



**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. 05/14

Date to Members: 31/01/14

Member's Deadline: 06/02/14 (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 – 31 JANUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/4383/F	Approve with Conditions	48 Middle Road Kingswood South Gloucestershire	Rodway	None
2	PK13/4390/F	Approve with Conditions	Rear Of 50 Downend Road Downend South Gloucestershire BS16 5UE	Downend	Downend And Bromley Heath Parish Council
3	PK13/4533/F	Approve with Conditions	26 Cleeve Park Road Downend Bristol South Gloucestershire BS16 6DN	Downend	Downend And Bromley Heath Parish Council
4	PT13/4050/F	Approve with Conditions	Heathend Cottage Heathend Court Bristol Road Cromhall South Gloucestershire GL12 8AS	Charfield	Cromhall Parish Council
5	PT13/4113/CLE	Approve with Conditions	Acorn Farm Bungalow Green Lane Milbury Heath Wotton Under Edge South	Ladden Brook	Tytherington Parish Council
6	PT13/4233/F	Approve with Conditions	Land Adjacent To Masons Arms 94 Gloucester Road Rudgeway South Gloucestershire	Thornbury South And Alveston	Alveston Parish Council
7	PT13/4454/CLP	Refusal	1 Gable Close Easter Compton South Gloucestershire BS35 5RB	Almondsbury	Almondsbury Parish Council
8	PT13/4622/F	Approve with Conditions	99 Bush Avenue Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
9	PT13/4646/CLP	Approve with Conditions	60 Mortimer Road Filton South Gloucestershire BS34 7LF	Filton	Filton Town Council
10	PT13/4687/CLP	Approve with Conditions	55 Stoke Lane Patchway South Gloucestershire BS34 6DT	Bradley Stoke Central And Stoke Lodge	Patchway Town Council

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PK13/4383/F	Applicant:	Mr & Mrs Drew & Mr Bracey
Site:	48 Middle Road Kingswood South Gloucestershire BS15 4XH	Date Reg:	28th November 2013
Proposal:	Demolition of side extension to existing bungalow. Erection of 1 no. bungalow and associated works.	Parish:	None
Map Ref:	365578 175273	Ward:	Rodway
Application Category:	Minor	Target Date:	20th January 2014



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PK13/4383/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule as a result of consultation responses received

1. THE PROPOSAL

- 1.1 The applications involve the demolition of an existing side extension to the existing bungalow and the erection of 1 bungalow in the side curtilage of 48 Middle Road.
- 1.2 The site is situated within a well established residential area within Kingswood, containing a variety of styles of dwelling along the road as a whole, however at this location on this side of the road, there is a row of bungalows of varying design and ages. The proposed bungalow would be located in what is currently the side curtilage of the existing bungalow, between number 48 and number 50, immediately to the east.
- 1.3 A Coal Mining area Risk Assessment, Arboricultural Survey and Ecological Issues Report accompany the planning submission.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 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

H4 Residential Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

CS9 Environmental Resources and Built Heritage

CS16 Housing Density

CS17 Housing Diversity

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

South Gloucestershire Council - Residential Parking Standards – Approved for Development Management Purposes 27th March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 K2560 – Erection of 4 detached bungalows on approx. 0.06 acres and construction of new vehicular and pedestrian access. Refused 27th February 1979
- 3.2 K2560/2 – Erection of double garage. Approved 1st May 1981.
- 3.3 K2560/3 – Alterations to access lane and junction to render suitable to serve additional three dwellings. Refused 20th July 1981.
- 3.4 K2560/4 – Construction of dormer windows to provide bedroom accommodation in roof space. Refused 24th February 1982
- 3.5 K2560/5 – Erection of detached bungalow and domestic garage, construction of new vehicular and pedestrian access (outline). Approved 24th October 1983.
- 3.6 K2560/5AP – Erection of detached bungalow with integral garage, construction of car hardstanding and vehicular and pedestrian access to the highway. Approved 24th October 1983.
- 3.7 PK09/5050/O – Demolition of existing dwelling. Erection of 12 no. dwellings (outline) all matters reserved. Withdrawn 29th October 2009.
- 3.8 PK12/2747/F – Demolition of existing detached garage and erection to rear of 5 no. two bedroomed bungalows and associated works. Approved (subject to S106). 6TH June 2013.
- 3.9 PK13/4406/F – Erection of 1 no. detached bungalow and associated works (land to the rear of 50 Middle Road). Currently under consideration

4. CONSULTATION RESPONSES

4.1 Parish Council
No Parish

4.2 Other Consultees
Environmental Protection
No objection subject to standard construction site conditions

Highways Drainage

No objections subject to the inclusion of conditions and informatives relating to Sustainable Drainage Systems.

Sustainable Transport

Planning permission is sought to erect a detached two-bed bungalow on land adjacent to No 48 Middle Road. It is proposed to use the existing vehicular access onto Middle Road for both the existing and proposed new dwelling. The level of vehicular parking confirms with the Councils new residential parking standards. However, I have some concerns over the layout of the proposed parking and feel that in its current form it will be difficult for all vehicles to enter

and leave the site in forward gear. It is therefore requested that the parking layout is altered and a revised plan submitted for approval by the Council.

Coal Authority

The Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report, BGS geological mapping and past borehole records. This information has been used to inform the Coal Mining Risk Assessment (August 2012), which accompanies this planning application.

The Coal Mining Risk Assessment Report correctly identifies both deep workings below the site at such depth not to pose a risk and outcropping coal seams to the north and south of the site. The report also confirms that surface workings in the form of shallow quarries along or close to the outcrop would have been likely. Notwithstanding this, and whilst the Coal Mining Report also confirms that the site is in an area of likely historic shallow underground mine workings, on the basis that the proposal comprises the erection of a dwelling between two other dwellings, both of which have shown no signs of settlement occurring, it is considered that no specific remedial measures are necessary. This is further reinforced in that the results of past intrusive site investigations carried out close by, including boreholes to a depth of 30m, confirm only thin coal seams and no evidence of underground working.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are broadly sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Other Representations

4.3 Local Residents

Three letters of objection has been received from local residents. The grounds of objection are as follows:

a) the property already restricts light into the neighbouring property as the land is higher. Furthermore the east side of the adjoining bungalow has just one path, less than a yard wide leading to the back door. There is much less room than required for a bungalow unless it is built right up to the neighbouring fence. If this is allowed there shall be no light and no privacy. Middle Road is a very busy bus route, making it very difficult to exit ones property, there are no more properties needed here.

b) The new dwelling built between bungalows 48 and 50 would in fact be so close to each other that it would result in the plot being over developed. The current works have damaged nearby kerb stones. Debris created from the articulated deliveries are having a sand blast effect and damaging nearby drives with the sheer amount of stones and waste being created from the site. There will also be future problems with the removal of household waste. There will be road restrictions on collection days. There is limited access to the plot which is on a bus and primary school route. The Tynings Primary School is only around the corner and is an accident waiting to happen. The plot at 48 Middle Road has seen the removal of a fox den which I was assured by the council could not be done. Previously 23 dwellings were built in the lane nearby (Strawberry Lane) when protected trees were cut down. Middle Road has been developed enough. The proposals should be refused to retain any remaining privacy in the area

c) We strongly oppose this new build on the side of 48 Middle Road. You have granted permission for 5 bungalows to be built at the rear of 48 , and extra planning is currently being sought for a sixth bungalow – (Application PK13/4406/F) All the current bungalows on Middle Road have land between them. This proposed bungalow wedged tightly between 48 & 50 will create a “squashed sardine tin effect “that will completely destroy the existing spatial balance between buildings and gardens. Consequently we reject the claim made by the applicant’s agents in their supporting letter that the new build would be in harmony with the grain of neighbouring properties.

The new build will further exacerbate the chronic parking problem which currently exists on Middle Road especially after 5pm and weekends. More and more vehicles are actually parked on Middle Road , particularly on the brow of the hill near 66 & 50 – as many of the neighbours have converted gardens to parking areas thus reducing the available spaces for parking on the road side, and many of these neighbours own more than 2 vehicles . Therefore we have reason to believe that the proposed parking area of 48 and the new build will simply not be sufficient. We currently have a major issue, as on many occasions we are barely able to get out of our own drive, due to parked vehicles impairing the view of the road, this is exacerbated by the fact that my husband drives an adapted car from a wheelchair. We feel this parking issue is preventing us from leaving our own property safely. Therefore on the grounds of health and safety we believe you should reject this bungalow being built.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework. Policies H2 and H4 of the South Gloucestershire Local Plan establish that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway

safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.

5.2 Design

The full extent of the width of the plot would be created by the demolition of an existing extension to the side of the host property, no 48 Middle Road. This would create a plot approximately 8.5 metres wide at its narrowest point towards the front. Whilst it is acknowledged that this is a relatively narrow plot it is not considered so small such as to warrant refusal on design/visual amenity grounds or unfeasible that a modest two bedroom bungalow may be satisfactorily designed into the plot. The proposed bungalow would fill in a gap between two properties and create a situation at this particular location whereby dwellings were closer together than some properties, however they would remain detached, and it is not considered that the streetscene would be unduly impacted given the site, the set back from the main road and the surroundings which provide for a variety of designs and types of dwelling. The bungalow itself would be set back from the frontage with the main road in accordance with other adjacent bungalow properties on either side, the front area providing for off street parking spaces. The design would provide for a relatively simple frontage with front door with small gable above and two equal windows on either side with a relatively low pitched roof, adequately reflecting other properties in the immediate area. The size of the property and dimensions of the living space are considered acceptable for a relatively modest bungalow of this nature and similarly sufficient private amenity space would exist. Materials proposed are considered acceptable and in keeping with the general context of the area. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposal are acceptable in this respect.

