



**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. 08/14

Date to Members: 21/02/14

Member's Deadline: 27/02/14 (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 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:

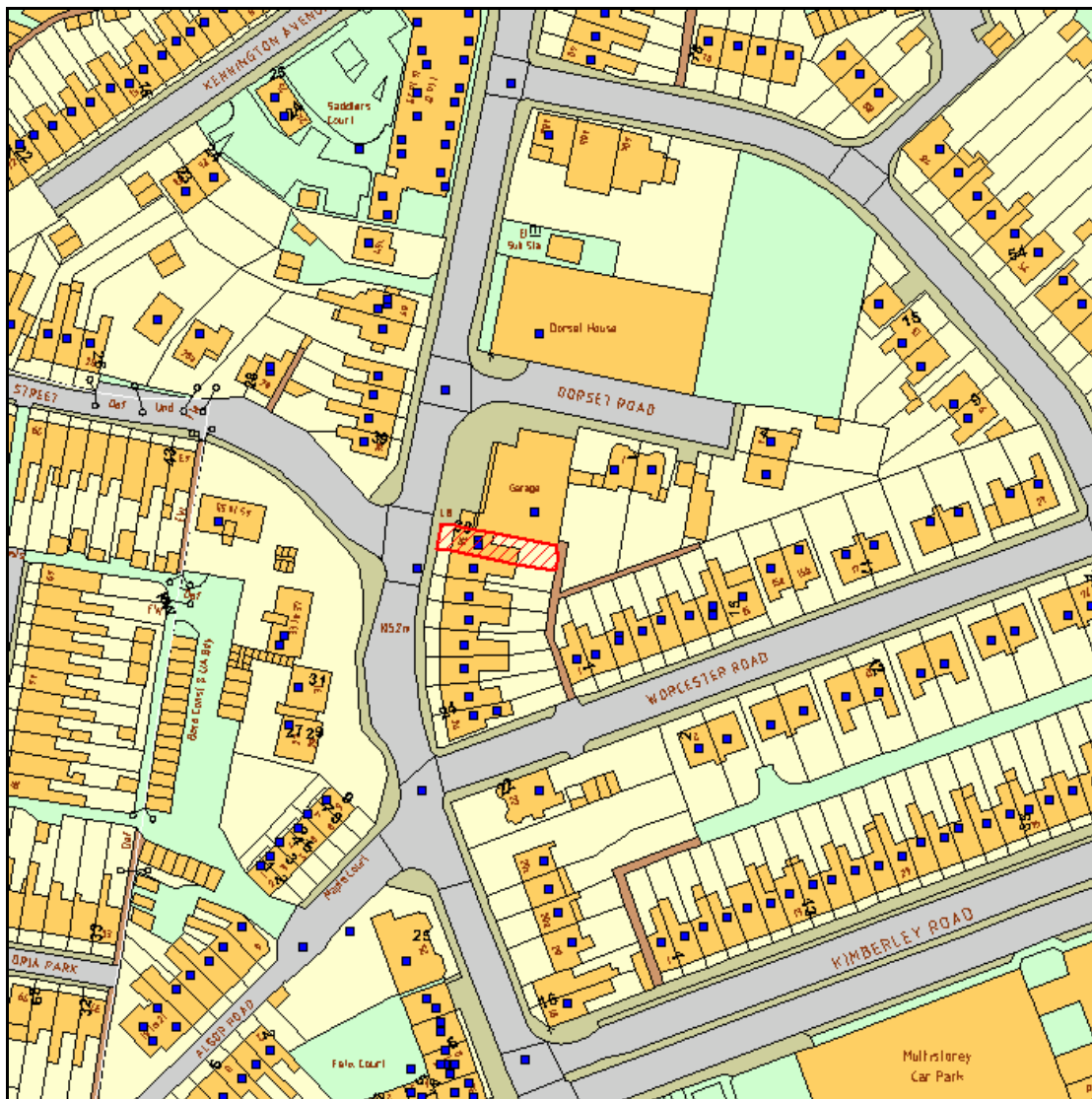
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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, where referrals can be picked up quickly by the Development Management Technical Support Team. 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.

CIRCULATED SCHEDULE – 21 FEBRUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/4621/CLE	Approve	38 Downend Road Kingswood South Gloucestershire BS15 1SE	Kings Chase	None
2	PK14/0012/CLP	Approve with Conditions	Land at Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Boyd Valley	Pucklechurch Parish Council
3	PT13/3363/F	Approve with Conditions	Cottage View 1B Gloucester Road Almondsbury South Gloucestershire BS32 4HW	Almondsbury	Almondsbury Parish Council
4	PT13/3965/F	Refusal	9 Filton Road Frenchay South Gloucestershire BS16 1QN	Frenchay And Stoke Park	Winterbourne Parish Council
5	PT13/4643/F	Approve with Conditions	2 Church Cottages Gloucester Road Alveston South Gloucestershire BS35 3QG	Thornbury South And	Alveston Parish Council
6	PT14/0017/F	Approve with Conditions	17 Malvern Drive Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council
7	PT14/0035/F	Approve with Conditions	18 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
8	PT14/0036/F	Approve with Conditions	19 Orchard Avenue Thornbury South Gloucestershire BS35 2LU	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PK13/4621/CLE	Applicant:	Mr C Batten
Site:	38 Downend Road Kingswood Bristol South Gloucestershire BS15 1SE	Date Reg:	14th January 2014
Proposal:	Application for Certificate of Lawfulness for the use of existing building as 2no. self contained flats.	Parish:	None
Map Ref:	364628 174121	Ward:	Kings Chase
Application Category:	Minor	Target Date:	7th March 2014



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REASON FOR REFERRAL 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 a dwelling as two separate units of residential accommodation. The application therefore seeks to demonstrate that the building has been used as two separate flats for a period in excess of four years prior to the date of submission (i.e. 12th December 2009).
- 1.2 The site consists of an end of terrace property with associated residential curtilage. The current authorised use of the building is as a single dwelling but the applicant claims the building has been used as two separate flats for a continuous four-year period.
- 1.3 During the course of the application contact was made with the applicant to advise of concerns with the level of information initially submitted and the applicants were invited to submit additional supporting information. Information was submitted as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 No history to this site.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is un-parished
- 4.2 Highway Officer
No highway comments to make

Other Representations

- 4.3 Local Residents
One letter has been received from the neighbouring resident stating that – ‘as long as I have lived here (20+years) 38 Downend Road has been two flats’.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence has been submitted in support of the application:
 - 6 x Housing Benefit Payment Schedules

- A letter from South Gloucestershire Council electoral services
- 2 x letters from South Gloucestershire Council tax department
- 14 x copies of bank statements
- A copy of a tenancy agreement for the ground floor flat at 38 Downend Road for the period Sept 2011 to March 2012
- A letter from Butlers Property covering the period March 2012 to March 2013 clearly separating the first floor and the ground floor
- 3 x letters from butlers property regarding rent payments covering the periods Oct 2011 to Nov 2011, and Sept 2011 to April 2012

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 None received

7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the building in question has been used as two separate flats for a period in excess of 4 years prior to the date of this application.

7.3 Assessment of Evidence

The application seeks to demonstrate that the existing building is divided into two flats – the first floor flat and the ground floor flat. Although not one single piece of evidence on its own given sufficient compelling evidence, it is necessary to weigh up all evidence submitted and make a decision on the balance of probability.

7.4 In support of the application, two letters have been submitted from South Gloucestershire Council Council Tax department. These letters confirm that both the ground floor and the first floor flats were tenanted from February 2006 to April 2011. This is considered to be good evidence for this period but does not cover the period from April 2011 to December 2013.

7.5 A letter from South Gloucestershire Council electoral services also confirms that between 1998 to 2008 the property was divided into two flats.

7.6 6 x Housing benefit schedules have also been submitted. These statements are dated March 2013 to April 2013, April 2013 to May 2013, May 2013 to June 2013, June 2013 to July 2013, November 2013 to December 2013. The statements clearly demonstrate that the property was divided into two flats for this time frame.

- 7.7 In addition to the above 14 copies of bank statements have also been received. Whilst all of these statements show payments from Butlers Property Ltd at regular monthly intervals (as would be the case with rent payments), the statements make no reference to the property 38 Downend Road and so therefore are given no weight in support of the application.
- 7.8 The tenancy agreement dated Sept 2011 to March 2012 is clear proof that during that period the ground floor flat was tenanted out not in connection with the first floor of the building
- 7.9 Various letters from Butlers Properties dated October 2011 to April 2012 all help to add weight to the argument.
- 7.10 Finally, the neighbours comment advising that he believes the property has been subdivided into 2 flats for 20+ years is also being taken into consideration
- 7.11 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the building was in use as 2 flats from 1998 to December 2013. Being mindful of the neighbours letter in support of the application, and the lack of any evidence to the contrary, it is accepted that, on the balance of probability, the site has been used as two separate flats for a continuous four year period.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as two separate flats for a continuous four year period.

9. RECOMMENDATION

- 9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.: PK14/0012/CLP
Site: Land At Westerleigh Road Pucklechurch
 Bristol South Gloucestershire BS16 9PY

Applicant: Mr Wayne Ayers
Date Reg: 8th January 2014

Proposal: Application for certificate of lawfulness for proposed change of use of land from agricultural to land for the grazing of 5no. horses.

