



**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. 23/15**

**Date to Members: 05/06/15**

**Member's Deadline: 11/06/15 (5.00pm)**

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 Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE 23/15 - 05 June 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK15/1375/F</b>	Approve with Conditions	The Old Bakery Park Street Hawkesbury Upton South Gloucestershire GL9 1BA	Cotswold Edge	Hawkesbury Parish Council
2	<b>PK15/1441/F</b>	Approve with Conditions	Streamside 47A Siston Common Siston South Gloucestershire BS15 4PA	Siston	Siston Parish Council
3	<b>PK15/1502/F</b>	Approve with Conditions	7 East End Marshfield Chippenham South	Boyd Valley	Marshfield Parish Council
4	<b>PK15/1714/F</b>	Approve with Conditions	Rajastan Royal 27 Badminton Road Downend South Gloucestershire BS16 6BB	Downend	Downend And Bromley Heath Parish Council
5	<b>PK15/1791/F</b>	Approve with Conditions	25 Kilnhurst Close Longwell Green South Gloucestershire BS30 9AB	Longwell Green	Hanham Abbots Parish Council
6	<b>PT15/0552/CLE</b>	Approve without conditions	Barnes Court Whitley Mead Stoke Gifford South Gloucestershire BS34 8XT	Frenchay And Stoke Park	Stoke Gifford Parish Council
7	<b>PT15/0994/F</b>	Approve with Conditions	27 Thirlmere Road Patchway South Gloucestershire	Patchway	Patchway Town Council
8	<b>PT15/1283/F</b>	Approve with Conditions	9 The Crunnis Bradley Stoke South Gloucestershire	Stoke Gifford	Bradley Stoke Town Council
9	<b>PT15/1566/RVC</b>	Approve with Conditions	11 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	Winterbourne	Winterbourne Parish Council
10	<b>PT15/1682/F</b>	Approve with Conditions	126 Park Lane Frampton Cotterell South Gloucestershire BS36 2ER	Frampton Cotterell	Frampton Cotterell Parish Council
11	<b>PT15/1749/F</b>	Approve with Conditions	25 Railton Jones Close Stoke Gifford South Gloucestershire BS34 8XY	Frenchay And Stoke Park	Stoke Gifford Parish Council
12	<b>PT15/1840/CLP</b>	Approve with Conditions	12 Meadowsweet Avenue Filton South Gloucestershire BS34 7AL	Filton	Filton Town Council
13	<b>PT15/1850/PNH</b>	No Objection	5 Friary Grange Park Winterbourne South Gloucestershire BS36 1LZ	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015**

<b>App No.:</b>	PK15/1375/F	<b>Applicant:</b>	Miss Emma Roberts
<b>Site:</b>	The Old Bakery Park Street Hawkesbury Upton South Gloucestershire GL9 1BA	<b>Date Reg:</b>	21st April 2015
<b>Proposal:</b>	Erection of ancillary residential outbuilding. (Retrospective). (Resubmission of PK14/3502/F).	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	378237 186909	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th June 2015



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 100023410, 2008. N.T.S. PK15/1375/F

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

This application has been reported to the Circulated Schedule given that a letter of objection has been received that is contrary to the Officer's recommendation of approval.

### **1. The Proposal**

- 1.1 This application proposes the part-retrospective development of a replacement outbuilding within the defined residential curtilage of The Old Bakery, Park Street, Hawkesbury Upton.
- 1.2 Part of the building has been completed on site at the time of writing and consent for further works to the building are also included within this application. Therefore, this application is considered to be part-retrospective in nature.
- 1.3 The proposed outbuilding is a single storey building divided into two sections; east and west. The eastern section, which is the larger of the two, has a ground to eaves height of 2.7 metres with eaves to ridge height of 3.3 metres. This section of the building results in an overall height from ground to ridge of 5 metres along the eastern section of the building.
- 1.4 The western section, which is the smaller of the two, has a ground to eaves height of 2.3 metres with eaves to ridge height of 1.5 metres. This section of the building results in an overall height from ground to ridge of 3.8 metres.
- 1.5 The proposed building extends to 11.5 metres in length which comprises of the above proposed dimensions towards the rear of The Old Bakery building. The larger eastern wing comprises of 8.2 metres in length and the small western wing comprises of the remaining 3.3 metres in length.
- 1.6 The smaller western section is also set back from the primary building line of the eastern section along the northern elevation although the building line along the southern elevation remains consistent and straight throughout the 11.5 metre length.
- 1.7 The building is sought as a replacement outbuilding within the existing residential curtilage of The Old Bakery dwelling although variations are sought within the detailing of the design in comparison to that of the original.
- 1.8 The proposed submitted design includes the facilitation of 2 no. windows on the southern elevation (although at the time of writing 3 no. windows have been included). Towards the northern elevation of the building 1 no. patio double outward opening French patio door, 1 no. standard door and 1 no. window are sought on the eastern wing of the building.
- 1.9 The proposed building is finished on its northern, western and eastern elevations in a dry stone wall. The southern elevation is proposed to be finished in an off cream render. Timber eaves, soffit and gable detailing are finished in black painted timber. Rainwater goods are proposed to be finished in black. The southern elevation is proposed to be finished in yellow ochre render with the roof being finished in double roman tiles (old England red).
- 1.10 The application site falls within the existing Hawkesbury Upton Conservation Area and, therefore, views of the proposed building and its impact upon the character and appearance of the Conservation Area is held as a material consideration throughout.

### **2. Policy Context**

- 2.1 National Guidance  
National Planning Policy Framework (adopted) March 2012

National Planning Practice Guidance (adopted) March 2014

2.2 Development Plans

South Gloucestershire Council Local Plan (adopted) January 2006 (saved policies)

- Policy L1 Landscape Protection and Enhancement
- Policy L12 Conservation Areas
- Policy L15 Buildings and Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- Policy H4 Development within Existing Residential Curtilages including Extensions and New Dwellings

South Gloucestershire Council Core Strategy (adopted) December 2013

- Policy CS1 High Quality Design
- Policy CS4A Presumption in Favour of Sustainable Development
- Policy CS9 Managing the Environment and Heritage

South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (Proposed Submission March 2015)

- Policy PSP1 Local Distinctiveness
- Policy PSP2 Landscape
- Policy PSP8 Settlement Boundaries
- Policy PSP9 Residential Amenity
- Policy PSP18 Heritage Assets and the Historic Environment
- Policy PSP39 Development within Residential Curtilages, Including Extensions and New Dwellings
- Policy PSP44 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist Supplementary Planning Document (adopted) August 2007

2.4 The South Gloucestershire Council Local Plan Policies, Sites and Places Plan has not yet been formally adopted within the Council's Local Development Framework and, therefore, the weight attached to the policies contained within the document should be accorded as such.

2.5 Given that the Council is in a relatively infantile state in the process of adoption, with the document currently undergoing public consultation and still requiring further testing, it is considered that the weight attached to such should be limited.

2.6 Where the proposed policies provide coherence and consistency in respect of existing saved policies contained within the South Gloucestershire Council Local Plan (adopted) January 2006 and the South Gloucestershire Council Core Strategy (adopted) December 2013 then the weight can be attached accordingly.

**3. Relevant Planning History**

3.1 The site has a multitude of planning histories connected to it although the relevant histories that are considered to have a material bearing upon the determination of this application are detailed below.

3.2 Application LPA ref: PK14/3502/F proposed the *demolition of existing outbuilding to facilitate erection of outbuilding (retrospective)* and was withdrawn on the 29<sup>th</sup> December 2014 following on from additional matters having not been addressed.

3.3 There are not considered to be any further applications that would have a material bearing upon the determination of this application that are relevant to this site.

#### **4. Consultation Responses**

##### **4.1 Hawkesbury Upton Parish Council**

Hawkesbury Upton Parish Council have objected to this planning application for the following reasons:

The applicants have not used Cotswold stone on the South or East faces.

The Parish Council believes it appears to be significantly taller than the original building and did not have any windows on the south face.

It is believed the south wall is out of line with the original building and the neighbouring by at least one foot.

The Parish Council are disappointed with the standard of drawings being accepted – not professional. It is completely out of character for Conservation Area.

##### **4.2 The Archaeology Officer Natural and Built Environment Team**

The Archaeology Officer has submitted a comment of no objection to this application, although have deferred comments from the Conservation Officer in regards to built heritage.

##### **4.3 The Listed Building and Conservation Officer Natural and Built Environment Team**

The Listed Building and Conservation Officer is holding a response to enable agreed decision to be made on the approach to the proposals in light of the enforcement history and a review of the works undertaken since.

Subsequently, the Listed Building and Conservation Officer has provided full comments comprising of the following:

As discussed yesterday and as set out within the last application, the demolition for the former outbuilding would have been resisted. The form and scale of the replacement structure is considered to be unacceptable, however the fall-back permitted development position is acknowledged.

As discussed on site with the applicant and as set out in various correspondence, for the outbuilding to be considered acceptable some remedial works are required.

The considered remedial works required are:

- Stone facing the south facing rear and side elevations
- Decorating all joinery currently finished in white
- Remodelling the verge and eaves
- Removal of windows to southern elevations
- Insertion of aluminium rainwater goods

From discussions with the applicant, due to access issues stone facing the elevations doesn't appear to be possible. It was therefore suggested that the render be painted with a softer, ochre colour masonry paint. The remodelling of the verge and eaves details also appears to

be problematic due to the construction of the roof. It was therefore agreed that the verge boards could be retained but painted and these works have been undertaken.

In respect of what remains outstanding, in looking at the recent photographs I would suggest the following works still need to be undertaken:

1. Painting of all joinery – including the windows
2. Painting of render to rear and side with a colour to be agreed
3. Insertion of appropriate rainwater goods – large scale details to be agreed, but simple rise and fall brackets are advisable
4. Removal of 1 no. window to rear elevation.

In my views these works should be undertaken prior to determination, but if you are comfortable conditioning these requirements then we can pick up the information as it comes in.

The problem I do have in conditioning the above information, I don't feel I can support the application in its current form, but as the case officer it's your call.

#### 4.4 Lead Local Flood Authority

The Lead Local Flood Authority has submitted no comment in respect of this application.

#### 4.5 Other Representations

There have not been any further representations from members of the public or other bodies in respect of this application.

### **5. Analysis of Proposal**

#### 5.1 Principle of Development

- 5.1.1 This proposal relates to a replacement outbuilding within the residential curtilage of an existing dwelling to be used in an ancillary and subordinate manner to that of the main dwelling.
- 5.1.2 This part-retrospective application seeks consent for the operational development incurred within the development of this outbuilding.
- 5.1.3 Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 permits such development subject to compliance with the detailed 5 point assessment criteria.
- 5.1.4 The above saved policy, therefore, establishes and supports the principle of the development.

#### 5.2 Planning Issues: Demolition of a Non-Designated Heritage Asset within a Conservation Area

- 5.2.1 The determination of this application seeks to consider the planning merits of the proposed replacement outbuilding within the curtilage of The Old Bakery, Hawkesbury Upton and does not give retrospective Conservation Area consent for the demolition of the existing building as part of this permission.
- 5.2.2 Typically, in such proposals whereby the demolition has not already occurred, the Local Planning Authority would be required to determine whether or not the existing outbuilding, and its contribution to the character and appearance of the Conservation Area, is of substantial merit to warrant its retention; thus, establishing the appropriateness of its demolition.



- 5.2.3 In this instance, the demolition of the existing outbuilding has already occurred and the ability to retrospectively grant consent for such demolition within a Conservation Area does not exist.
- 5.2.4 Therefore, such matters have been referred onto South Gloucestershire Council's Planning Enforcement Team for consideration and further action. The Planning Enforcement Team have noted that given the demolition of the building has already occurred, although this would have been subject to a formal application, the only method for its reinstatement is to require a re-build of the existing building.
- 5.2.5 The original materials have been removed from the site although some, including the dry stone walling, and have been utilised within the replacement building.
- 5.2.7 Given that the building is a non-designated heritage asset, there is no requirement for such a building to utilise original materials given that this would not implicate on its particular heritage value. The value of the existing building was on its contribution to the character and appearance of the Hawkesbury Upton Conservation Area.
- 5.2.8 Therefore, given that there is scope for the preservation or enhancement of the character of the Hawkesbury Upton Conservation Area to be reinstated within an appropriate replacement building, the Planning Enforcement Team have deferred this matter onto Officers to consider within this application.
- 5.2.9 Whilst the demolition of the existing building on the site is not the primary and principal consideration within this application, it will still be regarded as a material consideration in the determination of this application when assessing the suitability of the replacement building's ability to preserve, or enhance, the character of the Conservation Area.
- 5.2.10 Paragraph 136 of the National Planning Policy Framework (adopted) March 2012 makes it clear that *'Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'*.
- 5.2.11 Paragraph 136 of the NPPF does not state whether the term heritage asset relates to those which are designated or non-designated and the Council encompasses both in its interpretation.
- 5.2.12 Whilst the Council has not formally permitted the loss of the heritage asset via a formal application, it clear that paragraph 136 of the NPPF places a requirement on the Local Planning Authority to ensure new development, of which this application proposes, will proceed; subject to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2008 (as amended).
- 5.3 Planning Issues: Contribution of Proposal to the Preservation or Enhancement of the Character or Appearance of the Conservation Area
- 5.3.1 Saved Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 requires development within residential curtilages to respect the character of the surrounding area. Draft Policy PSP39 of the South Gloucestershire Council Policies, Sites and Places Plan (proposed submission) is consistent with the contents of saved Policy H4 in requiring development within existing residential curtilages to respect the surrounding area.
- 5.3.2 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development proposals to be informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.3.3 Given that the site falls within the boundary of the Hawkesbury Upton Conservation Area the development proposals are also required to conform with conservation policies and statute legislation that seek to guide development within such designated areas.
- 5.3.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended) requires development proposals within Article 1(5) land to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 5.3.5 This statute requirement is further reiterated in the contents of paragraph 129 of the National Planning Policy Framework (adopted) March 2012 which requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and necessary expertise.
- 5.3.6 In light of such a requirement, saved Policy L12 of the South Gloucestershire Council Local Plan (adopted) January 2006, and emerging policy PSP18 of the South Gloucestershire Council Policies, Sites and Places Plan (proposed submission), requires development within a Conservation Area to preserve or, where appropriate, enhance those elements, which contribute to their special character or appearance.
- 5.3.7 Further, Policy CS9 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.3.8 The above, therefore, ascertains that a full assessment of the existing building is not required, although an assessment of the appropriateness of the proposed replacement building must be made in the context of its ability to preserve or enhance the character and appearance of the Conservation Area.
- 5.3.9 The building, whilst falling within the rear boundary of a dwelling which abuts a field, does not benefit from any publicly viewable points whereby views are afforded to it.
- 5.3.10 The nearest viewpoint of the building can be found from along France Lane, a minor road, whereby glimpses of the building can be caught through vegetation when looking northwards from along the road.
- 5.3.11 However, such views of the proposed building are at best glances given that the vegetation along the eastern elevation of the field south of the proposed site significantly disrupts such views.
- 5.3.12 Therefore, there are not considered to be any public viewpoints within this Conservation Area that this building would materially impact upon and, therefore, the building's ability to impact upon the appearance of the Conservation Area is regarded as limited.
- 5.3.13 The dwellings situated along France Lane do have views northwards of the proposed building, however, this is a matter of consideration relating to residential amenity which is discussed further within subsequent sections of this report.
- 5.3.14 Given that views of the building from public vantage/viewpoints are limited, the contribution that this building makes to the appearance of the conservation area is, therefore, considered to be proportionately limited.
- 5.3.15 The merit, however, attached to this building in terms of its contribution to the Conservation Area, is in the character which derives from the composition of the plot.