5.3 Local Amenity

The proposed single storey dwelling would infill a gap between no's 48 and 50 Middle Road, resultant from the demolition of a side extension currently located on no. 48, 48 being the host property, the proposals being located within the side curtilage. To both elevations the proposed dwelling would be located at a similar orientation, broadly following the building lines of adjoining properties on both sides. In this respect any likely impact would largely be on the side elevation of adjoining properties. The proposed bungalow would go towards within approximately 1.30 metres of the neighbouring property to the east (no. 50). Whilst the application site is slightly higher than the property in this elevation it should also be noted that the proposals are for single storey, boundary walling could be constructed to a height of 2 metres without the need for planning permission at this elevation. Given this and taking account the fact that the side wall of the proposal on this single storey dwelling would measure approximately 2.2 metres and is set off the shared boundary it is not considered that the proposal could be construed as having a material or significant impact upon the side of the adjacent property such as to warrant refusal of the planning application. Further to this the roof slope above the side wall would be away from the shared boundary. Only one small light giving,

obscure glazed window is proposed which will be to the bathroom on this elevation. The side walls of the next two detached but adjacent properties are only located approximately 2 metres apart themselves.

5.4 The orientation of the proposed dwelling itself would remain to the side of neighbouring property and in this respect, given the considerations outline above, would not be considered to give rise to any significant amenity or overbearing impact issues at its single storey level. The built form itself is unlikely to result in an overbearing/loss of light effect on neighbouring dwellings to a material degree, and the proposals would not give rise to privacy issues or other impacts in other directions. Sufficient separate private amenity space would exist to serve both the host bungalow and the proposed bungalow.

5.5 Transportation

It is proposed to use the existing vehicular access onto Middle Road for both the existing and proposed new dwelling. The level of vehicular parking conforms with the Councils new residential parking standards. However, there are some concerns over the layout of the proposed parking and it is considered, that in its current form, it will be difficult for all vehicles to enter and leave the site in forward gear. It is therefore recommended that the parking layout is altered and a revised plan submitted for approval by the Council. This can be requested by condition.

5.6 Drainage

There are no objections to the proposals on drainage grounds however it is recommended that a condition is attached to any consent to ensure drainage within the site is sustainable.

5.7 Coal Authority

The Coal Authority have acknowledged the report produced accompanying the application as a result of its location in relation to former coal mining activity. The report is considered acceptable and there are no objections to the proposals.

6. CONCLUSION

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

6.2 The proposed residential development would be situated within a residential area and within the curtilage of an existing dwelling and in this respect is considered acceptable in principle, in accordance with the provisions of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposals are considered to be acceptable in terms of layout, form, scale, height and massing, in accordance with the principles of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. It is considered that the proposal would not result in material amenity impacts upon surrounding properties by virtue of overbearing impact, loss of privacy and inter visibility,

adequate parking provision can be provided, subject to the addition of an additional parking plans which can be provided within the curtilage, and, subject to details of sustainable drainage being submitted that drainage is adequately addressed, in accordance with Policies T8, T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

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

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the recommended conditions.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Prior to the commencement of development further detailed plans showing the layout of off street car parking and turning areas to allow vehicles to enter and leave the site in a forward gear, shall be submitted to the Local Planning Authority for written approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

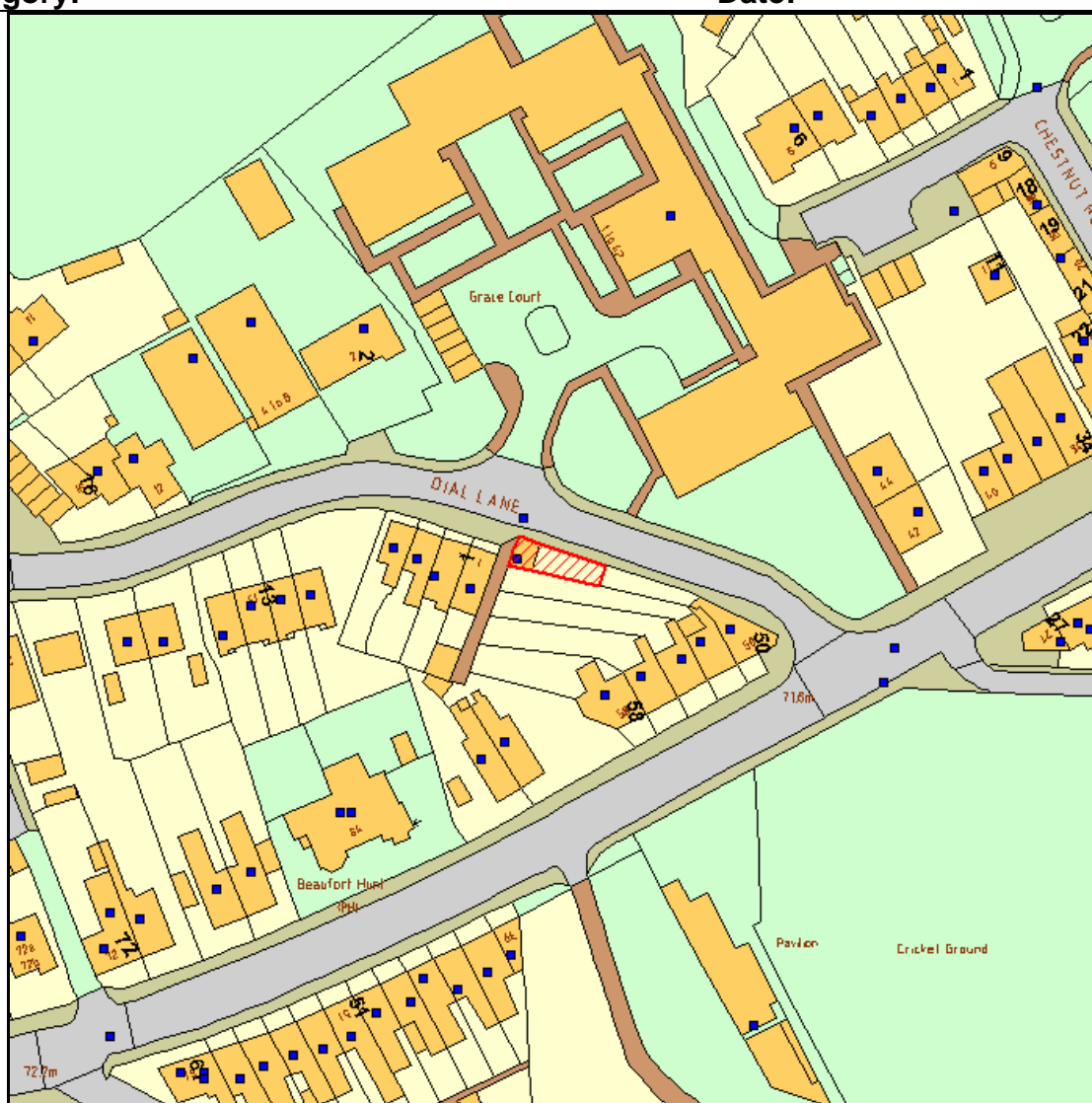
4. Prior to the commencement of development details of the roofing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 05/14 – 31 FEBRUARY 2014

App No.:	PK13/4390/F	Applicant:	Mr J Reid
Site:	Rear Of 50 Downend Road Downend Bristol South Gloucestershire BS16 5UE	Date Reg:	10th December 2013
Proposal:	Erection of detached garage. (Re-submission of PK13/3412/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364899 176610	Ward:	Downend
Application Category:	Householder	Target Date:	31st January 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 concern from the Parish Council.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a replacement domestic garage within the Downend urban area. Access to the garage is via Dial Lane. The garage would replace a smaller garage in the same location and would retain the existing access onto Dial Lane.
- 1.2 The garage would be constructed in block and render and have Redland Grovebury concrete pantiles with a half round ridge tile.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Section 7 Requiring good design
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development Within Existing Residential Curtilages,
Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New
Development

South Gloucestershire Core Strategy December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3412/F Erection of detached double garage. Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Expressed some concern - Due to highway officers concerns in the previous application it is felt that the submitted plans still do not address the issues.

Other Representations
- 4.2 Local Residents
No response received.
- 4.3 Transportation
There is no change to the existing level of parking provided therefore there is no transportation objection.

- 4.4 Highway drainage
No comment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the local plan.

In assessing applications for residential extensions, which can include detached garages, planning policy H4 of the adopted local plan is particularly relevant. Policy H4 specifically relates to residential development, including extensions and other works within the curtilage of a dwelling, and considers issues such as design, residential amenity and highway safety. This site appears to have been split from the associated building (50 Downend Road, Downend) but the site can nevertheless be used by any residential unit.

5.2 Design

The garage is located in the same place as an existing smaller garage but with a footprint almost double the size of the original garage. The garage has been ‘squared off’ parallel to the road and the design amended since the withdrawn scheme to enable guttering to be behind parapet walls rather than overhang and discharge onto the public highway. The proposed garage would have a ridge located some 4.1m above ground level. The proposal would be finished in render with concrete tiles to match the house. The proposed breckland black coloured Redland Grovebury tile is not appropriate and a condition is required to achieve a double roman red clay or similar tile.

5.3 Residential amenity

The garage is located very close to the neighbouring garden at 52 Downend Road but does not overhang or undersail that neighbour. alongside the access to a BT telephone exchange and the tall exchange building is located directly behind. There is no immediate neighbour to the south and as such there are no residential privacy or massing issues. Whilst the rear facing dormer window would look directly onto the telephone exchange it would not cause overlooking into the telephone exchange as the telephone exchange already has an obscure glazed window at this point.

5.4 Transportation

The garage would provide for one substandard parking space as it is only 4.6m deep. However as the site is not being used as provision for a new dwelling but as additional space for an existing dwelling, this is not a critical measurement. The width for the door is similar to the existing garage to be replaced. No visibility splay is provided of pedestrians on the pathway which immediately abuts the garage, but this too only reflects the existing situation.