Parish: Pucklechurch Parish Council

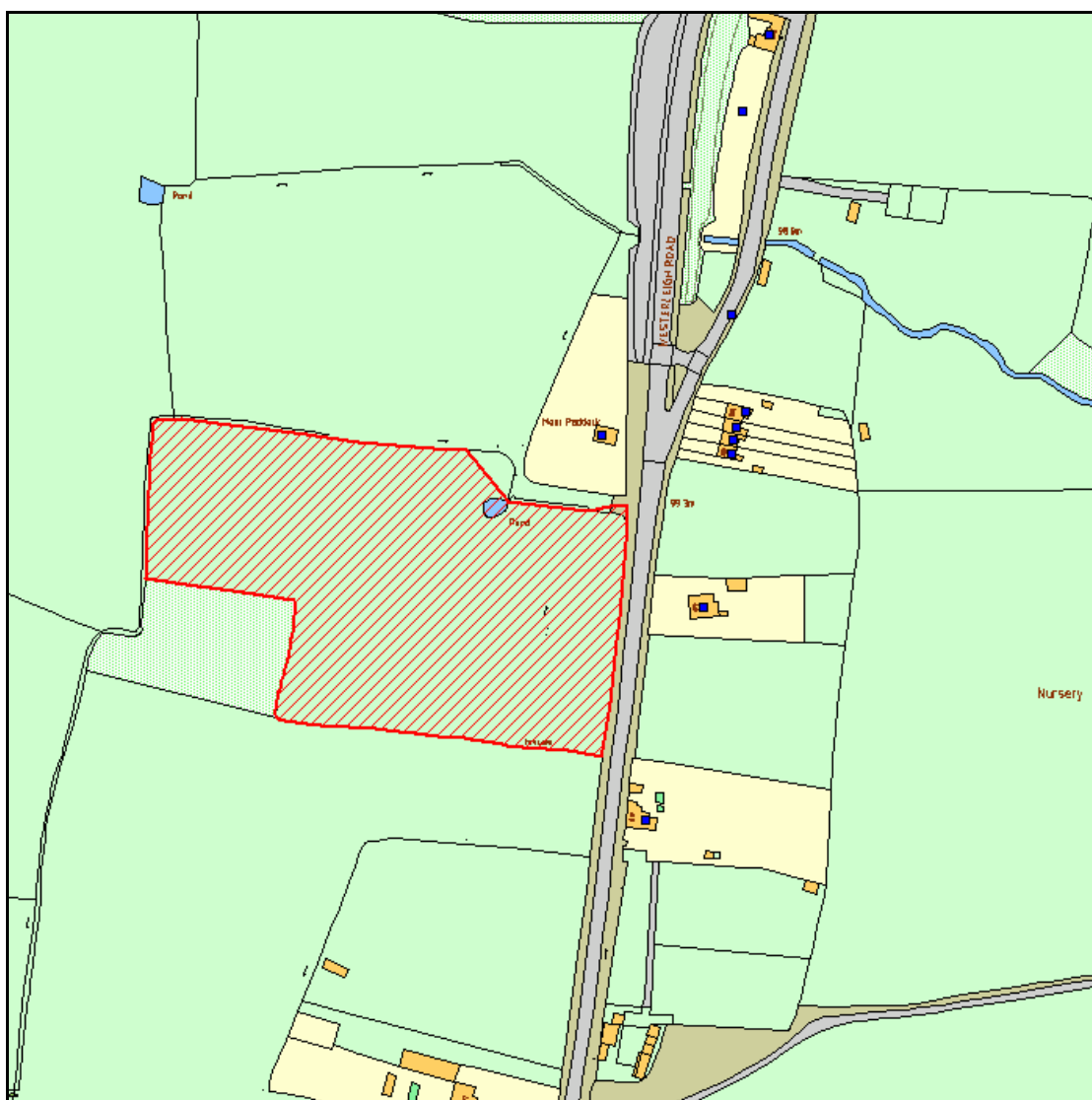
Map Ref: 370174 177635

Ward: Boyd Valley

Application Category: Minor

Target Date: 3rd March 2014

Category:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as it is an application for a Certificate of Lawfulness for a proposed development. This is in accordance with the Standing Order for determining applications of this type.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would constitute a change of use under the Town and Country Planning (Use Classes) Order 1987(as amended). This application seeks to establish if it is necessary to submit a full planning application for the proposed use because a change of use would occur when carrying out the proposed use. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above Order.
- 1.2 The proposed development is for the use of the site for the grazing of five horses. No buildings or alterations to the land are mentioned or proposed in the application.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.

- Town and Country Planning Act 1990
- Town and Country Planning (Use Classes) Order 1987(as amended).

If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Pucklechurch Parish Council object because the location was not suitable and there was a general lack of information available:
A grazing use means that there will not be exercising of horses, buildings or feed being brought to the site. It would have been useful to have more information about how the horses would be cared for in addition to this grazing site.
The site is the minimum required for 5 horses and without feed being able to be brought to the site, and no information about other feeding arrangements at other sites, concerns were raised about the number of horses applied for.

No information has been provided about traffic movements and there is no parking available at the site. For horses to be stabled/fed/exercised elsewhere councillors felt it was important to understand the impact that a grazing field would have on traffic in this area.

No details have been provided about waste removal from the site..

4.2 Highway Drainage

No comment

Other Representations

4.3 Local Residents

None received.

5. SUMMARY OF EVIDENCE SUBMITTED

5.1 The following documentation was submitted to the Council on 6 January 2014 in support of this application, and on which the application shall be determined:

- OS Map showing Location Map.
- Overhead photograph of empty field.
- Application form advising at section 7 that:
 - 1) The existing use is agricultural pasture, boundary hedges and gate to retain as existing.
 - 2) The proposed use falls within an agricultural use in the Town and Country Planning (Use Classes) Order 1987(as amended).
 - 3) That the use would be permanent.
 - 4) The applicant states that a Lawful Development Certificate should be granted because the land will be used for the grazing of five horses.
- Section 8 of the application form advised that no building works or other operations are proposed.

6. ANALYSIS OF PROPOSAL

6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development can be lawfully implemented. It is also good practice where possible to agree certain limits if this is considered appropriate within the realms of the application, rather than to refuse the certificate altogether.

6.3 The proposal is to establish that grazing five horses on the land would be an agricultural use.

- 6.4 The officer has visited the site and is of the opinion that there is no evidence to suggest that this area is being used for any purpose other than agricultural grazing land at present although no animals of any kind were noted at the site.
- 6.5 Grazing land for horses and grazing place for cattle or sheep are both sui generis agriculture uses under the Use Classes Order. There is a marked difference between the 'keeping of horses' and 'grazing horses' on land. Court cases such as *Belmont v Minister of Housing and Local Government (1962)* and *Sykes v SSE* have drawn out differences. It is clear that the mere grazing of horses on land does not constitute a material change from a former agricultural use, although beyond that the use of agricultural land for horses would require planning permission.
- 6.6 Factors which have been given weight when considering this issue are a) whether the land is used permanently for horses; b) whether there are related structures on the land such as field shelters, jumps etc.; and c) whether food is brought in. This latter point may well be assessed on the basis that the area of land within which horses are kept is too small to support them by grazing.
- 6.7 In this case:
- a) the agent states that the proposed use would be permanent and that it is an agricultural use. This implies that the land would only be used for horses and this would be their only or main abode. It also suggests that recreation would not occur on the land using the horses.
 - b) the agent states that there will be no carrying out of building or other operations. No jumps or structures are currently on the land and none would be anticipated with an agricultural use.
 - c) No details are given with respect to whether food is intended to be brought into the site, within the application form. However with regard to Pasture Management The British Horse Society (BHS) leaflet indicates that a ratio of two horses per hectare is appropriate, depending on other factors, such as size and type of horse, length of time spent stabled or exercised off the pasture, time of year, quality of land and number of animals on the pasture. Overgrazing by too many horses would cause damage to the pasture which would lead to the loss of its quality for providing the horses' feed.
- 6.8 The site measures 2.02Ha and therefore could be of sufficient size to graze four horses, subject to these BHS guidelines. However no additional detail regarding the management or operation of the site has been provided and the lack of stabling, due to the 'grazing only' nature of this application, means that the horses would not be stabled during their stay on the site. As such on the balance of probability only three horses could reasonably be grazed permanently on the land. Higher numbers on a permanent basis would imply that on the balance of probability either delivery of feedstuffs to site or non permanent use of the site was taking place.

- 6.9 A phone call to the owner indicated that he has other land nearby, which is the location of their horses at present and that he bought the land subject to this application such that he could alternate the horses' location as the grass becomes available and rest the other site.
- 6.10 Whilst the requested five horses might 'temporarily' be grazed on the field in question the application is for a 'permanent' use for grazing and as such the application is determined on the basis that the field is the horses' only accommodation?
- 6.11 Given the site size constraint of the site and the limited information submitted with the application it is considered that only three horses could reasonably be 'permanently' grazed on this land without feedstuff being brought to site to maintain and care for the horses.

7. CONCLUSION

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in the Town and Country Planning (Use Classes) Order 1987(as amended) and case law.
- 7.2 It is considered that on the balance of probabilities the grazing of three horses on a permanent basis at the site on Westerleigh Road would be lawful use of land as it would not change the use of the land.

8. RECOMMENDATION

- 8.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

No material change of use of the land from agriculture to permanent grazing or horses would take place under this proposal provided that the number of horses at this site does not exceed three.