- 5.3.16 Historical map regression analysis of the development site shows that the outbuilding was erected circa. 1880/1890's. The 1990s map demonstrates that the composition of the plot has always comprised of 1 no. large building to the front of the plot which occupies the primary boundary with a significant but subordinately sized functional ancillary outbuilding to the rear.
- 5.3.17 The occupation of this footprint of built form has been consistent since circa. 1900 and is a defining feature throughout most plots within the Conservation Area. The plot formation and composition which has resulted in this feature has meant that the evolution, purpose and function of the village and individual elements can be read throughout the passing of time.
- 5.3.18 This retention of plot coverage is considered to be a key feature in defining the character of the area and its retention is regarded as being of significant historical interest for the Hawkesbury Upton Conservation Area.
- 5.3.19 The proposals submitted by the applicant demonstrates that the built footprint of the proposed outbuilding seeks to retain this plot composition allowing the character of the Conservation Area to be preserved.
- 5.3.20 In light of the above, it is considered that the development proposal, in terms of preserving the character of the conservation area, is considered to be retained in accordance with the above statute legislation, national and local policy guidance.

5.4 Planning Issues: Design – Siting, Form, Scale, Height, Massing, Detailing, Colour and Materials

- 5.4.1 Saved Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 requires development proposals of this nature to respect the massing, scale, proportions, materials and overall design and character of the existing property, character of the street scene and surrounding area.
- 5.4.2 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development proposals to demonstrate that the siting, form, scale, height, massing, detailing, colour and materials and informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.4.3 Emerging Policy PSP39 of the South Gloucestershire Council Policies, Sites and Places Plan (proposed submission) seeks for development within residential curtilages to respect the building line, form, scale, proportions, window and door shape and reveals, alignment of openings, architectural style/detailing and external materials and boundary treatments, and hard & soft landscaping of the street and surrounding areas.
- 5.4.4 Given that Policy PSP39 is an emerging unadopted policy and is more prescriptive than that of aforementioned H4 and CS1, only the matters which demonstrate consistency with the saved and adopted policies will be given consideration in the determination of this application.
- 5.4.5 The proposed design seeks the erection of a replacement outbuilding of 1 no. storey with a dual pitched roof. The ground to eaves height of the eastern wing rises 2.7 metres in height and then the additional 2.3 metres from eaves to ridge.
- 5.4.6 The eaves to ridge height of both the eastern and western wings of the building results in a steep dual pitched roof.
- 5.4.7 Whilst the scale of the building rises to 5 metres in height, at its highest point to ridge, in a 1 storey scale, the associated massing, due to the steeply pitching roof height, is significantly reduced.

- 5.4.8 The proposed proportions of the submitted outbuilding, with its steeply pitching roof and retention of historically important footprint, seek to retain similar proportions of the original building.
- 5.4.9 The broad form of the building is characteristic of other outbuildings within the locality and the proportions are considered to accord with buildings within the locality.
- 5.4.10 The proportions of the building, with a 2.3 metre height between eaves to ridge, is understood to vary from the proportions of the original building that was used as an oven and slaughterhouse in connection with the bakery. However, whilst these proportions are considered to be different, they are not considered to be inappropriately dissimilar (on the basis of before and after photography submitted), to the extent whereby they would result in materially different impacts on residential amenity or the character and appearance of the Conservation Area, compared to that of the existing.
- 5.4.11 The retention of these proportions seeks continuity with the existing building, immediate and surrounding development and is, therefore, considered to be appropriate for the proposed building within the Hawkesbury Upton Conservation Area.
- 5.4.12 In light of the above, it is considered that the proposed building accords with the criteria contained within saved Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 and Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

## 5.5 Planning Issues: Residential Amenity

- 5.5.1 Saved Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 requires development within existing residential curtilages not to prejudice the amenities of nearby occupiers.
- 5.5.2 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 requires development proposals to demonstrate that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.5.3 Further, emerging Policy PSP39 of the South Gloucestershire Council Policies, Sites and Places Plan (proposed submission) requires development within existing residential curtilages not to prejudice the amenities of nearby occupiers. Whilst this policy is only emerging, and unadopted at present, the proposed submission does demonstrate conformity with saved Policy H4 which this policy seeks to replace..
- 5.5.4 The proposed outbuilding is located within the rear garden of The Old Bakery building and south of the rear boundary is a field utilised for agricultural use.
- 5.5.5 As a result, public views of the proposed building are considered to be limited in nature. The nearest properties which benefit from views of this building are properties along Hunters Mead that bound the western boundary of the field. However, from this location buildings have in excess of 20 metres separation distance and only the upper storey rear rooms are afforded views of this building.
- 5.5.6 In light of the above, opportunities for impacts on residential amenity deriving from the proposed building on dwellings along Hunters Mead are considered to be limited.

- 5.5.7 However, views of the building are considered to be more prominent from the rear of dwellings situated along France Lane bounding the southern elevation of the field.
- 5.5.8 The agricultural field is southward sloping and, therefore, the proposed building occupies an elevated position. Whilst the proposed building is prominent from the dwellings along France Lane, the distance afforded between the buildings would not be considered to result in any residential amenity issues relating to privacy.
- 5.5.9 However, the proposed retrospective replacement building does introduce new materials, finishing and detailing to the southern elevation of the building that can be seen from these dwellings along France Lane and Hunters Mead.
- 5.5.10 The proposed building seeks part-retrospective permission for a one storey building with dual pitched roof finished on the southern elevation with yellow ochre render with the installation of 2 no. windows.
- 5.5.11 The building at present, has been finished in an off-cream render on the southern elevation and also provides for 3 no. wooden windows finished in a four pane, outward opening formation from the fixed central vertical wooden glazing bar.
- 5.5.12 The building that previously occupied this part of the plot on the same footprint, has been shown to have previously had no windows inserted into the rear elevation; emphasising the ancillary and subservient nature to the building.
- 5.5.13 The introduction of windows onto this rear elevation is considered to result in the partial domestication of this building facilitated by the regular fenestration of the 3 no. windows along the southern elevation of the building.
- 5.5.14 Concern was submitted by the Conservation Officer throughout the consultation period regarding the installation of windows on the southern elevation. Whilst it is considered that the impacts on the character and appearance of the Conservation Area deriving from the addition of 2 no. windows would be limited, given the limited public views of this building, there is the potential for the new windows to impact upon the visual amenity of nearby occupiers.
- 5.5.15 Correspondence between the applicant, Planning Officer and Conservation Officer has sought the removal of 1 no. window on the eastern end of the southern elevation. This is a matter which could be secured via an appropriately worded condition subject to the tests contained within the NPPF for the imposition of conditions.
- 5.5.16 Such removal of the eastern window on the southern elevation would substantially disrupt the regular domestic fenestration of windows along the southern elevation; thus, making the development acceptable in terms of the visual appearance of the building on residential amenity.
- 5.5.17 The removal of the eastern window on the southern elevation would result in two different windows remaining of a different size and scale allowing the building to appear from neighbouring properties as being designed for purpose and function; according historically with the ancillary and subordinate nature to the building.
- 5.5.18 The facilitation of the windows, by virtue of their size and distance to adjacent dwellings, would not be considered to have any detrimental impacts upon privacy.
- 5.5.19 Therefore, subject to an appropriately worded condition, it is considered that the introduction of 2 no. windows on the southern elevation is considered to be appropriate in preserving the

character of the Hawkesbury Upton Conservation Area and does not result in any impacts in terms of privacy or visual amenity.

- 5.5.20 The proposed building, on its southern elevation, seeks to introduce a finish of yellow ochre render along this elevation. Historically, the previous building was finished in dry stone and information submitted throughout the consultation period seeks to support this.
- 5.5.21 However, whilst the determination of this application seeks to account for the change between both buildings, change is not necessarily negative provided it seeks to preserve or enhance the character and appearance of the Conservation Area and does not result in impacts in terms of visual amenity on residents within the locality.
- 5.5.22 From discussions between the applicant and Council, it is understood that the building has been constructed on the legal land boundary as defined by Land Registry. Therefore, the building is required to have a flat finish as the imposition of a dry stone wall along this elevation would result in the encroachment of land under a different ownership; incurring a material change of use.
- 5.5.23 Therefore, the applicant entered into discussions with the Council to seek an appropriate finish to the rear elevation in light of the above circumstances.
- 5.5.24 The Council would have desired a dry stone wall finishing on the southern elevation, however, discussions with the Council's Planning Enforcement Team noted that the harm that derives from the introduction of a rendered southern elevation would not be significant enough to warrant the Council taking formal action in seeking the building being demolished to facilitate the re-introduction of dry stone walling.
- 5.5.25 The Council's Conservation Officer has stated within their consultation response and subsequent discussions that the painting of the render to a yellow ochre on the southern elevation would be appropriate in respect of the above circumstances.
- 5.5.26 It is considered that such a colour of render would be darker than that which is currently on this elevation of the building and such a render would also darken and weather with time; allow the render to adapt to its surroundings reducing the prominence of the building.
- 5.5.27 The proposed yellow ochre render, whilst being a new addition to this building, is considered to preserve the character and appearance of the Conservation Area in accordance with the statutory requirements.
- 5.5.28 The introduction of new materials is recognised by the Council as allowing the development of the Conservation Area to be read which is considered within Conservation best practice as being a positive feature of developments within such constrained areas.
- 5.5.29 Therefore, the introduction of yellow ochre render onto this building is considered to positively contribute towards the character and appearance of the Conservation Area which would also seek to enhance the character of the Hawkesbury Upton Conservation Area.
- 5.5.30 Given that the render is not currently on the southern elevation of the building, an appropriately worded condition can be implemented to ensure that such a matter is undertaken within a specific timescale from the date of the permission.
- 5.5.31 The building also proposes the facilitation of soffits and rain water goods to be finished in black. Where these elements are constructed in timber these will be painted black.

- 5.5.32 Prior to the submission of this application for planning consent, the rainwater goods and soffits were finished in white. The applicant has since, under the knowledge of the Council, undertaken the painting of some of these goods in black.
- 5.5.33 It is considered that the black finishing to these detailing results in the building adopting a less domestic appearance; allowing the building to be incorporated and soften into its surroundings sympathetically.
- 5.5.34 Such finishing can be subjective in nature, however, a reduction in the use of light colours on this building will allow the building to settle into its surroundings discretely; reducing the prominence of the appearance of the building on residential amenity of adjacent properties.
- 5.5.35 The Council considers that the applicant's decision to finish the rainwater goods, soffits and timber in black allows a proportionate balance to be achieved in terms of colours which allows the building to preserve its subordinate appearance within the Hawkesbury Upton Conservation Area.
- 5.5.36 A condition will be imposed within the granting of consent to ensure that the rainwater goods, soffits and timber are finished in black within a specified time period and maintained as such thereafter to ensure that the building's appearance does not develop in time to be more prominent building than intended.
- 5.5.37 At present, the plans only indicate in written format that rainwater goods will be finished in black. Further details will be required via imposition of condition to ensure that the details of such goods are satisfactory.
- 5.5.37 The roof of the proposed building is sought to be finished in double clay roman tiles. These are the same tiles that are used within the main host building, within buildings in the immediate locality and are similar to those used within the existing outbuilding.
- 5.5.38 At present, the tiles have a clean appearance which is partially due to their age. However, within time, these tiles will age with natural weathering processes; allowing the building to soften in appearance within its Conservation Area setting.
- 5.5.39 In light of the above, it is considered on the basis of the determination of the above design considerations that the use of appropriately worded conditions would be sufficient enough to make the development acceptable in terms of residential amenity.
- 5.5.40 The distance of the outbuilding to immediate neighbouring buildings within the locality are considered to be great enough that the building would not be considered to result in adverse impacts on the amenity of nearby residents within the locality.
- 5.5.41 The building will age and weather over time which will allow the building to soften into its surroundings resulting in a building that is far less prominent than in its current form.
- 5.5.42 Therefore, in light of the above, it is considered that the proposed building and according conditions would be coherent with the contents of Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006, Policy CS1 of the South Gloucestershire Council Core Strategy (adopted) December 2013 and emerging Policy PSP39 of the South Gloucestershire Council Policies, Sites and Places Plan (proposed submission).
- 5.6 Planning Issues: Impacts Upon Highway Safety
- 5.6.1 Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 requires development proposals within existing residential curtilages not to result in any

adverse impacts in terms of highways safety, parking provision and traffic. Policy H4 should also be read in conjunction with Policy T12 of the South Gloucestershire Council Local Plan (adopted) January 2006.

- 5.6.2 The proposed part-retrospective outbuilding is submitted as being used for purposes that are considered ancillary and subordinate to that of the main residential dwelling.
- 5.6.3 Therefore, in its submitted form, the proposed use of the outbuilding would not result in any additional traffic movements as a direct result of the building's use; given that it would be used by existing residents of The Old Bakery dwelling.
- 5.6.4 Should the building ever be used as a self-contained residential building then this would result in a material change of use which would then become a matter for the Planning Enforcement Team to address upon such a time.
- 5.6.5 In light of the above, it is considered that the proposed building, by virtue of its use, would not result in any adverse impacts on traffic movements or highways safety and, therefore, accords with the contents of Policy H4 and T12 of the South Gloucestershire Council Local Plan (adopted) January 2006.

#### 5.7 Planning Issues: Retention of Adequate Private Amenity Space

- 5.7.1 Saved Policy H4 of the South Gloucestershire Council Local Plan (adopted) January 2006 requires development within existing residential curtilages to retain an adequate level of private amenity space.
- 5.7.2 This requirement forms part of Policy PSP39 of the South Gloucestershire Council Policies and Places Plan (proposed submission) and is consistent with the existing planning policy framework.
- 5.7.3 The part-retrospective proposal seeks a replacement building with a variation in the detailing of said building, but the building occupies the same footprint as that of the existing which was demolished.
- 5.7.4 Therefore, as the building retains the same footprint as that of the existing, which Council aerial photography supports, it is considered that a sufficient level of private amenity space is retained within the proposed development.
- 5.7.5 In light of the above, it is considered that this an adequate level of amenity space is retained within this development proposal and, therefore, the contents of Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 is accorded with.

