openness. It is therefore considered that the development is in accordance with Green Belt policy.

The principle of the acceptability of the change of use of the building from B1 to B8 use is also established by the provisions of Schedule 2, Part 3, Class B(b) of the Town and Country Planning (General Permitted Development Order 1995 (as amended), which ordinarily would have allowed the change of use without the need for express planning permission.

#### 5.2 Transportation

Objections have been received in relation to the impact of the change of use on traffic, congestion and resultant noise and fumes. No objection was received from the Councils Transportation Development Control team. Considering the range of uses that could be undertaken from the site under the B1 business/light industrial use class it is considered that there is no evidence to suggest that the development will lead to additional traffic or the related harms identified.

#### 5.3 Hours of Operation

Planning permission K6138 set the hours of operation of the whole Trubodys site, including unit 11, at:

Monday to Friday: 8am to 6pm  
Saturdays: 8am to 2pm  
Sundays and public holidays: no working

The application seeks to extend the operating hours for unit 11 on Mondays to Fridays to 7am to 7pm, i.e. an additional hour in the morning and evening. However, in addition to the planning condition on permission K6138 imposing those hours, a legal agreement under section 52 of the planning act then in force also imposed those hours. Consequently it is not possible to vary the permitted hours under this permission without the legal agreement first being amended. It is therefore proposed to condition the same hours as currently apply for the rest of the site under permission K6138 and in accordance with the extant legal agreement.

#### 5.4 Residential Amenity

Objections have been raised by neighbours on the grounds of the impact on their residential amenity, though it is noted that much of the objection relates to the proposed extension of the operating hours, which for the reasons set out above will be conditioned to remain as presently set.

Similarly to the consideration of the transport issues, it is not considered that a storage or distribution use would lead to additional noise or harm to amenity compared to the range of uses that could be carried out under the existing business/light industrial use. The existence of the permitted development right to change from B1 to B8 use that would ordinarily apply suggests that it would not normally be expected that such a change would give rise to any harm.

It should also be noted that the building in question is one within a complex of units in a mixed B1 and B2 use. In the case of each of the properties from where objections have been raised, unit 11 is some distance from those properties, and other units within the site lie in between.



It is therefore not considered that the change of use will lead to any additional impact on residential amenity.

## **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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 conditions.

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

## **CONDITIONS**

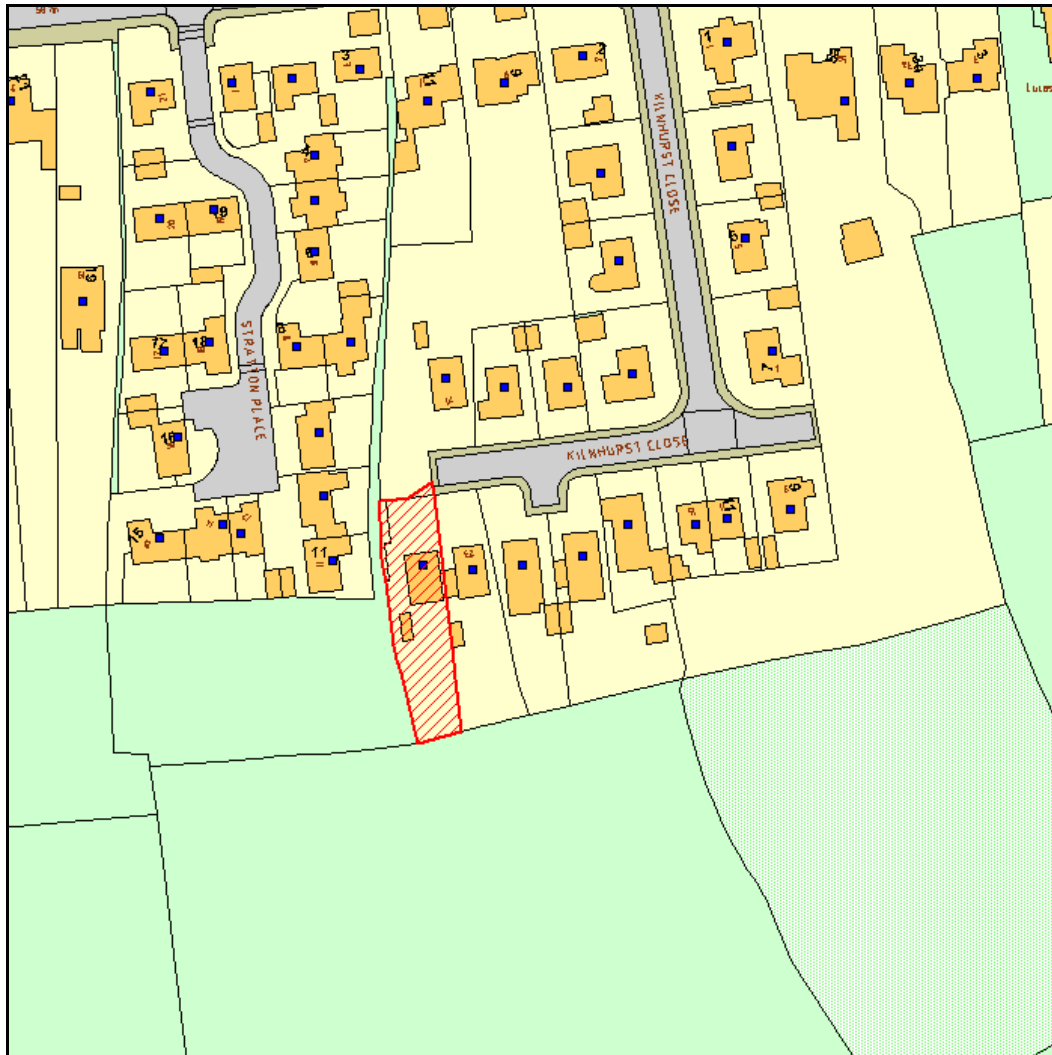
1. The hours of operation shall be restricted to 8am to 6pm Mondays to Fridays, 8am to 2pm Saturdays and no working shall take place on Sundays or Bank Holidays.

Reason

To protect the amenity of adjacent occupiers, to accord with policy E6 of the South Gloucestershire Local Plan (Adopted January 2006)(Saved Policies) and the provisions of the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014

<b>App No.:</b>	PK14/4015/F	<b>Applicant:</b>	Mr C Jones
<b>Site:</b>	25 Kilnhurst Close Longwell Green Bristol South Gloucestershire BS30 9AB	<b>Date Reg:</b>	6th November 2014
<b>Proposal:</b>	Erection of a single storey side and rear extension and front canopy to form additional living accommodation. Demolition of existing garage and erection of a replacement detached garage.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365924 170525	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st December 2014



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PK14/4015/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the representations received from local residents that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a single storey side and rear extension and front canopy to form additional living accommodation. Demolition of existing garage and erection of a replacement detached garage.
- 1.2 The property is a bungalow located at the end of a cul-de-sac within the residential area of Longwell Green.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January (saved policies) 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards December 2013

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections, but we would expect the windows facing the garden of No. 23 not to overlook and cause a lack of privacy. The plans do not appear to show the dimensions of these windows.

Highway Drainage  
No comment

### Transportation

Planning permission is sought to demolish an existing detached garage to facilitate the erection of a side and rear extension on to the existing bungalow. After development the bedrooms within the dwelling will increase to three.

A replacement detached garage is also proposed to the front of the site. The Council requires that new build garages have internal dimensions of 6m long by 3m wide. It would appear from the plans submitted that the measurements of the proposed garage fall short of these requirements.

Also, I have concerns that the location of the proposed garage will make it difficult for a standard size vehicle to access and egress from it.

A revised scale plan showing the correct internal dimensions needs to be submitted. The plan also needs to show how a standard size vehicle will access and egress from the garage.

An alternative to the above would be to remove the garage and provide the required level of vehicular parking to the front of the site. The Council's residential parking standards state that a three bed dwelling would require a minimum of two spaces within the site boundary.

Once revised plans are submitted final comments will be made on the proposed development.

### **Other Representations**

#### 4.2 Local Residents

- Two letters have been received, raising concerns regarding the proposals in relation to a bank that exists between properties of Kilnhurst Close and Stratton Place, to the west, these are summarised below, (full details are available on the Council's website):

Concern over the de-stabilisation of the bank between the application site and properties along Stratton Place, located immediately to the west of the site.

The bank is considered to be unstable and consisting of spoil that was dumped from a quarry that existed there.

The application would come right up to the bank and require it to be disturbed to allow foundations and the removal of the retaining wall.

Potential problems with heave due to the nature of the underlying clay and the fact that the area was previously covered in trees and hedges which have since been removed.

All necessary measures should be in place and a Structural Engineer consulted to ensure there is no movement of the bank and other properties.

- Another response was received from neighbours expressing concerns over privacy on the patio of their rear garden stating that there appears to be window (part hidden behind the garage) which may give a view of their patio and suggesting that the plans are not very clear.

- Another response was received raising concerns with the proposed materials as follows:

The existing building materials are a mixture of Welsh spar render, reconstituted Bath Stone and vertical hung tiles, not just render: the roof is double Roman concrete grey tiles, not brown. Since all the dwellings in Kilnhurst Close were built around the same time, they all use a common set of materials. It is important that this uniform appearance, particularly as seen from the road, is maintained in any new developments and this should be made a condition if permission is granted.

- A further objection was received objecting to the proposals as the freeholders on the basis that they had not been served the correct certificate of ownership and that the lessee requires their permission to do the works.

NB – Officer note: The Council subsequently received notification that a further Certificate of Ownership (B) had been served to the addressees above. This was issued more than 21 days prior to the drafting of this report and accompanying decision notice in accordance with the requirements of the notification period.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposal aims to effectively 'infill' the side area bordering the retaining wall and the embankment with a single storey flat roof extension, replacing in part a detached flat roof garage that currently exists to the side/rear of the dwelling. The rear element of the extension would be a continuation of the existing building and rooflines to a length of approximately 8.5 metres. The existing dwelling consists of a mixture of rough render, reconstituted bath style stone and hanging tiles on part of the frontage. It is stated that the materials used would be roof tiles to match the existing dwelling and a rendered finish on external walls. The proposed extension and garage are of an appropriate standard in design for the plot and are not considered to be materially or detrimentally out of keeping with the character of the main dwelling house and surrounding properties.

### 5.3 Residential Amenity

Properties to the west on Stratton Place are located at a higher level to the application site and would not be impacted upon in amenity terms by the single storey proposals. A garage and fencing exists on the shared boundary to the east in the vicinity of the extension. It is not considered that the rear extension element of the proposal, at single storey level, would have a significant impact in terms of being overbearing upon the neighbouring property to the east. There are two side windows on the east of the proposed extension and these are clearly indicated on the proposed plans at the scale provided. For clarity these would measure approximately 90cm wide by 1.4m high. Given that the windows are at ground floor level and given the context of the site with the neighbouring garage and boundary treatments it is not considered that a significant or material amenity impact would arise in this respect. Given therefore the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material amenity impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.4 In terms of the stability issue raised, the applicants have indicated that a structural engineer has been appointed and was involved in the drafting of the plans in relation to the bank and any supporting wall. Notwithstanding this potential structural issues would be a matter for Building Regulations. If the Party Wall Act is invoked by the proposals the Act is separate from obtaining planning permission or building regulations approval and would be a separate civil matter to be resolved.