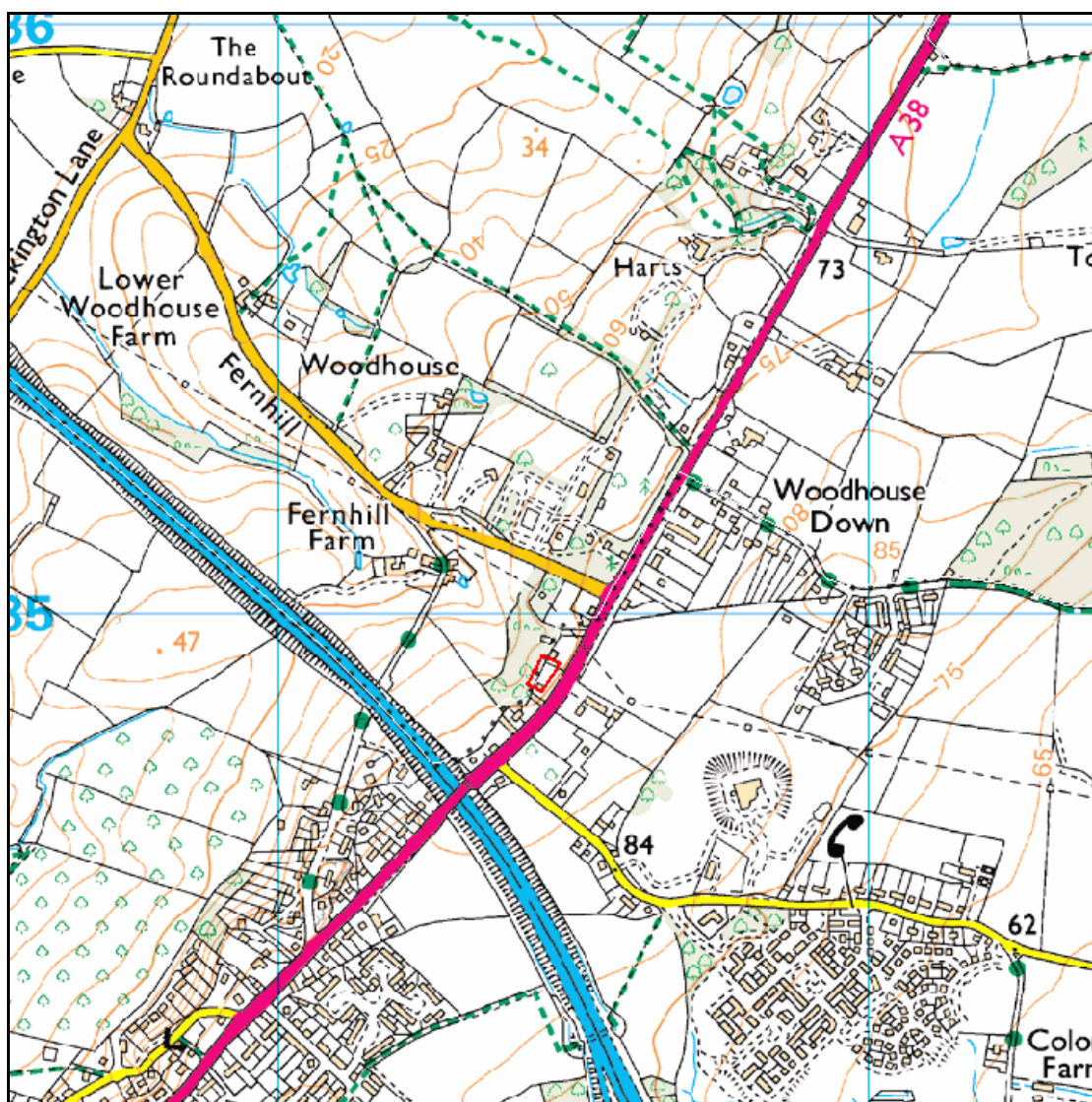
Contact Officer: Karen Hayes
Tel. No. 01454 863472

REASON

On the balance of probabilities the grazing of three horses on a permanent basis at the site on Westerleigh Road would be a lawful use of land as it would not change the use of the land from agricultural use.

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

<p>App No.: PT13/3363/F Site: Cottage View 1B Gloucester Road Almondsbury South Gloucestershire BS32 4HW</p>	<p>Applicant: Mr Jo Dolan Date Reg: 19th September 2013</p>
<p>Proposal: Erection of single storey extension to existing day room. Map Ref: 361439 184886 Application Category: Minor</p>	<p>Parish: Almondsbury Parish Council Ward: Almondsbury Target Date: 11th November 2013</p>



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it represents a departure from Green Belt policy in the Development Plan.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey extension to an existing day room.
- 1.2 The application site comprises a single storey amenity building on the northwest side of Gloucester Road, Almondsbury. The site is beyond any defined settlement boundary and within the open Green Belt. The site is an established gypsy and traveller site.
- 1.3 The application forms a resubmission of PT13/0906/F, which was withdrawn. This previously withdrawn application formed a resubmission of application PT12/3828/F, which was refused for the following reason:

'The site is located within the Bristol/ Bath Green Belt beyond the limits for development of the settlement. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission. The proposal is therefore contrary to the provisions of Planning Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Development within the Green Belt (Adopted) Supplementary Planning Document.'

- 1.4 The following information has been put forward as a case for very special circumstances:
 - Mr and Mrs Jo Dolan, five children and Mr Dolan's mother have sleeping accommodation in a caravan and use the existing day room for day time waking activities. The size of the family and the age range of the children is such that the present day room is cramped and inadequate.
 - The proposal to extend the present day room by 4 metres will have no impact on the environment or in terms of visual amenity and will provide the needs of an extended family.
 - The Dolan family of 3 adults (one elderly) and five children, the eldest girl being 17 who dearly needs some privacy, spend waking hours in the existing day room, which is so cramped that either the children sit on the floor or the adults retire to the kitchen area. This is not compatible with a comfortable family unit. The kitchen and toilet facilities are woefully inadequate and the dining and seating areas are far too cramped.
 - The Dolan family have been settled on the site for many years and the children are being educated locally;

- Due to family arrangements further family members consisting of 3 adults and 2 teenage children are at Cottage View for extended periods putting further pressure on available space in the day room.
- The proposed extended building will be able to incorporate energy efficient measures and can encourage mobility standards and generally comply with the Local Government Designing Gypsy and Traveller Sites Good Practice Guide.
- The family have been settled at the site many years and the site is well screened and has no visual impact and has been accepted by the local community.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
 National Planning Policy Framework (Technical Guidance)
 Planning Policy for Traveller Sites (2012)
 Designing Gypsy and Traveller Sites (Good Practice Guide (May 2008))

Government Direction

Direction from the Secretary of State (August 2006)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1: Landscape Protection and Enhancement
 T8: Parking Standards
 T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1: High Quality Design
 CS5: Location of Development
 CS9: Environment Resources and Built Heritage
 CS21: Gypsy and Traveller Accommodation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
 Development within the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P91/1935: Use of land for stationing of two mobile homes for occupation by gypsy families and storage of 1 touring caravan; construction of vehicular access. Refused: 31 July 1991
- 3.2 P91/2770: Erection of detached dwelling; construction of pedestrian and vehicular access (outline). Refused: 29 January 1992

- 3.3 P99/2512: Change of use of land for stationing of residential caravans. Erection of amenity block. Refused: 1 March 2000- Appeal Allowed: 29 January 2001
- 3.4 PT02/1974/F: Variation of Condition 06 attached to planning permission appeal decision P99/2512 dated 29 January 2001 to increase number of caravans from 6 to 9. Permitted: 7 August 2003
- 3.5 PT07/0110/F: Erection of single-storey side and rear extension to existing day room to provide additional amenity area. Refused: 16 February 2007
- 3.6 PT07/2010/F: Erection of single-storey side and rear extension to existing day room to provide additional amenity area (resubmission of PT07/0110/F).
Refused: 3 August 2007- Appeal Allowed: 23 June 2008
- 3.7 PT11/1399/RVC: Variation of Condition 19 (i) & (ii) attached to planning permission appeal decision P99/2512 dated 29 January 2001 (and Conditions 4 & 5 attached to planning permission PT02/1974/F dated 10 September 2002) to allow residential use for Mr S Dolan in place of Mr T Dolan (Retrospective). Permitted: 20 June 2011
- 3.8 PT12/3828/F: Erection of single storey front extension to existing day room. Refused: 22 January 2013
- 3.9 PT13/0906/F, Erection of single storey side extension to existing day room (Resubmission of PT12/3828/F), withdrawn, 29/05/13.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Please ensure adherence to the Planning Inspectorates conditions of May 2008. Appeal ref; APP/P0119/A/08/2064396 planning application reference PT07/2010/F.
- 4.2 Strategic Planning Policy Officer
If you are satisfied that the extension is not disproportionate and that any overriding harm to the Green Belt is clearly outweighed by the other considerations, the overall planning balance would appear to support this application.
- 4.3 Transportation DC Officer
No objection
- 4.4 Drainage Officer
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Government guidance contained in the National Planning Policy Framework (NPPF) attaches great importance to Green Belts. The NPPF states in paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3 Notwithstanding this the NPPF states that extensions and alterations to buildings (not just dwellinghouses), can be appropriate development in the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

5.4 According to the South Gloucestershire 'Development in the Green Belt' SPD (June 2007), whether an addition is considered 'disproportionate' or not depends on the individual circumstances of the site, and what type of addition is proposed. Although the guidance was prepared for residential dwellings, it is considered that it is appropriate to assess the proposal as effectively the same principles apply. The guidance states the following:

'In assessing whether a proposal is disproportionate or not, account will be taken of the following:

- 1. The increase in volume of the original dwelling (i.e. excluding any extensions or alterations that have already taken place);*
- 2. The appearance of the proposal - it should not be out of proportion with the scale and character of the original dwelling;*
- 3. Existing extensions and outbuildings within the curtilage.*

As a general guide, an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable.'

5.5 This approach is commensurate to an appeal decision in South Gloucestershire where the lack of reference to amenity buildings for Gypsy/Traveller accommodation was considered by an inspector (2 High Lane, Off Swan Lane, Winterbourne APP/P0119/S/10/2125939).