As this is not materially different to the existing garage no objection is raised to the form or location of the garage.

This is only acceptable on the basis that the pre-existing domestic garage was substandard and that the garage proposed is only used as ancillary domestic garaging. A change from the stated domestic use would require further consideration.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted subject to the planning conditions set out in the decision notice.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

3. For the avoidance of doubt the garage shall be erected on a base which does not undersail the public highway, nor shall guttering overhang the highway and all drainage shall be directed to a private soakaway within the site.

Reason

To ensure that the proposal does not compromise the public highway and that a satisfactory means of drainage is provided, and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

ITEM 3

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.: PK13/4533/F
Site: 26 Cleeve Park Road Downend South
Gloucestershire BS16 6DN

Applicant: Mr J Manning
Date Reg: 10th December
2013

Proposal: Erection of two storey side and rear
eaxtension and single storey rear
extension to provide additional living
accommodation and integral garage.
Erection of rear garden store.

Parish: Downend And
Bromley Heath
Parish Council

Map Ref: 365039 177153

**Application
Category:** Householder

Ward: Downend
**Target
Date:** 31st January 2014



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PK13/4533/F

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 variety of extensions to the existing dwelling – including a detached store/workshop at the bottom of the garden, a two storey side and rear extension and a single storey rear extension. An existing single storey rear projection would need to be demolished to make way for the extensions proposed.
- 1.2 The application site relates to a semi detached dwelling standing in a generous curtilage.

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

Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

4.2 Highway Drainage

No Objection

Other Representations

4.3 Local Residents

One letter of objection has been received raising the following points:

- The two storey side and rear extension would have a detrimental impact on the neighbouring bungalow No 28
- The two storey extension would be 30inches from the side of the bungalow resulting in significant loss of light to the side bathroom and bedroom windows
- Adverse impact on discharge of fumes from chimney stack
- The foundations and roof appear to overhang land belonging to the neighbour
- The side wall of the extension would be 1m in front of the flue from the neighbours gas boiler
- The overall size is greater than the maximum permitted in proportion to the size of the original dwelling.

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.

5.2 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 side and rear extensions are considered to be in keeping with the scale and design of the host dwelling and surrounding properties. The two storey side extension 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 rear extension will incorporate a lean too style roof of simple design that is considered to be in keeping with the scale and design of the host dwelling. All elements of the extension will be finished in materials to match the existing further encouraging their successful integration.

The proposed workshop/store will be erected at the very bottom of the existing garden. It will have the appearance and dimensions of a single garage although will not be used for that purpose. Again the store will be finished in materials to match the existing dwelling. Given the number of garage sized

structures in the vicinity, it is not considered that the proposed detached structure will impact on the street scene or character of the area.

5.3 Residential Amenity

The proposed two storey side and rear extension will be erected right up to the boundary with the neighbouring property No 28. No 28 is a semi-detached bungalow and its side wall is also erected up very close to the boundary. There is a bedroom window in the side elevation of No. 28 at ground floor level facing directly towards the application site. It is accepted that the two storey element of the proposal will indeed be very close to the curtilage and the habitable room window in the side of No 28. In assessing the application, your officer has had to make a judgement on the impact of the extension on the living standards of the neighbouring dwelling.

In considering the scheme, the officer has put weight on the ability of the applicant to erect a 2m high boundary wall on the boundary without the need for planning permission. In addition, a single storey extension could be erected on the side of the dwelling (subject to all PD rights) with an eaves height of up to 3 metres without the need for planning permission. The proposed extension has a total eaves height along the boundary with No 28 of 5.6 metres. The assessment must be made therefore as to whether the additional 2.6 metres above the PD allowed side extension would have a detrimental impact on levels of residential amenity. With regard to the rear element, consideration must be given to the fact that there is an existing single storey rear projection in place that is to be removed.

Given that the side window of No, 28 already faces towards a two storey property, on balance, it is not considered that the proposed two storey elements of the extension would have such an effect on the amenity of No. 28 in terms of overbearing and overshadowing over and above that which could be erected under permitted development allowances.

The single storey lean too extension erected up to the boundary with No. 24 has a depth of 3.5 metres. At this depth, especially given the size of the residential curtilages, it is not considered that the extension will have any significant or detrimental impact on the occupants of No. 26

Finally, the garage extension, whilst being located immediately on the boundary, will be at the bottom of the garden well away from neighbouring dwellings. The actual impact on residential amenity is considered to be sufficiently similar to the existing situation so as not to be of concern.

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.

5.4 Transportation

Although, it is unlikely that the proposed new garage will actually be used for the parking of cars due to its restricted size, ample space remains on the site to provide two off street parking spaces sufficient to meet the needs of the extended family dwelling.

5.5 Other Issues

Whilst it is noted that the neighbour is concerned regarding encroachment, the application form confirms that all works will occur on land within the ownership of the applicant. Informatives will be attached to any consent granted to remind the applicant that the granting of permission does not give rights to enter land outside of their ownership.

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 below

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).

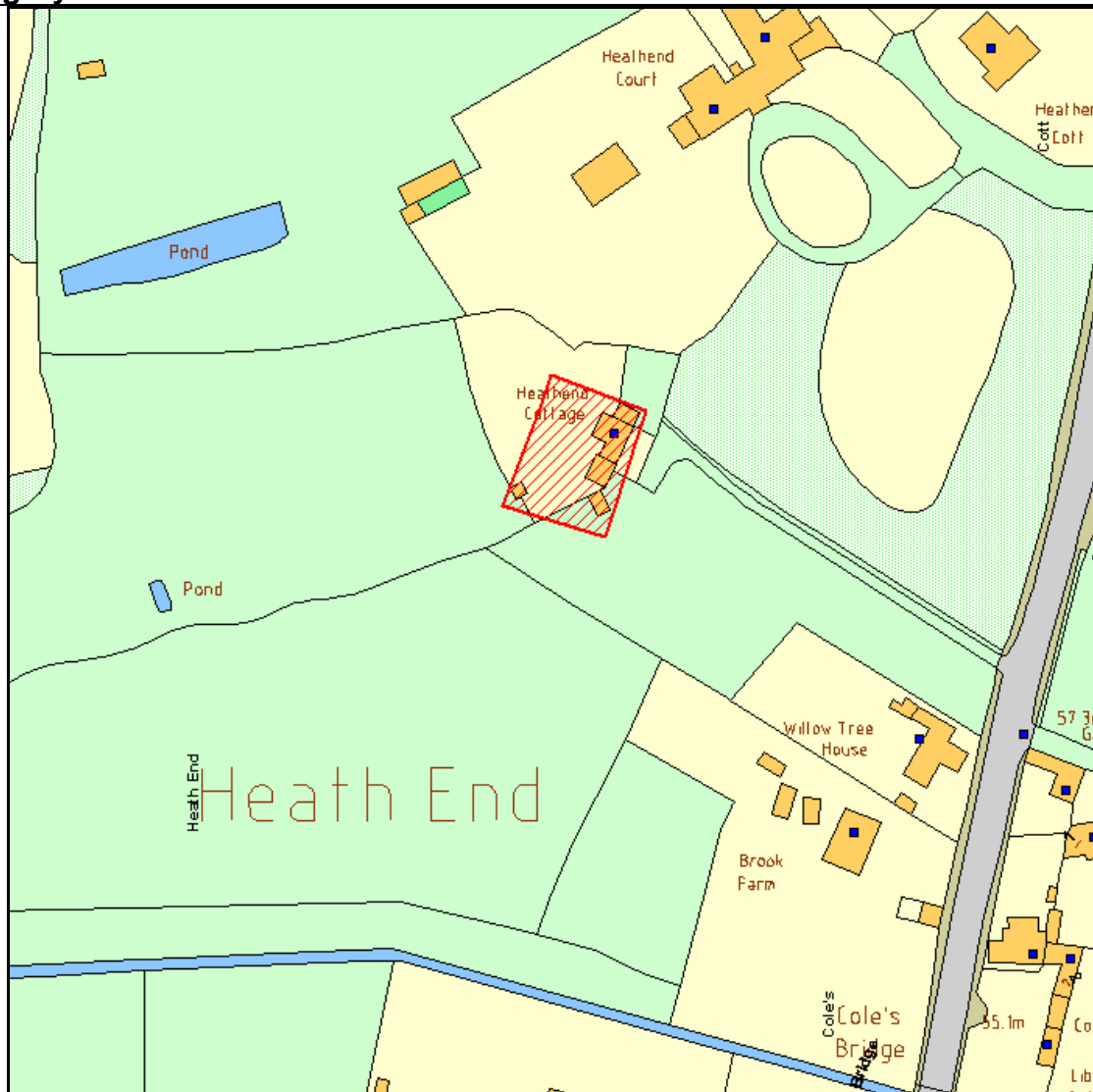
2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be installed into the northeastern elevation of the side extension hereby approved. The two windows shown on the approved drawings to be installed on this elevation shall be fitted with obscure glazing to minimum level 3 and fitted with top hung openings only. This shall be retained at all times.