#### 5.8 Planning Issues: Use and Imposition of Conditions

- 5.8.1 Paragraph 206 outlines the circumstances under which Local Planning Authorities should impose conditions upon the granting of planning consent; comprising of circumstances where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
- 5.8.2 The Council considers that the imposition of appropriately worded conditions relating to the follow matters are required to make the development acceptable in planning terms whilst meeting the aforementioned tests:
  - 1) *Removal of eastern window on southern elevation;*
  - 2) *No further windows to be added on the southern elevation of the building and*



- southern pitch of the dual pitched roof;*
- 3) *Soffits and rainwater goods to be finished in black;*
  - 4) *Southern elevation to be finished in yellow ochre render; and*
  - 5) *Building to be used only for ancillary uses in connection with The Old Bakery dwelling*

5.8.3 These conditions are outlined fully within the attached decision notice.

5.9 Other Matters:

5.9.1 Throughout the course of the determination of this application other matters have been brought to the Council's attention comprising of the following matters:

- A) *The proposed building is significantly taller than the existing building;*
- B) *South wall encroaches onto land outside of the ownership of the applicant; and*
- C) *Disappointed with the standard of the drawings submitted*

5.9.2 Throughout the determination of this application, it has been noted that the replacement building is not required by statute legislation or planning policy to be a replica of the existing building but is required to preserve or enhance the character and appearance of the Conservation Area amongst conforming to other according design policies.

5.9.3 Whilst existing plans have not been submitted, and were not required given that this application seeks only for planning consent for the replacement building, the variance between the existing and proposed building does not comprise a material consideration of significant weight throughout the determination of this application.

5.9.4 Throughout the determination of this application, regard has been given to the issues of land ownership and the corresponding planning considerations and options surrounding this. Whilst the Council would not wish to permit an un-implementable planning consent through error, and subsequent material change of use, the Council considers that the submitted red line accords with the legal land ownership boundary.

5.9.5 Throughout the consultation period, concern was given towards the standard of the drawings submitted. The Council has viewed these drawings as sufficient for the purposes of the validation and determination of the application and the drawings indicate key dimensions, finishing and detailing that will comprise of the completed development.

5.9.6 Where the submitted plans have required further clarification or detailing the Council has utilised the appropriate use of conditions to enable this.

5.9.7 The Council considers that it has given due and sufficient regard to all matters submitted throughout the application period by all parties concerned in the determination of this application.

## **6. Conclusion**

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

6.2 The recommendation to grant planning permission has been taken having regard to the

policies and proposals in the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. Recommendation**

- 7.1 It is recommended that permission be granted subject to the conditions detailed in the corresponding decisions notice.

**Contact Officer: James Cross**

**Tel. No.**

### **CONDITIONS**

1. Within 30 days of the date of this permission details of the replacement materials and design of the eastern window on the southern elevation shall be submitted to the Local Planning Authority for written approval. Within 2 months of the date of the written approval the eastern window on the southern elevation shall be removed and agreed replacement measures undertaken and retained thereafter.

To respect the overall design, character and amenity of the surrounding area, to safeguard the amenities of nearby occupiers within the locality and to ensure the Hawkesbury Upton Conservation Area is conserved and respected in an appropriate manner paying proper regard to its distinctive character and appearance in accordance with the contents of saved Policy H4 and L12 of the South Gloucestershire Council Local Plan (adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

2. No further windows or rooflights shall be added or inserted to the southern elevation or southern aspect of the dual pitched roof at any time.

To respect the overall design, character and amenity of the surrounding area, to safeguard the amenities of nearby occupiers within the locality and to ensure the Hawkesbury Upton Conservation Area is conserved and respected in an appropriate manner paying proper regard to its distinctive character and appearance in accordance with the contents of saved Policy H4 and L12 of the South Gloucestershire Council Local Plan (adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

3. Within 30 days of the date of this permission details of soffits, rainwater goods and window details shall be submitted to the Local Planning Authority for written approval. All new rainwater goods shall be of metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority. Within 60 days of the date of written approval, these agreed details and works shall be undertaken on site and retained thereafter.

To respect the overall design, character and amenity of the surrounding area, to safeguard the amenities of nearby occupiers within the locality and to ensure the Hawkesbury Upton Conservation Area is conserved and respected in an appropriate manner paying proper regard to its distinctive character and appearance in accordance with the contents of saved Policy H4 and L12 of the South

Gloucestershire Council Local Plan (adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

4. Within 30 days of the date of this permission details of the paint to be used on the areas of render shall be submitted to the Local Planning Authority for written approval. Within 60 days from the date of the written approval the paint shall be applied to the areas of render on the approved building.

To respect the overall design, character and amenity of the surrounding area, to safeguard the amenities of nearby occupiers within the locality and to ensure the Hawkesbury Upton Conservation Area is conserved and respected in an appropriate manner paying proper regard to its distinctive character and appearance in accordance with the contents of saved Policy H4 and L12 of the South Gloucestershire Council Local Plan (adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Council Core Strategy (adopted) December 2013.

# ITEM 2

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

**App No.:** PK15/1441/F  
**Site:** Streamside 47A Siston Common Siston South Gloucestershire BS15 4PA

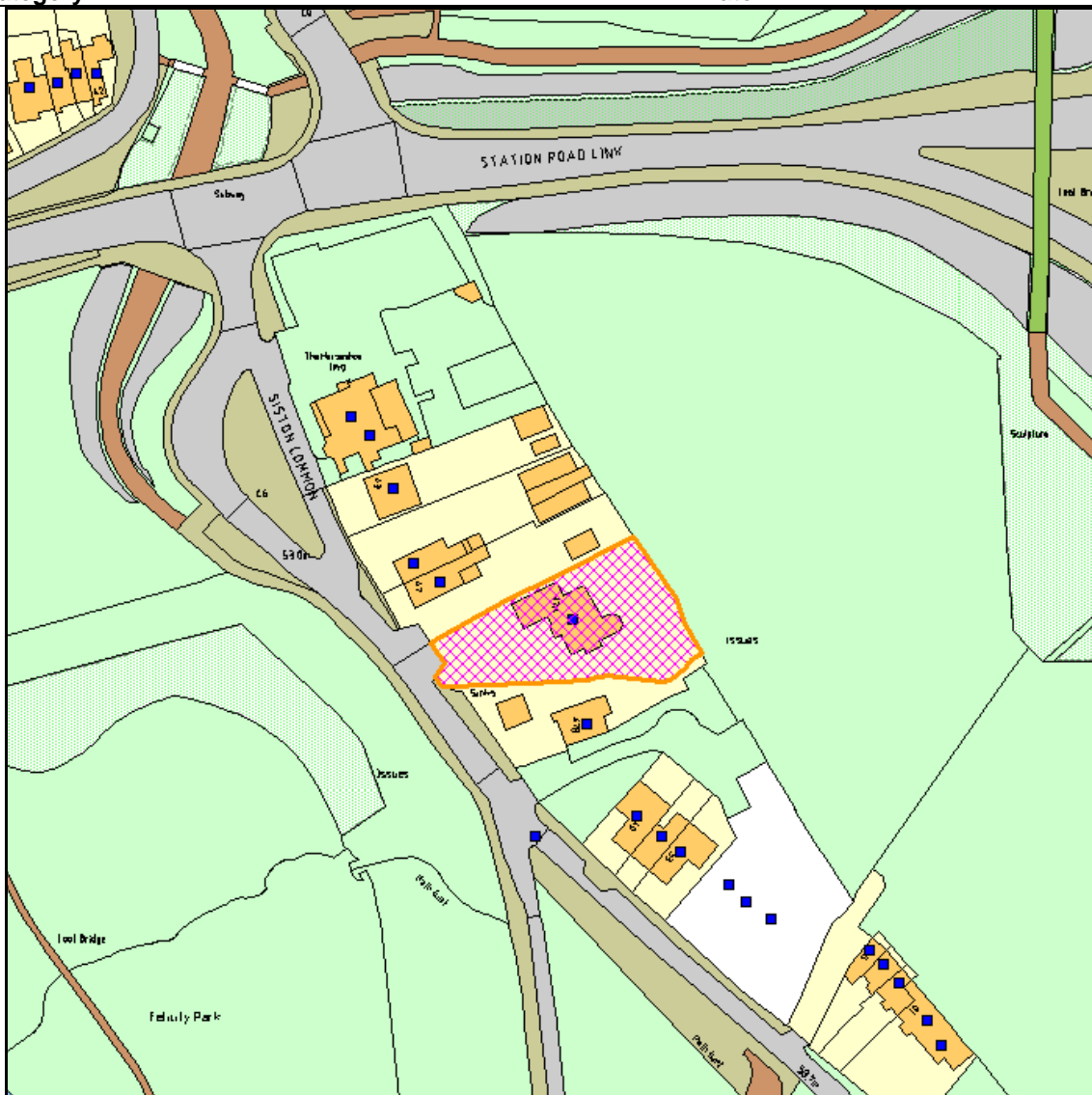
**Applicant:** Mr G Thompson  
**Date Reg:** 13th April 2015

**Proposal:** Erection of two storey detached residential annexe ancillary to main dwelling with associated works. (Amendment to previously approved scheme PK14/3693/F).

**Parish:** Siston Parish Council

**Map Ref:** 366408 174660  
**Application Category:** Householder

**Ward:** Siston  
**Target Date:** 28th May 2015



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100023410, 2008. **N.T.S.** **PK15/1441/F**

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

This application appears on the Circulated Schedule following an objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey detached residential annexe ancillary to the main dwelling with associated works. This is an amendment to the previously approved scheme for an annexe PK14/3693/F.
- 1.2 The application site relates to a 47A Siston Common, a large four bed roomed two-storey detached property which was granted permission in 1993, located in a semi-rural area of Siston within the defined settlement boundary of Kingswood. The dwelling has a large residential curtilage which becomes wider to the rear and is bound by neighbouring dwellings to both sides and open countryside to the rear. The property does not lie within any statutory designations.
- 1.3 During the course of the application revised plans were received to remove a proposed single storey side extension which in Officer's opinion would have an adverse impact on the existing residential amenity of the host property. As these plans did not change the principle of the proposal they were not put out for re-consultation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core (Adopted) December 2013.

CS1 High Quality Design

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006

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

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

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

- |     |          |  |
|-----|----------|--|
| 3.1 | K7292    | Erection of 1no. 4 bed detached dwelling and domestic garage |
|     | Approved | 2.11.92  |

- |     |             |  |
|-----|-------------|--|
| 3.2 | K7292/1     | Erection of 1no. 4 bed detached dwelling and attached double domestic garage |
|     | Approved    | 19.4.93  |
| 3.3 | PK14/3693/F | Erection of a two storey detached residential annexe and associated works.   |
|     | Approved    | 30.10.14   |

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

4.1 Siston Parish Council  
Objection: on grounds of over development of the site.

4.2 Other Consultees

Highway Drainage  
No objection

Sustainable Transport  
No objection

#### **Other Representations**

4.3 Local Residents  
None received

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

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. The proposal will be considered under saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 which allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respects and enhances the character, distinctiveness and amenity of both the application site and its context. The proposal therefore accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

It is noted that there is an extant planning permission for a two-storey annexe in this location. Under that application the Officer's report stated that *the design and layout of the proposed annexe is considered to be dependent on the main dwelling as there are no kitchen facilities proposed, and as such will be considered as ancillary, providing additional living accommodation.* However, this application differs in that the two-storey annexe could function separately in terms of everyday living as details of a very large kitchen are now shown along with bathroom facilities on the first floor.

Officers note that the proposal includes a very large bedroom plus a second bedroom and a room connected to this second bedroom labelled study.

- 5.3 Other differences proposed under this current application include a hipped roof, the removal of the first floor dormers, the reconfiguration of windows and doors to the main part of the structure and the introduction of a chimney.
- 5.4 It is unusual for annexes to be such large structures but additions within existing residential curtilages are not unacceptable in principle. The scale of the proposal does need full assessment but in this instance where the structure can only be accessed using a shared entrance with the main dwelling there can be no concerns that it would ever be an independent dwellinghouse. This weighs in its favour. In addition it would be set behind the large attached garage and within the garden of No. 47a which although is relatively flat, the land to the north rises significantly and there is currently a 3 metres retaining wall between the two. Furthermore, the property is well screened by trees and planting. These factors again weigh in its favour.
- 5.5 Design and Visual Amenity  
The large detached dwelling is set back from the highway some 20 metres and is sited in a hill sloping slightly upwards from the highway from east to west. The proposed annexe would be sited in the northern corner of the site against an existing 3 metre high retaining stone wall. Whilst the annexe would be two storey in height, it would not appear significantly prominent to an extent to be considered detrimental. Furthermore, given the generous proportions of the residential curtilage and the large size of the existing dwelling, the annexe would not be considered disproportionate in scale. It can therefore be concluded that the siting, form, scale, height and massing of the proposal have been informed by the surrounds.
- 5.6 The annexe would have a roof constructed of clay tiles to match the existing house and would have a rendered finish. Whilst the existing dwelling is not rendered, other properties in the street scene are and it is considered a common practice in residential areas, and as such is considered acceptable. Overall the design of the proposal is considered to respect and enhance the character the character of the existing dwelling and surrounding area.
- 5.7 Residential Amenity  
The proposed annexe would be over 20 metres away from a neighbouring dwelling, would border open countryside to the rear and would not be visible to the dwelling to the south. That said, the annexe would be constructed up against the retaining wall bordering the northern corner of the site. It should be considered however that as previously described, the ground level to the rear of the site is significantly lower than that of the rear garden to the neighbouring dwelling to the north. It should also be noted that there is a large detached outbuilding which borders this boundary on the neighbouring site. It can therefore be considered that the proposed annexe would not cause any overbearing or overshadowing to the neighbouring property.
- 5.8 The position of the annexe must however, be carefully considered with regards to impact on future occupants and those of the existing dwellinghouse. It is noted that windows and doors are now proposed in all three main elevations.

Those facing the garden are not considered to cause any adverse issues with regards impact on residential amenity and similarly those facing the fields do not cause concern. The proposed first floor side window in the west elevation would be one of three windows serving the main bedroom. This window would directly face the rear of the garage but still be quite close to the main house with a corresponding first floor window approximately 6 metres away. This is a very small distance but regard must be given to the obliqueness of the angle between the two and the fact that as an annexe it is likely to be used as accommodation for family members. Nevertheless, this is not an ideal situation but as the previous permission did not raise any concerns with regard to this window, it would be unreasonable to do so now.