5.6 The Inspector in this appeal acknowledged that amenity buildings are intended to provide kitchen, dining, bathroom/toilet areas as well as day/living room areas and that this accommodation 'broadly equates to the living space at ground floor level in a house'. According to the Inspector, given the difference in the policy framework for dealing with extensions to houses for the settled community compared to additions to amenity buildings for Gypsies and Travellers, 'allowing proportionate extensions to authorised amenity buildings...could be seen as redressing the balance. It would also take into account the need to have regard to equality of opportunity under the Race Relations Act 1976' (since replaced by the Equalities Act 2010).

5.7 The original amenity block measured approximately 4 metres in depth, 5.5 metres in width and 3.6 metres in height (22 square metres floor area). It has already been extended significantly under application PT07/2010/F, which was allowed at appeal and the proposal extends the building by a further 25.5 square metres of floor area so that the total floor area of the building is 110.5 square metres. Therefore, there has been a significant increase in the floor area of the building, which indicates that the proposal cannot be considered compliant with the South Gloucestershire Development in the Green Belt SPD approach. The proposal is therefore, considered to represent a disproportionate extension to the building and is inappropriate development in the Green Belt.

5.8 The applicant is therefore, required to demonstrate that very special circumstances apply in accordance with paragraph 87 of the NPPF. The applicant has put forward a case for very special circumstances. It is necessary to consider the harm to the Green Belt before assessing whether it is outweighed by the very special circumstances put forward.

5.9 Impact on Green Belt

The proposed extension covers approximately 25.5 square metres of ground and is attached to the side elevation of an existing building. Whilst the extension itself is relatively small scale, cumulatively, the proposal increases the size of the building significantly, which results in a material loss of openness. In terms of the perceived loss of openness to the Green Belt, the application building is set well back from the street and is well screened from views from the surrounding area by mature vegetation growing on the south-eastern boundary of the site. The existing building is single storey and has a relatively shallow pitched roof; the extension will be no higher than the existing building. Although there may be glimpses of the roof of the building from the approach from south of Gloucester Road and from the existing vehicular access, it is considered that the extension proposed will not be prominent from views from the public realm and the loss of openness to the Green Belt will not be readily apparent from the surrounding area.

5.10 Very Special Circumstances

The applicant has put forward the following details as a case for very special circumstances.

- Mr and Mrs Jo Dolan, five children and Mr Dolan's mother have sleeping accommodation in a caravan and use the existing day room for day time waking activities. The size of the family and the age range of the children is such that the present day room is cramped and inadequate.
- The proposal to extend the present day room by 4 metres will have no impact on the environment or in terms of visual amenity and will provide the needs of an extended family.
- The Dolan family of 3 adults (one elderly) and five children, the eldest girl being 17 who dearly needs some privacy, spend waking hours in the existing day room, which is so cramped that either the children sit on the floor or the adults retire to the kitchen area. This is not compatible with a

comfortable family unit. The kitchen and toilet facilities are woefully inadequate and the dining and seating areas are far too cramped.

- The Dolan family have been settled on the site for many years and the children are being educated locally;
- Due to family arrangements further family members consisting of 3 adults and 2 teenage children are at Cottage View for extended periods putting further pressure on available space in the day room.
- The proposed extended building will be able to incorporate energy efficient measures and can encourage mobility standards and generally comply with the Local Government Designing Gypsy and Traveller Sites Good Practice Guide.
- The family have been settled at the site many years and the site is well screened and has no visual impact and has been accepted by the local community.

5.11 For the previous extension to the building granted at appeal under application (PT07/2010/F) the Planning Inspector, when considering the case for very special circumstances, placed material weight on the need for a building to meet the basic living requirements of an extended gypsy and traveller family. The Inspector noted that the appeal site is occupied by Mr Joe Dolan, his Wife, Linda, and 5 children; Mr Dolan's mother; and younger sister and her 3 children.

5.12 Considering the personal needs of the appellant, this previous appeal decision referred to the 2001 planning permission that provided 2 plots and subsequently, the permission for 3 additional caravans on this site to allow the applicant's widowed mother and single parent sister to live there. It was therefore, noted that there had been an increase in the number of householders from 1 to 3 with the additional households in touring caravans that had no bathrooms and which were not connected to the foul/waste systems. It was noted that the extended family all made use of the facilities within the amenity building.

5.13 Consequently, the appeal was allowed with the Inspector concluding:

'I also consider that the circumstances of the case as a whole (in particular the limited harm to the openness of the Green Belt, the net benefits arising from the opportunities offered by a permission to control the number of larger caravans and the erection of other buildings which might otherwise be permitted development, and the need to meet basic living requirements of an extended gypsy and traveller family) can be regarded as very special circumstances which justify this inappropriate development in the Green Belt'.

- 5.14 The Local Planning Authority previously refused consent for a larger extension that was approximately 4 metres in width under application PT12/3828/F. In this application officers noted that the very special circumstances advised that only Mr and Mrs Dolan, their 5 children and Mr Dolan's mother live on site; which meant that the number of people on site would appear to have reduced. Whilst officers were sympathetic of the fact that the children were older, the eldest daughter being 17, and therefore, had a greater need for privacy, officers were mindful of, and placed greater weight on, the reasons for which the previous appeal was allowed; namely given the reduced impact that the development would have on the openness of the Green Belt by reason of the reduced number (and control over) the buildings/caravans. Moreover, the size of the amenity building was also considered appropriate to serve a larger number of caravans and a restriction on any new amenity buildings.
- 5.15 In conclusion Officers considered that the case for very special circumstances advanced in support of the proposal in part replicated that previously put forward but now relates to a lower number of people whom already benefit from a larger building (that was considered to be of appropriate size at the time of the previous application). Limited weight was therefore, given to the very special circumstances.
- 5.16 The main difference between the previously refused application and the current application is that the extension proposed is smaller at 3 metres in width instead of 4, and a new circumstance has been introduced. The applicant states that Mr Dolan's sister has three children and travels extensively but returns to 1B Cottage View for extended periods. One of the sister's sons is now an adult recently married and travels with his mother as a family unit. This means that a further 3 adults and 2 teenage children are at Cottage View for extended periods putting further pressure on available space in the day room.
- 5.17 Accordingly, there can be 13 people at the site at any one time including 6 adults (one elderly), and seven children (4 teenagers). This is an increase of one person over the previous appeal allowed for extensions to the building, which holds material weight. Weight is also given to the fact that there can be double the number of teenagers on site (from 2 in the previous application to 4). It is noted that the applicant states that the children require more space and privacy as they get older and that the existing day room is so cramped that either the children have to sit on the floor or the adults retire to the kitchen area. The applicant also states that the kitchen and toilet facilities are woefully inadequate and the amenity block does not provide a comfortable family unit. Taking into consideration the total number of family members that are on the site for extended periods and teenagers, which have both increased since the extension to the amenity block was approved, it is considered that the benefits the proposal would bring in terms of providing a more comfortable standard of living for a large extended traveller family, in this instance, outweigh the defined harm to the Green Belt. The very special circumstances put forward justify this inappropriate development in the Green Belt.

- 5.18 The site is safeguarded under policy CS21 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 seeks to safeguard the application site for accommodation by Gypsies and Travellers safeguarded until it expires when it is no longer occupied by Mr S or Mr J Dolan. The proposal is not in conflict with policy CS21 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.
- 5.19 The main issues to consider are the appearance/form of the extension; the effect on the residential amenity of neighbouring occupiers and transportation effects.
- 5.20 Appearance/Form
In the previously refused application for a larger extension to the building, which had a similar appearance/form to the proposal officers considered that it would not be readily visible from the wider public viewpoints whilst the general design approach adopted was considered acceptable.
- 5.21 Residential Amenity
For the previously refused larger extension at the site officers did not consider that any significant adverse impact on residential amenity would be caused. Accordingly, there are no objections to this smaller extension of the same siting.
- 5.22 Transportation
There were no transportation objections to the previously refused application; accordingly, it is not considered that the proposal will have an adverse impact on transportation.
- 5.23 Equalities
The application site relates to people who fall within a protected group under the Equalities Act 2010. Given the recommendation for approval it is not considered that there are any specific further considerations under the duties set out in that legislation necessary in relation to this proposal. Furthermore, it is not considered that there are any implications arising under Human Rights legislation in these circumstances.
- 5.24 Further Matters
The Parish Council has requested that the conditions in the consent granted under application PT07/2010/F be copied over to the new consent. If permission is granted it is recommended that these conditions be copied to the consent.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 The application is advertised as a departure from the Development Plan under the Town and Country Planning (Development Management Procedure) (England) Order 2010 NOTICE UNDER ARTICLE 13 DEPARTURE FROM DEVELOPMENT PLAN and if no further comments are received after the expiration of this consultation period then the Director of Environment and Community Services grants planning permission subject to conditions under delegated authority.

The scale of the development is such that it is not necessary to refer the proposal to the Secretary of State.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

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 building hereby permitted shall be used only for purposes ancillary to the use of Plot B as a residential caravan site and it shall at no time be used as overnight sleeping accommodation.

Reason

The permission has been granted solely having regard to the very special circumstances of the case. A use that is not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority and to accord with guidance contained in the National Planning Policy Framework, and policy CS5, CS21 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Notwithstanding the provisions of Schedule 2, Part 5, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modifications), no additional amenity buildings or facilities shall be erected on the site without first obtaining planning permission from the Local Planning Authority

Reason

In the interests of the visual amenity and of the area and the openness of the Green Belt and to accord with guidance contained in the National Planning Policy Framework and policies CS1, CS5, CS21 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. No more than six caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than three shall be a static caravan or mobile home) shall be stationed at the site at any time.