### 5.5 Highways

Initial issues were raised with regards to the internal size of the garage as a useable off street parking space and access/egress arrangements from the garage. Further plans have been received increasing the internal size of the garage to 6 metres and illustrating the access/egress and turning within the site. The level of off street parking availability would meet the Council's current parking standards.

## 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 is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. The proposals satisfy flood risk and drainage issues. Sufficient off-street parking exists. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

- 6.3 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 recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **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 H4 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 08.00 - 18.00, Mondays to Fridays; 08.00 - 13.00 on 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 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.

**CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014**

<b>App No.:</b>	PK14/4407/F	<b>Applicant:</b>	Mr Stephen Fitt
<b>Site:</b>	11 Morley Avenue Mangotsfield Bristol South Gloucestershire BS16 9JE	<b>Date Reg:</b>	12th November 2014
<b>Proposal:</b>	Erection of single storey front extension, and single storey rear extension to form additional living accommodation. Demolition of existing garage and erection of new detached double garage.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366287 175971	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th January 2015



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a single storey front extension and a single storey rear extension to form additional living accommodation. The application also proposes to replace the existing detached garage with a double detached garage.
- 1.2 The application relates to a semi-detached dwelling situated on a residential cul de sac in Mangotsfield, falling within the urban area of the East Bristol Fringe.
- 1.3 During the course of the application revised plans have been submitted in order to remove the proposed balcony from the rear elevation. The description has also been amended to reflect this change. A re-consultation period of 7 days was undertaken.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 No planning history available.

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection.
- 4.2 Transportation DC  
Subject to clarification of parking there is no transportation objection.

- 4.3 Drainage Comments  
No objection in principle. The proximity of a public foul sewer may affect the layout of the development. Refer the application to Wessex Water for determination.
- 4.4 Trading Standards and Licensing Service  
There are a variety of vehicle weight restrictions that may have an indirect impact for operators and drivers of large goods vehicles attending the property.

### **Other Representations**

- 4.5 Local Residents  
Two letters of objection have been received from local residents. The comments are summarised as follows:
- Front extension would unbalance the architectural composition of the pair of houses.
  - None of the front extensions on the road is of solid construction.
  - Foul sewage drains are also a matter of concern as these service many houses in Morley Ave as well as myself. Any damage to this sewer pipe would many houses without toilet facilities. Perhaps Wessex Water should be advised so that they make any comments or recommendations.
  - Loss of privacy to rear gardens from balcony.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks permission for the erection of a single storey front extension and a single storey rear extension to form additional living accommodation and, to replace the existing detached garage with a double detached garage. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, design and highway safety.
- 5.2 Residential Amenity  
The application relates to a double storey semi-detached dwelling situated on an established cul de sac in Mangotsfield. The attached dwelling (no.12) is to the northwest elevation. To the southeast of the site is an access lane with no.10 situated on the other side of this lane. The dwelling has a large rear garden with the access lane running to its far rear boundary. The attached dwelling has an existing conservatory adjacent to the mutual boundary. The land levels on the application site decrease from northeast to south west.
- 5.3 The revised proposal consists of a single storey rear extension which would run the width of the site extending slightly beyond the side elevation of the host dwelling. It would have a depth of 3.3 metres and a maximum height of 3.3 metres with a lean-to roof. The extension would replace an existing rear conservatory. It is considered that the proposed rear extension, by virtue of its depth and height, would not appear adversely overbearing or oppressive on the occupiers of no.12 and, due to the separation afforded by the access lane, would not have an adverse impact on the occupiers of no.12. In terms of loss of

light the extension may have some limited impact on light entering no.12 but this would not be significant such that their amenity would be prejudiced. Since the removal of the balcony it is not considered that the development would prejudice mutual privacy.

5.4 The proposed front extension would increase the depth and massing at the front of the building adjacent to the entrance into the attached neighbour. Although the massing of this part of the building would be greater than the existing it would not have a significant impact on the primary windows associated with the attached neighbour. It is therefore not considered that this part of the development would prejudice residential amenity. The proposed garage is to the far rear of the site replacing the existing garage. Although the side elevation of the garage would be directly adjacent to the far end of the rear garden of no.12 it is considered that the siting and scale of it is such that it would not have a significant impact on the amenity of the occupiers. Adequate private amenity space would also remain to serve the host dwelling. Accordingly there are no objections on grounds of residential amenity.

5.5 Design

The application relates to one of a pair of semi-detached dwelling situated on a cul de sac in Mangotsfield which is characterised by pairs of semis which are similar in character and appearance. Some extensions have taken place in the street scene including side extensions, rear extensions and glazed front extensions.

5.6 In terms of the proposed development it is considered that the proposed rear extension, which is single storey and has a lean-to roof, is of an appropriate scale and design for the original dwelling and would not detract from the character or distinctiveness of the street scene. Similarly the proposed detached garage is of a scale commensurate with the character of the area and has a simple design which would be in keeping in its context.

5.7 Concern has been raised by a local resident in relation to the proposed single storey front extension, which would extend the existing front porch area in line with the front gable of the dwelling. It is acknowledged that this would change the appearance of the pair of dwelling which are currently identical and this is not in keeping with the front extensions in the street scene which are predominantly glazed. However it is not considered that this extension would be detrimental to the character of the site or the street scene such that a refusal could be warranted. The design detailing of the front extension would be in keeping with the original dwelling as would the maximum height and eaves of it. Overall, although there would be some effect on the design of the pair of dwellings it is considered that the overall design of the front extension is acceptable. This is with the provision that the materials used match the existing dwelling which will form part of an appropriately worded planning condition.

5.8 Highway Safety

The proposed development includes the replacement of the existing single detached garage with a double detached garage. As existing the single garage plus a small area of hardstanding at the rear of the dwelling is the only parking provision for the dwelling however some work was underway in the front

garden on the Officers visit, though it is unclear whether the intention is to make this parking.

5.9 The length of the garage falls short of the minimum size requirement for a double garage as set out by the SPD however it is noted that the existing garage also falls short and as such the two situations are comparable. The proposed extensions would not increase the number of bedrooms in the dwelling. As such, given that the parking following the proposed development would be at the same level as the existing situation, although falling below the parking standards, there are no substantiated grounds of objection on highway safety.

5.10 Public Sewer

Concern has been raised in relation to the location of the public sewer and it is noted that the proximity of a public foul sewer may affect the layout of the development. The applicant is advised to refer the application to Wessex Water for determination before commencing any work. Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the conditions on the decision notice.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## CONDITIONS

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

Reason

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

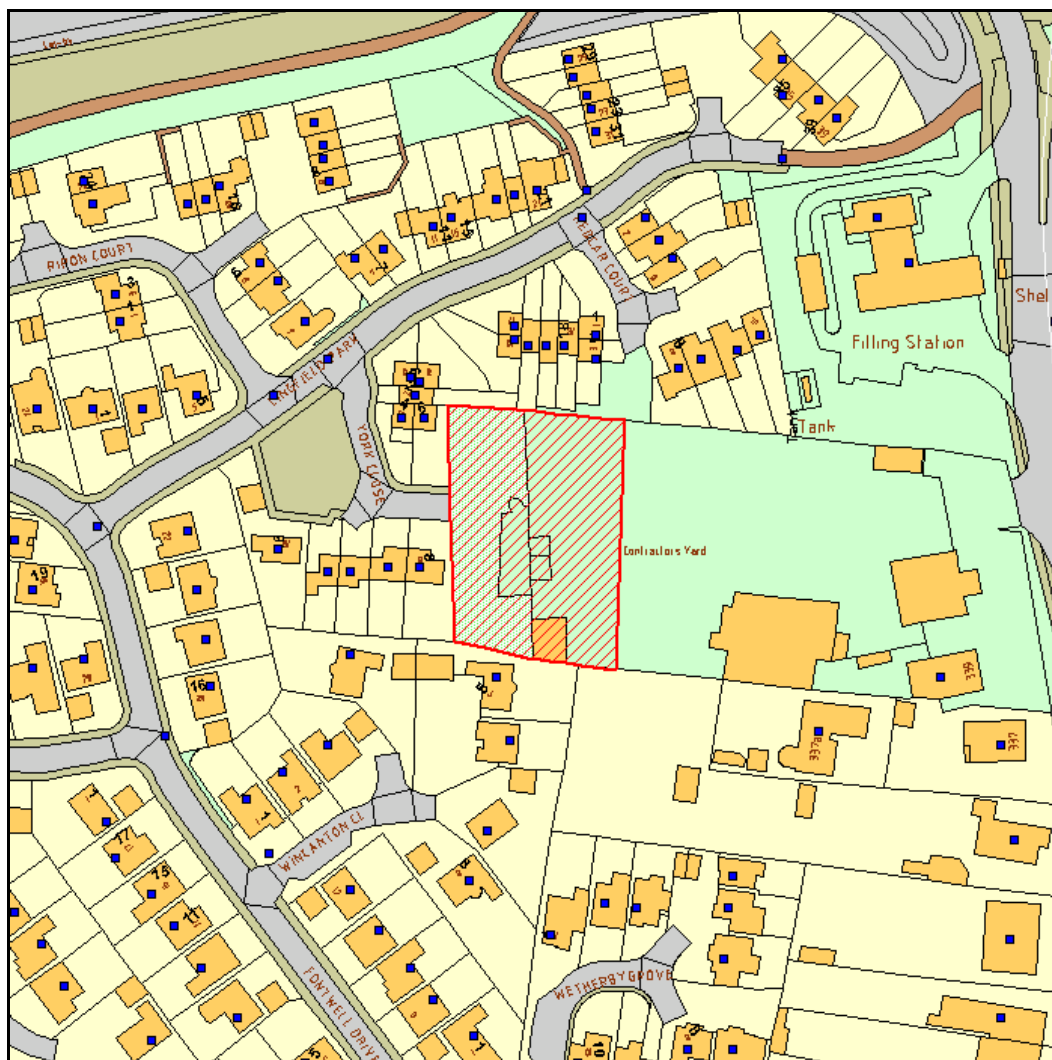
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014

<b>App No.:</b>	PT14/2834/F	<b>Applicant:</b>	Cotswold Homes Limited
<b>Site:</b>	Land To West Of 339 Badminton Road Winterbourne South Gloucestershire BS36 1AH	<b>Date Reg:</b>	5th August 2014
<b>Proposal:</b>	Erection of 9 no. new dwellings with new vehicular access and associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	366051 178404	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th September 2014



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

1.1 The applicant seeks full planning permission for the erection of 9 no. dwellings on half of an existing commercial site, which was used for vehicles repair / maintenance workshop and yard, to the west of No. 339 Badminton Road. Existing buildings and structures will be removed to make way for the proposed development.

The site is vacant. A planning application was also submitted by a different applicant on the other half of the site for a 76 no. bed care home to the east of the site. Officers have considered the proposal and a detailed report and recommendation have been referred to the Circulated Schedule.

1.2 The site is located within an urban area of Downend and is situated within a primary residential area. The new access would be via an existing cul-de-sac at York Close.