5.9 The removal of the single storey side extension to the annex means that access to the garden from the main house will not be affected. A sufficient amount of private amenity space is considered to be left on the side to serve the host dwelling and the annexe. Overall, the proposal is not considered to be detrimental to the living conditions currently enjoyed by the dwellings in the surrounding area and it is therefore considered acceptable in terms of residential amenity.

5.10 Sustainable Transport

As the proposed annexe is deemed as ancillary, the proposal would add an additional two bedrooms to the planning unit. Adopted parking standards require a minimum of three off-street parking spaces to serve a property and annexe unit of this size. It is considered that there would be sufficient room to accommodate this number of off street parking spaces either on the substantial driveway to the front of the property. The property further benefits from an attached double garage and so together the provision exceeds the minimum parking standards. As such, there are no objections in terms of sustainable transport.

5.11 Other Issues

The previous application noted that no details of foul sewage disposal or surface water disposal were included in the planning application. The situation remains the same under this current application. At the time the Council's drainage team recommend that foul sewage disposal should connect to a public foul sewer and if this is not economically viable by gravity or pumping, a Package Sewage Treatment Plant is required. In addition surface water drainage must be assessed prior to the commencement of the works. It is therefore reasonable that a condition will be attached to the decision notice to ensure a detailed method is submitted and approved by the Council prior to the commencement of any works.

## 6. CONCLUSION



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

## **7. RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

2. No windows shall be inserted at any time into the north elevation of the residential annexe hereby approved

Reason

To protect the privacy and amenity of neighbouring occupiers and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013.

3. The annexed accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 47A Siston Common.

Reason

A separate dwelling would require further consideration and to accord with Policies H4, T7, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 and CS5 of the South Gloucestershire Core Strategy adopted December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

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

Reason 1

This is a pre commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

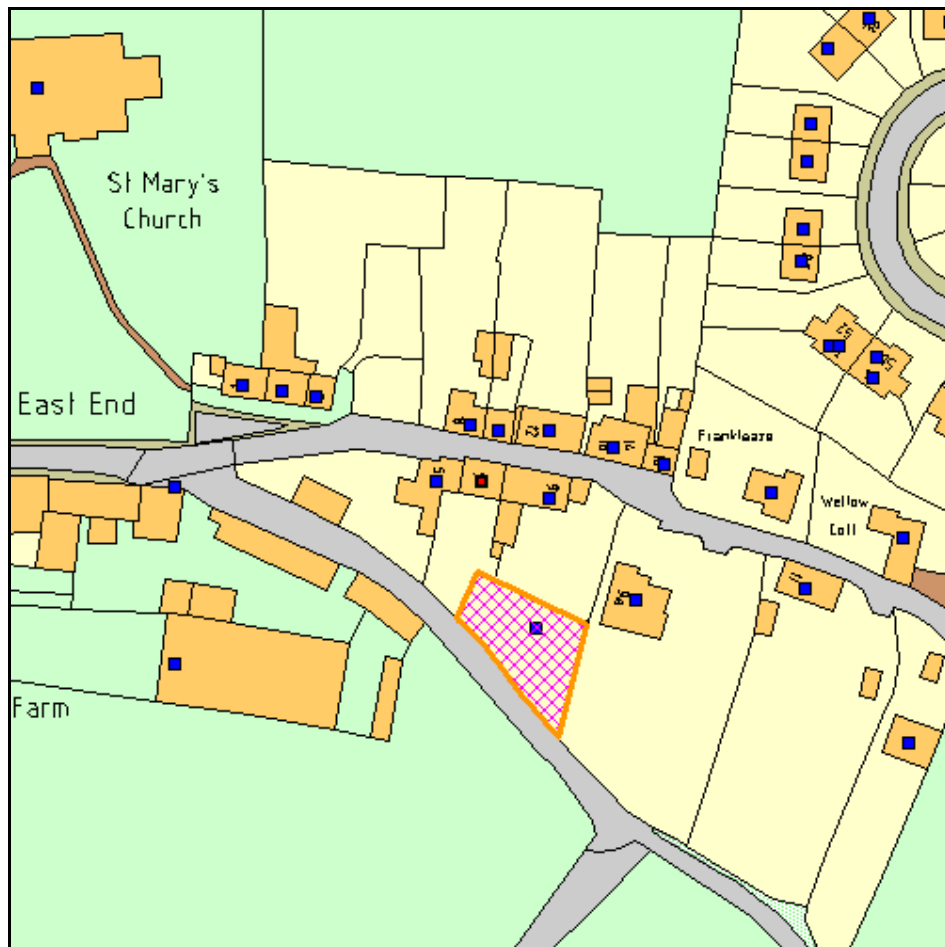
To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the National Planning Policy Framework 2012.

# ITEM 3

## CIRCULATED SCHEDULE NO. 23/15 – 05 JUNE 2015

<b>App No.:</b>	PK15/1502/F	<b>Applicant:</b>	Mr Andrew Smith
<b>Site:</b>	7 East End Marshfield Chippenham South Gloucestershire SN14 8NU	<b>Date Reg:</b>	22nd April 2015
<b>Proposal:</b>	Erection of 1 no. Eco dwelling and associated works. (Amendment to previously approved scheme PK13/2581/F).	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378289 173607	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd June 2015

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks amendments to a previously approved scheme for the erection of 1no. eco dwelling and associated works. The previous scheme was referenced PK13/2581/F. The application site is set to the rear of No.7 East End, Marshfield which fronts onto East End and has rear access onto Ringswell Lane. The application site lies within the curtilage of a Grade II listed building and also lies within the Marshfield settlement boundary and Conservation Area.
- 1.2 A non-material application was recently determined for the site which concluded that the changes amounted to a material change over and above the originally approved scheme sufficient to warrant their consideration under a full application. This application therefore, proposes two small changes to the house in terms of materials used on one elevation and the introduction of a small ground floor window and one change to the terracing of the garden. The overall design, scale, massing and position of the dwelling on the plot would not change.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Practice Guidance – conserving and enhancing the historic environment  
Historic Environment Planning Practice Guide March 2010

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
L2 Cotswolds Area of Outstanding Natural Beauty  
L12 Listed Buildings  
L13 Conservation Areas  
T12 Transportation Development Control Policy for New Development

#### **2.3 Supplementary Planning Guidance**

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

- 3.1 N5965/3 - Decision: APPROVED, Date of Decision: 03-MAR-83. Proposal: Conversion of car port to garage with garden store above.
- 3.2 P94/1825 - Decision: APPROVED, Date of Decision: 31-JUL-94. Proposal: Replacement of existing flat roof on single storey rear extension with pitched roof. Modifications to existing dormer in rear elevation.
- 3.3 P94/1826/C - Decision: APPROVED, Date of Decision: 31-JUL-94. Proposal: Works of demolition to facilitate replacement of existing flat roof on single storey rear extension with pitched roof and alterations to dormer window in rear elevation.
- 3.4 PK01/1575/F - Decision: APPROVED, Date of Decision: 13-AUG-01. Proposal: Erection of rear conservatory.
- 3.5 PK01/1581/LB - Decision: APPROVED, Date of Decision: 13-AUG-01. Proposal: Erection of rear conservatory.
- 3.6 PK02/0996/LB - Decision: APPROVED, Date of Decision: 17-MAY-02. Proposal: Internal and external alterations.
- 3.7 PK12/0493/F - Decision: APPROVED, Date of Decision: 3-AUG-12  
Proposal: Erection of 1 no. Eco dwelling and associated works.
- 3.8 PK13/2581/F – Decision: APPROVED, Date of Decision: 23-JAN-14  
Proposal: Erection of 1 no. Eco dwelling and associated works.
- 3.9 PK15/0935/NMA- Decision: WITHDRAWN, Date of Decision: 31-MAR-2015  
Proposal: Non Material Amendment to PK13/2581/F to replace stone cladding with rendered blockwork, insert an additional window to West elevation, minor balcony change and plan showing position of retaining wall.

### **4. CONSULTATION RESPONSES**

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Conservation Officer

No objection as the proposed changes would not have a material impact on the character of the area or appearance of the building as previously approved.

Highway Drainage

No objection in principle however, the application proposes to dispose of Surface Water by discharging into the existing mains system. However there are no Public Surface Water Sewers located within vicinity of the site. The applicant will need to resubmit updated drainage details in order for comments to be made.

Highway Structures

No comment

**Other Representations**

4.3 Local Residents

Three letters of objection from local residents have been received. Their points are summarised as:

- Northern roof line will project into the 1 metre gap and the listed retaining wall
- The roof will significantly reduce the natural ventilation necessary to maintain the structural condition of the listed retaining wall and thus constitute a significant risk to its future structural integrity
- Concerned with water run off onto highway where there is no drainage provision
- Design of windows to south elevation have been changed and now less appropriate for the conservation area/AONB
- Dry stone wall to rear even more obscured by the roof extension

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the impact the changes to the design would have on the location of the site within the Marshfield Conservation Area and on nearby listed buildings (CS1, CS5, CS9, L12, L13). In addition the impact on the residential amenity of neighbours and future occupiers would be assessed (H4) and the impact on highway safety (T12).

Planning permission was granted for an eco dwelling under application PK13/2581/F. The principle of development has therefore been established. This current application proposes small changes only to the design and appearance only; the overall scale and position of the dwelling would not change. The proposal is therefore considered acceptable and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site lies within the curtilage of 7 East End, a grade II listed building. It is set to the rear of No.7 East End which fronts onto East End and has rear access onto Ringswell Lane. The rear garden of No.7 dog-legs around the rear curtilage of its adjoining neighbour (No.9) and the southern boundary of No.9's garden is now defined by a retaining wall. The site is directly adjacent

to Ringswell Lane and to accommodate the existing topography which significantly descends from north-to-south, the garden is steeply terraced.

- 5.3 The previous report acknowledged that *The design of the proposed new dwelling is modern in composition. The front elevation is predominantly glass, but the expanses of glazing on the two main tiers would be broken up by panels/piers of natural stone. By using the existing terrace levels and merging the building into the sloping ground it has helped minimise the scale and massing of the building, thus preventing any significant obstruction or loss of views of the historic East End backdrop to the site. It is considered that overall the design of the proposed dwelling and surrounding treatment is of sufficient high quality in this sensitive location and would add an interesting addition to the Marshfield Conservation Area.*
- 5.4 The main amendments being sought under this proposal include:
- a. the replacement of natural stone facing with render for the west facing side elevation
  - b. the insertion of an additional ground floor window on the east facing side elevation
  - c. the garden to the west of the house is to be terraced as opposed to being single level as previously considered
- 5.5 The following assessment considers each of the above elements in turn: With regard to the replacement of natural stone facing with render, the west facing side elevation will largely be screened from public view by the presence of existing structures. A stone quoin detail is also proposed to reduce the oblique views of the render that will be possible. It is considered that as the west facing elevation would make no real meaningful contribution to the public realm there are no objections in design and visual amenity terms to the proposed amendment of the facing materials here. Details of the proposed render to be used on site have already been previously agreed.
- 5.6 With regard to the proposed additional ground floor window, this would be to the east elevation and its design and scale are considered acceptable. In addition the proposed amendments to the garden/access configuration are also considered to be acceptable and are regarded as an enhancement to the scheme.
- 5.7 In the assessment of the three proposed changes, it is judged that cumulatively the amendments would not result in any material change to the overall character or appearance of the building as approved and would not impact on the nearby listed building or the conservation area in general. There are therefore no objections in design terms. It is noted that many of the conditions attached to the previous approval have been successfully discharged. The amendments assessed here would not result in any of the approved information having to be updated or changed and as such it is considered reasonable that this approval be linked to the details previously approved and the conditions in the decision notice reflect this.
- 5.8 Residential Amenity

The previous application stated *The new dwelling would be a low level building and as such it is considered that given the proposed the size of the new build and its location, there would be no undue over bearing impact, loss of light or adverse privacy issues for neighbouring occupiers. Furthermore, it is considered sufficient private amenity space would remain for occupiers of no. 7 East End, whilst an adequate amount will also be provided for the new dwelling.* Other than those items listed above there have been no changes to the overall design of the proposed dwelling and as such there would be no adverse impact on residential amenity.

5.9 Sustainable Transport

Given the existing approval in principle of a new dwelling on the site, the fact that this application has made only very slight changes which do not materially affect the scheme, there are no highway objections. On balance it is considered that the parking and manoeuvring on site would be sufficient to accommodate the development.

5.10 Highway Drainage

Under the previous application the Highway Drainage Officers had no objection subject to a condition relating to SUDS (Sustainable Drainage System). It is noted that this application has not clearly stated how water is to be disposed of and concerns have also been raised by local residents. However, a request to discharge drainage condition 2 attached to the previous application has been received by the Council. These details were considered acceptable and condition 2 was subsequently discharged. It would therefore be unnecessary to attach the same drainage condition to this application which is making such small changes that would not impact on the overall scheme.

5.11 Other matters

Comments have been received from local residents with regards to the position of the roof line. This application has dealt with the proposed changes to the materials, the introduction of a small new window and new terracing of the garden only. The position of the house including the roof line has not changed and remains as assessed under approved application PK13/2581/F.

6. CONCLUSION

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

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



## 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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

2. The drainage details proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development, shall be carried out as per the information provided on drawing AS-NB-011 on 23.7.14 and approved on 28.8.14. 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. The hours of working on site during the period of construction shall be restricted to Monday to Friday 07.30 - 18.00 and Saturday 08.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS1 of the South Gloucestershire Core Strategy (adopted) 2013 and Policy H4 of the Saved South Gloucestershire Local Plan (Adopted) January 2006.

4. The development shall proceed in accordance with the details included in the submitted schedule of 'dilapidation survey' of the existing highway network in the locality of the development (including all highway structures) as submitted on 23.7.14 and discharged on 28.8.14. Any post development damage arising from the

construction shall be made good to the full and final satisfaction of the highway authority.

Reason

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

5. Prior to the first occupation of the new dwelling hereby permitted, off-street parking shall be provided on site in accordance with the submitted and approved plans AS-NB-004 Rev C and AS-NB-002 Rev D under PK13/2581/F and maintained for this use thereafter

Reason

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

6. All highway works including new service provisions (i.e. utilities such as water, electricity, gas etc.) for the new dwelling as well as works relating to the creation of the new access shall be carried out to the full satisfaction of the Council's Street-Care Manager

Reason

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

7. The large scale details submitted on 23.7.14 to confirm the relationship between the existing garden retaining wall (to No.7 East End) and the proposed new dwelling were approved on 28.8.14. Development shall be carried out in accordance with the agreed details.