Reason

In the interests of the visual amenity and highway safety of the area and the openness of the Green Belt and to accord with policies CS1, CS21 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PT13/3965/F	Applicant:	Mr Martin Mills
Site:	9 Filton Road Frenchay Bristol South Gloucestershire BS16 1QN	Date Reg:	4th November 2013
Proposal:	Construction of ramp to facilitate the formation of a new vehicular access. (Re-submission of PK13/2624/F)	Parish:	Winterbourne Parish Council
Map Ref:	363707 178284	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	25th December 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been made in support of the application which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the construction of a ramp to facilitate the formation of a new vehicular access from a classified highway.
- 1.2 The application relates to an end of terrace dwelling situated within a residential area of Frenchay.
- 1.3 The application is a resubmission of a previously withdrawn application ref. PT13/2624/F, which was withdrawn as a result of insufficient information and highway safety concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4A Sustainable Development

CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages

T8 Parking Standards

T12 Transportation Development Control Policy

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2624/F - Construction of ramp to facilitate the formation of a new vehicular access. Withdrawn 27th September 2013

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

4.2 Transportation DC

Refusal. Works present a detriment to the safe use of the existing highway and insufficient access provision for the existing and adjacent properties.

Other Representations

4.3 Local Residents

One letter has been submitted in support of the application. The comments are summarised as follows:

- Subject to the alterations being carried out inline with the plans, I have no objections and would support the application on that basis.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the construction of a ramp to facilitate the formation of a new vehicular access from Filton Road, which is a classified highway. The application stands to be assessed against saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 which permits this type of development provided it would provide adequate, safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; is capable of accommodating the traffic generated; would not unacceptably exacerbate traffic congestion or prejudice pedestrian and cyclist safety, and would not prejudice residential amenity. This is reflected again within policies CS1 and CS8 of the adopted Core Strategy, which seek to ensure that development provides safe and convenient access for walkers, pedestrians, cyclists, the disabled and older people. Policy CS1 further ensures that development reaches a high quality of design and does not prejudice local character or distinctiveness.

5.2 Highway safety

The application proposes to construct a ramp to facilitate the formation of a new vehicular access and off street parking area to the front of 9 Filton Road, Frenchay. The access ramp would extend from an existing on street parking area adjacent to the retaining wall, crossing the pedestrian footpath. Filton Road is a classified highway. The plans demonstrate that excavation and engineering operations would take place to create a ramp starting in the on street parking bay sloping up towards the front elevation of the dwelling. The proposal would include the re-profiling of the footpath above the retaining wall. A 1:20 crossfall driveway has been demonstrated. Although specific details have not been submitted the plans indicate that retaining walls would be built at the driveway entrance on the existing on-street parking bay.

5.3 The proposed access has been considered in detail by the Council's Transportation Development Control Officer. Although it is noted that the current proposal is an improvement on the previously withdrawn application it is considered that the information submitted is still insufficient to demonstrate that the proposal would not prejudice the provision of safe, secure and convenient access for both vehicles, pedestrians and for the mobility impaired and is therefore contrary to saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

In particular the details do not demonstrate that a satisfactory footway can be retained or that retaining structures can be provided. With specific regard to the detail submitted, the Council could not accept a 1:20 cross fall footpath and 1:40 would be deemed the absolute maximum. For the avoidance of doubt, the Highway Officer has provided the following detailed comments with regard to the requirement of the access. Although it is also noted that even if this detail is submitted (which is compatible with that set out in the Authority's previous response to the withdrawn submission) could be agreed, the works present a negative impact upon the use of the footway, due to re-profiling, to steep approach gradients of egressing vehicles and existing parking levels, and due to the loss of the allocated on-street parking.

- A 1.7m long ramp within the carriageway of gradient no more than 1:12. The restricted extent of ramp length is required to ensure that it does not protrude into the carriageway, presenting a potential conflict with the thoroughfare of highway users.
- Ramp to be bounded by parapet walls designed for collision, to avoid trip hazards and deviation from ramp. The parapet walls are required to provide protection to those using the ramp and those parking and utilising the highway adjacent to the ramp. Without the parapet walls, vehicles may deviate off of the ramp, creating hazardous damage and further potential conflicts.
- Re-profiling of the footway along a 16+ metre length to avoid changes in gradients to no steeper than 1:40 to accommodate the mobility impaired. The current footway is broadly level and the application of new steep gradients would be to the detriment of existing pedestrians, especially those who are mobility impaired. The length of re-profiled footway is required due to the maximum gradient of the ramp requiring the level of the footway to be lowered locally.
- Ramped driveway to accommodate existing levels to dwelling threshold. This is required due to the maximum gradient and length of the ramp and cross-fall of the footway, which would not accommodate the full change in levels.
- Agreement with adjacent properties to re-profile their front curtilages to accommodate change in levels and to ensure a no-step threshold to each property. Because of the length of re-profiled footway, the change in levels will have implications for access to adjacent properties, which will require agreement to address step or ramp requirements in private land.
- Submission of a structural approval in principal. In order to approve any such highway structure, a full engineering report should be submitted; no such evidence has been submitted with the application.
- Entering into a planning agreement to secure works, inclusive of submission of bond and fees. No such agreement has been submitted with the application, or negotiated to conclusion.

5.4 The applicant has submitted information in support of the application that refers to the reason for the proposed access and the origin of the funding for the project, which are related to personal circumstances. These comments have been noted however it is considered that the supporting information provided does not provide a material consideration to clearly outweigh the highway

objection. In the absence of the sufficient detail as outlined above the Council cannot support the proposed access. Reference has also been made to the consistency of the Transport Officer's comments and the reasonableness of them. Further reference is also made to the existing ramps at nos. 1 and 11 Filton Road. Although Officers note that two properties on Filton Road already benefit from existing ramps this does not set a precedent for a ramp to no.9 Filton Road. The proposal is assessed on its own merits against the relevant prevailing policy at this time. The Transport Officer further confirms that there has been no inconsistency in the comments and advice provided. All comments are made in the interest of highway and pedestrian safety.

5.5 Residential Amenity

The application relates to an end of terrace dwelling situated within an established residential area. It is considered that the proposed development would not prejudice the residential amenity of surrounding occupiers and would not prejudice privacy. Although the front garden would be lost to parking adequate private amenity space would remain to the rear of the dwelling. There are therefore no concerns in this respect.

5.6 Design

The application proposed an access ramp from Filton Road leading up to the front garden area. Details of retaining wall and any other structure have not been submitted. It is considered that the ramp would not prejudice local distinctiveness or the character of the street scene and as such does not raise any concern on visual amenity grounds.

5.7 Drainage

Surface water run-off from a private access must not discharge across the public footway, or on to the public highway, because it is illegal under Section 163 of the Highways Act 1980. Similarly highway water must not be allowed to discharge into the property. The applicant must take all necessary drainage measures to prevent this where falls indicate it is likely. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling.

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

REASON FOR REFUSAL

1. Insufficient information has been submitted to demonstrate that the proposal would not prejudice the provision of safe, secure and convenient access for vehicles, pedestrians and for the mobility impaired. Due to the proposed re-profiling, the steep approach gradient of egressing vehicles, and the loss of the allocated on street parking provision, the development as proposed would present a detriment to highway and public safety. The proposed development is therefore contrary to saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PT13/4643/F	Applicant:	Mr Andrews
Site:	2 Church Cottages Gloucester Road Alveston South Gloucestershire BS35 3QG	Date Reg:	2nd January 2014
Proposal:	Erection of two storey side extension to form additional living accommodation and integral garage.	Parish:	Alveston Parish Council
Map Ref:	363388 187440	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	24th February 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks consent for the erection of a two storey extension to the side of the existing dwelling. The purpose of the extension is to provide an attached garage at ground floor with an additional bedroom above.
- 1.2 The application site relates to a semi detached dwelling of small cottage style proportions.
- 1.3 During the course of the application amended plans were received at the request of the case officer to alter the design of the extension and also to reduce its width. The application is to be determined on the basis of the amended plans submitted.

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

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007

Green Belt SPD
Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1690 Erection of two storey side extension to form additional living accommodation and integral garage.
Approved July 1998

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection
- 4.2 Highway Drainage
No Objection
- 4.3 Transportation Development Control
No Objection

Other Representations

4.4 Local Residents

One letter of objection has been received from a neighbouring property. A summary of the points of concerns raised is as follows:

- The proposed extension, by reason of its size represents an un-neighbourly form of development that would have an adverse impact on the street and the adjoining properties
- The property frontage will be increased by nearly 50% (it has already been increased by approximately 50% in the past)
- The proposed extension would be out of keeping with the pair of semi detached properties
- It would be overbearing and instructive to the neighbours
- The proposed gable wall will be only 1m from the adjacent cottage
- Will infill the existing space between the properties giving the appearance of a long row of terraced cottages
- The overall footprint will be 4 times bigger than the original
- The block plan submitted does not accurately reflect the adjoining detached property
- Reducing light to neighbours windows – only 2 metres away from a 6m high gable wall
- Issues of ground stability and the lack of foundations
- Risk of damage to neighbouring property during construction
- The proposal will reduce parking spaces and affect the ability to turn around on site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to existing properties are controlled through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Extensions to existing properties are generally considered favourably by the Council, subject to detailed consideration of the listed criterion of each policy. As such the main areas to consider as to whether the proposed development is acceptable are design and amenity. The site also lies in the Bristol/Bath Green Belt. Policy, as supported by the Adopted Green Belt SPD, requires that new extensions are not disproportionate to the volume of the original dwelling house and that the openness of the Green Belt is not affected.

5.2 Green Belt

In considering this application, your officer is mindful of the fact that the property has already been extended significantly in the past. Cumulatively, the volume of the existing extensions taken together with the volume of the proposed extensions exceeds the permitted 50% volume increase. However, because of the location of the dwelling surrounded by other residential dwellings and set down from road level, it is not considered that the extension will have any significant impact on the openness of the green belt or conflict with the purpose of including land within it. On balance, the impact on the Green Belt is therefore considered to be acceptable.