1.3 The proposal is to erect 9 new dwellings within the site, there would be 3 pairs of semi-detached dwellings, which would be two and a half storey in height, and 3 no. detached dwellings, which would be 2 storey in height. During the course of the application, revised plans was submitted showing different design of dormers, omission of Julian balcony, increased distance between new and existing dwellings, introduction of pergola, and increased sized of garages.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework March 2012  
The National Planning Practice Guidance

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013**

CS1 Design  
CS4a Presumption in favour of sustainable development  
CS5 Location of Development (inc Green Belt)  
CS6 Infrastructure and developer contributions  
CS9 Managing the Environment and Heritage  
CS13 Non-safeguarded Economic Development Sites  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS29 Communities of the East Fringe of Bristol Urban Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006 (Saved policies)

- L1 Landscape Protection and Enhancement
- L5 Open areas
- EP2 Flood Risk and Development
- T7 Cycle Parking Provision
- T12 Transportation Development Control Policy for New Development
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC3 Proposals for Sports and Leisure Facilities Within the Existing Urban Areas
- LC4 Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

- South Gloucestershire Design Checklist (SPD) Adopted August 2007
- South Gloucestershire Council Residential Parking Standards Adopted December 2013.
- Trees on Development Sites Adopted
- Extra care and Affordable Housing Adopted May 2014

**3. RELEVANT PLANNING HISTORY**

- 3.1 K243 Outline application for the erection of an extension to existing office building floor area and the erection of vehicle maintenance workshop and store. Refused 16.10.1974
- 3.2 K243/1 Renovation and extension of existing office accommodation and replacement of buildings in rear yard by new workshop. Approved 17.04.1975
- 3.3 K243/2 Use of land for the siting of two single storey 'portakabin' temporary buildings to be used as office accommodation. Approved 20.09.1977.
- 3.4 K243/3 Use of land for the siting of two single storey 'portakabin' temporary buildings to be used as office accommodation. Approved 11.12.1979
- 3.5 K243/4 Lean-to extension to yard shed for equipment housing mess room & shower. Approved 12.12.1980
- 3.6 K243/5 Use of land for the siting of one temporary 'portakabin' building to be used as office accommodation. Approved 10.02.1982
- 3.7 PK14/2710/F Demolition of existing buildings and erection of 76 no. bed care home (Use Class C2) and associated works. Recommended approval and referred to the circulated schedule.

The adjacent site, No. 337 Badminton Road

- 3.8 K243/6 Construction of new roof to bungalow & pitch roofs to rear extension & front porch. Approved 06.06.1984



- 3.9 PK00/2985/F Erection of 1 no. dwelling with attached double garage and erection of detached double garage. Approved 27.02.2001

The adjacent site, No. 335 Badminton Road

- 3.10 PK04/4112/F Erection of 1 no. mobile polytunnel. Approved 14.01.2005

#### **4. CONSULTATION RESPONSES**

##### 4.1 Downend And Bromley Heath Parish Council

It is noted that the residents in (i) York Close; (ii) nos 6, 8 and 10 Redcar Court, whose properties back onto the site; (iii) Lingfield Park residents, because of the amount of site traffic generated during building.

##### 4.2 Other Consultees (including internal consultees of the Council)

###### Highway Agency

No objection.

###### Environmental Protection

No objection subject to a planning condition seeking details and the implementation of the de-contamination strategy.

###### Sustainable Transport

No objection subject to planning conditions seeking details of demarcation features and covered cycle parking facilities, provision of parking facilities including cycle parking prior to the occupation of the dwelling, construction of access road.

###### Highway Drainage

No objection subject to planning conditions seeking details of sustainable drainage and surface water run-off rate.

###### Highway Structures

No comment.

#### **Other Representations**

##### 4.3 Local Residents

1 letter of objection has been received from a local resident of 5 Wincanton close, the residents raise the following concerns:

- Loss of privacy
- Value of the property
- The stability of the existing boundary block wall, which has a number of large cracks once the storage buildings are demolished.
- request the wall to be repaired or replaced on a like for like basis.
- request the existing fence to be replaced with an eight foot fence of similar specification

- request that no activity commence before 8.00 Mon – Fri and is complete by 17.00
- request that there are no noisy construction activities carried out at weekends

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The NPPF puts considerable emphasis on delivering sustainable development and also seeks to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to ‘*boost significantly the supply of housing*’. However paras. 48 and 53 resist development in residential gardens that would cause harm to the local area.

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and the policies therein are also a material consideration. Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

The proposal under consideration here is for the erection of 9 no. dwellings. The principle of providing new dwelling is considered be acceptable under the adopted Core Strategy Policy CS29 and CS16 as it is a previous developed site (i.e. brownfield site) and is located within an urban area.

The site is not a safeguarded or designed employment site. Policy CS13 of the adopted Core Strategy states that proposals for change of use on economic development sites not safeguarded in Policy CS12 within the urban areas will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. The principle of this policy is to prevent further losses of smaller scale employment opportunities in the context of pressure to meet housing targets. Policy CS13 however does set out priority for proposals for development within urban area for non-safeguarded employment area, i. mixed use scheme, then residential scheme.

This application site forms part of an existing contractors’ yard and wash-down area for a former vehicular repair and maintenance depot. A planning application for the erection of a 76 bed care home was submitted to the east side of the site. Officers consider that the proposal for the care home is acceptable subject to planning conditions safeguarding the amenity of the area. A detailed report and recommendation has been referred to the Circulated Schedule.

An existing access from Badminton Road would be used for the development for the care home only, therefore a new access is required for either continuous use for industrial/commercial purposes or other uses via the residential area, e.g. York Close or Lingfield Park.

The application site is surrounded by residential properties, officers consider that the continuous commercial / industrial uses on this application site, on balance, would likely cause more unacceptable adverse impact upon the neighbouring properties compared potential impacts caused by a residential development.

Although the applicant has not supplied marketing information to explore alternative employment uses of this site, it should be noted that an application for a large care-home development, which would provide 76 full-time jobs, has been put forwarded to the east of the site. Given that the majority part of the whole industrial/ commercial site would be occupied by a care home, the application site is situated within a group of residential properties, officers consider that the proposed residential development would comply with Policy CS13 of the adopted Core Strategy.

The proposed residential development is considered to accord with the principle of the NPPF, the adopted Local Plan and the adopted Core Strategy, therefore the proposal is therefore acceptable subject to the following detailed assessment in terms of design, transportation, residential amenity, drainage, the environment.

Policy CS1 of the adopted Core Strategy (Adopted) seeks to secure good quality designs that are compatible with the character of the site and locality.

#### 5.2 Density

The NPPF seeks to make efficient use of land in the Urban Area for housing. The location is suburban in character with a mix of house types and sizes. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development i.e. 45 dwellings per hectare, makes efficient use of the site and in this respect alone does not represent an under-development or over-development of the site.

#### 5.3 Scale and Design

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

The proposal is to erect 9 no. dwellings within the site, and the existing structures will be demolished to make way for the development.

The application site is regular in shape extending to around 0.21 hectares and the land, which forms part of secured fenced yard, is situated between Badminton Road and York Close. The site is bounded to the north by residential properties to Lingfield Park and Redcar Court. To the south the site is bounded by residential properties to Wincanton Close and land in the ownership of No 335 Badminton Road. To the west the site is bounded by the residential properties No. 6 and 8 of York Close. The east of the site will be bounded by the proposed care home development.

The surrounding area is characterised by a mix of types and sizes of properties residential ranging from mid-late 20<sup>th</sup> century residential dwellings which are two-stories in height with various renders and brick types.

The proposal would comprise of 3 pairs of 2 and a half storey semi-detached dwellings and 3 no. 2-storey detached dwellings. The layout has been simply designed as an 'extension' of a cul-de-sac of York Close. The scale of the proposed dwellings would be similar with those of the adjacent properties. However the development would have its own architecture character, e.g. an introduction of front dormers on the semi-detached dwellings with a steeper roof pitch. Officers consider that these features would enhance the variety of the styles and the appearance of the locality. The proposed semi-detached dwellings would have a small hipped roof in order to reflect the character of the adjacent properties in Lingsfield Park and York Close. The new dwellings would be constructed of a mix of red brick and render with re-constituted stone cills and gable vents under concrete tiles, as such they would respect the character and appearance of the locality.

Having regard to the above therefore, officers consider that the scale and design of the proposal are acceptable and would not compromise the character of the locality and street-scene.

#### 5.4 Transportation Issues

Policy CS17 of the adopted Core Strategy states that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking.

The development is accessed from an existing cul-de-sac in a residential area which has reasonably good access to local facilities and where traffic speeds are relatively low.

##### Access

The application is supported by a Transport Assessment which has highlighted the restricted visibility to the right when exiting York Close. Officers are satisfied that the cul-de-sac nature and alignment of Lingfield Park restricted vehicle speeds to around 20mph. Sufficient visibility is available for traffic travelling at this speed. In addition there have been no reported collisions at this junction over the last 5 years.

York Close has a footway on one side. The proposal is to provide a shared surface driveway 6 metres wide at the end of York Close with a further turning area which is suitable for use by refuse vehicles. This is a suitable form of access arrangement. Officers would however recommend a demarcation band of block paving at the change from segregated to shared surface to indicate the change to all road users.

Officers are therefore satisfied that the development is provided with a safe and suitable access.

### Parking

The proposal includes two car parking spaces for each dwelling. In addition visitor spaces are provided for plots 6 and 7 and there are also opportunities for visitors to park on-street on York Close. Officers consider that the proposed level of car parking would conform with the Council adopted residential parking standards.

In conclusion, there are highway objections are raised subject to planning conditions seeking the details of demarcation features and cycle parking facilities, provision of parking facilities and access road.

### 5.5 Landscape and Arboricultural Issues

Officers acknowledge residents' concerns over the quality of existing boundary walls and fences. The submitted site plan indicates that the existing boundary panel fence and wall along the southern boundary will be retained and protected. Officers have no objections to their retention. Nevertheless it would be necessary to impose a planning condition seeking details of boundary treatment including the section across the ground level of Wincanton Close to ensure appropriate boundary treatment to be in place to protect the amenity of the neighbouring occupiers and the future occupiers.

In regard to landscaping there is an open ground area across the western part of the site, which had some trees and shrubs. The proposed site layout plan shows designated landscaped garden for each plots, which are considered to be acceptable subject to a planning condition seeking seek a detailed planting plan including the protection of the existing trees along the neighbouring properties.

The neighbouring property, No. 335 Badminton Road, has a mature tree overhanging the southern boundary of the site, and this tree needs to be protected. It is therefore necessary to impose a condition to seek detailed arboricultural method statement including tree protection plan.

### 5.6 Impact on Residential Amenity

The site lies within the suburban area and is residential in character. Consideration must be given as to whether the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.

#### Impact upon No. 2 and No. 6 York Close

The nearest residential property to the proposed two and a half storey semi-detached dwellings at plot 1 and 2 would be No.2 and No. 6 York Close. No. 6 has a first floor window overlooking the garden area of the new dwelling.

The proposed dwelling at plot 1 would set significantly forward beyond the front elevation of No. 6 York Close, however the side elevation would be approximately 3.5 metres from the side boundary sharing No. 6. (approximately 7 metres from the front primary window of No. 6).

It is acknowledged that the new dwelling would cause a degree of overbearing and overshadowing upon No. 6 York Close from the east, it is however considered that the impact would not be significant to be detrimental to the living condition of occupiers of No. 6.

The applicant has acknowledged that the garden area would be overlooked by an existing first floor window of No. 6. The revised site plan showing the construction of garden pergola, which is considered to be acceptable as it would provide some privacy for the future occupiers. It should also be noted that the site is situated within an established residential area as such overlooking over neighbours' garden would cause unacceptable material impact.

The first floor windows at the rear elevation of the new dwellings would be approximately 6.5-7.5 metres from the boundary of No. 2 York Close and these windows would overlook the rear part of the neighbouring garden. It is therefore considered that the overbearing and overlooking impact would not be unreasonable.