Reason

In order to prevent direct intervisibility between windows in neighbouring properties in accordance with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4050/F	Applicant:	Mr M Woodward
Site:	Heathend Cottage Heathend Court Bristol Road Cromhall South Gloucestershire GL12 8AS	Date Reg:	18th November 2013
Proposal:	Alterations to garage to facilitate change of use to residential annex ancillary to main dwelling. (Amendment to previously approved scheme PT12/3336/F)	Parish:	Cromhall Parish Council
Map Ref:	369745 189747	Ward:	Charfield
Application Category:	Householder	Target Date:	8th January 2014



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 100023410, 2008. **N.T.S.** **PT13/4050/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because concerns have been raised by a neighbouring occupier contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for alterations to a garage to facilitate the conversion to a residential annexe ancillary to the main dwelling. The proposal forms an amendment to the previously approved scheme PT12/3336/F.
- 1.2 The application site comprises a dwelling and its associated curtilage located on the northwestern side of Bristol Road. The site is located within the open countryside outside of any defined settlement boundary. The grade II listed building Heathend Court is located to the north of the site, and the associated listed building curtilage abuts the northern flank boundary of the site.
- 1.3 The scheme approved under PT12/3336/F has now been implemented.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3 Residential Development in the Countryside

H4 Residential Development within Existing Residential Curtilages

H11 Replacement Dwellings in the Countryside

L1 Landscape Protection and Enhancement

L9 Species Protection

L13 Listed Buildings

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2650/F, demolition of existing dwelling to facilitate the erection of 1no. two-storey dwelling with residential annexe and associated works. (Amendment to previously approved scheme PT12/3336/F), refusal, 26/09/13.

- 3.2 PT12/3336/F, demolition of existing dwelling to facilitate the erection of 1no. two-storey dwelling with associated works. (Re-submission of PT11/3764/F), approval, 27/11/12.
- 3.3 PT11/3764/F, demolition of existing dwelling to facilitate the erection of 1no. two-storey dwelling with associated works, withdrawn, 10/01/12.
- 3.4 PT10/1740/PNA, prior notification of the intention to create a new access road, approval, 24/08/10.

4. CONSULTATION RESPONSES

- 4.1 Cromhall Parish Council
No issues/comments
- 4.2 Drainage Officer
No comment
- 4.3 Conservation Officer
Seek amended plans
- 4.4 Transportation DC Officer
No objection

Other Representations

- 4.5 Local Residents
One letter of concern has been raised by a neighbouring occupier on the basis that a separate garage will eventually be built on the property and that it will be situated too close to the boundary wall which is extremely fragile. The neighbour requests that the applicant confirm their intentions with regards to the potential future construction of a separate garage.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the development has been accepted under the previously approved application PT12/3336/F. This consent has now been implemented. The only change to the originally approved scheme is the replacement of a previously approved garage/store with a residential annexe. Accordingly, the main issues to consider are the appearance/form of the annexe and the affect on the setting of the listed building and character of the area; the affect on residential amenity, and the transportation effects.
- 5.2 Appearance/Form
The original building that was replaced was a vernacular dwelling that dated from the late 18th/early 19th century. In the previous application for the replacement of the dwelling (PT12/3336/F) a significant amount of negotiation took place during the application process and through pre-application discussion between officers of the Council and the applicant to ensure that the

- replacement building, which was larger than existing, was of a high quality standard of design and sympathetic to the rural and historic context.
- 5.3 Concerns were raised in the previous application over the proposed garage which projected well forward of the front elevation of the main dwelling and therefore, would appear overly prominent in the plot. In addition, the location of the garage affects the location of the ground and first floor windows pushing them further to one side of the dwelling and affecting the balance of the principal elevation. Notwithstanding this, amendments were made to other areas of the proposed dwelling and it was considered on balance, that this was sufficient to offset the impact of the garage.
- 5.4 The previously approved garage comprised two timber double doors in the western side elevation with three roof lights in the western roof slope above; two narrow vertically proportioned windows in the end (southern) elevation; and a single narrow vertically proportioned window in the eastern side elevation. Clay tiles were proposed for the roof, timber frames were proposed for the windows, and the walls were a mixture of stone rubble and render. The garage/store had a low-key appearance and therefore, on balance, it was considered that it was acceptable.
- 5.5 In order to convert the garage to an annex the applicant is proposing changes the external appearance. Whilst the proposal is an improvement over the previous submission and has a less fussy appearance with the dormer windows and porch being removed. There however, still concerns that the proposal does not achieve a good standard of design. The proportions of the windows and the style of the entrance door do not sit well within the solid appearance of the garage. The applicant was requested to amend the proportions of the windows to get a narrower more traditional opening that would match existing and be more in-keeping with the character of the dwelling. The applicant has not acceded to this request.
- 5.6 The applicant has stated that they are will to accede to the use of a solid timber entrance door, as well as timber shutters over the windows, which can be closed when the annex is not occupied, to retain the ancillary appearance of the building. On balance, subject to conditions, the proposal will be acceptably in-keeping with the character of the dwelling and surrounding area.
- 5.7 It is not considered that the proposal will have a materially greater impact on the setting of the listed Heathend Court than the previously approved scheme.
- 5.8 Residential Amenity
It is not considered that the proposal will have a significantly greater effect on the residential amenity of neighbouring occupiers than the previously approved scheme.
- 5.9 Transportation
Whilst the proposal results in the loss of a garage, there is sufficient parking space to serve the dwelling. Given the ancillary nature of the annexe, it is not considered that there will be a material increase in the level of vehicular trips.

Weight is given to the fact that the Council's Transportation Officer has raised no objections to the proposal.

5.10 Further Matters

The comments from the neighbouring occupier are noted; however, the effect of a garage, which may be erected at the site in the future, is beyond the scope of this planning application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions below.

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. Notwithstanding the details submitted within 6 months of the date of the consent details of the proposed conservation rooflights shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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.

3. Notwithstanding the details submitted within 6 months of the date of the consent details of the pedestrian access door shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with

the agreed details. (For the avoidance of doubt the door shall be solid timber to match the appearance of the red cedar cladding).

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 details submitted within 6 months of the date of the consent revised details of the proposed windows in the southwestern elevation of the annex shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (For avoidance of doubt the revised details shall demonstrate timber shutters to match the appearance of the red cedar cladding which can be closed to conceal the windows when the annex is not occupied).

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.

5. Notwithstanding the details submitted no first floor window shall be installed in the front (southeast elevation) of the annex hereby approved.

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.

6. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Heathend Cottage.

Reason

The site is located in an unsustainable location where the use of the building as a separate residential unit would be contrary to policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and the saved policy H3 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4113/CLE	Applicant:	Mr And Mrs Jenkins
Site:	Acorn Farm Bungalow Green Lane Milbury Heath Wotton Under Edge South Gloucestershire GL12 8QW	Date Reg:	20th November 2013
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy condition (b) attached to planning permission N8761/1.	Parish:	Tytherington Parish Council
Map Ref:	366676 189701	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	6th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether the dwelling known as Acorn Farm, known as Acorn Farm Bungalow, has been occupied without compliance with condition b attached to planning consent N8761/1 (agricultural occupancy) for more than 10 years from the date of this application.

Condition b of planning approval N8761/1 reads,

'The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town & Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person.'

Reason: The site is not in an area intended for general development and permission is granted to the present proposal solely because the dwelling is required to house a person employed in agriculture or forestry.'

- 1.2 The application site is situated towards the west side of Green Lane of Milbury Heath village. The site is surrounded by open fields and with vehicular access onto Green Lane. The site comprises a single storey detached dwelling with private garden to the north.

2. POLICY CONTEXT

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

3. RELEVANT PLANNING HISTORY

- 3.1 N8761/1 Erection of agricultural workers bungalow. Construction of new vehicular and pedestrian access. Installation of septic tank. Approved 19.01.1984
- 3.2 P87/1114 Use of land for the stationing of mobile home. Refused 11.03.1987
- 3.3 P87/1152 Application to retain dwellinghouse without complying with condition (b) attached to planning permission N8761/1 dated 19TH January 1984. Refused 11.03.1987

- 3.4 P87/2033 Change of use of two agricultural buildings totalling 580 square metres (6,246 sq. Ft.) In floor area, to use for light industrial purposes. Refused 29.07.1987
- 3.5 P89/1809 Use of agricultural land and building for the storage and distribution of tyres. Refused 21.06.1989
- 3.6 P92/1592 Retention of existing dwelling without complying with condition (b) attached to planning permission no.N876/1 dated 19TH January 1984 restricting occupancy of dwelling to a person connected with agriculture. Refused 15.07.1992
- 3.7 P95/2781 Change of use of existing agricultural land and building for use for manufacture, storage and distribution of timber products. Approved 07.01.1997
- 3.8 P95/2782 Erection of agricultural building. Demolition and re-erection of agricultural building. Approved 09.10.1996
- 3.9 PT00/0578/F Change of use of existing agricultural building and construction of new building for manufacturing use (Class B2). Approved 14.12.2000
- 3.10 PT01/0075/F Change of use of land to domestic curtilage. (Retrospective). Approved 21.02.2001

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council
No objection.

4.2 Other Consultees

Highway Officer
No comment

Enforcement Officer
No adverse comment.

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

5.1 In support of the application, the following information has been submitted:-

2 No. Statutory declaration from Martin Lynton Jenkins and Deborah Jane Jenkins (the applicants) in which he states the following:

1. The applicants are the freehold owners of the property known as Acorn Farm.
2. The property comprises a detached 3 bedroom bungalow and private gardens.
3. Construction of the property was commenced in the late 1980's under reference N8761/1 issued by Northavon District Council.
4. The property was subject to an agricultural condition.