Reason

To safeguard the retention and historic significance of the curtilage listed structure, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

8. Large scale details AS-NB 006,007,008, and 009 were submitted on 23.7.14 confirming the materials and external appearance of the overhangs that form part brise-soleil along with details of the design and fixings of the pv cells to be used and subsequently discharged on 28.8.14. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. A representative sample panel of natural facing stone to be used for the dwelling and retaining walls/garden structures, of at least one metre square, showing the stone, coursing, mortar and pointing, was viewed by Officers and approved in writing by the

local planning authority on 28.8.14. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Prior to the commencement of development, details of all external vents, flues, lighting, external meter boxes and any external refuse storage shall be submitted to, and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason 1:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2:

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. Large scale details drawing HSH and HF21OP confirming the profile and design of the French windows and doors proposed were submitted on 23.7.14 and approved on 28.8.14. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

12. All new rainwater goods shall be of metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. Details of the glass balustrade screens as per drawings AS-NB-007 and 008 were submitted on 23.7.14 and approved on 28.8.14. Development is to be carried out in accordance with these approved details.

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

14. A representative sample panel of facing render, of at least one metre square, showing the texture and finish, was erected on site. It was viewed by Officers and approved on 28.8.14. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

# ITEM 4

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PK15/1714/F	<b>Applicant:</b>	Mr M Singh Ghuman
<b>Site:</b>	Rajasthan Royal 27 Badminton Road Downend Bristol South Gloucestershire BS16 6BB	<b>Date Reg:</b>	30th April 2015
<b>Proposal:</b>	Alterations to existing shop front	<b>Parish:</b>	Downend And Bromley Heath
<b>Map Ref:</b>	365139 176799	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th June 2015



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100023410, 2008. **N.T.S.** **PK15/1714/F**

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

This application is referred to the Circulated Schedule for determination to take into account the comments raised by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the installation of a new shop front at the 'Rajasthan Royal' located at no.27 Badminton Road, Downend. The unit is located within the town centre of Downend and in a primary shopping frontage.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS14 Town Centres and Retailing

CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation

RT1 Development Town Centres

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007  
Shopfronts and Advertisements (Adopted)

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

- 3.1 PK14/0151/F Approve with Conditions 18/03/2014  
Erection of first floor rear extension to create 2no. self contained flats with associated works. Installation of rear dormer to facilitate loft conversion to extend existing flat.
- 3.2 PK13/3731/F Approve with Conditions 10/12/2013  
Erection of two storey and single storey rear extension with emergency escape staircase. Installation of new shopfront.
- 3.3 PK01/3418/F Approve with Conditions 18/02/2002  
Change of use of ground floor from A1 (retail) to A3 (hot food take away).

### **4. CONSULTATION RESPONSES**

- 4.1 Dowend and Bromley Heath Parish Council  
'No objection to change to frontage but plans show considerable changes to ground floor which are not listed in the application'
- 4.2 Highway Structures  
No comment
- 4.3 Lead Local Flood Authority  
No comment
- 4.4 Transport  
No objection

#### **Other Representations**

- 4.5 Local Residents  
None received

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

- 5.1 This application seeks planning permission for the installation of a new shopfront at a restaurant in Downend.
- 5.2 Principle of Development  
All development in the District must meet the 'highest possible' standards to accord with the Council's design policy. Therefore, subject to the appearance and impact of the proposal, the development is acceptable in principle.
- 5.3 Design  
Under planning permission PK13/3731/F, consent was given for various alterations to the building. These included the installation of a new shopfront with one central access door. When planning permission PK14/0151/F was approved, it granted consent for two separate front access doors to be created. One of these doors facilitated access to the new residential units over the restaurant.
- 5.4 In essence, the proposed shopfront is the same as that permitted under PK14/0151/F. The main difference is the external appearance of the doors and the introduction of a glazing bar in the centre of the shopfront.
- 5.5 The proposed changes are not considered to be harmful to visual amenity and are therefore acceptable.
- 5.6 Other Matters  
The Parish Council has raised concern that changes are shown on the floor plans that do not have permission. Section 55(2)a of the Town and Country Planning Act 1990 exclude works that solely affect the interior of a building from the definition of development.  
Notwithstanding this, it is considered that the works to which the Parish refer (regardless or not of whether planning permission is required) are related to the

planning history on the site and therefore have been subject to the necessary due assessment.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Griff 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).



# ITEM 5

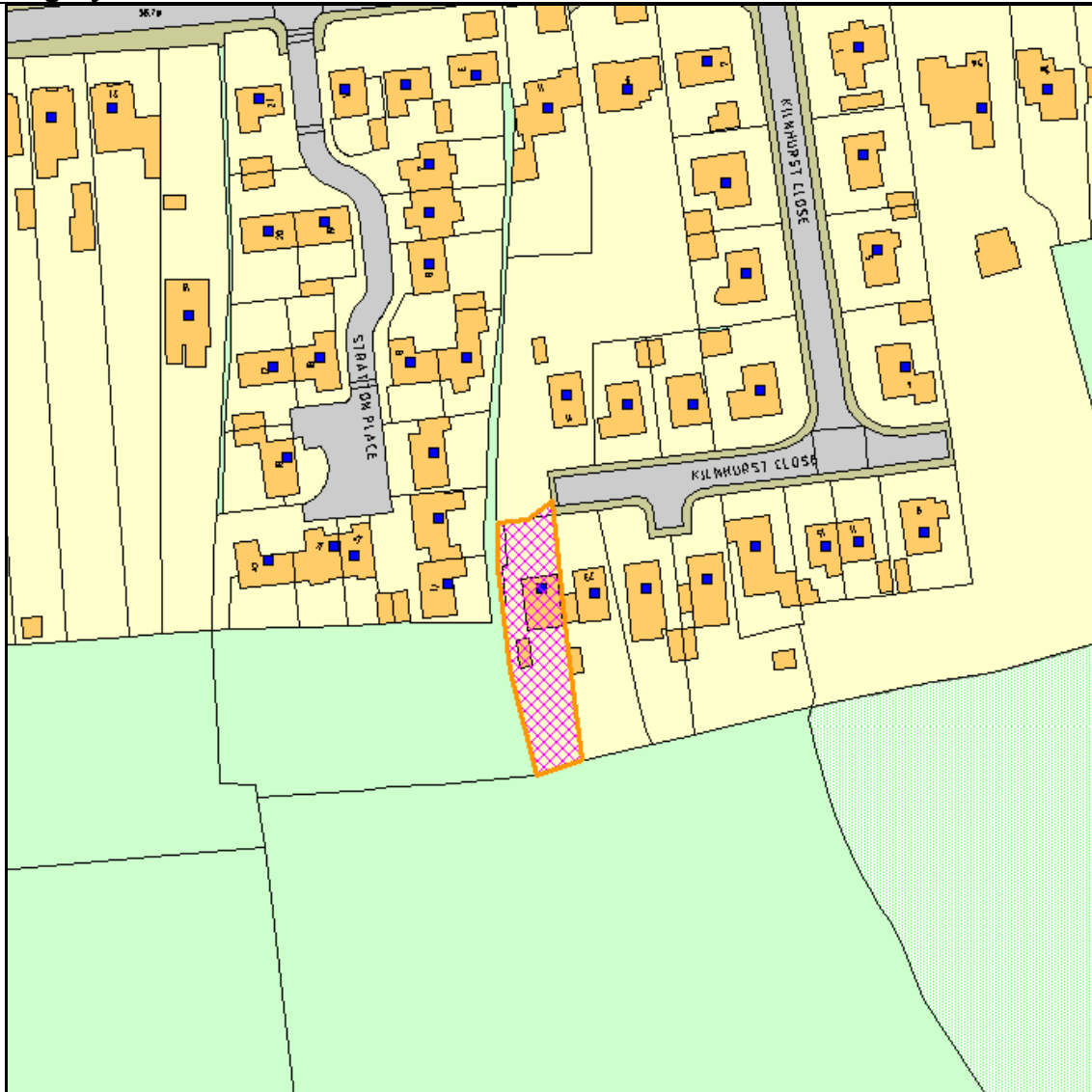
## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

**App No.:** PK15/1791/F  
**Site:** 25 Kilnhurst Close Longwell Green  
South Gloucestershire BS30 9AB  
**Proposal:** Demolition of existing garage and  
erection of a replacement detached  
garage. (Amendment to previously  
approved scheme PK14/4015/F).

**Applicant:** Mr Chris Jones  
**Date Reg:** 5th May 2015  
**Parish:** Hanham Abbots  
Parish Council

**Map Ref:** 365924 170525  
**Application Category:** Householder

**Ward:** Longwell Green  
**Target Date:** 22nd June 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing garage and erection of a replacement detached garage. (Amendment to previously approved scheme PK14/4015/F). This forms one element of a previously approved application (see planning history below). The difference is that the proposed garage the subject of this application is 1 metre wider.
- 1.2 The property is a bungalow located at the end of a cul-de-sac within the residential area of Longwell Green.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK14/4015/F – Erection of a single storey side and rear extension and front canopy to form additional living accommodation. Demolition of existing garage and erection of a replacement detached garage. Approved 30<sup>th</sup> December 2014.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections  
  
Lead Local Flood Authority  
As previous, No comment

Archaeology  
No objection

### **Other Representations**

4.2 One objection has been received as follows:

*'We are the freeholder here and these works do not have our permission - as such we object.'*

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

The applicants agents have been contacted with regards to this issue whereby it was stated that payment for the freehold of the property has been made but the Land Registry had not yet received notification.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The principle of the development is considered acceptable and has been previously approved. The main issue for consideration is therefore the increase in size of the garage and whether this would give rise to any additional impacts.

### **5.2 Design / Visual Amenity**

The increase, by 1 metre, of the width of the garage is not considered to materially affect the design considerations of the scheme. The proposed garage remains an appropriate standard in design for the plot and is not considered to be materially or detrimentally out of keeping with the character of the area.

### **5.3 Residential Amenity**

It is not considered that the increase in size of the garage would have a significant or additional impact in terms of residential amenity and it is considered that proposals remain acceptable in this respect.

### **5.4 Ownership issues**

As highlighted above issues regarding the freehold ownership of the property have been raised. Ownership certificates have been served. Notwithstanding this, the granting of planning permission does not grant rights to carry out works on land not within the applicants control and this will be a civil matter for the parties involved to address between them. Relevant informatives will be added to any planning decision notice.

## **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 garage is of an appropriate standard in design and is not out of keeping with the area. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00, Mondays to Fridays; 08.00 - 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

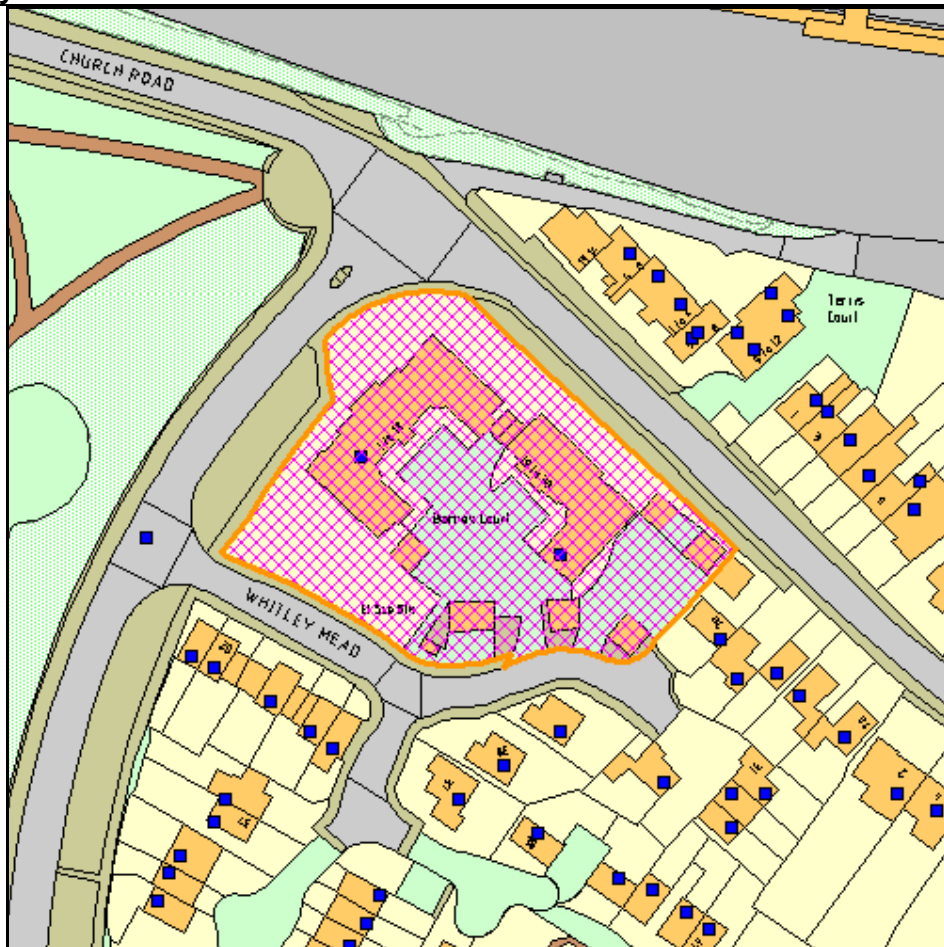
Reason

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

# ITEM 6

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/0552/CLE	<b>Applicant:</b>	Evenbrook
<b>Site:</b>	Barnes Court Whitley Mead Stoke Gifford Bristol South Gloucestershire BS34 8XT	<b>Date Reg:</b>	16th February 2015
<b>Proposal:</b>	Certificate of lawfulness that development approved under PT11/2434/F has been lawfully implemented in accordance with Section 56 of the Town and Country Planning Act 1990 prior to 7th October 2014.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362318 179499	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	6th April 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks a certificate of lawfulness to confirm that development approved under PT11/2434/F has lawfully commenced in accordance with section 56 of the Town and Country Planning Act 1990.
- 1.2 Application PT11/2434/F was for the erection of erection of 4 no. self-contained flats with revised access arrangements. It was approved 7<sup>th</sup> October subject to conditions including a number of pre-commencement conditions and a time condition (condition 1) requiring development to commence within 3 years of the date of the permission.
- 1.3 The application relates to 'Barnes Court' which a complex of flatted residential units accessed via Whitley Mead.
- 1.4 During the course of the application additional evidence has been submitted but a re-consultation period has not been considered necessary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
National Planning Practice Guidance 2014

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

- 3.1 Discharge of Conditions 3, 4, 7, 8 and 9 (pre-commencement conditions) on PT11/2434/F received on 20<sup>th</sup> August 2014.  
- Conditions discharged.
- 3.2 Discharge of Condition 6 (non pre-commencement condition) on PT11/2434/F received on 6<sup>th</sup> November 2014  
- Condition discharged.
- 3.3 PT13/2304/EXT - Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor. (Consent to extend time limit implementation for PT10/1499/F). Approved 31st July 2013
- 3.4 PT11/2434/F - Erection of 4 no. self-contained flats with revised access arrangements (Resubmission of application PT10/1498/F). Approved 7<sup>th</sup> October 2011