5.3 Design and Visual Amenity

Design quality is a material consideration through both policy H4 and the Core Strategy. To be acceptable, the design of all elements of the proposed development must: respect the massing, scale, materials, and overall design of the existing dwelling; protect the character and appearance of the street scene, dwelling, and surrounding area; and not prejudice the amenity of nearby occupiers or the locality. In addition, adequate off street parking to meet the standards as set out in the Residential Parking Standards SPD must be provided.

The proposed two storey side extension (as amended) is set down and back from the main front elevation and will therefore allow the scale and character of the host dwelling to dominate. The front elevation of the extension will be finished in natural stone to match the existing front porch and all other elevations will be rendered to match the existing.

During the course of the application, amended plans were received to reduce the width of the extension, remove gables from the front elevation and simplify the rear elevation. Although the size of the extension is still large, on balance, it is not considered to be of sufficient concern to warrant the refusal of the application.

It is noted that the neighbour has expressed concern about possible terracing effect and upsetting the balance of the pair of semi-detached dwellings. It is not disputed that the extension will be closer to No 3 than the existing dwelling but officers still consider that sufficient gap will exist to prevent any terracing effect. Notwithstanding this, it is important to note that the terracing effect itself is not within South Gloucestershire Policy. Given the noticeable set down at ridge height and set back from the main front elevation, it is not considered that the pair of semi-detached dwelling will be upset to an unacceptable level.

5.4 Residential Amenity

The proposed two storey side extension will be erected on the side of the dwelling towards No. 3. No 3 is a two storey dwelling with windows in the side elevation facing towards the application property. However, having looked at the planning history for No 3, the firstly floor windows in the side elevation of this neighbouring dwelling facing towards the application site are all bathroom windows – there are no primary habitable room windows adversely affected. Because of the proposed extension is only of limited depth and will be towards

the front of No 2, it is not considered that No 3 will suffer adversely by means of overlooking, overbearing or loss of privacy.

It is also accepted that the two storey extension would be set slightly forward of No 3 – the amount of set forward however is not unusual. In addition, the proposed extension would sit to the northeast of the neighbour at No. 3 so will not result in detrimental levels of overshadowing for this neighbour.

The amount of garden space that would remain to serve the extended dwelling is very limited. However, given that there is an existing garage on site to be demolished to make way for the proposed extension, the resultant situation will be similar to the existing. Again, this is not of sufficient concern to warrant the refusal of the application.

Given the above, the impact on residential amenity is considered acceptable and as such the proposal is deemed to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Transportation

The parking requirement for a 4 bed house is the same as that for a 3 bed house. Irrespective of the proposed garage, sufficient safe and useable space remains on the driveway to provide two off street parking spaces with adequate turning facilities. As such, there is no highway objection to the proposed works and there is no requirement to condition the use of the garage

5.6 Other Issues

It is noted that the neighbour has raised concerns regarding structural stability and the existence of suitable foundations. This however is not a planning consideration but instead would need to be addressed at building regulations stage.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that this application be approved subject to the conditions on the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

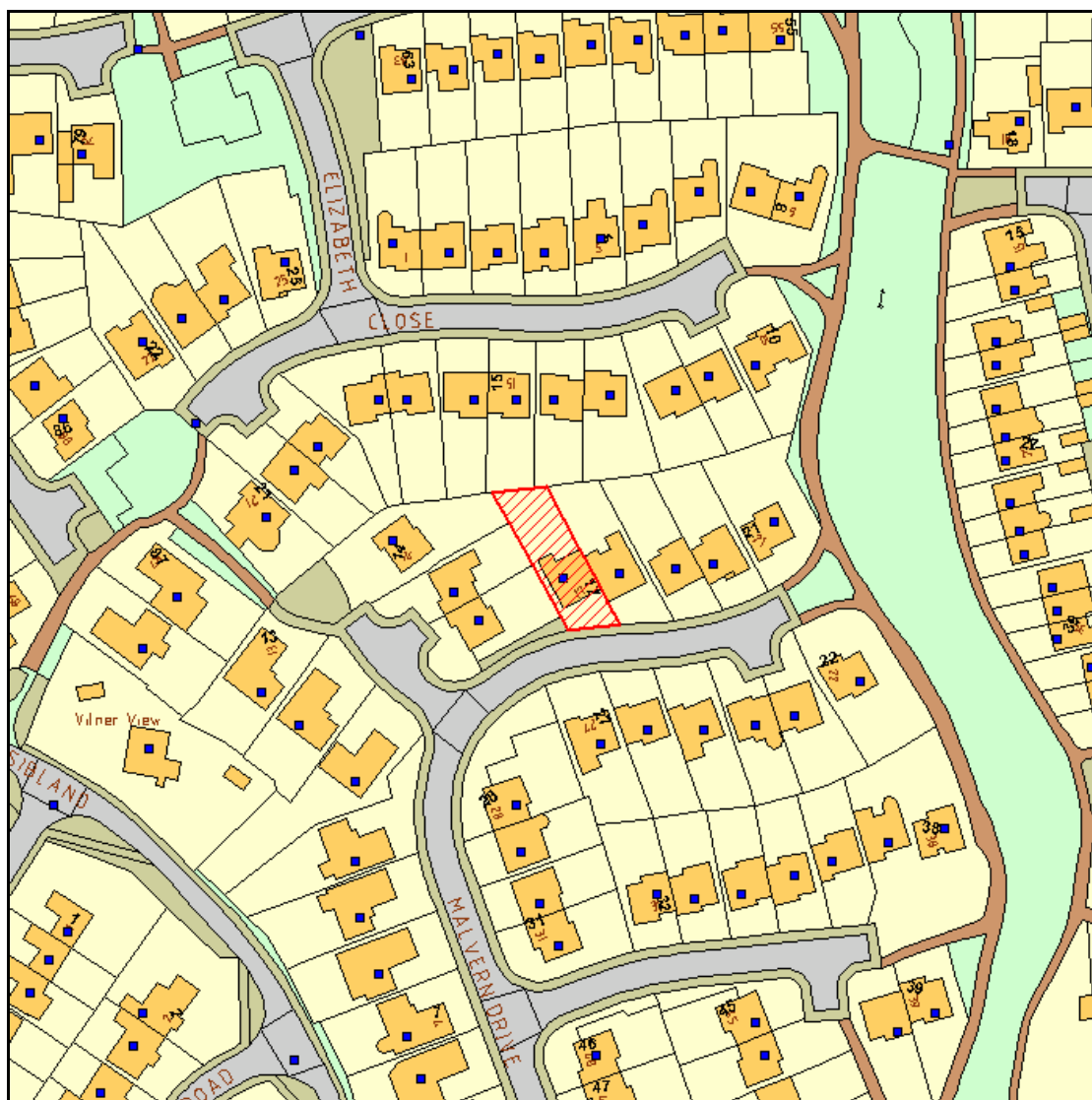
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PT14/0017/F	Applicant:	Mrs Mary Burton
Site:	17 Malvern Drive Thornbury South Gloucestershire BS35 2HY	Date Reg:	8th January 2014
Proposal:	Demolition of single storey rear extension to facilitate the erection of a replacement single storey rear extension to provide additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364916 189838	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	28th February 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of a single storey rear extension to facilitate the erection of a replacement single storey rear extension to provide additional living accommodation.
- 1.2 The application site relates to a two-storey detached property situated within the established residential area of Thornbury.
- 1.3 During the course of the application new plans were requested by the Council to show the proposal more clearly i.e. to separate the existing and superimposed proposed details from the same drawing and to show the details individually. In addition to this more drawings were submitted by the agent which helped to clarify the proposal. Given that the plans only depicted the proposal in a different way and no changes were made to the proposal, the new plans were not put out for re-consultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control

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

3. RELEVANT PLANNING HISTORY

- 3.1 N801/36 Erection of 13 detached houses, 8 detached bungalows and 26 semi-detached houses with associated garages and ancillary works. Construction of new estate road.
Approved 6.2.79

- | | | |
|-----|----------------------|---|
| 3.2 | N801/64
Approved | Erection of a single storey front lounge extension.
27.3.80 |
| 3.3 | P90/1484
Approved | Erection of single storey rear extension to form sitting room.
25.4.90 |
| 3.4 | P93/1344
Approved | Installation of dormer window in front elevation
25.4.93 |

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council
No objection

4.2 Other Consultees

Highway Drainage
No objection

Wessex Water
No objection subject to an informative

Other Representations

4.3 Local Residents

Letters have been received from two local residents:

- Too large and intrusive and increases the ground floor area by almost a third
- Stylistically ugly and incongruous
- Will obstruct and reduce the view from our kitchen of the line of gardens down to the trees by the stream
- Will ruin our view due to its outward extent and height
- The proposed lounge/study window will overlook our garden fence, directly facing our house – likely we will suffer artificial light pollution onto our property
- Extension will inflict on us the prospect of rows of bricks to gaze on
- The unimpeded view from our property is a positive selling point and have a downward effect on the value of our property
- The proposed extension is not a reasonable and discreet addition to the property – it is excessive and invasive aberration neither suitable for the existing house nor the character of this part of the estate and is severely out of harmony with its immediate surroundings
- Proposed design not in-keeping with the Georgian style
- Original property designed without windows or doors in the side walls
- Increased height and width of the extension would tower over the height of our boundary wall making it overbearing and rather claustrophobic
- Proposed windows at high level in the west elevation would lead to loss of privacy
- If the windows were to be moved to the north elevation this would be less intrusive

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.