5. The property was solely justified on the basis of the Acorn Farm buildings shown edged blue on plan DJ1.
6. In 1995, the use of the farm building was changed to the manufacture, storage and distribution of timber products under planning consent P95/2781.
7. In 2000, there was a further consent for the change of use and construction of a building for manufacturing use under planning consent PT00/0578/F.
8. There have been a number of successive planning consents on the site for further commercial usage.
9. In 2001, the remaining agricultural land associated with the bungalow was granted retrospective planning consent for the use as domestic curtilage.
10. The Acorn Farm buildings were sold as an established commercial industrial site in 2006.
11. The property has separate mains water and electricity services and a private heating and drainage system.
12. In January 1997 the applicant let the property to Mr Robert Child and Mrs Elizabeth Child as private dwellinghouse under an Assured Shorthold Tenancy. Their occupation continued until 14 September 2007. Mr Child was fully employed as a yard manager for the manufacture and distribution of products from the commercial buildings. Thereafter, the property was immediately made available for let whilst routine decoration and maintenance were undertaken.
13. On 1st February 2008 the applicants let the property to Mr Roger Springs and Mrs Linda Springs as a private dwellinghouse under an Assured Shorthold Tenancy. Their occupancy continued until 31st March 2009. Neither party were employed in agriculture. Thereafter, the property was immediately made available for let whilst routine decoration and maintenance works were undertaken.
14. On 1st May 2009, the applicants let the property to Mr Lee Richards and Mrs Anne Marie Richards as a private dwellinghouse under an Assured Shorthold Tenancy. Their occupation continues. Neither party are employed in agriculture.
15. A further confirmatory letter from South Western Relocation is attached.
16. At no point during the period since January 1997 has the property been used for occupation by any person employed in agriculture.
17. At all times since January 1997 the property has been continuously occupied or available to occupy on an Assured Shorthold Tenancy with only residential garden curtilage and with the Tenants responsible for all outgoing including Council Tax.
18. The property has not been used in association with any agricultural enterprise or person employed in agriculture since at least January 1997 and there is no agricultural land associated with the bungalow.
19. The applicants confirm that they hold Assured Shorthold Tenancy agreements and bank records of rents received that can be made available, should this be deemed necessary.

5.2 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”.

Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the breach of condition b has continued for the 10-year period in question.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 No opposing evidence has been received and the Council could find no evidence in opposition to the applicant’s claim.

7. EVALUATION

7.1 The statutory declarations state that Mr and Mrs Jenkins have let the property as a private dwellinghouse since January 1997 to a number of tenants, i.e. Mr Robert Child and Mrs Elizabeth Child, Mr Roger Sprigings and Mrs Linda Sprigings, and Mr Lee Richards and Mrs Anne Marie Richards. None of these parties have been involved or connected to agricultural activities or services during their occupation of the dwelling.

7.2 Upon visiting the site there was no indication that the site was/is being occupied contrary to the applicant’s claim, no evidence has been submitted to dispute any of the evidence submitted or to indicate that there were any breaks in the breach of planning control the subject of the applicant’s claim.

8. CONCLUSION

8.1 There is considered to be sufficient evidence weighing in favour of the applicant’s claim and no contradictory evidence has been received. There is considered to be sufficient evidence weighing in favour of the applicant’s claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has provided sufficient evidence to demonstrate it to be more probable than not that dwelling known as Acorn Farm Bungalow, Green Lane, Milbury Heath has been occupied by any person solely or mainly employed, or last employed, in the locality in agriculture or forestry, including dependants or widow or widower for a period of at least 10 years immediately prior to the submission of this application. The dwelling has therefore been occupied in non-compliance with condition b of planning permission N8761/1 for a period of at least 10 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued.

8.2 Therefore it is considered that the Certificate should be issued.

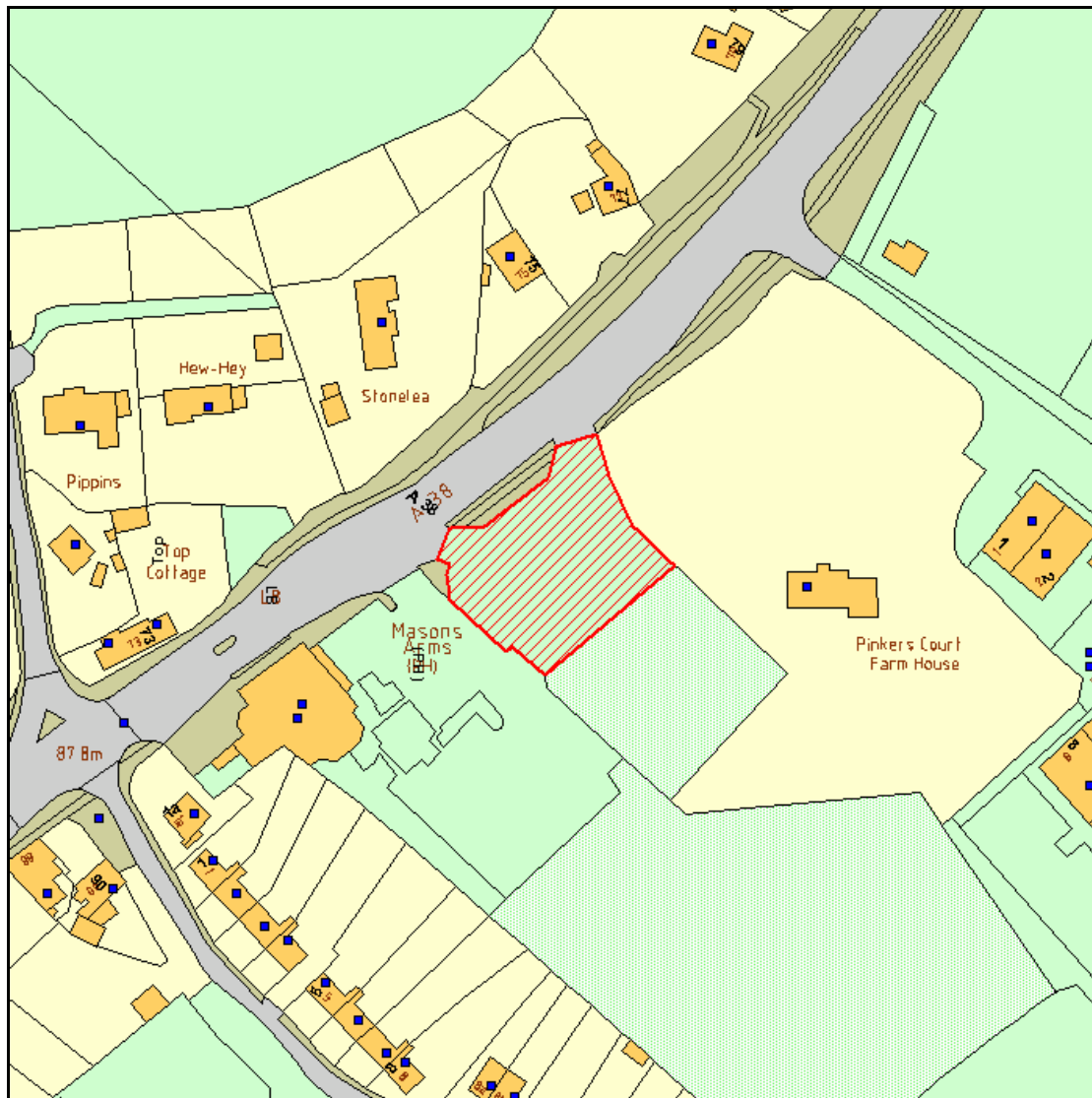
9. RECOMMENDATION

9.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 05/14 – 31 FEBRUARY 2014

App No.:	PT13/4233/F	Applicant:	Bristol Hand Car Wash
Site:	Land Adjacent To Masons Arms 94 Gloucester Road Rudgey Bristol South Gloucestershire BS35 3QJ	Date Reg:	22nd November 2013
Proposal:	Siting of temporary portacabin in association with existing car wash facility (retrospective)	Parish:	Alveston Parish Council
Map Ref:	362902 186963	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	14th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application represents a departure from the Development Plan and an objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the siting of a temporary portacabin in association with the existing car wash facility. The site has been operating in this use since Autumn 2013, since temporary planning permission was approved, running until 1 June 2016 on this former petrol filling station site. The site lies in the Green Belt and the proposal has been advertised as a departure from the Development Plan.
- 1.2 The previous planning permission, approved in May 2013 was for a change of use of the land from petrol filling station (although at that stage the former use had long ceased) to car wash. In negotiation, two portacabins that had originally also been proposed were deleted from the description of development, in order that the development would simply be for a change of use and therefore policy-compliant in the Green Belt. However, the plans approved on the decision notice still showed the two portacabins proposed to be sited on the site. This application proposes a single portacabin in a different location to either of those approved under the previous application.
- 1.3 The applicants' agent has recognised that the proposal represents inappropriate development in the Green Belt and has submitted the following case for very special circumstances:
 1. The decision notice for PT13/1129/F confirmed change of use of the site with plans BRS.4542_01-01a, _04-1a, _05-1b, _06-1 and _07-1, all received on 8 April 2013. The plans indicate the 2 portacabins originally proposed as part of the application. The permission therefore also authorises the portacabins shown on the plans.
 2. This application seeks to regularize what is currently in place on site – 1 portacabin. This has much less impact on the openness of the Green Belt than the two that could be implemented.
 3. The location of the portacabin is different to those already approved. It has been located close to the southeastern boundary, which is lined with vegetation, as is the northeastern one. This position is less prominent than the positions authorised by the previous planning application.

Other very special circumstances that were submitted earlier have been disregarded as they would equally apply to any temporary buildings, anywhere in the Green Belt and therefore were not very special.

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)
T12 Highway safety

South Gloucestershire Local Plan Core Strategy (adopted December 2013)
CS1 High Quality Design
CS5 Location of Development

- 2.3 Supplementary Planning Guidance
Development in the Green Belt (2007)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/1129/F Change of use of former service station (sui generis) to temporary hand car wash facility (sui generis) Approved 2013

4. **CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council
Object on the basis that the portacabin is not in keeping with the surrounding area.

- 4.2 Other Consultees
Technical Services
No comment

Transportation
No objection

Archaeology
No objection

Other Representations

- 4.3 Local Residents
No replies received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
As explained above, the agents have acknowledged that the proposed development would be contrary to Green Belt policy and made a case for very special circumstances to set against the policy. In the Green Belt, according to the NPPF, only specified development is not inappropriate. These categories do not include portacabins for non-agricultural purposes and therefore the proposal is contrary to Green Belt policy. The proposal therefore needs to be assessed against the case for very special circumstances, outlined above, that has been made by the applicants.