- 3.5 PT10/1499/F - Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor. Approved 28<sup>th</sup> September 2010
- 3.6 PT10/1498/F - Erection of 10 no. self contained flats and associated works. Alterations to access. (Resubmission of PT08/2013/F). Refused 20<sup>th</sup> September 2010
- 3.7 PT08/2013/F - Erection of 10 no. self contained flats. Erection of link extension to existing flats to form 2 no. additional flats, office and laundrette. Alterations to access. (Re-Submission of PT07/2048/F). Refused 30<sup>th</sup> September 2008
- 3.8 PT07/2048/F - Erection of 12 no. self contained flats. Erection of link extension to existing flats to form 2 no. additional flats, office and laundrette. Alterations to access. Refused 12<sup>th</sup> October 2007

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

##### 4.1

Statutory declaration (Sworn 29 <sup>th</sup> May 2015) of Michal Szymczykiewicz	<ol style="list-style-type: none"> <li>1. Engaged by Bristol Investment Properties to construct four self contained flats at Barnes Court, Whitley, Bristol.</li> <li>2. In accordance with planning permission ref. PT11/2434/F construction commenced on site before 7<sup>th</sup> October 2014 by undertaking works to the new vehicle entrance.</li> <li>3. Declaration made on behalf of Birmingham Maintenance as the Contractor.</li> </ol>
5 Photographs (Dates taken between 24 <sup>th</sup> September 2014 and 8 <sup>th</sup> October 2014 in file properties).	<ol style="list-style-type: none"> <li>1. Photo of carport (24/09/14)</li> <li>2. Car port demolished. Hardstanding surface broken. Shrubs removed (08/10/14 - 08:15).</li> <li>3. Excavation around drains (08/10/14 – 10:15).</li> <li>4. Excavation and ground level reduced (08/10/14 – 10:41)</li> <li>5. Laying of surface (08/10/14 – 14:05)</li> </ol>
Email from James Butterfield (Agent) received 5 <sup>th</sup> March 2015 with photographs above attached.	<ol style="list-style-type: none"> <li>1. Attached photos taken on Wednesday 8<sup>th</sup> October (the day after the consent expired).</li> <li>2. The building work commenced on Thursday 2<sup>nd</sup> October.</li> <li>3. The photos show the extent of the work already undertaken before the 8<sup>th</sup> October.</li> <li>4. The date the photo was taken is recorded within the 'Properties' function of the file.</li> <li>5. Note that the double car port was demolished first (including the removal of shrubs) and then the ground level reduced. Photo 5 shows the new base layer being compacted.</li> </ol>



6. This amount of work couldn't have been completed in any less than 4 day
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**5. SUMMARY OF SUPPORTING EVIDENCE RECEIVED**

5.1 No other supporting evidence has been received.

**6. SUMMARY OF CONTRARY EVIDENCE RECEIVED**

6.1 No contrary evidence has been received.

**7. COUNCIL'S EVIDENCE**

7.1 No evidence.

**8. CONSULTATION RESPONSES**

8.1 Stoke Gifford Parish Council

It would appear that the application does not fulfil the requirements of the planning conditions relating to site access. Photos to follow from local member.

8.2 Transport Officer

No comment.

**Other Representations**

8.3 Local Residents

No comments received

**9. EVALUATION**

9.1 The application is for a certificate of lawfulness to confirm that development approved under PT11/2434/F has lawfully commenced in accordance with section 56 of the Town and Country Planning Act 1990. The application therefore seeks to confirm that development has lawfully commenced prior to 7<sup>th</sup> October 2014. It is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether development has commenced in accordance with Section 56 of the Town and Country Planning Act 1990 before the above mentioned date, and that all pre-commencement conditions have been discharged.

9.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

9.3 Assessment of Evidence

Application PT11/2434/F was for the erection of four self contained flats and included alterations to the layout of the access and parking area. This includes alterations to the hardstanding and landscaped areas. The approved development would require the demolition of a total 4no. car ports. The applicant's evidence submitted in support of the application indicates that the permission has been implemented by virtue of works undertaken to the hardstanding and landscaped areas around the new access, and by the demolition of a car port. An application to discharge all pre-commencement conditions attached to planning permission PT11/2434/F was received by the Council on 20th August 2014. The details submitted at that time have been considered acceptable and all relevant conditions have subsequently been discharged.

9.4 The photographs submitted in support of the application indicate the development described within the Agent's email correspondence received 5<sup>th</sup> March 2015. The first photo shows a car port in situ (although it is unclear which car port the photo refers to). The remaining four photos show the process undertaken. Photo 2 shows that a car port has been removed and shrubs cleared, photos 3 and 4 show the reduction of the land levels, and photo 5 shows the laying of material in order to facilitate the new hardstanding area. From the Officers site visit on 25<sup>th</sup> February 2015 it was clear that the hardstanding area had been completed and finished in a tarmac surface.

9.5 The photos described above indicate that an engineering operation of some kind has taken place consisting of excavation and laying of a new surface. Photo 2 shows that a car port has been removed which, although not entirely clear from the evidence, is the car port which is sited in the middle of the new access, and is one of the carports identified for removal in the approved plan ref. 0634.503.

9.6 Section 56 of the Town and Country Planning Act 1990 describes the time at which development can be considered to have begun. This is indicated as below:

*(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—*

*(a) if the development consists of the carrying out of operations, at the time when those operations are begun;*

*(b) if the development consists of a change in use, at the time when the new use is instituted;*

*(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).*

*(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.*

*(4) In subsection (2) "material operation" means:*

*(a) any work of construction in the course of the erection of a building;*

- (aa) any work of demolition of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road
- (e) any change in the use of any land which constitutes material development.

- 9.7 In terms of whether a 'material operation' has taken place the photos indicate that an engineering operation has taken place consisting of excavation and the laying of a surface. The engineering operation has been taken place in order to facilitate that proposed new access road layout into the development site as shown on plan ref. 0634.503. It could, therefore, arguable consist of 'any operation in the course of laying out or constructing a road or part of a road'.
- 9.8 However, the evidence submitted does not show that such an operation took place before or on the expiration of the planning permission, which is the 7<sup>th</sup> October 2014. The photographs are untitled with the Agent stating that the date at which the photograph was taken as being in the 'properties' function of the JPEG image. In this respect it is noted that photo 1, which shows the car port in tact, has a 'date taken of 24/09/2014 at 09:38, whilst photos 2, 3, 4 and 5 have a 'date taken' of 08/10/2015 at 08:15, 10:15, 10:41 and 14:05 respectively. Photo 2 was taken at 08:15 on 08/10/2015 and shows that a car port has been removed and shrubs cleared but the hardstanding areas are still in tact. According to the photo properties the excavation did not take place until 10:15 and 10:41 on 08/10/14 (as shown on photos 3 and 4), with a surface being laid at 14:05 on 08/10/15. These operations would therefore fall outside of the expiration of the planning permission.
- 9.9 The Agent states that the building work began on 2<sup>nd</sup> October and that the amount of work shown in the photographs could not have been completed in any less than 4 days. The Agent's email correspondence states that the '*photos show the extent of the work already undertaken before the 8th October*' and '*the date the photo was taken is recorded within the 'Properties' function of the file*'. It is noted however that the properties function of the JPEG files indicate that the hardstanding operations took place entirely on the 8<sup>th</sup> October 2014 at various times. The only exception could be the removal of the car port, which is not in situ on 8<sup>th</sup> October at 08:15.
- 9.10 It is accepted that on the balance of probability the car port may have been removed prior to the 8<sup>th</sup> October, given that it is not shown on the photograph taken 08/10/14 at 08:15. Section 56 does describe 'any work of demolition of a building' as an 'operation', and 'demolition' is described within The Town and Country Planning (Demolition – Description of Buildings) Direction 2014 as constituting 'development'. The removal of the carports is clearly identified on the approved plan ref. 0634.503 and, although not specifically mentioned within the description of development, would nonetheless be approved under application PT11/2434/F. The demolition of the carports is required in order to facilitate the erection of the 4no. flats and to facilitate the alterations to the

access and hardstanding layout. The demolition of the car ports is therefore directly linked to the approved development.

- 9.11 It is noted that demolition outside of conservation areas is 'permitted development' under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. This would have been the same in October 2014 under part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). No planning application is required because planning permission for the demolition is granted by the Order, subject to conditions set out in Part 11 (previously Part 31). The conditions require the developer to apply to the LPA for a determination as to whether the prior approval of the authority is required.
- 9.12 The car port demolished had a volume exceeding 50 cubic metres and as such its demolition would consist of 'development'. Although open sided it is considered that the car port would fall within the definition of a 'building' which is described within the Act as 'any structure or erection'. The developer did not submit a prior notification in accordance with Part 31 (now part 11) and as such is in breach of the conditions as set out in the GPDO. Its demolition is therefore not 'permitted development' as the conditions have not been met.
- 9.13 The demolition of the carport could not have been undertaken lawfully without either a prior notification under part 31 (now part 11) or a planning permission. Accordingly it is considered that its demolition, which was approved by application ref. PT11/2434/F, could have implemented the permission as referred to by section 56 of the 1990 act. This is with the provision that the demolition took place prior to or on the expiration of 7<sup>th</sup> October 2014.
- 9.14 The other additional evidence submitted in support of the application consists of a statutory declaration signed by Michal Szymczkiewicz on behalf of Birmingham Maintenance as the Contractor. This was sworn on 29<sup>th</sup> May 2015. The declaration states:

*'In accordance with the planning permission dated 7<sup>th</sup> October 2011 (ref PT11/2434/F), I can confirm that I commenced construction on site before 7<sup>th</sup> October 2014 by undertaking works to the new vehicle entrance'*

- 9.15 The statutory declaration makes no reference to the demolition of the car port nor does it state that nature of the 'works' that were undertaken to the new vehicle entrance. It also does not specify the dates in which the 'works' took place, only that they were before 7<sup>th</sup> October. The declaration is in fact in conflict with the photograph evidence which indicates that operations to the access road consisting of excavation took place after the 7<sup>th</sup>. It is unclear when the new access into the site (i.e. the extended dropped kerb) was formed as this is not indicated by the photographs or the evidence submitted. The application to discharge of condition 6, which required: '*Full construction details of the proposed works in respect of the new vehicular access*' to be agreed in writing by the Local Planning Authority was not submitted until 6<sup>th</sup> November 2014 with the associated document, which consists of a letter from the Council's Street Care department confirming construction details for the dropped kerb', dated 21<sup>st</sup> October 2014. Although the condition was not 'pre-

commencement' the documents do nonetheless post date the expiration of the permission (7<sup>th</sup> October 2014) and as such the evidence available indicates that the access (i.e. the dropped kerb) was not formed until after the date of the expiration of the permission.

- 9.16 The statutory declaration is not considered to be precise. It refers to works on a new vehicle entrance, which relates in no way to the other evidence submitted in support of the application. Whilst the 'works' that the declaration refers to could be the demolition of the carport, there is no evidence or clarification to substantiate this. It is also unclear if the 'works' relate to development that would have implemented the permission.
- 9.17 It is considered therefore that the certificate relies on the evidence contained within photo 2. In this respect it is noted that relying on the 'properties' function within the JPEG file is not a definitive way of finding out when a photograph was taken. The date can be skewed by, for example, the settings on the camera. The Council do not, however, have any reason to disbelieve the Agent's claim that the photographs were taken on this date, and the Council is not in receipt of any evidence to the contrary.
- 9.18 Photograph 2 indicates that at 08:15 the car port, which was quite a substantial structure constructed in brick, had been demolished and all associated material cleared away. On the balance of probability Officers consider that the car port would likely have been demolished at least the day before the photograph was taken. Given the established residential nature of the immediate locality it is considered unlikely that such a structure would have been demolished and all material cleared away before 08:15 due to the noise and disturbance that this would have caused to the nearby residents. The Agent does state that work commenced on the site on 2<sup>nd</sup> October and, although the photographs indicate that excavation did not take place until the 8<sup>th</sup>, the Council have no reason to believe that the demolition did not take place prior to this date.
- 9.19 No evidence has been submitted to suggest that the car port was not demolished prior to the 7<sup>th</sup> October 2014 and, although the Parish Council allude to some contrary evidence, the Council has no evidence itself and none has been submitted to contradict or otherwise make the applicant's version of events less than probable. In accordance with the NPPG, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability, the Council has no good reason to refuse the application. In this respect it is considered that although the applicant's evidence is not necessarily precise, based on the evidence available, on the balance of probability, it is considered that development consisting of the demolition of the car port is likely to have taken place on or before 7<sup>th</sup> October 2014. On the balance of probability, therefore, it is considered that development under application ref. PT11/2434/F, had lawfully commenced on or before 7<sup>th</sup> October and accords with section 56 of the Town and Country Planning Act 1990. It is considered, therefore, that the development has been lawfully implemented.

**10. CONCLUSION**

10.1 It is considered that, on the balance of probability, development approved by application PT11/2434/F has lawfully commenced in accordance with section 56 of the Town and Country Planning Act 1990.

**11. RECOMMENDATION**

11.1 That a certificate of lawful development is granted.

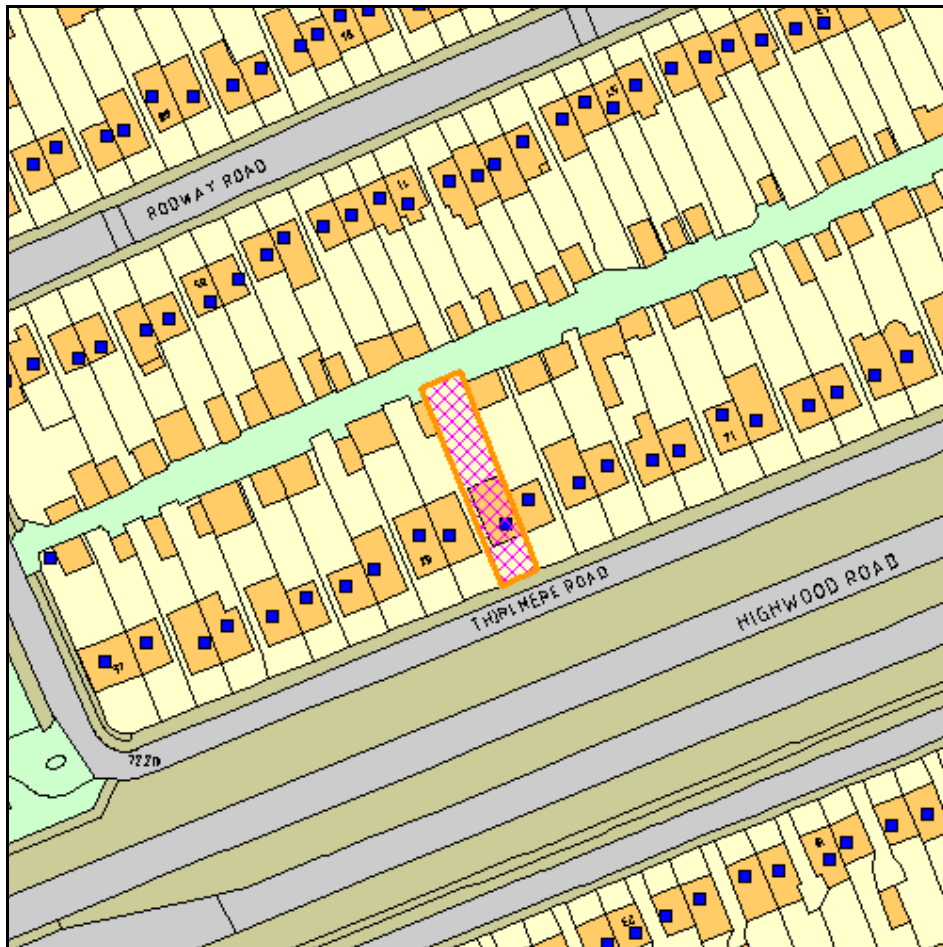
**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

It is considered that, on the balance of probability, development approved by application PT11/2434/F has lawfully commenced in accordance with section 56 of the Town and Country Planning Act 1990.