5.2 Design and Visual Amenity

The application site is part of an estate of dwellinghouses varying in style and design. Malvern Drive itself is a cul-de-sac with a number of smaller cul-de-sacs off its main road. The application site is situated on the brow of a hill, part of a row of 5no, properties and close to where this part of the cul-de-sac terminates. Properties to the east are set at ninety degrees to the application site with their rear gardens abutting the side elevation of No. 17 Malvern Drive. As such these neighbours are positioned at a higher level than the application site.

5.3 The application site currently benefits from a single storey rear extension which would be demolished to facilitate the proposed single storey rear extension. By contrast the new extension would extend across the entire width of the property and given that the main property has a stepped rear building line, the length to which it would extend out into the rear garden would be 4 and 5 metres respectively from the main house. The rear extension would be of a contemporary design with a split asymmetric roof over two separate internal elements. As such one part of the roof would be higher than the other. When viewed from the rear the eaves height closest to neighbours at No. 18 Malvern Drive would be 3.2 metres and the roof would slope up to its maximum of 4 metres. The roofline then drops to an eaves height of 2.85 metres and rises to a maximum of 3.4 metres closest to neighbours at No. 16 Malvern Drive, those neighbours positioned at right angles to the application site. The proposal has attracted comments regarding its non-conformist design. It is not unusual for extensions, particularly to the rear of properties to have a more contemporary design. In this instance, both the size and massing and architectural style of the single storey rear extension is considered to introduce an interesting element to the rear of the property. Even within what could be regarded as more conventionally styled additions, size and design can differ greatly, and the degree to which these more mundane additions successfully integrate with an existing structure can also vary significantly. Given the proposal is to the rear, its modern appearance would not clash with the mock-Georgian front façade.

- 5.4 Proposed openings in the north elevation would comprise a bank of full length doors and smaller windows. No windows would be positioned in the east elevation closest to No. 18 Malvern Drive. A series of high level windows would be positioned in the west elevation closest to No. 16 Malvern Drive. These would begin at a height of 2.1 metres from ground level, extending up to a height of 3 metres.
- 5.5 Along with the overall design the proposed external materials acknowledge the contemporary style through the use of timber cladding for the walls. In addition roof cladding to match that of the main roof would relate the host dwelling to the new extension to create a cohesive design. The applicant has put forward the case for using timber cladding and more sustainable construction methods in order to achieve a higher thermal performance and lessen the environmental impact created by traditional builds. Such sustainable principles are encouraged under the NPPF (2012).

In terms of its scale, massing and design the proposal is considered acceptable and is supported by Officers.

5.6 Residential Amenity

- The application site is separated from its neighbours to the west by walling and fencing. These neighbours are side-on to the application site with the boundary between it and No. 16 being in total approximately 2.6 metres in height (comprising a brick wall of 1.9 metres and a fence extending above by 0.7 metres) and the boundary between No. 15 being approximately 2.3 metres (1.6 metres of this being fencing).
- 5.7 Comments have been made that the proposed height of the single storey rear extension would ruin the view across the rear gardens of Nos. 17-21 Malvern Drive. Plans indicate that the part of the proposed extension closest to neighbours at right angles to the application site (Nos. 15 and 16 Malvern Drive) would have a very similar height to that of the existing rear extension. It is acknowledged that the proposal would extend a further 2 metres into the garden, however, given the proposal is at a lower level and separated by a high boundary, the design is considered acceptable. Furthermore, it should be noted that in planning terms there is no right to a view and, notwithstanding this, given the position of the proposal it is considered that a single storey rear extension would not impact negatively on the outlook of these properties. In addition comments have been received regarding the effect on property prices; this is not a planning matter and cannot be considered within a planning report.
- 5.8 Several of the comments received relate to the potential for overlooking, be it from the rear windows or the proposed side windows. The proposed extension would be approximately 12 metres from the rear of No. 15 where the potential for artificial light pollution has been an expressed concern. Given the distance, the orientation at a ninety degree angle from each house and the location of the properties in a semi-urban setting, it is considered that there would be no unacceptable issues of inter-visibility or disturbance from light.

5.9 With regard to the proposed windows in the west elevation: these would be positioned at high level and given the existing high boundary treatment and the position of the application site being lower than its neighbours to the west, it is considered that there would be no issues of overlooking or inter-visibility from either party. Drawings supplied by the applicant clearly demonstrate this.

5.10 Neighbours to the rear are some 25 metres away and separated by mature planting. Following the proposal sufficient residential amenity space would remain to serve the property and given the above assessment it is considered that the proposal would not impact negatively on the residential amenity of neighbours. The proposal is supported by Officers.

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 be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

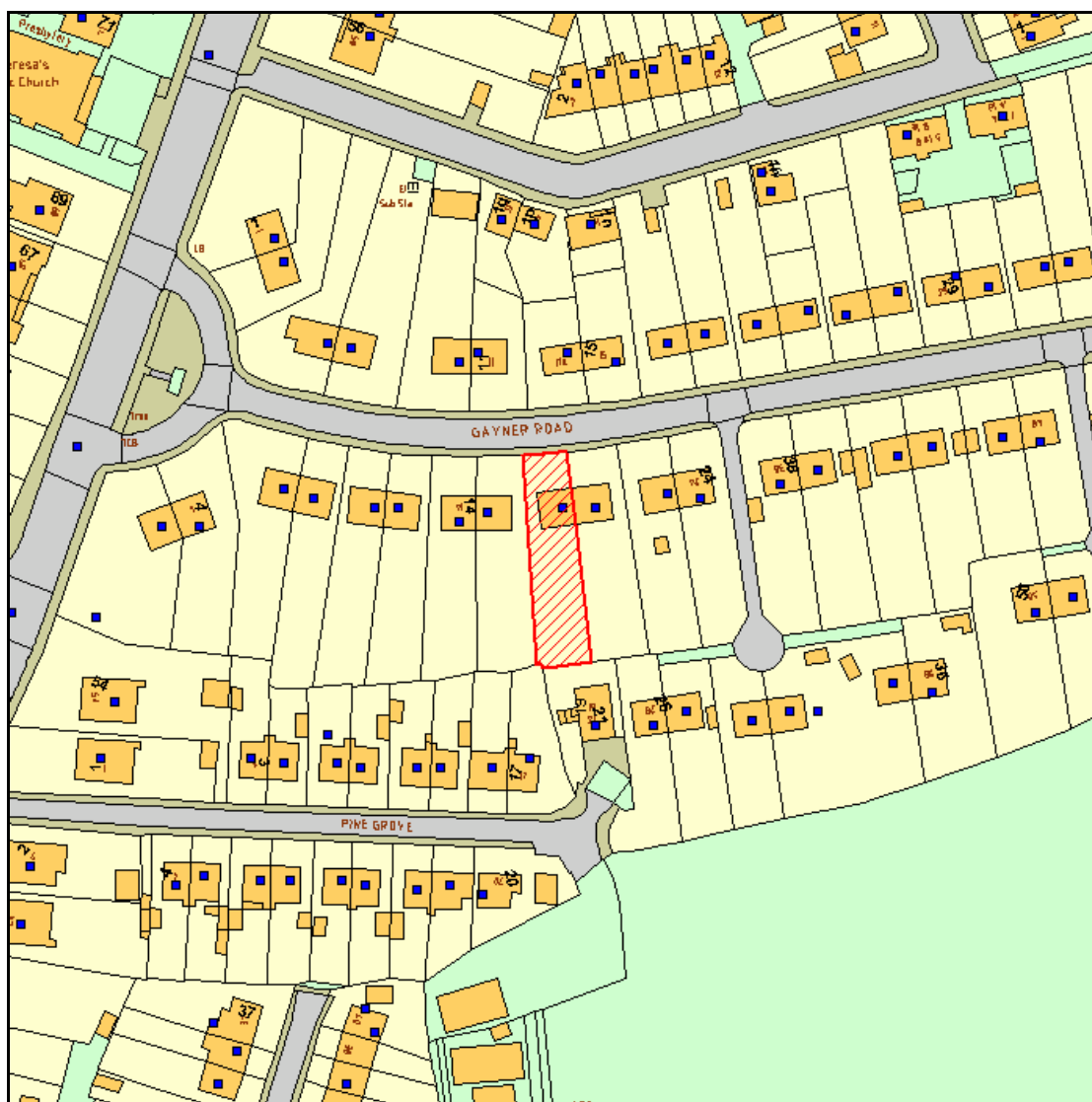
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PT14/0035/F	Applicant:	Mr Martin Thomas
Site:	18 Gayner Road Filton Bristol South Gloucestershire BS7 0SW	Date Reg:	7th January 2014
Proposal:	Erection of detached double garage and erection of rear conservatory.	Parish:	Filton Town Council
Map Ref:	360088 178477	Ward:	Filton
Application Category:	Householder	Target Date:	3rd March 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a detached double garage and a rear conservatory. The application site relates to a two storey semi-detached post war property situated within a cul-de-sac in Filton.
- 1.2 During the course of the application revised plans were requested to reduce the height of and remove dormer windows in the proposed garage. These plans were duly received by the Council.
- 1.3 Given the time constraints, re-consultations have not been possible. However, the application is being referred to the Circulated Schedule within the timeframe and as the changes have resulted in the bulk and design of the garage being reduced, this situation is considered acceptable.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3740/F Erection of detached double garage.
Approved 25.1.05

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object in principle, over intensive and over bearing on neighbours in Pine Grove, Suggest a site visit.

4.2 Other Consultees

Highway Drainage

No objection subject to conditions and an informative.

Other Representations

4.3 Local Residents

None received.

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 acceptable in principle.

5.2 Design and Visual Amenity

The application comprises two elements and these will be considered separately:

The rear conservatory:

The proposed conservatory would measure approximately 7.5 metres by 4.7 metres and its lean-to roof would achieve a maximum height of 3 metres. It would have openings in its south and west elevations only. The proposed conservatory is considered to be of an acceptable design and appropriate to the main dwellinghouse and the character of the area in general.