#### Impact upon Lingfield Park / Redcar Court

The nearest residential property to plot 3 would be No. 18 Lingfield Park and No. 3 Redcar Court. No first floor window is proposed to the side elevation of No. 3, therefore there is no issue of overlooking. In term of overbearing, the gable of plot 3 would be approximately 14-16 metres from the rear elevation of No. 18 Lingfield Park / No. 3 Redcar Court, as such the new dwelling would not cause unreasonable overbearing impact. It is noted that the new dwelling would cause a degree of overshadowing upon the neighbouring garden area, however this would not be significant.

#### Impact upon the adjacent site for a care home.

The nearest properties to plot 4-6 would be the potential care home building on the adjacent site. The rear elevation of these new dwellings would be 7 metres from the shared boundary of the care home, and these windows would mostly overlook the parking and turning area. The rear windows of the new dwelling at plot 6 would face the side west elevation of the care home, which has a first floor secondary window. As the rear elevation of the new dwelling would be approximately 9.5 metres from the side elevation of the care home, which has a large hipped roof, it is considered that the proposed dwelling would not cause unreasonable overlooking or overbearing impact upon the proposed care home.

#### Impact upon No. 335 Badminton Road

The nearest property to plot 7 would be the garden area of no. 335 Badminton Road, which has a considerable large 'L' shaped vegetable / flowers garden. Residents have viewed the proposal and raised no objection. The rear elevation of the new dwelling would be approximately 7-8 metres to the shared boundary of No. 335 Badminton Road, it is considered that the proposal would not cause unacceptable overlooking or overbearing impact upon the neighbouring occupiers.

#### Impact upon 5 Wincanton Close

The nearest new dwelling to No. 5 Wincanton Close would be plot 8, which is a 2-storey dwelling. It is acknowledged that the rear first floor bedroom windows would over the rear garden of No. 5 Wincanton Close. Officers had raised concerns over an overlooking issue, and subsequently a revised plan was submitted showing the new dwelling is moved approximately one metre further away from the boundary of No. 5 Wincanton Close.

Given that there would be a reasonable distance of approximately 7-9 metres between the rear elevation of the new dwelling and the boundary of No. 5 Wincanton Close, it is considered that the overlooking impact would not be significant to warrant a refusal of this application. The new dwelling at plot 7 would be situated further away and at an angle of No. 5 Wincanton Close, therefore the impact would be less material.

#### Impact upon No. 8 York Close

The nearest residential property to plot 9 and would be No. 8 York Close. The new dwelling at plot 9 would share the front building line of No. 8 York Close, therefore it would not cause unreasonable overbearing impact. No primary window is proposed on the side elevation to overlook No.8, therefore there is no issue of overlooking.

#### Amenity within the site

The new dwellings would have 3 or 4 bedrooms, and all of them would have a reasonable sized garden and it is considered that the provision of private amenity space is adequate for future occupiers. Officers had concerns over the distance between some new dwellings in terms of overbearing impacts, e.g. the distance between plot 2 and plot 3/4, similarly, plot 6 and plot 7. Subsequently, a revised site plan has been submitted to increase the distance among the new dwellings and officers consider that the proposal would provide good standard design in terms of amenity for future occupiers.

Having regard to all of the above therefore, the scheme is not considered to result in any significant adverse impact on residential amenity. However, officers consider that it would be necessary to remove permitted development rights of the installation of windows on the first floor side elevations of the proposed new dwellings at plot 3, 7 and 8 in order to protect the residential amenity of the neighbouring properties.

### 5.7 Ecological Issues

The site has no special ecological designation and was used as contractors' yard. The applicant submitted ecological survey of the site and the survey concluded that there are no major ecological issue on site and it is considered unlikely that reptiles. However, the applicant is advised that no works should be undertaken in the bird nesting season as there is a potential for impact upon nesting birds.

## 5.8 Environmental and Drainage Issues

### Disturbance / Nuisance during construction:

Whilst there would inevitably be some disturbance for neighbouring occupiers during the demolition and construction phases, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. The local residents request the construction to be finished by 17.00, it is considered that it would be unreasonable to restrict building works to the requested hours, officers therefore restrict the hours of construction as follows:

08.00hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays.

Any increase in noise levels or anti-social behaviour would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds.

### Drainage:

In terms of drainage, the Council's Drainage Engineer has raised no objection subject to a condition to secure a SUDS Drainage Scheme.

### Land contamination:

The historic use of the site as a contractors' compound/highways depot may have caused contamination which could give rise to unacceptable risks to the proposed development. The Council Environmental Protection Team has considered the applicant's Land Quality Statement in respect of potential for contamination

The report summarised previous ground investigations that have been undertaken on site and supplements these with additional ground investigation works. The investigations have identified potential contaminants that will require remediation in order to ensure the development site is suitable for its proposed end use ie residential with gardens. Officers therefore raise no objection subject to a planning condition seeks further details of the remediation works and their implementation.

## 5.9 Affordable Housing, Education Services, and Community Services

The site is approximately 0.21 ha and would only provide 9 no. dwellings. On 28 November 2014, the National Planning Practice Guidance advises that contributions should only be sought from developments of 10 units or less, and which have a maximum combined gross floor space no more than 1000 square metre. As the proposed development would only provide 9 housing units, it is considered that it would not be reasonable to seek financial contributions towards education services and affordable housing provision. In terms of community services, the proposal would fall below the Council's threshold, therefore no financial contribution is required.



Regarding the number of housing units for this site, officers need to take consideration of the site location, adverse impact upon the residents' amenity, highway issues, and other relevant planning materials. The proposal would provide 9 no. new dwellings and officers consider that a maximum number of housing units has been achieved without significantly compromising the residential amenity and visual amenity of the area. It is considered that any additional housing units would potentially result in raising ridge height of the new dwellings, introducing apartment buildings, increasing traffic movement within the site and onto the adjacent properties at York Close, and potentially creating a cramped form of development. In this instance, it is considered that the proposed number of housing units would be the reasonable maximum number of housing units on this particular site.

5.10 Other issue

The impact upon the value of the property raised by the residents would not be planning material consideration.

**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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**

**Tel. No. 01454 863761**

**CONDITIONS**

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

Reason

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

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows shall be installed at the north side elevation first floor level of new dwelling at plot 3, or at the east side elevation first floor level of new dwelling at plot 7, or at the west side elevation first floor level of new dwelling at plot 8.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. The hours of working on site during the periods of demolition and construction shall be restricted to 08.00hrs 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 National Planning Policy Framework and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land or overhanging the site boundary and details of any to be retained, together with measures for their protection during the course of the development; proposed planting and times of planting; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Notwithstanding the submitted details, prior to the commencement of development details of surface water run-off and drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) including Operation and Maintenance Plan provision detailing maintenance activities and frequency 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 Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. The approved parking and manoeuvring facilities, shown on the Proposed Site Layout Plan: 507 01 P7 hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwellings so approved, and retained as such thereafter.

Reason

To prevent stone scatter on the highway and to ensure the satisfactory provision of parking and manoeuvring facilities in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

8. Prior to the commencement of the development details of a demarcation feature between the segregated carriageway and footway and the shared surface access road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed no later than 12 months after first occupation.

Reason

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

9. The development shall be served by an access road laid out and constructed in accordance with details (including street lighting and surface water drainage) to be submitted to and approved in writing by the Local Planning Authority, and no dwelling on the development shall be occupied until the road (including vehicular turning head, street lighting, and footways where proposed) providing access from the nearest public road to that dwelling has been completed to at least basecourse (binder course) level in accordance with the details so approved. The road shall be completed no later than 12 months after first occupation of any dwelling served and shall be similarly retained thereafter until and unless adopted as highway maintainable at public expense.

Reason

To ensure that there is a safe and satisfactory means of access for occupants of the development, in the interests of highway/public safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of the development details of two covered and secure cycle parking spaces for each dwellings at plots 1-5 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and the cycle spaces shall be provided prior to the first occupation of the dwellings and these spaces shall be retained as such thereafter.

Reason

To promote sustainable transport choices and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. A) Potential contamination has been identified on site. Prior to the commencement of development, an assessment shall be carried out to identify what mitigation measures are proposed to address unacceptable risks. The proposed remediation scheme shall be agreed with the local planning authority. Thereafter the development shall proceed in accordance with the agreed mitigation measures.  
  
B) Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.  
  
C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that adequate measures have been taken to mitigate against contamination and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

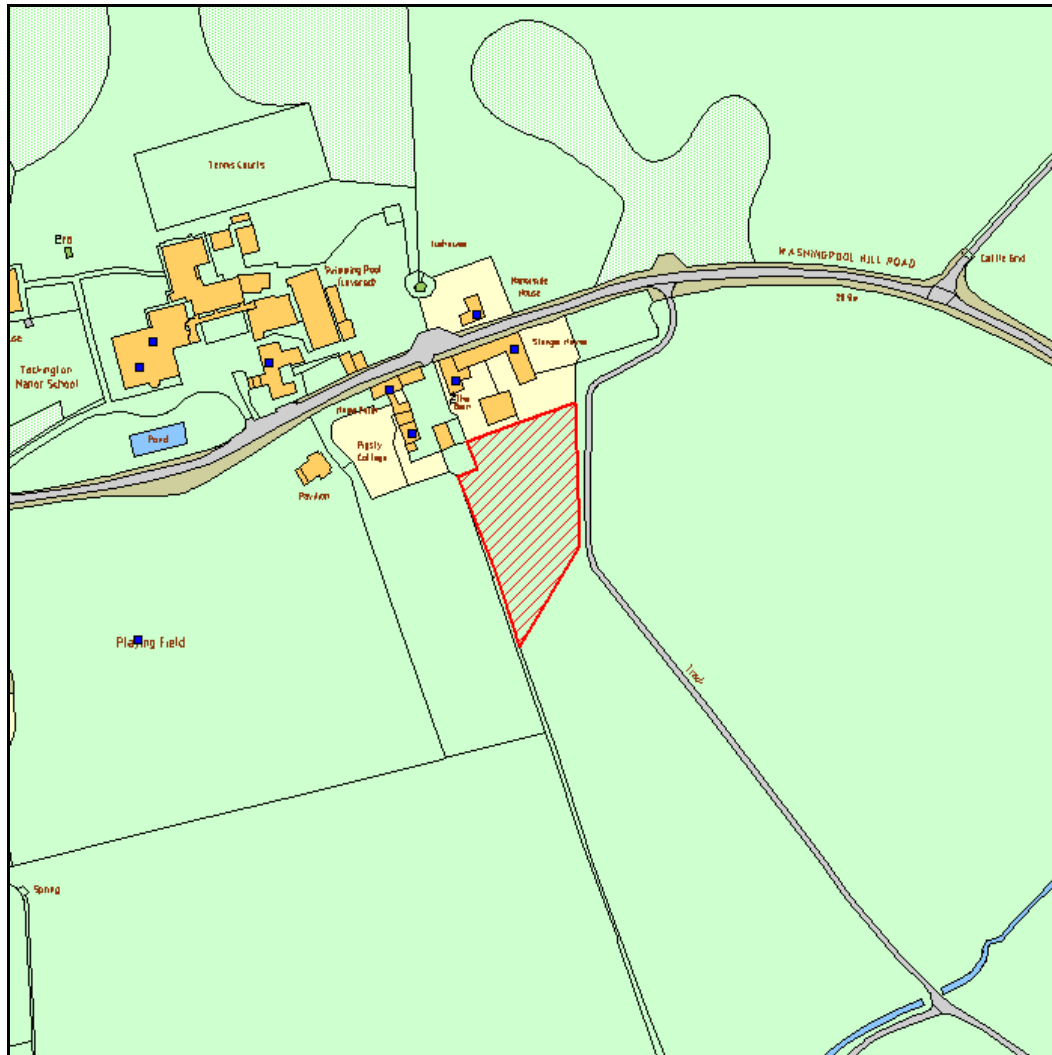
12. Prior to the commencement of the development details of nest boxes for species such as house sparrow shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the new dwellings hereby approved, the proposed nest boxes shall be provided and maintained thereafter.