# ITEM 7

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/0994/F	<b>Applicant:</b>	Mr A McDonagh
<b>Site:</b>	27 Thirlmere Road Patchway South Gloucestershire BS34 5PD	<b>Date Reg:</b>	25th March 2015
<b>Proposal:</b>	Erection of single storey residential annexe ancillary to the main dwelling.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360272 181564	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th May 2015



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## **INTRODUCTION**

This application appears on the Circulated Schedule due to consultation responses received, contrary to officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of single storey residential annexe ancillary to the main dwelling.
- 1.2 The application site is a semi-detached property, located on Thirlmere Road within the residential area of Patchway. The proposed annex would be in the rear curtilage of the property, adjacent to a rear access road which serves the properties of Thirlmere Road and Rodway Road. The area of land in question is currently a gravelled area used for car parking. The lane as a whole generally contains garages of various sizes and designs, located at the end of the associated properties curtilages.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS17 Housing Diversity  
  
South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard (Adopted) December 2013  
South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 PT05/1610/F – Side dormer and rear dormer windows to facilitate loft conversion. Single storey rear extension to form additional room. Refused 19<sup>th</sup> July 2005.
- 3.2 PT05/2450/F – Erection of single storey rear extension to form additional room in single storey side extension. (Resubmission of PT05/1610/F). Approved 13<sup>th</sup> September 2005.
- 3.3 PT06/1008/F – Erection of detached double garage. Approved 12<sup>th</sup> May 2006.



- 3.4 PT08/0101/F – Conversion of dwelling to form 2no. flats and associated works. Erection of first floor extension to provide additional living accommodation. Approved 29<sup>th</sup> February 2008.

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

- 4.1 Patchway Town Council  
No comments received

- 4.2 Transport Officer  
Planning permission is sought to erect a single storey residential annexe to the rear of the site.  
The plans submitted show that two parking spaces can be provided to the front of the site off Thirlmere Road.  
Subject to the following conditions, there is no transportation objection to the proposed development.  
Conditions:  
1. The vehicular parking shown on the plan to be provided and permanently maintained for the parking of motor vehicles at all times.  
2. The residential annexe to remain as part of the main dwelling and not be sub-let or sub-divided at any time.

##### Drainage

Objection to the application as submitted on the following grounds. Drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated. The current submission documents do not indicate what form of foul and surface water drainage is to be utilised

*Officer Note: Additional plans have subsequently been received which illustrate surface water drainage to soakaway, within the curtilage of the site, whilst the foul drainage would be connected to the existing foul water mains which serve the existing property.*

#### **Other Representations**

- 4.5 Local Residents  
2 objections have been received by local residents, these raise the following concerns:
- Don't wish to have living accommodation at the bottom of the garden due to the fact it will invade our privacy; by looking into bedrooms
  - The house is currently rented and they have at least 6 vehicles currently; this street is premium parking as we have the clinic at the top and any available space is taken by their staff/patients
  - The area they wish to build on is a makeshift car-park for at least 3 vehicles so the building would limit the parking space but increase the vehicles in and around
  - There is currently 8 to 10 people in the property and with the loss of the land at the garden the use of this as a car-park would be lost and it would mean more cars on the road

- We are currently experiencing high levels of noise from loud music and the numbers of people throughout the day so the building would encourage more to move in meaning more vehicles and leading to a lack of privacy
- Main issues with this is that it will cause us to have less privacy than at present and the increased level of noise/vehicles

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Development within existing residential curtilages is supported, in principle, by policy H4 of the Local Plan. The development is acceptable in principle but will be determined against the analysis set out below. The use of the extension as a residential annexe to the dwelling is not considered to give rise to any specific issues and is considered acceptable in this instance. A condition will be attached that prevents the annexe being used not in conjunction with the main dwelling.

### 5.2 Design

The proposal comprises of a single storey detached building at the bottom of the rear curtilage of the host dwelling. The building would not be dissimilar in size, scale and design to other buildings along the back lane, most of which are garages. The applicants have opted for a 'false' garage door design finish on the side of the building facing the lane, which, as stated is predominantly made up of garages. The proposed building, is of acceptable scale and design and is in sufficiently in keeping with the site and surroundings. Tiles would match those of the existing dwelling.

### 5.3 Residential Amenity

Development should not have a prejudicial impact on residential amenity. The application relates to an existing dwelling and the proposed extension would be within the existing residential curtilage of the dwelling. It is not considered that the annex, at single storey level would give rise to a significant amount of overlooking or intervisibility sufficient to warrant a refusal of the application in this instance, and the garden itself is in residential use already, the size and location of the building would not give rise to overbearing impact. Looking at alternative scenarios, and fall back positions, the building if proposed as a garage, in the initial instance is likely to be approved, given the nature, scale and design considerations above, and its association with other garages on the rear lane. Its conversion to residential use would thereafter not likely require planning permission in its own right, unless in the event that permitted development rights were removed on the basis of transportation/parking provision grounds which are discussed in more detail below. The creation of this single storey residential annexe is not considered to materially affect the amenity of any nearby occupier. It is considered that the dwelling is in a curtilage of suitable size to continue to provide amenity space for the dwelling.

Whilst concern has been raised with regard to the property being multi occupation/rented, the applicant has completed the ownership certificates and has further confirmed that he is the registered owner of the property. Planning permission would not grant rights to people not within the control of the land to develop it. This application relates to an annex, ancillary to the main dwelling,

and that is what must therefore be considered. The issues of a house in multiple occupation would be an issue requiring separate planning consideration. Similarly the use of the annex the subject of this application would be limited to use ancillary to the main dwelling (and not as separate accommodation) by condition of any consent, and again any separate use identified would require further and separate consideration as a separate unit.

#### 5.4 Transport

Whilst the siting of the proposed annex is within a potential off-street parking area to the rear of the property, in an area predominantly used for parking and garages, off street parking provision for two vehicles does also exist to the front of the house. Whilst the issues of separate/multi occupation are noted and referred to above, this application is for an annex ancillary to the existing dwelling and must be considered as such, and considered in context with the Council's current parking standards for such property. In this case, inclusive of the annex, the property would become four bedroomed. The Council's parking requirements would therefore be for 2 spaces, which, as indicated can be provided at the front. Sufficient off-street parking provision will be available to serve the property as it stands, including the annex, in line with the Council's current requirements for parking. A condition would be added to ensure the spaces are secured and retained to serve the property.

#### 5.5 Drainage

Soakaway within the curtilage of the dwelling and connection to the mains foul water system have been illustrated in the application. It is considered that drainage details have been adequately addressed for the purposes of planning 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 proposed annex extension has been assessed against the policies and documents listed above. The design is acceptable; and the proposals would not give rise to any significant amenity impact, adequate parking is provided and the existing access to the property will remain.
- 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. The hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 27 Thirlmere Road.

Reason

The use of the building as a separate residential unit would require separate and further planning consent which would require to be considered afresh, and in accordance with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. The off-street parking area shown on plan reference PL02 shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

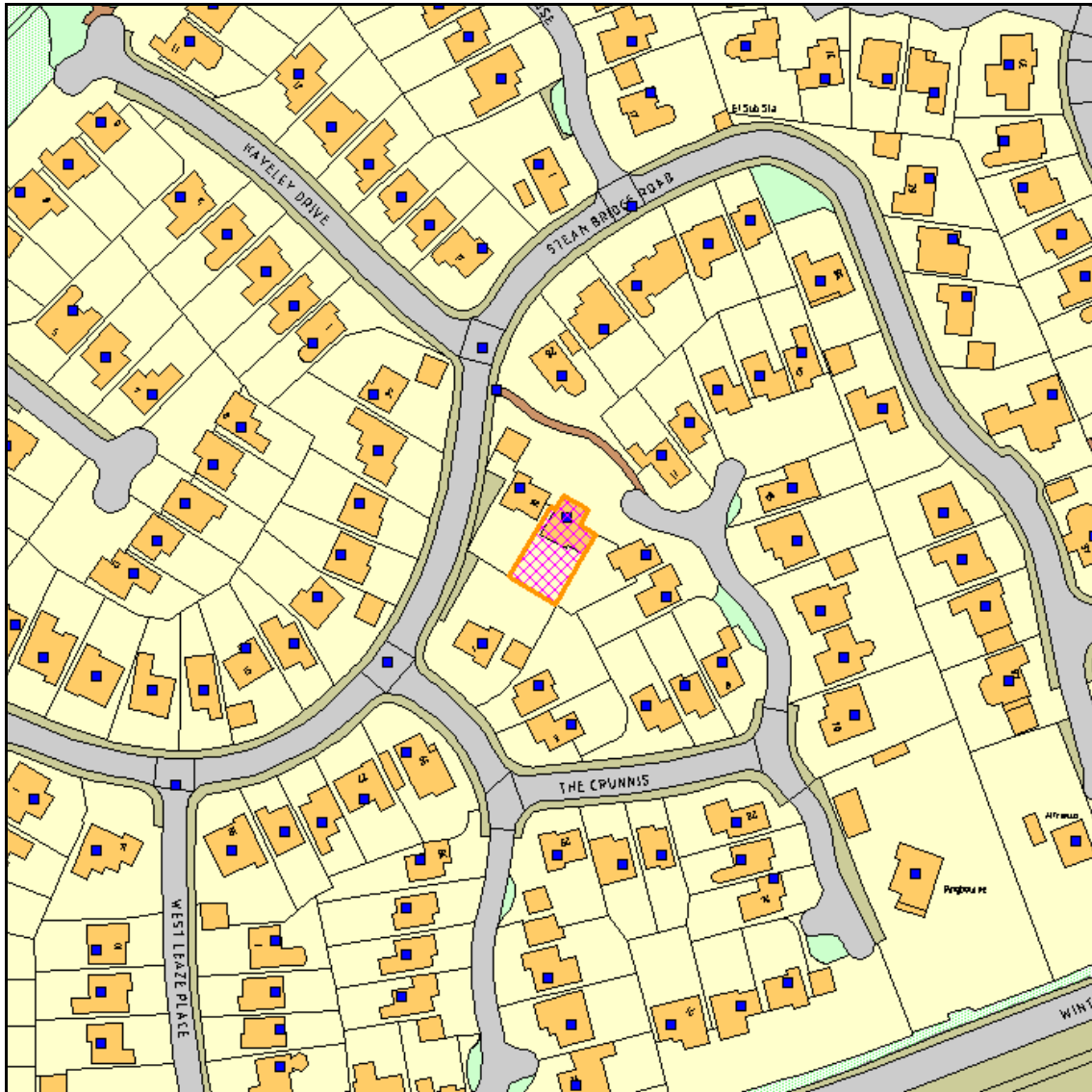
Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 8

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1283/F	<b>Applicant:</b>	Mr Lee Bushby
<b>Site:</b>	9 The Crunnis Bradley Stoke Bristol South Gloucestershire BS32 8AD	<b>Date Reg:</b>	8th April 2015
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362125 180661	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th May 2015



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PT15/1283/F

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

The application has been referred to Circulated Schedule due to the receipt of an objection from a neighbouring resident, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of first floor side extension to form additional living accommodation.
- 1.2 The application site relates to a detached modern dwelling, located at the end of The Crunnis cul de sac. The application site is located within a modern housing estate, within an established residential area.
- 1.3 During the course of the application, revised proposed plans have been submitted reducing the depth of the first floor rear elevation by 450mm and reducing the overhang of the soffits and fascia's on the garage and proposed extension.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Policy Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy

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

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

- Application relating to No. 8 The Crunnis (neighbouring property):
- 3.1 PT09/1195/F Erection of two storey side and rear extension to provide additional living accommodation  
Approved

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection.

#### 4.2 Highway Drainage

No comment.

#### 4.3 Sustainable Transport

Planning permission is sought to erect a first floor extension over the existing garage to provide additional living accommodation. After development the number of bedrooms within the dwelling will increase to five. The Council's residential parking standards state that a minimum of three spaces would be required for the size of the proposed dwelling. No detail has been submitted on the proposed vehicular parking for this development.

Before final comments can be made a revised block plan showing vehicular parking for this development needs to be submitted.

#### FINAL COMMENTS:

A revised plan has been submitted showing a reconfiguration of the upstairs bedrooms. As a result there will be no increase in the number of bedrooms currently provided (i.e. four). The vehicular parking is unaffected by the development and the level of parking available conforms with the Council's residential parking standards.

There is no transportation objection to the proposed development, subject to a condition that two parking spaces are permanently maintained within the site boundary.

### **Other Representations**

#### 4.4 Local Residents

One comment of objection has been received by the neighbouring residents:

- We feel that the proposed extension will have an overbearing impact especially to the rear and side of our property due to the angling of our two houses;
- The garage next door protrudes at least 1 metre further at the back than our property and if an extra storey is added, we feel that the impact of the proposed extension will be overbearing as the two houses are not parallel;
- It appears that our extension is not shown on any of the plans submitted and available online. Therefore, it is not shown that the angle of the houses result in an approximate one metre gap towards the rear, which if the roof is increased in height, the gap allowing for soffits and fascias will close to less than 30-40cms.
- We would like to request a site visit by the planning department to see especially the impact on the rear of our property.

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

#### 5.1 Principle of Development

Saved policy H4 of the Local Plan (Adopted) January 2006 permits this type of development, subject to an assessment of certain criteria relating to design, residential amenity and highway safety. Policy CS1 of the adopted Core

Strategy only permits new development where the highest possible standards of design and site planning are achieved.