- 5.2 Case for Very Special Circumstances
One portacabin has been installed on the site and that has now been applied for retrospectively. The case for very special circumstances has been made at 1.3 above. If this application were to be refused, the two portacabins indicated on the approved plans for the previous planning permission could be stationed on site at any time. Although there are no elevational details among the

approved plans, as long as they were within the footprints indicated on the plans, no Enforcement action could be taken against them. The proposed single portacabin, although inappropriate, is considered to have a lesser harm to the Green Belt than the two portacabins, subject to the following analysis regarding the impact of the proposal on the openness of the Green Belt.

5.3 Openness of the Green Belt

The location of the two approved portacabins would be in the rear, eastern corner of the site. In order to protect the openness of the Green Belt, a condition is recommended below preventing the later siting of these portacabins in addition to the one now proposed. This is essential, as the footprints of none of the three portacabins would overlap and therefore it would be possible to site all three on the site. The current location is along the rear boundary of the site and it is considered that there is little material difference between the locations of the existing and previously approved cabins. However, the comparative benefit to the openness of the Green Belt is in the reduction in the mass of the portacabins, the smaller of the previous approved two portacabins would not be sited on the site and this proposal would therefore reduce the overall mass of built form on the site by the volume of the smaller portacabin. This is considered to be a benefit to the openness of the Green Belt and is acceptable in part as very special circumstances.

5.4 Other Issues

The portacabins were approved, by default, for a temporary term, up to 1 June 2016, along with the change of use of the site. It is considered appropriate to limit the single portacabin in the same manner, in order that it is removed when the use ceases, at the end of the temporary permission.

The Parish Council has objected on the grounds that the portacabin is not in keeping with the surrounding area. It should be noted that planning permission has been approved on this site for a car wash facility and, while it lies in the Green Belt, the character of the site has been set by the temporary use that has been approved. In visual terms therefore, it is considered that the proposal would not be out of keeping with the rest of the site.

In terms of highway safety, it is considered that, although the retention of the portacabin would be in a different location than those already approved, located at the rear of the site, it would not compromise manoeuvring of vehicles using the site and therefore the proposal would not conflict with policy T12 of the Local Plan.

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, with a condition to ensure that the portacabin is removed from the site within one month of the current temporary use ceasing and a further condition preventing all three portacabins being placed on the site.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. The portacabin shall be removed from the site within one month of the cessation of the use of the site as a car wash.

Reason

The form and appearance of the building is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case, to accord with the provisions of the NPPF.

2. The development hereby permitted shall be carried out as an alternative to the permission granted under the approved plans for the siting of two portacabins as part of change of use of former service station (sui generis) to temporary hand car wash facility (sui generis) reference PT13/1129/F but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments in respect of the siting of portacabins.

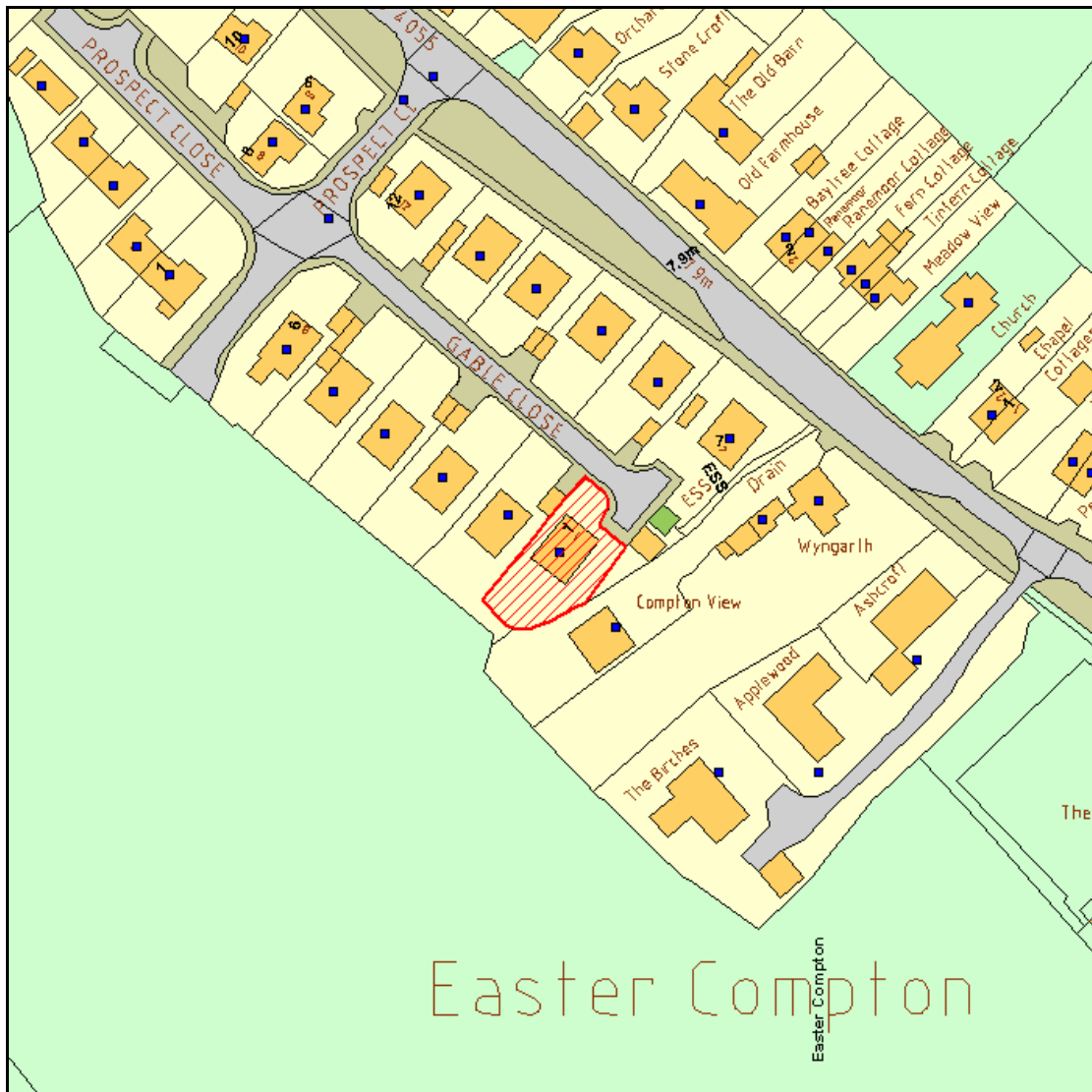
Reason

The form and appearance of the building is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case, to accord with the provisions of the NPPF.

ITEM 7

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4454/CLP	Applicant:	Mr Dave Wookey
Site:	1 Gable Close Easter Compton Bristol South Gloucestershire BS35 5RB	Date Reg:	18th December 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of single storey side extension	Parish:	Almondsbury Parish Council
Map Ref:	357059 182514	Ward:	Almondsbury
Application Category:	Minor	Target Date:	7th February 2014



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PT13/4454/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a side extension at 1 Gable Close, Easter Compton would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1094/F - Erection of detached garage. Approved 2nd May 2007

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

5.3 The proposed development consists of a front porch. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the erection or construction of a porch outside any external door of a dwellinghouse subject to the following:

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

(a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
The proposed extension would not exceed 50% of the total area of the curtilage.

(b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.

(c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.

(d) The enlarged part of the dwellinghouse would extend beyond a wall which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposal is to infill the area to the side of the original dwellinghouse incorporating an existing detached garage that was approved under application PT07/1094/F. The existing detached garage is forward of the principal elevation of the original dwellinghouse and fronts the highway. The principal elevation of the original dwellinghouse is in this case defined by a straight line set by the front gable-end of the dwellinghouse. The proposal includes alterations to the roof of the detached garage and conversion of part of the garage. Due to the incorporation of the garage,

which is detached and not original, and the amendments to the garage, it is considered that the entire enlarged part of the dwellinghouse would extend beyond the principal elevation of the original dwellinghouse that fronts a highway. The proposal therefore does not meet this criterion.

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

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

(ii) exceed 4 metres in height;

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

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

The proposal is single storey.

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

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

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

(i) exceed 4 metres in height

(ii) have more than one storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension would extend beyond a side wall of the original dwellinghouse. It would not exceed four metres in height and would have only one storey.

With the exception of a site location plan at a scale of 1:1250 the plans submitted in support of the application do not show the entire width of the original dwellinghouse. It is considered that insufficient evidence has been submitted by the applicant to clearly demonstrate that the extension would not exceed half the width of the original dwellinghouse.

(i) It would consist of or include—

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

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

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

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

The proposal does not include any of the above.

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

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

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

Conditions

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

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

The plans submitted do not clearly state the proposed materials. The existing dwellinghouse is constructed in reconstituted stone. Insufficient evidence has been submitted to demonstrate that the proposal meets this condition.

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

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

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

The proposal is single storey.