Reason

In the interests of wildlife habitats and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

**CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014**

<b>App No.:</b>	PT14/4068/CLE	<b>Applicant:</b>	Dr Martin Williams
<b>Site:</b>	The Barn Washingpool Hill Road Tockington Bristol South Gloucestershire BS32 4NX	<b>Date Reg:</b>	6th November 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for existing use of land as residential (Use Class C3)	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361274 186619	<b>Ward:</b>	Severn
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	31st December 2014



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is for a certificate of lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a certificate of lawfulness for the existing use of the land edged in red as residential (Use Class C3).
- 1.2 The application site consists of a plot of land situated to the south of 'The Barn', Washingpool Hill Road, Tockington.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2010
- III. National Planning Practice Guidance 2014

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

- 3.1 PT14/4826/F - Installation of 3no. rooflights to west elevation. Pending Consideration.
- 3.2 PT03/0307/F - Erection of glasshouse on south elevation of existing barn. Approved 5<sup>th</sup> March 2003.
- 3.3 PT03/0308/F - Formation of wildlife pond. Approved 5<sup>th</sup> March 2003
- 3.4 PT02/3408/F - Change of use of land from agricultural to domestic curtilage. Construction of wildlife pond and erection of glasshouse. Refused 14<sup>th</sup> January 2003
- 3.5 P95/2676 - Conversion of redundant farm buildings and erection of new extension to form two residential units. Construction of new vehicular accesses (In accordance with the amended plan received by the Council on 28 December 1995). Approved 9<sup>th</sup> January 1996
- 3.6 P95/1831/C and P95/1830 - Demolition of existing buildings and alterations to boundary wall to facilitate conversion of existing redundant farm buildings to form three dwellings and erection of double garage. Approved 20<sup>th</sup> September 1995

### **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION**

- 4.1 Signed declaration of Dr Michael Bradley (Unsworn). This declaration is summarised as follows:
  - Dr Bradley was the owner of The Barn (title no. GR246330).
  - Dr Bradley lived in the property from 2002 until 2010.

- On moving in in 2002 Dr Bradley commenced on planting the whole area on the plans shown by the hatched lines. The area was laid to lawn, trees were planted and vegetable plots were created, together with a fruit cage.
- Extensive planting of shrubs and other perennial flowers was undertaken throughout the aforementioned area.
- From 2002 this area was maintained on a regular basis and used as a domestic garden by family and friends.
- In 2003 a successful application was made to develop a wildlife pond. Several fruit trees were planted and an orchard was created.
- Dr Bradley's children used the area for playing games and sports on a regular basis. A tree house was also erected for the children's use in the rear garden.

4.2 Design and Access Statement. This summarises contact details and policies RP34 and GB1 (which has since been superseded). It also makes the following statements:

- The land has been used for recreational purposes since 2002 by the previous owners.
- The land has been well maintained the grassed area mowed regularly and the plants and shrubbery looked after by the current and previous owners since 2002. Wildlife has increased since the planting of trees and shrubs.

4.3 Street View photo showing access to The Barn.

## 5. **SUMMARY OF CONTRARY EVIDENCE RECEIVED**

5.1 No contrary evidence has been received from third parties.

5.2 The Council's own evidence consists of the following:

- Aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009.
- The Officer's reports for the planning history summarised in section 3 of this report.

## 6. **CONSULTATION RESPONSES**

6.1 Olveston Parish Council  
No objection

6.2 Public Rights of Way  
No objection

### **Other Representations**

6.3 Local Residents  
No comments received

## 7. EVALUATION

- 7.1 The application is for a certificate of lawfulness for the existing use of the land as residential garden. The application therefore seeks to demonstrate that the land has been in residential use for a continuous period of at least 10 years prior to the date of the submission. It is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether in this case the land has been in a consistent residential use for not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.
- 7.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Assessment of Evidence  
In terms of the evidence submitted in support of the application it is noted that the design and access statement states that the application seeks permission to change the use of the land from agriculture to domestic curtilage. The statement makes reference to the land being used for recreational purposes since 2002 and that it has been well maintained since 2002. There is no reference within the design and access statement to the land in question being in a residential use let alone for a continuous time period of ten years. This evidence therefore does not justify the grant of a certificate.
- 7.4 The declaration of Dr Bradley can be considered to hold greater weight in establishing the use of the land with the statement confirming the Dr Bradley owned The Barn between 2002 and 2010. To summarise Dr Bradley states that on moving into The Barn the land in question was laid to lawn, trees were planted and vegetable plots were created, together with a fruit cage. Extensive planting of shrubs and other perennial flowers was undertaken throughout the aforementioned area. This is broadly consistent with the Council's own aerial photographs which show that between 1999 and 2005 the land had been clearly sectioned off and planted with numerous trees a vegetable plot and a pond. This is also consistent with the planning history which shows that permission for the engineering operation to facilitate the pond was approved in March 2003
- 7.5 With reference to the planning history it is noted that within the Planning Officer's delegated report for application ref. PT03/0308/F the Officer describes the use of the land as agricultural further stating that 'no change of use is proposed by the application'. This evidence, which is an observation of a planning professional, is considered to hold weight in the determination of the current application. In addition, under application ref. PT03/0307/F the site plan submitted includes only the domestic curtilage of the dwelling and not the subject land indicating that the subject land was not considered to fall within the curtilage of the dwellinghouse at that time (March 2003).



- 7.6 Turning back to Dr Bradley's statement it is noted that the statement suggests that since 2002 the land was maintained on a regular basis and used as a domestic garden by family and friends. In 2003 a successful application was made to develop a wildlife pond. Several fruit trees were planted and an orchard was created. It is therefore indicated that, in the view of Dr Bradley the land was in a residential use before the wildlife pond was installed and this conflicts with the statement in the Planning Officer's report for application PT03/0307/F. In reaching an overall conclusion on this matter it is noted that the planting of trees, the vegetable plot and the wildlife pond, which can be seen on the 2005 aerial photograph, do not necessarily mean that the land is in a residential use. It is not uncommon for trees to be planted to enhance the appearance or amenity of the land without a material change of use taking place and the wildlife pond, which is understood to have been subject to biodiversity action grant from the Council, does not necessarily lend itself to a residential use. There is no evidence within the Council's aerial photographs of an domestic paraphernalia on the land before 2006. It is noted that on the 2006 aerial appears to show some items but it is not of sufficient quality to establish the exact nature of these
- 7.7 Within his statement Dr Bradley further confirms that children used the land for playing games and sports on a regular basis. A tree house was also erected for the children's use in the rear garden. These activities, which aren't evident from the aerial photographs, can also however similarly take place on land not in residential use such as recreational parks, agricultural land and open space. It is considered that Dr Bradley does not make reference in his statement to uses which can be precisely or unambiguously described as residential. It is therefore considered that the evidence provided by the applicant, which is in conflict with the Council's own evidence, is not sufficiently precise or unambiguous to justify the grant of a certificate.
- 7.8 In terms of the current use it is noted that the land is still physically divided from the domestic curtilage of the dwelling by a fence and pedestrian gate but does contain residential paraphernalia such as a trampoline and domestic tables and chairs. Footballs goals, wigwams and a tree house were also noted. The use of the land in its present form therefore would appear to lend itself to a more residential use however it is not clear when the material change of use took place.
- 7.9 Overall and in conclusion to the above it is considered that on the balance of probability the use of the land as residential has not been proven. This is because the evidence provided does not clearly or unambiguously demonstrate the use of the land as residential for a consistent period of at least ten years, and the Council's own evidence is contradictory making the applicant's version of the events less than probable. This application for a certificate of lawful development for an existing use is therefore refused on these grounds.

**8. CONCLUSION**

8.1 Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land has been in residential use for a consistent period of at least ten years.

**9. RECOMMENDATION**

9.1 That the Certificate of Lawfulness is REFUSED.

**Contact Officer: Sarah Fordham**

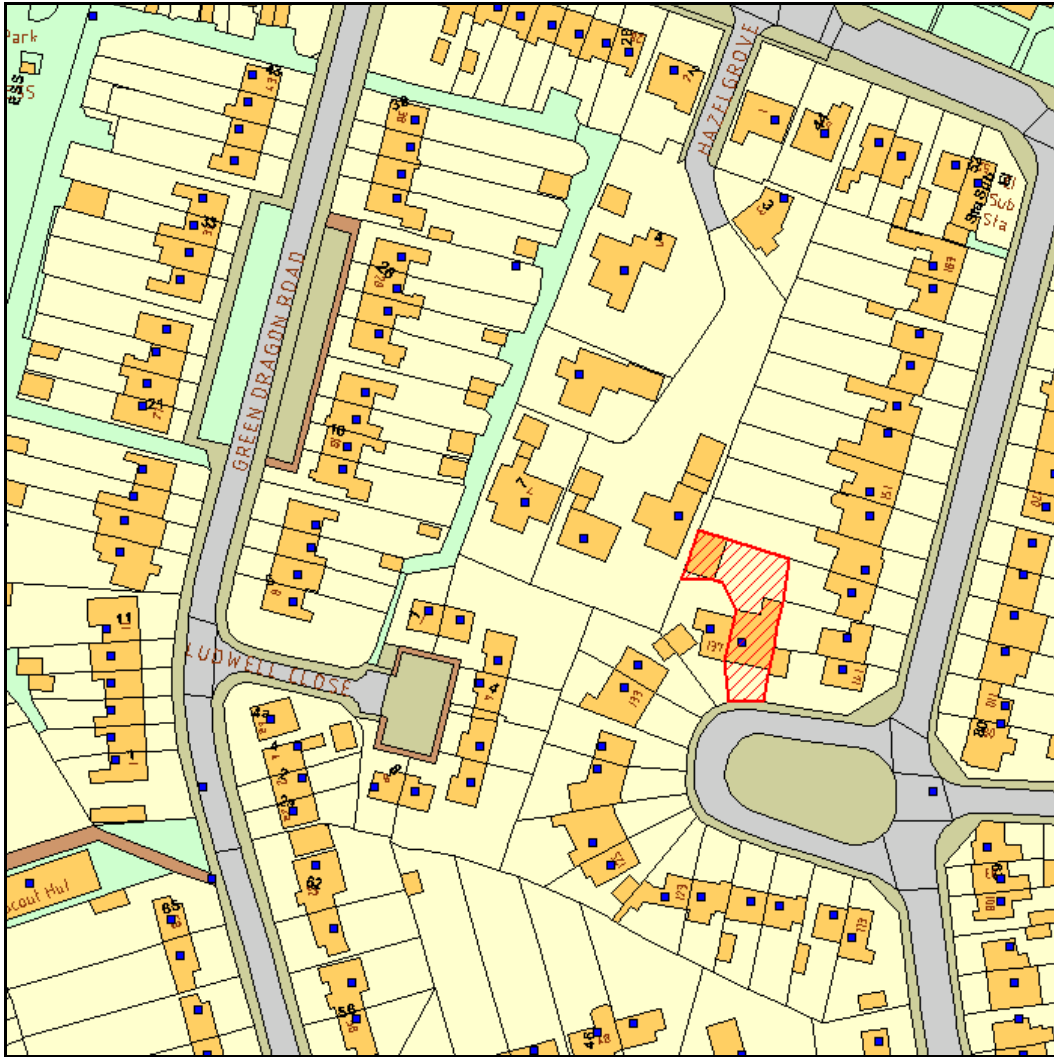
**Tel. No. 01454 865207**

**REASONS FOR REFUSAL**

1. Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land has been in residential use for a consistent period of at least ten years.

**CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014**

<b>App No.:</b>	PT14/4250/F	<b>Applicant:</b>	Mr John Liveley
<b>Site:</b>	139 Bradley Avenue Winterbourne Bristol South Gloucestershire BS36 1HW	<b>Date Reg:</b>	4th November 2014
<b>Proposal:</b>	Erection of 2 metre high fence panel.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365020 180365	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th December 2014



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## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

There are two objections received contrary to officer recommendation for approval.

### **1. THE PROPOSAL**

1.1 The application is a full planning application to extend one fence panel from one metre in height to two metres. The fence panel is perpendicular to the highway but is adjacent to it. The proposed fence panel is to match three existing fence panels to two metres in height. The fence aligns the driveway boundary with no. 141 Bradley Avenue and accesses the highway as part of a horseshoe crescent in the road around a T-junction.

1.2 The property is a semi-detached dwellinghouse located within the Winterbourne settlement boundary.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within existing residential curtilages  
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design

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

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

3.1 PT10/3408/F – Erection of 2 metre boundary fence – Approved 28 January 2011

This was not implemented within the three year period controlled by condition 1 of the permission.

### **4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

No objection

#### 4.2 Other Consultees

Highway Drainage – No comment

Sustainable Transport Highways - This site benefits from a footway that both acts as a buffer between the edge of the carriageway and the boundary of the property, and also as a pedestrian visibility splay for users. The site is on a tightly constrained horseshoe type road, serving in the region of 14 dwellings and also constrains speed of vehicles. Give this arrangement the increase in height of the boundary fence is not considered to undermine highway safety to the extent that a sustainable highway reason for refusal could be maintained. As such there is no transportation objection to this proposal.

### **Other Representations**

#### 4.3 Local Residents

2 letters of objection have been received from local residents. The comments are summarised below;

- It is stated that an ongoing boundary dispute between 139 and 141 Bradley Avenue has now been resolved when this is not the case
- The applicant has erected three 2m panels.
- The fence has made reversing off the drive at 141 Bradley Avenue very dangerous particularly as traffic is greatly increased during school starting and leaving times. The proposed panel will severely increase the danger.
- There is a row of mature trees on 141 Bradley Avenue which are well within falling distance of the fence.
- The fence was previously 1m high and the increase in height is typical of the actions of the neighbour in the boundary dispute.
- Bushes were removed from the grass area outside 141 Bradley Avenue to improve vision for motorist entering the Avenue from the small crescent on which the house is situated.
- There will be possible danger to the health and safety of the general public caused by limitations when we pull off our drive (141).
- The ongoing boundary dispute has caused continual stress and worry.
- Work has been carried out before permission has been granted
- The fence would obstruct the view significantly for the residents of 141 Bradley Avenue who would be unable to safely navigate off their drive.
- The property is close to Winterbourne International Academy and parking during school hours is difficult enough without someone having to reverse off their drive 'blind'.

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

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 prescribes the criteria within which development will be permitted within existing residential curtilages.

These criteria include highway safety and design which are also covered by Policy T12 of the aforementioned Local Plan and Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy (Adopted) December 2013 respectively.

5.2 Residential Amenity

There are 4 existing fence panels on the boundary between no. 139 and no. 141 Bradley Avenue. These have been erected under permitted development with the owner recognising that the panel 'adjacent to the highway' could not exceed 1m. Such a fence is not uncommon at a residential property and indeed it is noted that the property 141 has a fence of similar height with additional trellis, also adjacent to the driveway.

It is not considered that the fence is overbearing or has an unacceptable impact on residential amenity.

5.3 Highway Safety

When the matter was previously considered in January 2011 (PT10/3408/F), the Council's Highways Engineer was consulted and provided an assessment that where there is a footway acting as a buffer between the boundary and the road, a fence over 1m high is generally permissible. There is a footway present and therefore a vehicle leaving an access adjacent to the fence would be able to achieve sightlines as it waits at the edge of the roadside. The provision of sightlines for reversing vehicles is not a highways requirement as it is assumed that a vehicle could reverse into an access. Consideration is also given to the slow speed nature of the adjoining residential road and it is considered that vehicles entering and egressing the site would be able to see pedestrians using the pavement.

5.4 This application has also been subject to Highways consultation and the further advice recognises that the footway acts, both as a buffer between the edge of the carriageway and the boundary of the property, and also as a pedestrian visibility splay for users. The site is on a tightly constrained horseshoe type road, serving in the region of 14 dwellings and also constrains speed of vehicles. Given this arrangement, the increase in height of the boundary fence is not considered to undermine highway safety to the extent that a sustainable highway reason for refusal could be maintained. As such there is no transportation objection to this proposal. It is not considered that the proposal would prejudice highway safety.

5.5 Objections have been raised on account of increased on-street parking during school journey times however as the proposal is not considered to have an adverse impact on highway safety and does not affect the number of parking spaces available, the development has been considered to be in accordance with the Council's Transportation Policy. A site visit was nevertheless undertaken at 08.45 on a Thursday morning in term time. There was considerable on street parking on Bradley Avenue however the crescent was relatively quiet at the time, was easy to negotiate and owing to the open views across the public space drivers are afforded clear views of the whole crescent.

5.6 Design / Visual Amenity

The existing fence panels are constructed of good quality concrete posts and close-boarded stained timber. The materials are typical of a residential dwelling and there is an example of a similarly high fence immediately next door at 141 Bradley Avenue. The design is considered to be appropriate and in keeping with the character of the street scene.

5.7 Other Matters

Local residents have raised a number of objections, some of which have been addressed above, notably the highway safety objections. The boundary dispute is not a matter that can be considered in the planning application and is a civil matter between the affected parties. Had the development been commenced before the application then this too would not be a material consideration in the assessment of the application but in any event, the development undertaken in this case has benefited from permitted development.

**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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 a condition that the development be implemented within three years from the date of decision.

**Contact Officer: James Cooke**  
**Tel. No. 01454 863429**

**CONDITIONS**

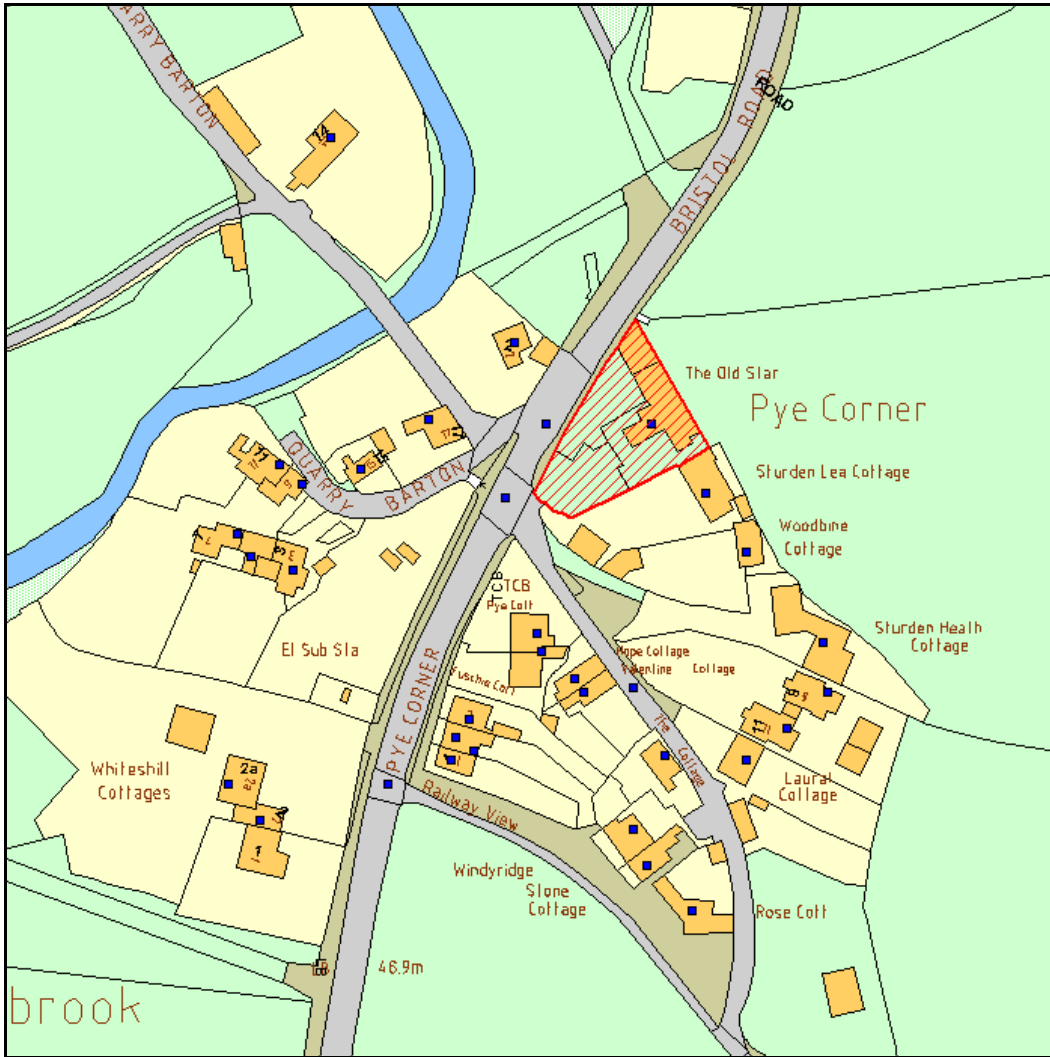
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014**

<b>App No.:</b>	PT14/4341/CLP	<b>Applicant:</b>	Ms Caron Greaves
<b>Site:</b>	Old Star Inn Pye Corner Bristol Road Hambrook Bristol South Gloucestershire BS16 1SE	<b>Date Reg:</b>	7th November 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364582 179490	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	31st December 2014



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a lean-to side extension at Old Star Inn, Pye Corner, Bristol Road would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application, additional information regarding the proposed materials was received in an email from the agent. A period of re-consultation was not deemed necessary. Elevations were requested but not submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

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

The Old Star Inn has been the application site for many planning applications, the most recent of which are detailed below:

- 3.1 PT14/2013/F Approve with conditions 07/07/2014  
Erection of first floor front extension to provide additional living accommodation.  
Erection of side conservatory.
- 3.2 PT10/3473/F Approve with conditions 02/02/2011  
Raising of roofline to front elevation to form second storey for additional living accommodation.
- 3.3 P99/2607 Approve Full Planning 29/11/1999  
Erection of extension to provide enlarged garage, ground floor bedroom and study with additional rear dormers

- 3.4 P93/2397 Approval Full Planning 22/12/1993  
Change of use of public house to dwelling with attached annex. (Class A3 to class C3 of the town and country planning (use classes) order 1987); erection of first floor extensions. Installation of rear dormers.

#### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.

- 4.2 Other Consultees

Public Rights of Way  
No comment.

Open Spaces Society  
No comment received.

Highway Drainage  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
None received.

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Proposed Ground Floor Plan 1231/PD/02; Location Plan and Block Plan 1231/PD/01; Application form. All received 5<sup>th</sup> November 2014. Email from agent received on 13<sup>th</sup> November 2014 confirming external finishes of proposed extension.

#### **6. ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (As Amended) 1995.

6.3 The proposed development consists of a single storey side extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). When the dwelling was converted from a public house under a planning permission granted in 1993, the permitted development rights were not removed by means of a condition, and so the opportunities for householder development within Class A of the Order are still applicable. Class A allows for the erection or construction of an extension to a dwellinghouse subject to the following:

**A.1 Development is not permitted by Class A if –**

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The proposed extension would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

  - (i) fronts a highway, and**
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The principal elevation of the Old Star Inn is considered to be the south-west elevation for the purpose of this assessment, which faces the both Pye Corner and Bristol Road at an angle. The extension is proposed to the south-east, so whilst it does extend beyond a wall which forms the side elevation of the original dwellinghouse, it does not extend beyond a wall which fronts a highway.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**

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

The proposal would not extend beyond the rear wall of the original dwellinghouse.

- (f) **The enlarged part of the dwellinghouse would have more than one storey:**

The proposal is single storey.

- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**

The proposal would be located within two metres of a boundary but have a height to eaves of less than 3 metres and therefore meets this criterion.

- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

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

The proposed extension would extend beyond a side wall of the original dwellinghouse. It would not exceed four metres in height and would have only one storey. The width of the dwellinghouse is significant as the property has a linear form, and so the proposal does not have a width greater than half the width of the original dwellinghouse.

- (i) **It would consist of or include—**

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

The proposal does not include any of the above.

- A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:**

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**

- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

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

## **Conditions**

**A3 Development is permitted by Class A subject to the following conditions:**

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

The plans submitted do not state the proposed materials. The agent for the application advised in an email on 13<sup>th</sup> November 2014 that the external materials would match the appearance of those used in the existing dwellinghouse.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

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

The proposal does not include the installation of any upper floor windows.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal is single storey.

## **7. RECOMMENDATION**

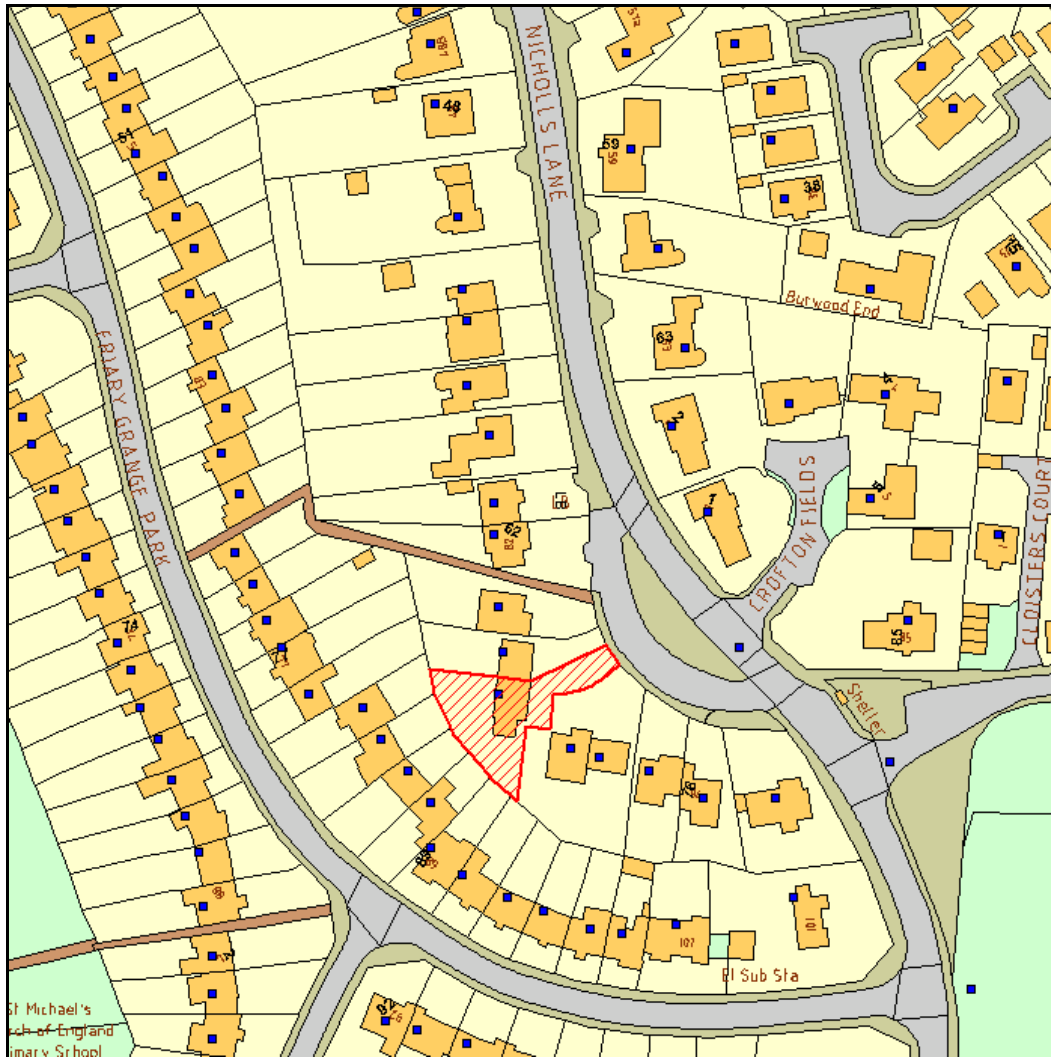
- 7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Trudy Gallagher  
Tel. No. 01454 862217**

## CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014

<b>App No.:</b>	PT14/4347/CLP	<b>Applicant:</b>	Mr Steve Hart
<b>Site:</b>	68 Nicholls Lane Winterbourne Bristol South Gloucestershire BS36 1NE	<b>Date Reg:</b>	28th November 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a two storey rear extension. (Resubmission of PT14/3166/CLP)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365356 180705	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	16th January 2015



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100023410, 2014.

N.T.S.

PT14/4347/CLP

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a two storey rear extension would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit. The decision is based on the facts presented.
- 1.3 This application is a re-submission of PT14/3166/CLP, which was withdrawn. This application included side windows on the first floor that were not shown as obscure-glazed, contrary to condition A3 (b). The plans submitted with this application have amended the proposed window arrangement accordingly.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

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

- 3.1 PT14/3166/CLP      Application for a certificate of lawfulness for the proposed erection of a two storey rear extension.  
Withdrawn 14.10.14
- 3.2 PT11/1153/F      Erection of two storey and single storey rear extension to provide additional living accommodation.  
Erection of front porch.  
Approved 03.06.11  
**This planning application has not been implemented.**

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection, as long as the windows are obscure glazed as a condition.
- 4.2 Highway Drainage  
No comment.

## **Other Representations**

### 4.3 Local Residents

One objection received from a local resident:

- Size of the proposed extension brings the building closer to properties at the rear on Friary Grange Park;
- Overbearing for houses on Friary Grange Park;
- Single storey extension would not have such a large impact on surrounding properties.

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

### 5.1 Plans

Existing:

OS Location Map; Ground Floor Plan As Existing (013/010/01); First Floor Plan As Existing (013/010/02); Roof Plan As Existing (013/010/03); North Elevation As Existing (013/010/04); West Elevation As Existing (013/010/05); South Elevation As Existing (013/010/06); Section A:A As Existing (013/010/07); Site Plan (013/010/17), received by the Council on 21<sup>st</sup> November 2014.

Proposed:

Ground Floor Plan As Proposed (013/010/08B); First Floor Plan As Proposed (013/010/09B); Roof Plan As Proposed (013/010/10B); North Elevation As Proposed (013/010/11B); West Elevation As Proposed (013/010/12B); South Elevation As Proposed (013/010/13B); Section A:A As Proposed (013/010/14B); Section B:B As Proposed (013/010/15B); Section C:C As Proposed (013/010/16B); received by the Council on 5<sup>th</sup> November 2014.

## **6. EVALUATION**

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit; the application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.

- 6.2 The proposed development consists of a two storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As



Amended) 1995. This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

### **6.3 Erection of a single-storey rear extension**

#### **A1 Development is NOT permitted by Class A if –**

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The proposed extension to the rear would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The proposed would be two storey reaching approximately 6.5 metres at its highest part. The height of the roof on the host dwelling measures approximately 6.7 metres. The proposal therefore accords with this criterion.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The height of the eaves of the proposed extension would not exceed the height of the eaves of the main dwelling and as such meets this criterion.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

  - (i) fronts a highway, and**
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be to the rear elevation of the dwelling not on a principal or side elevation and not fronting a highway, as such the proposal accords with this criterion.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**

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

The proposed extension is two storey; therefore this criterion does not apply.
- (ea) Until 30<sup>th</sup> May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
- (ii) **exceed 4 metres in height**

The proposed extension is two storey; therefore this criterion does not apply.

- (f) **The enlarged part of the dwellinghouse would have more than one storey and**

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

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

The proposal is for a two storey rear extension. The extension measures 3 metres from the rear wall of the original dwelling and is located in excess of 7 metres from the boundary of the curtilage of the dwelling opposite the rear wall of the dwelling. Therefore, the proposal meets criterion in both respects.

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

The proposal is located 2.4 metres from the nearest boundary of the curtilage, and as such the proposal meets this criterion.

- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

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

The proposal would extend off the rear elevation of the dwelling only.

- (i) **It would consist of or include—**

- (i) **The construction or provision of a veranda, balcony or raised platform,**

- (ii) **The installation, alteration or replacement of a microwave antenna,**

- (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

- (iv) **An alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above and consequently meets this criterion.

- A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:**

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**

- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land and as such the proposal meets this criterion.

## **CONDITIONS**

### **A3 Development is permitted by Class A subject to the following conditions:**

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

The proposal would be finished in materials to match the roof, walls and windows of the existing dwelling.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
  - (i) **obscure-glazed, and**
  - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

The proposal includes the installation of an upper floor window in the side elevation of bedroom 4/study and two rooflights; these are all shown on the proposed plans to be obscure-glazed. On this basis, the proposal meets this condition.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The main house has a pitched roof. The proposal would be two storey and would have a pitched roof, with gable end on the rear elevation.

### **A4 Conditions apply to development falling under A1 (ea). These include:**

Development shall be completed on or before 30<sup>th</sup> May 2016 and the developer shall notify the local planning authority of the completion of the development.

### **6.4 Other Matters**

A local resident has raised an objection concerning the size of the proposed two storey rear extension. This application is for a Certificate of Lawfulness which is purely an evidential test. There is no assessment required of the size and location of the proposal; the proposal is not assessed in terms of planning merit or complying with planning policy. This application is to confirm if the proposed development is in accordance with Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order (as amended) 1995.

If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful. In this respect, the proposal complies with the General Permitted Development Order and can be lawfully constructed by the applicant.