The garage:

The revised proposal is for a double garage to be positioned at the rear of the garden. Following discussions with officers, substantial changes have been made to the initially proposed design which has significantly reduced the size and impact of the garage. The simplified design means the structure can be recognised as being a garage and not an independent/separate dwellinghouse. It would have a pitched roof which achieves an overall height of 3.95 metres. Openings by way of 2no. small windows would be positioned in the south (rear) elevation and 1no. each in the east and west elevations. These would be non-opening. Two garage doors and a single pedestrian door would be positioned in the north elevation.

The footprint of the garage at 11 metres by 8 metres. has not been changed which means it is still a large structure, however, its much reduced bulk in terms of the overall height and the removal of all dormer windows has in general improved the design and as such the proposal is considered acceptable and can therefore be supported.

5.3 Residential Amenity

The conservatory:

The entire garden of the application site has been enclosed by high fencing of approximately 2 metres in height. As such there can be no issues of overlooking or inter-visibility or overshadowing created by the proposed conservatory, furthermore, the elevation closest to No. 20 Gayner Road is to be of white plastic rather than glazed. It is therefore considered that the conservatory would not to have an adverse impact on the residential amenity of these closest neighbours.

The garage:

The proposed garage would be positioned approximately 0.5 metres away from the rear boundary of the application site. Beyond this lie Nos. 19 and 21 Pine Grove. These flats are to the south of the application site and could have been adversely affected by a structure any higher than that proposed under this application. By reducing the height and removing the dormer windows, issues of negative impact on the privacy of these neighbours to the south have been averted.

Given the above, and the amount of remaining garden space, the proposals are considered acceptable.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

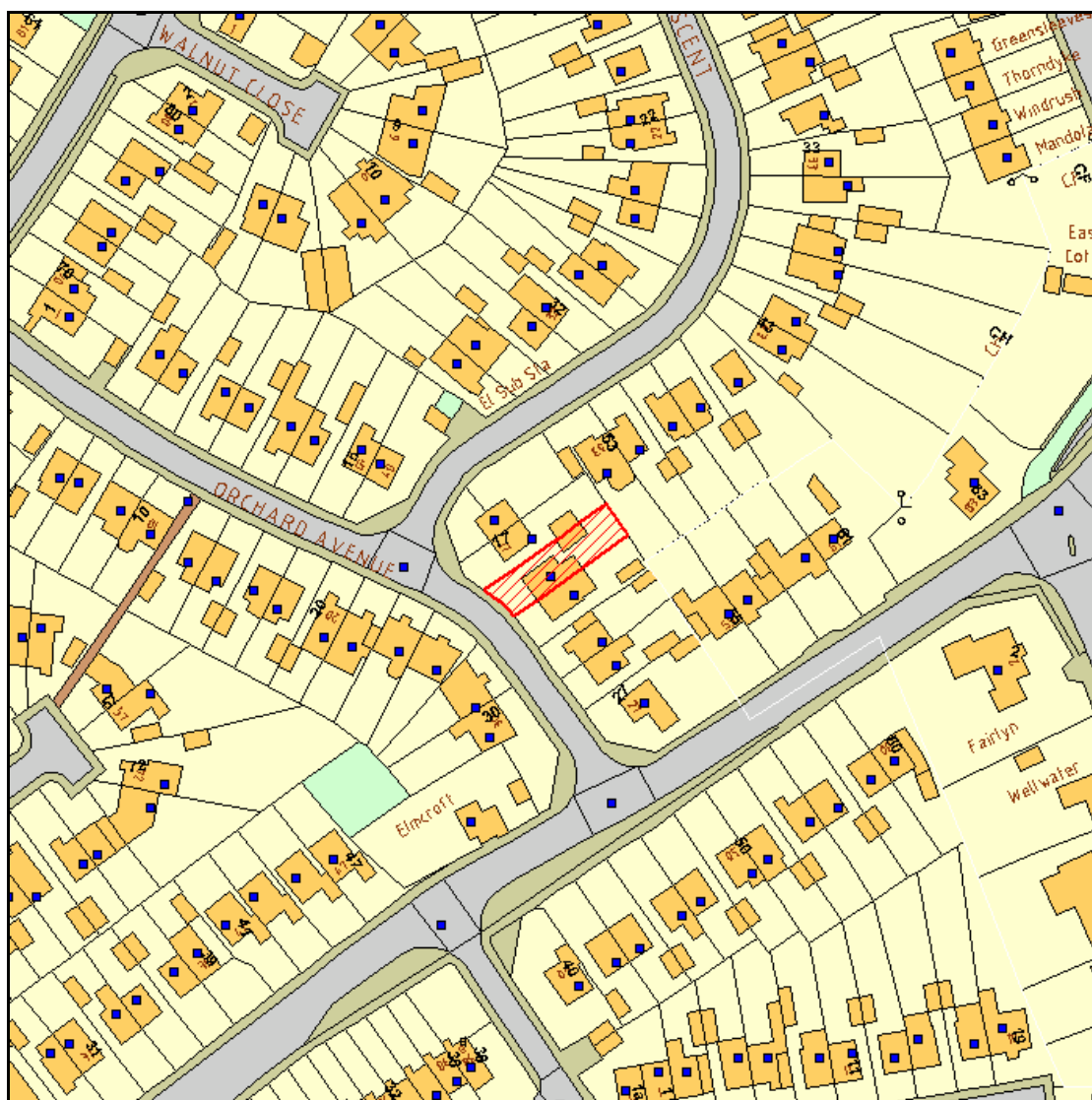
2. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 08/14 – 21 FEBRUARY 2014

App No.:	PT14/0036/F	Applicant:	Mr Dale Hall
Site:	19 Orchard Avenue Thornbury South Gloucestershire BS35 2LU	Date Reg:	8th January 2014
Proposal:	Erection of single storey side and rear extension to form garage and additional living accommodation. Erection of front porch.	Parish:	Thornbury Town Council
Map Ref:	364573 190158	Ward:	Thornbury North
Application Category:	Householder	Target Date:	3rd March 2014



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 100023410, 2008. **N.T.S.** **PT14/0036/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey side and rear extension, and the erection of a front porch to form additional living accommodation.
- 1.2 The application site consists of a semi-detached dwelling situated within an established residential area of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 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
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Highway Drainage
No comment
- 4.3 Public Rights of Way
No objection

Other Representations

4.4 Local Residents

Three letters of objection have been received from a local resident. The comments are summarised as follows:

- Outer face of wall encroaches onto adjacent boundary.
- Roof overhang and guttering will extend over the boundary line.
- Foundations/footings will extend further out than wall into adjacent land. In light of future development of sale of neighbouring property footing over boundary will not be acceptable.
- New drain running diagonally across drive – surely permission is needed for this. It would hinder or impede the foundations of future development in this area.
- No rights to access land of neighbouring property. This applies to future maintenance or repair of the structure etc.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey side and rear extension to form additional living accommodation. 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, highway safety and design.

5.2 Residential Amenity

The application proposes a single storey side and rear extension to a semi-detached dwelling situated within an established residential area of Thornbury. The proposal would replace an existing rear conservatory. The proposed extension would have a hipped roof to the side with a maximum height of 4 metres and an eaves height of 2.7 metres. The side extension would extend to the northern boundary line. To the north of the site is no.17 Orchard Avenue, which is a semi-detached dwelling on the same building line. To the south of the site is no. 21, which is the attached neighbouring property.

5.3 In terms of the impact on the occupiers of no.17, although it is noted that the proposed extension would extend right up to the boundary line it is considered that the extension, by virtue of its maximum height and hipped roof, would not have a significant overbearing or oppressive impact on the occupiers of that dwelling. Although the proposal would result in some loss of light to no.17 this would not be significant and would not warrant a refusal of the application. No windows are proposed on the side elevation facing in to no.17 and as such there are no concerns in terms of loss of privacy. This can be secured by a condition. In terms of the impact on no.21 the proposal would replace an existing rear conservatory which is adjacent to the mutual boundary, exceeding its depth by on 0.1 metres. No.21 has an existing single storey rear extension. The proposed rear extension would therefore not significantly alter the existing situation. Adequate private amenity space would remain to serve the host dwelling.

5.4 Highway Safety

The proposed development would be situated to the side of the dwelling replacing some of the existing hardstanding which is used for off street parking provision. The front porch would also use some of the front hardstanding area. The proposed integral garage does not meet the Council's minimum size requirements and therefore is not counted towards parking provision. The site benefits from an existing hardstanding area to the front to accommodate an off street parking space and on-street parking is available in the locality. Although the loss of parking is undesirable it would not warrant a refusal of the application in this instance.

5.5 Design

The application proposes a single storey hipped roof side and rear extension. The extension goes beyond the principal elevation to form a front porch. The application site consists of a semi-detached hipped roof dwelling constructed in brick with hanging tiles detailing. The proposed development is considered simple in appearance and would remain subservient to the original dwelling and in keeping with the character of the site and the local area. Provided materials match the existing dwelling there are no concerns on grounds of design.

5.6 Other Matters

A number of concerns have been raised by a local resident in relation to encroachment over the boundary line, access from neighbouring land access for future maintenance. Although these comments are noted it is highlighted that issues relating to land ownership are not a material consideration in the determination of a planning application and are instead a civil matter. The Agent has confirmed that no part of the development, including guttering, will extend over the boundary line and Officers have no reason to dispute this. No development or access can take place on land outside of the applicant's ownership without prior consent from the landowner. The applicant is referred to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.

5.7 Further reference is made to the location of a proposed new drain. It is highlighted that this does not require planning permission and it is not within the remit of this application to control the location of it. The applicant is advised to contact Wessex Water for further advice on this matter.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** subject to the following conditions:

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

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

Reason

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