7. RECOMMENDATION

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

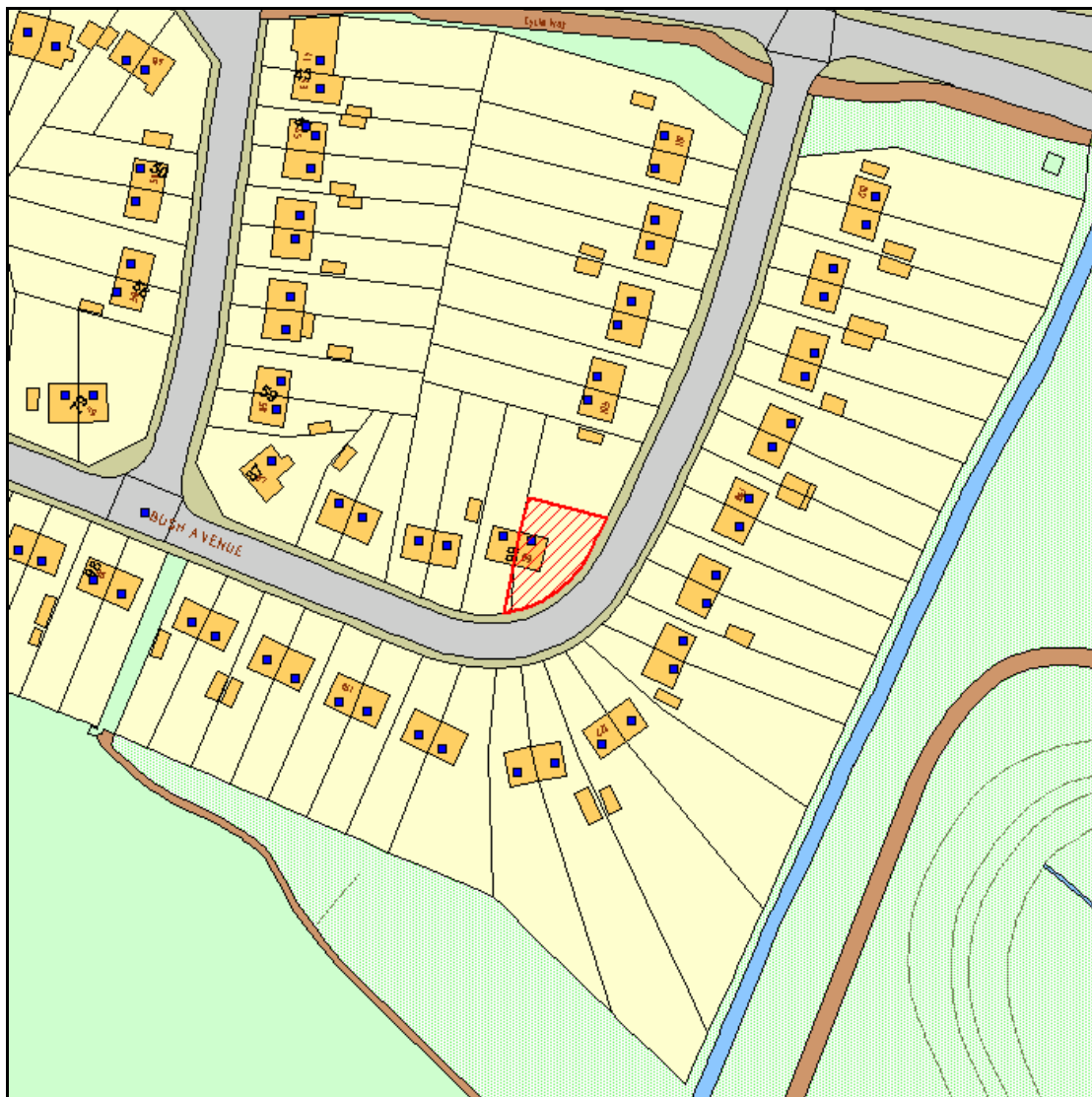
The enlarged part of the dwellinghouse, when incorporated into and including the alterations to the detached garage, would result in an enlargement extending beyond the principal elevation of the original dwellinghouse that

fronts a highway and therefore fails to meet A.1(d) of Part 1 (Class A) of the GPDO (As Amended) 1995. Additionally, insufficient evidence has been provided to demonstrate that the development meets criterion A.1(e)(iii) or A.3(a) of Part 1 (Class A) of the GPDO (As Amended) 1995.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4622/F	Applicant:	Mrs C Stevens
Site:	99 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8NG	Date Reg:	16th December 2013
Proposal:	Erection of 1.8m high boundary fence to side and front of property.	Parish:	Stoke Gifford Parish Council
Map Ref:	361703 180409	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	7th February 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule to take into accounts the comments made by the Parish Council, which suggest an alternative development would be more appropriate.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 1.8 metre high boundary fence at no.99 Bush Avenue, Little Stoke.
- 1.2 The fence is proposed to run from the southeast corner of the house to the edge of Bush Avenue, turning to run north-eastwards along the edge of the road, until turning back to enclose a section of the rear garden.
- 1.3 The only part of this fence that requires planning permission is the section that runs adjacent to the highway. This is because it exceeds 1 metre in height and cannot be undertaken as permitted development under Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.4 Given the above, the most pertinent issue with this application is highway safety and visibility.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec.2013
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
T12 Transportation
H4 Development within Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0924/F Refused 20/05/2013
Demolition of existing garage. Erection of 1 no. detached dwelling with new access and associated works. Erection of 1.8m boundary fence.
- 3.2 P89/1409 Approval of Full Planning 05/04/1989
Erection of porch on side of house

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No Objection. 1.8 metre at side of property and suggestion for
1 metre at front of premises to be considered.
- 4.2 Drainage
No comment
- 4.3 Transport Officer
No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a fence that exceeds the height allowed under permitted development.
- 5.2 Principle of Development
Development within existing residential curtilages is supported, in principle, by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. As this application is for a fence adjacent to a highway, transport is the most relevant.
- 5.3 Transport
Under permitted development regulations, dwellings with Part 2 intact are able to erect fences, gates, walls, and other means of enclosure up to a height of 2m without planning permission unless the gate, fence, wall or other means of enclosure is adjacent to a highway used by vehicular traffic; when this is the case the height is limited to 1m.
- 5.4 When a fence over 1m is proposed, planning permission is required so an assessment of the impact on highway safety and visibility can be made.
- 5.5 The proposed fence will replace a tall and broad conifer hedge. The hedge is far higher than the proposed fence would be and can spill over the adjacent pedestrian footpath.
- 5.6 It is proposed to site the fence within the boundary of the site and only for along a section of the boundary behind the front elevation. Visibility around the corner would not be affected by the positioning of the fence.
- 5.7 As the visibility on the highway is unaffected, the development will not impact on highway safety and is acceptable in terms of transportation.

5.8 Design

The proposed fence is to be constructed in close board timber to provide privacy and screen the rear and side garden from public view. A timber fence is an appropriate fencing material in a residential area and would not have an adverse impact on the visual amenity of the locality.

5.9 Amenity

Development must not prejudice residential amenity. The assessment must consider the amenity of the application site and the amenity all nearby occupiers.

5.10 The proposed fence would screen the rear and side garden of the property following the removal of the existing conifer hedge. As such, the fence would not prejudice the amenity of the application site but preserve the existing levels of privacy offered to the occupiers.

5.11 As for nearby occupiers, the fence will be far less visually intrusive than the tall and dark hedge. It will not impact on the outlook of any nearby property or lead to a reduction in the levels of residential amenity afforded to these properties.

6. CONCLUSION

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

6.2 The proposed fence has been assessed for its impact on transportation networks, highway safety, design quality, and residential amenity. The fence is of an acceptable style and will not adversely affect visual amenity in the area; the development helps to preserve the existing levels of residential amenity offered to the application site and does not prejudice the amenity of any nearby occupier; the development maintains levels of highway safety.

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

7. RECOMMENDATION

7.1 It is recommended to GRANT permission subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

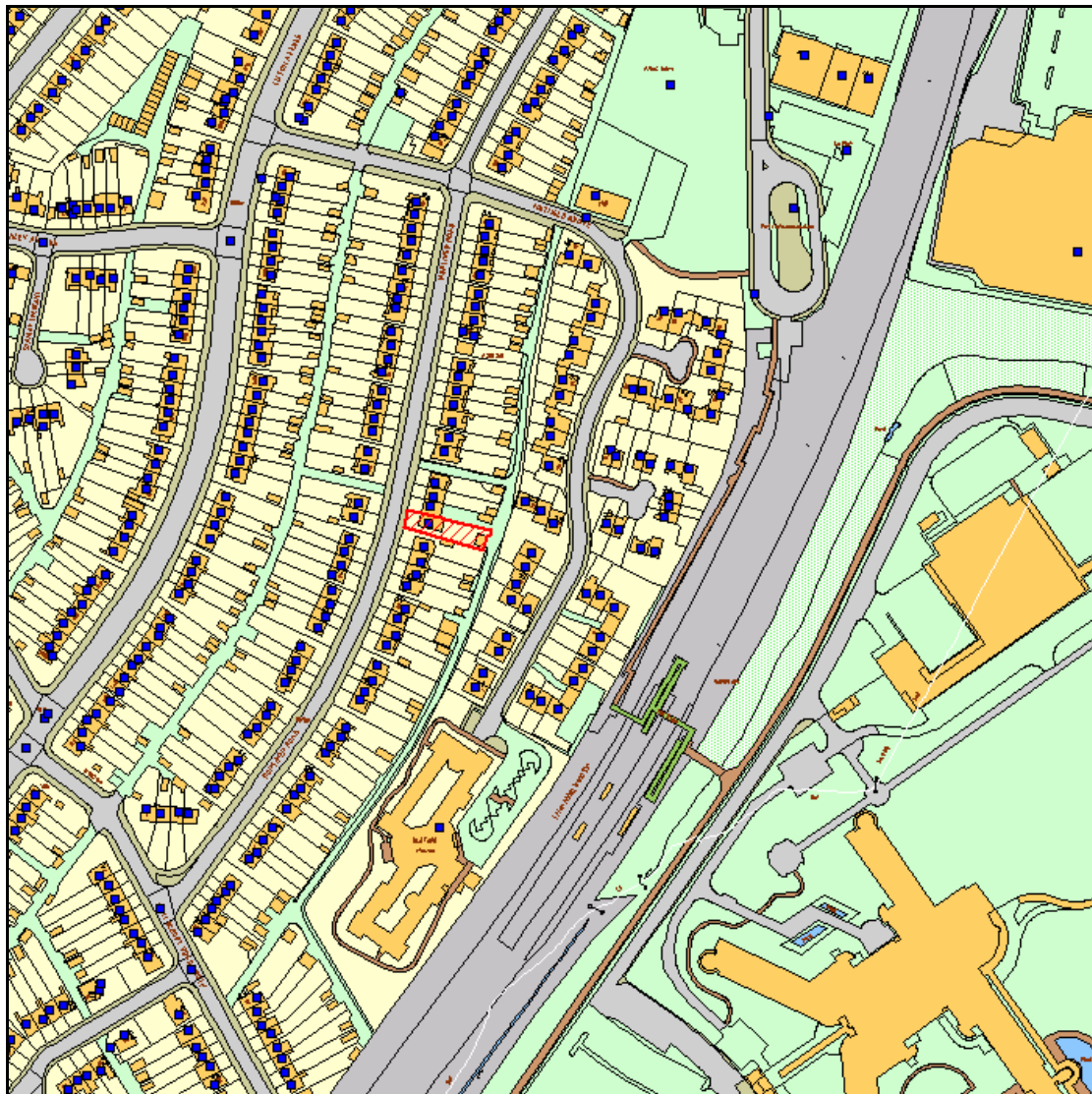
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4646/CLP	Applicant:	Mrs Salamanca
Site:	60 Mortimer Road Filton Bristol South Gloucestershire BS34 7LF	Date Reg:	23rd December 2013
Proposal:	Installation of side dormer to facilitate loft conversion.	Parish:	Filton Town Council
Map Ref:	360885 178533	Ward:	Filton
Application Category:	Minor	Target Date:	13th February 2014