- 6.5 The parish council have commented that they have no objection, subject to a condition requiring the windows to be obscure. It is advised that the plans show the proposed extension to have obscure-glazed windows, as per condition A.3 (b). Additional conditions cannot be attached to a Lawful Development Certificate.

## 7. **CONCLUSION**

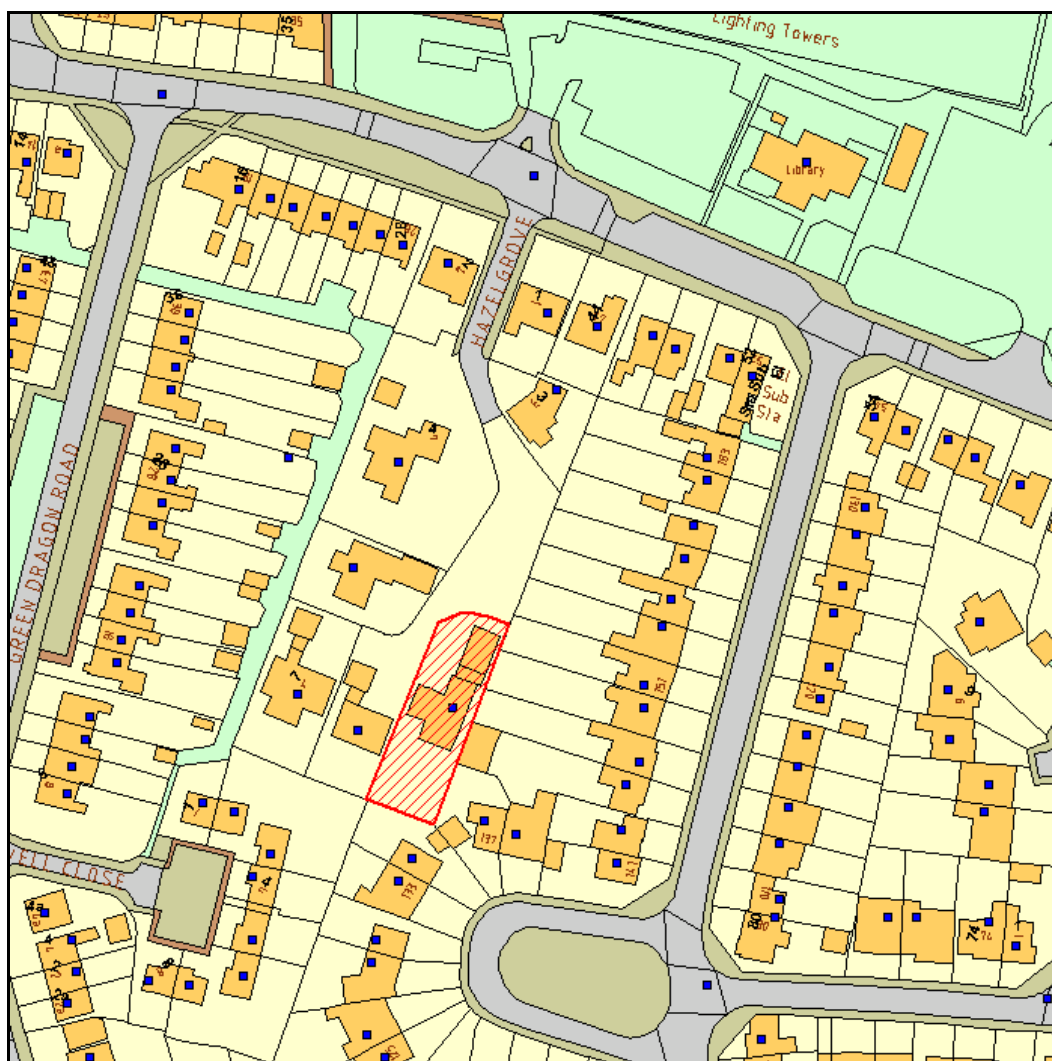
- 7.1 That a certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the development falls within permitted development within the curtilage of the dwellinghouse under Schedule 2 Part 1 Class A of the Town and County (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014

<b>App No.:</b>	PT14/4397/F	<b>Applicant:</b>	Mrs Maria Goodwin
<b>Site:</b>	5 Hazelgrove Winterbourne Bristol South Gloucestershire BS36 1SH	<b>Date Reg:</b>	12th November 2014
<b>Proposal:</b>	Erection of first floor front extension over existing garage to form annex ancillary to main dwelling	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365006 180393	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th January 2015



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PT14/4397/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Council's Circulated Schedule following a representation received from a neighbour which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the erection of a first floor front extension over the existing garage to form an annexe ancillary to the main dwelling.
- 1.2 The annexe will contain a kitchen, living room, dining area, bathroom, one bedroom and a gym/games room.
- 1.3 Amendments were received on 14<sup>th</sup> December 2014 to show alterations to the proposed windows in the annexe, at the request of the Officer.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation  
H4 Development within Existing Residential Curtilages  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

- 3.1 PT08/1655/F Approve with conditions 24/07/2008  
Demolition of existing rear conservatory and erection of replacement conservatory
- 3.2 P96/1967 Approve with conditions 25/09/1996  
Erection of three detached dwellings. Construction of private access drive
- 3.3 P96/1413 Approval of outline 05/06/1996  
Erection of three detached dwellings

#### 4. **CONSULTATION RESPONSES**

##### 4.1 Winterbourne Parish Council

No objection, subject to a condition ensuring that the annexe is never sold as a separate dwelling without a further planning application.

##### 4.2 Other Consultees

###### Highway Drainage

No comment.

##### **Other Representations**

##### 4.3 Local Residents

One letter of objection was received from an adjoining resident stating the following:

- Our garden will be overlooked by all rear facing windows in the first floor extension
- Reduction in light to the garden during the afternoons during the summer months

One general comment from a local resident was received:

- Agree with the Parish Council, that the annexe must never be used as a rented separate dwelling.

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

##### 5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The proposal is considered to accord with the principle of development, and this is discussed in more detail below.

##### 5.2 Annexe Test

By definition an annexe must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annexe has all of the requirements for independent living, including a kitchen, living room, bedroom and bathroom, but it does not benefit from an independent residential curtilage or allocated parking.

As the annexe has the potential to be lived in independently from the host dwelling, a condition will be attached to the decision notice in the event of an approval stating that the use of the annexe must be incidental to the main dwelling and that it cannot be subdivided without an additional planning application.

5.3 Design

The proposed extension is to sit atop a quadruple garage which is attached to the dwelling. It is proposed to have a hipped roof which is stepped in from the west elevation and a reduced ridge height to the existing property, remaining subservient to it. The proposal is to be finished in render with reconstituted stone quoins, slate roof tiles and white UPVC windows and doors to match the existing dwelling and the adjacent dwellings, which are uniform in character and materials. A Juliet balcony is proposed facing north down the lane.

5.4 Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5.5 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, as it is at first floor level. The proposed annexe cannot be used independently of the dwelling without a further planning application, and so the occupier will share the private garden space associated with the dwelling.

5.6 Many first floor openings are proposed to serve the annexe. Those on the west elevation face out into Hazelgrove and the Juliet balcony to the north does not face any neighbouring occupiers. The original submitted details showed four windows on the east elevation facing towards the gardens of Bradley Avenue; one obscure glazed, one high level and two standard windows serving a landing/stairway and a kitchen. The landing and stairwell is not considered to be a principal room, however officers had concerns regarding the kitchen window, which faced directly into the garden of no. 149 Bradley Avenue, the occupier of which has objected to the application. Amendments were sought, and the applicant omitted the kitchen window in favour of two roof lights, which resolved the issue. A short period of re-consultation was undertaken to notify the objecting party.

5.7 The objection letter received also felt that there would be significant loss of light into the garden of no. 149 Bradley Avenue, particularly in the afternoons. As the proposal is located to the north-west of the garden, it is considered that this loss of light will be slight and not significant enough to be detrimental to residential amenity. The proposal is considered to be acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



5.8 Transport

The annexe would allow the property to have a capacity of 5 bedrooms, whilst retaining the four parking spaces within the garage and car port. This is considered adequate and so there is no transportation objection to the proposal.

**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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

**Contact Officer: Trudy Gallagher**

**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

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

2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 5 Hazelgrove.

Reason

In order to ensure adequate parking and amenity space and to accord with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 51/14 – 19 DECEMBER 2014

<b>App No.:</b>	PT14/4427/CLE	<b>Applicant:</b>	Mr H Maddison
<b>Site:</b>	Station Farm Station Road Pilning South Gloucestershire BS35 4JW	<b>Date Reg:</b>	14th November 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for the existing erection of side extension	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	356963 184446	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	6th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4427/CLE**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a formal decision as to whether the existing side extension at Station Farm is lawful. The application relates to a large detached dwelling set approximately 160 metres back from Station Road.
- 1.2 The applicant has indicated that the existing side extension have been substantially completed for more than four years – since 01/04/2004. Therefore, the proposal can be considered based on the evidence submitted with the application. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, it must be demonstrated that the existing rear and side extensions and garage conversion have been in situ for a continuous period of four or more years.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 Section 191  
Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012, Schedule 2, Part 1, Class A.
- 2.2 Town and Country Planning (Development Management Procedure) (England) Order 2010  
Planning Practice Guidance: Lawful Development Certificates

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

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
Object, no planning application was submitted prior to build of this extension and as such no fee was paid for the application or subsequent building regulations.
- 4.2 Other Consultees  
  
Lower Severn Drainage Board  
None Received  
  
Councillor  
None Received.

## **Other Representations**

- 4.3 Local Residents  
None Received,

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 The applicant has submitted the following evidence in support of the application:
- 5.2 Plans submitted by applicant – Site Location Plan, Site Plan, Ground Floor Plan.
- 5.3 Five images were submitted as part of the application. All were Google Earth images showing aerial shots of the dwelling, submitted under the name 'Aerial View', the details shown and dates are as follow:
- 31/12/1999 – doesn't show the side extension;
  - 17/04/2005 – side extension built;
  - 31/12/2006 – side extension built;
  - 31/12/2008 – side extension built;
  - 13/07/2013 – side extension built.

## **6. EVALUATION**

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit; the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the existing development is lawful.
- 6.2 Guidance contained in the Planning Practice Guidance states that in the case of application for existing use, if a Local Planning Authority has no evidence itself, nor from others, to contradict or otherwise make the applicant version of events less than probably, there is no good reason to refuse the application, provided the applicant evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 6.3 The applicant has stated that the single storey side extension was substantially completed on 01/04/2004. Officers therefore assess this application based on the submitted information and available information.
- 6.4 Although the evidence submitted shows the extension being present since 17/04/2005, the dates are written onto these images. Therefore, the officer performed their own investigation using the Council's evidential base, from the aerial photos available the side extension is visible, in the built form it is in

today, as early as 2005. This image has been uploaded to the case file, under the name 'Aerial Shot'.

- 6.5 Considering the Council's own records, and given that no contrary evidence has been submitted, it is concluded that on the balance of probability, the existing side extension have been in situ for a period exceeding more than 4 years.
- 6.6 The Parish Council have objected on the grounds that no planning application was submitted originally and also that no building regulations have taken place. These issues are not considered to be evidence relevant to the consideration of a certificate of lawfulness.

## 7. **RECOMMENDATION**

- 7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reasons:

Evidence from the Council's records, on the balance of probability, the existing side extension has been in existence for a continuous period of 4 years or more immediately prior to the submission of the application.

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