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PT13/4646/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in accordance with the standard procedure for the determination of Certificate of Lawfulness applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a side dormer to facilitate a loft conversion at 60 Mortimer Road, Filton. The property is a two storey end terrace dwelling and is located within the residential area of Filton.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class B and Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objections

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy Adopted December 2013 do not apply in this instance.

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

- 5.2 The proposed development consists of a side dormer to facilitate a loft conversion. This development would fall under the criteria of Schedule 2, Part 1, Class B and Class C, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof) and (Any other alteration to the roof of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

B.1 Development is not permitted by Class B if-

- (a) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The dormer would not exceed the ridge height of the existing roof.
- (b) **Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway**
The dormer would be located on the side elevation of the dwelling, this is not the principle elevation nor does it front a highway.
- (c) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) **40 Cubic metres in the case of a terrace house, or**
(ii) **50 Cubic metres in any other case:**
The property is an end terrace dwelling, the proposed dormer has a width of 3.5 metres by 2.5 metres in height. As such the cubic content would be significantly less than 40 cubic metres. The proposal therefore meets this criterion.
- (d) **It would consist of or include-**
(i) **The construction or provision of a veranda, balcony or raised platform, or**
(ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**
The proposal does not include any of the above..
- (e) **The dwellinghouse is on article 1(5) land.**
The dwelling is not located on article 1(5) land.

Conditions

B.2 Development is permitted by Class B2 subject to the following conditions

-
- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
The proposed dormer would have tiles to match the main roof and would have a rendered finish to match the main dwelling. These details have been confirmed on the submitted proposed plans. As such it is

considered that the exterior of the proposed dormer would be similar in appearance to the main dwelling house.

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

The proposed dormer would be located approximately 40cm above the eaves height of the main dwellinghouse, therefore this condition is met.

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

Two side elevation windows are proposed, both of which would be obscurely glazed and non opening. As such this condition is met.

C.1 Development is not permitted by Class C if-

- (a) **The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof:**

Three rooflights are proposed which fall under this Class. The rooflights would not protrude more than 150mm as such this criterion is met.

- (b) **It would result in the highest part of the alteration being higher than the highest part of the original roof:**

The rooflights would be inserted within the roof slope lower than the ridge height.

5.3 Conclusion

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

6. RECOMMENDATION

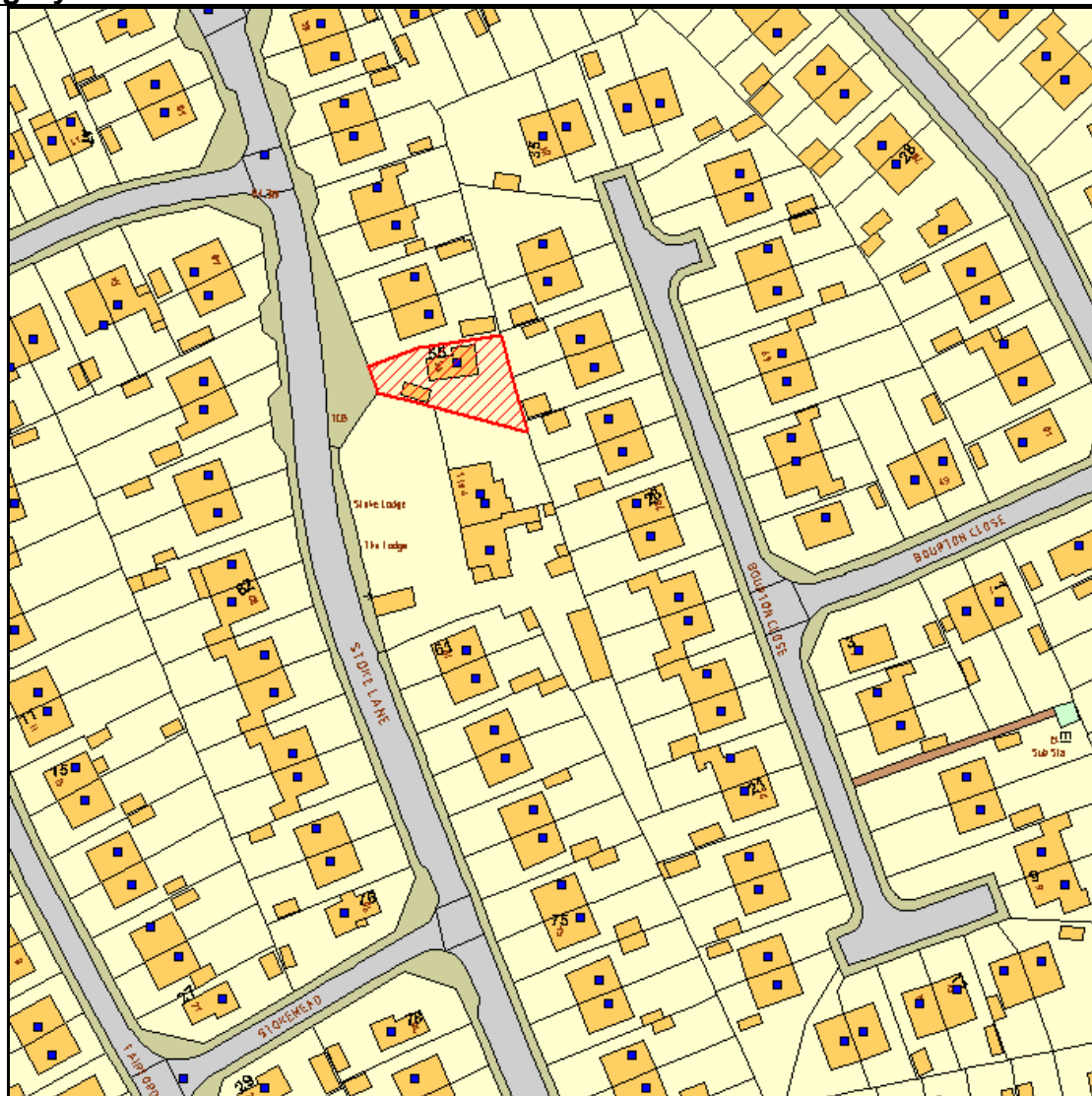
- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

CIRCULATED SCHEDULE NO. 05/14 – 31 JANUARY 2014

App No.:	PT13/4687/CLP	Applicant:	Mr Keith Pritchard
Site:	55 Stoke Lane Patchway Bristol South Gloucestershire BS34 6DT	Date Reg:	20th December 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey side extension.	Parish:	Patchway Town Council
Map Ref:	361104 181893	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	12th February 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey side extension at 55 Stoke Lane, Patchway.
- 1.2 The property is a detached single storey dwelling and is located within a residential area of Patchway.
- 1.3 This application is a formal way of establishing whether or not the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.4 During the course of the application amended plans were received reducing the scale of the proposal and the agent confirmed that the proposal should be assessed as a side extension not a rear extension as initially submitted.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy (Adopted) December 2013 do not apply in this instance.

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

5.2 The proposed development consists of a single storey rear extension. This development would fall under the criteria of Schedule 2, Part 1, Class A, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

A1 Development is not permitted by Class A if –

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

The proposed extension would not exceed 50% of the total area of the curtilage.

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

The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse. As such the proposal meets this criterion.

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

The height of the eaves of the proposal does not exceed the eaves of the existing dwellinghouse. As such the proposal meets this criterion.

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

(i) fronts a highway, and

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

The proposed extension does not project off a wall that fronts the highway, as such the proposal accords with this criterion.

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

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

The proposed extension is to the side of the detached property and would not exceed 4 metres in height as such the proposal meets this criterion.

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

The proposal is single storey.

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

The proposal would have a height to eaves of less than 3 metres and therefore meets this criterion.

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

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

The proposed extension would be to the side of the dwelling and the width is not greater than half the width of the main dwelling, when measured at its widest point.

(i) It would consist of or include—

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

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

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

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

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

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

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

Conditions

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

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

The proposal would be finished in materials to match those of the existing dwellinghouse.

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

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

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

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

The proposal is single storey.

6. RECOMMENDATION

- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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

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