5.2 Design

The proposal relates to the erection of a first floor extension above the existing single garage, located on the south-east elevation of the property. The property is detached and has a south-westerly facing garden. Due to the orientation of the nearest neighbouring property to the south-east, the two storey rear and side extension at No. 8 is at right angles to the garage.

5.3 The proposal will create an additional bedroom and en suite bathroom on the first floor. The proposed first floor extension would measure 3.5m wide by 5.4m long. The roof height will be set down from the main house by approximately 700mm, demonstrating the subservience of the proposed extension. Whilst the existing garage soffits and fascias overhang onto No.8, this has been remedied by the agent. The proposed extension will be in keeping with the host dwelling in terms of design and materials. It is considered that overall the proposal would be of a design, scale and massing appropriate to the existing dwelling and the character of the area in general. The extension appears proportionate to the host dwelling and meets an acceptable design standard that accords with policy CS1 of the adopted Core Strategy.

5.4 Residential Amenity

The application site is located within an established residential area, consisting of mainly detached modest dwellings, a number of which have been extended in various forms. The application site is directly surrounded by neighbouring properties to the east, south and west. One larger front elevation window and one smaller rear elevation window (to serve the en suite bathroom) are proposed. The orientation of the proposed extension is such that it would be overlooking the rear garden. This is not considered to negatively impact on neighbouring occupiers in terms of overlooking or loss of privacy in this respect.

5.5 The neighbouring residents have raised a concern that the proposal would have an overbearing impact on them, particularly in relation to the existing two storey rear extension and the side elevation of their house (No.8). No. 8 was extended in 2008 with a two storey side and rear wraparound extension which finishes very close to the shared boundary with No. 9. The proposal has been revised so that the rear elevation of the extension remains the same as the garage, being set back 450mm than originally proposed and would also finish flush with the front elevation of the neighbouring extension. The Officer has visited the site and viewed the relationship of the two properties. Whilst the proposal would very minimally protrude beyond No.8's rear elevation, it is unlikely to have a significant impact in terms of affecting daylight and outlook of the neighbouring occupiers. The first floor bedroom at No.8 is served by two windows, two of which are on the rear elevation. the smaller window would be nearest to the proposal and would face south-west and would still benefit from later afternoon daylight.

5.6 The revised proposal would now meet the 45 degree test and is not considered to pose harm to the nearest neighbouring occupiers amenity. The host dwelling already shares a close relationship with the neighbouring property, however



this is an existing situation due to the location of No.9's garage, the rear extension at No.8 and the of the two properties. The proposed extension is not creating any additional footprint and it would be unreasonable to restrict the creation of a first floor extension on the basis of a later addition at the neighbouring property, considering there is no demonstrable detrimental impact to residential amenity. On this basis, it is considered that the proposal will not negatively harm the residential amenity and is an acceptable form of extension. The amount of private amenity space serving the property would not be affected by the proposal.

#### 5.7 Transportation

The proposed development would not increase the total number of bedrooms (four) at the property. The vehicular parking is unaffected by the proposal and the level of parking available (2no. spaces) conforms with the Council's residential parking standards. Therefore, there is no transportation objection to the proposed development.

### 6. CONCLUSION

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 That planning permission is **approved**, subject to the conditions attached to the decision notice.

**Contact Officer: Katie Warrington**

**Tel. No. 01454 863436**

### CONDITIONS

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

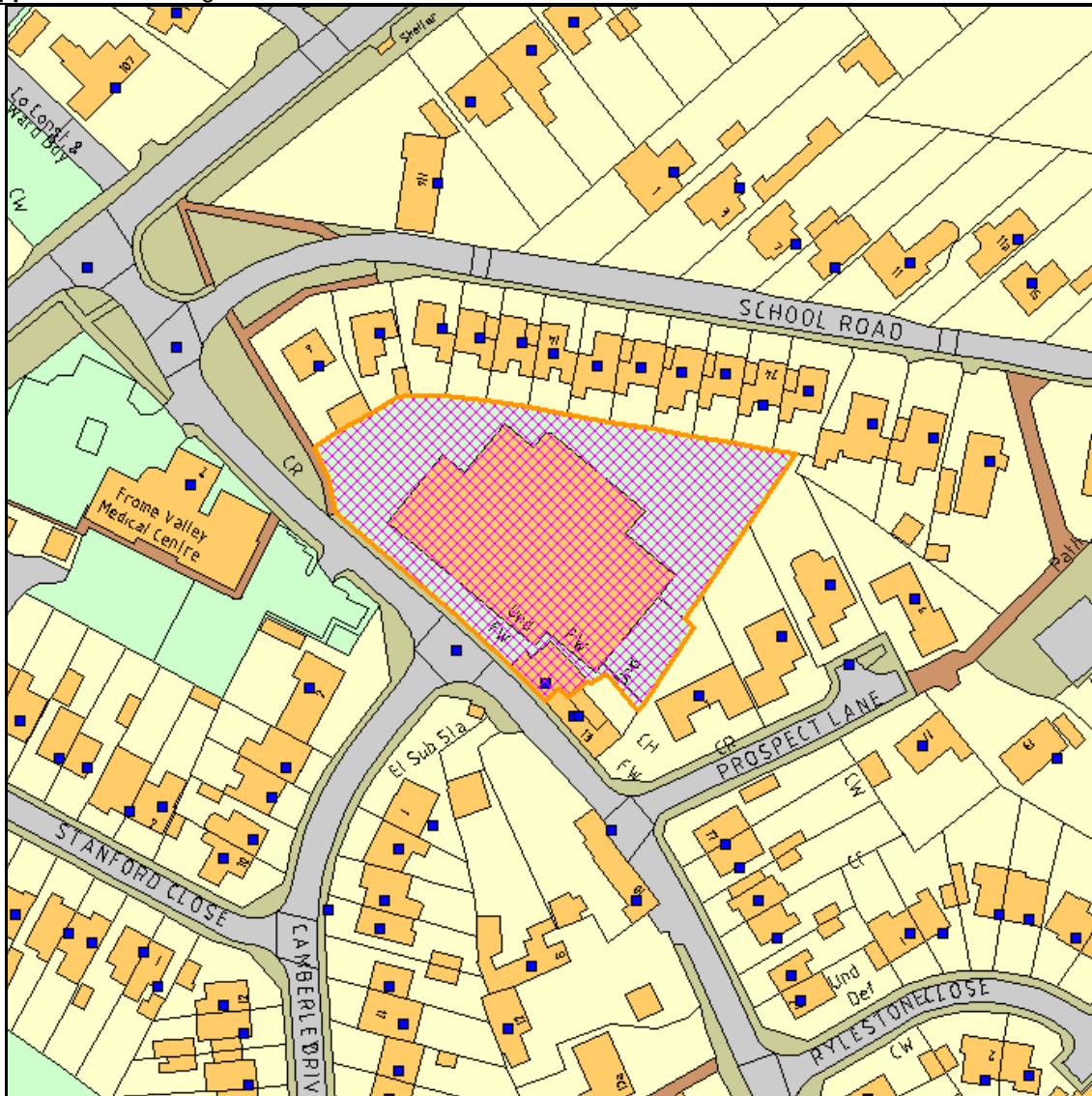
Reason

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

# ITEM 9

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1566/RVC	<b>Applicant:</b>	Freshwater Design And Build Company
<b>Site:</b>	11 Court Road Frampton Cotterell Bristol South Gloucestershire BS36 2DE	<b>Date Reg:</b>	28th April 2015
<b>Proposal:</b>	Variation of condition 2 attached to Appeal decision for PT14/0471/F to substitute plan nos. 829-13/101C, 829-13/102C, 829-13/103, 829-13/110A, 829-13/111A and 829-13/112A with plan nos. 887-15/200, 887-15/201, 887- 15/205, 887-15/202A, 887-15/203A and 887- 15/204.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365767 181790	<b>Ward:</b>	Winterbourne
<b>Application</b>	Target date	<b>Date:</b>	18th June 2015



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100023410, 2008. **N.T.S.** **PT15/1566/RVC**

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

The application is referred to the Council's Circulated Schedule procedure following an objection from a local resident which is contrary to the recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the variation of condition 2 attached to decision notice PT14/0471/F to substitute plan no. 829-13/101C, 829-13/102C, 829-13/103, 829-13/110A, 829-13/111A and 829-13/112A with plan nos. 887-15/200, 887-15/201, 887-15/205, 887-15/202A, 887-15/203A and 887-15/204.
- 1.2 Application reference PT14/0471/F was refused by the Local Planning Authority but allowed by the Planning Inspectorate subject to conditions, and gained planning permission for the demolition of an existing commercial premises to facilitate the erection of a gospel hall (Use Class D1) with a new central access driveway and 3no. detached dwellings (Use Class C3).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards  
T7 Cycle Parking  
L1 Landscape Protection and Enhancement  
L11 Archaeology  
EP4 Noise Sensitive Development  
LC4 Proposals for Educational Facilities within Existing Urban Areas and Boundaries of Settlements  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS13 Non-Safeguarded Economic Development Sites  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)

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

- 3.1 PT15/1888/F Pending Consideration  
Erection of 1no. dwelling. Amendment to previously approved schemes PT14/0471/F and PT15/1566/RVC to replace a dormer bungalow with a house of a similar design to plots 1 and 2.
- 3.2 PT15/1788/NMA Objection 20/05/2015  
Non-material amendment to PT14/0471/F to relocate chimney and alter position of rear roof lights
- 3.3 PT15/0475/NMA Objection 09/03/2015  
Non Material Amendment to PT14/0471/F convert internal garage to living accommodation, omit garage door and replace with window, single storey rear extension and internal alterations.
- 3.4 PT14/0471/F Appeal Allowed 27/03/2014  
Demolition of existing commercial premises to facilitate the erection of a gospel hall (Use Class D1) with new central access driveway and 3no. detached dwellings (Use Class C3) with individual driveway haulings over Court Road and associated gardens and landscaping.

#### *Condition 2:*

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

- LP (Site Location Plan)
- 829-13/101 Rev C (Site Plan)
- 829-13/102 Rev C (Block Plan)
- 829-13/103 (Site Section & Street Elevation)
- 829-13/110 Rev A (Plot 1 Plans)
- 829-13/111 Rev A (Plot 1 Front & Rear Elevations)
- 829-13/112 Rev A (Plot 1 Side Elevations)
- 829-13/120 Rev A (Plot 2 Ground & First Floor Plans)
- 829-13/121 Rev A (Plot Second Floor Plan)
- 829-13/122 Rev A (Plot 2 Front & Rear Elevation)
- 829-13/123 Rev A (Plot 2 Side Elevation)
- 829-13/130 Rev A (Plot 3 Plans)
- 829-13/131 Rev A (Plot 3 Front & Rear Elevations)
- 829-13/132 Rev A (Plot 3 Side Elevations)
- 829-13/140 Rev B (Meeting Hall Plans)
- 829-13/141 Rev A (Meeting Hall Front & Rear Elevations)
- 829-13/142 Rev B (Meeting Hall Side Elevations)

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No comment received.
- 4.2 Frampton Cotterell Parish Council  
No comment received.

#### 4.2 Other Consultees

Lead Local Flood Authority  
No comment.

Sustainable Transport  
No objection

### **Other Representations**

#### 4.3 Local Residents

One letter of objection has been received stating the following:

- Access to overflow parking has been blocked by car parking spaces
- Parking was main issue in previous application and this has been decreased
- No room for parking on Court Road especially on Sundays because of rugby and Sunday services

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

#### 5.1 Principle of Development

This application refers to condition 2 of application PT14/0471/F to substitute plan numbers 829-13/101C, 829-13/102C, 829-13/103, 829-13/110A, 829-13/111A and 829-13/112A with plan nos. 887-15/200, 887-15/201, 887-15/205, 887-15/202A, 887-15/203A and 887-15/204. These changes show alterations to plot 1 including a single storey rear extension, the conversion of the garage to a kitchen with the garage door replaced with a window and other internal alterations. As such, in reference to policies CS1 of the Core Strategy and T12 of the Local Plan, in this application consideration is given to residential amenity, visual amenity, highway safety and parking.

#### 5.2 Residential Amenity

The proposed rear extension is single storey in height and modest in footprint, extending 1.5 metres to create a larger living area and sitting flush with the previously approved rear elevation of plot 1. Adequate private amenity space remains and this development could be undertaken under the permitted development rights afforded to householders once the construction of plot 1 is substantially complete. The proposed internal alterations do not impact upon residential amenity, and the proposed kitchen window to replace the approved garage door will face out onto Court Road, and does not impinge on the privacy of any neighbouring occupiers. Overall, the proposed changes do not have a harmful impact on the residential amenities of the future occupiers of the application site or any neighbouring occupiers.

#### 5.3 Design/Visual Amenity

The extension is small and the lean-to design reflects a similar addition on plot 2. The four-casement window proposed for the principal elevation is a similar design and shape to the already approved openings on plot 1. The amendments proposed are acceptable in terms of policy CS1 of the Core Strategy.

#### 5.4 Transport

An objection has been received from a local resident raising concerns regarding parking, which was a key consideration that was assessed as part of the previously approved application ref PT14/0471/F. The amendments show the previously approved garage of plot 1 to be converted into additional living accommodation, forming a kitchen. Whilst this does remove a potential parking space within the garage, the Council's Transport Officer has been consulted and has no objection to the proposed variation, as adequate parking for two vehicles remains on the driveway.

#### 5.5 Other Extant Planning Conditions

There are still several extant planning conditions that are still relevant to the site. An application under S73 has the effect of creating a new decision notice, therefore all relevant conditions from the previous decision must be attached to any decision made through an application under S73 of the Act. It is therefore necessary to review the extant conditions prior to granting a decision on this application.

5.6 Condition 1 relating to the commencement of development within three years has already been met, as the original description of development included the demolition of the existing industrial building, which has already been demolished. However, this condition will be reapplied to ensure that the permission does not remain extant forever, as this would not be appropriate.

5.7 Condition 2 conditions the plans and is the subject of this variation of condition application. In the event of an approval, condition 2 will be amended to accommodate the new plans approved.

5.8 Condition 3 requires the applicant to submit samples of roofing and external facing materials for all three houses and the gospel hall. These samples were submitted on 8<sup>th</sup> April and are acceptable, therefore this condition will be amended to state that the development will proceed in accordance with the agreed details, which include bricks for all three dwellings and the gospel hall, rangewood weatherboard and kingspan roofing for the gospel hall, double roman tiles and weber render for all three houses, white window sample for houses 1 & 3, and a wood effect window sample for plot 2.

5.9 Conditions 4 and 5 are still relevant and have not been discharged, and conditions 6 and 7 will be amended accordingly to reference the correct plan. Conditions 8 – 13 are not pre-commencement conditions and still apply for the lifetime of the development unless written approval to the contrary is sought from the Local Planning Authority.

5.10 Conditions 14 and 15 relating to drainage and storage of waste materials have not been discharged and remain relevant. Condition 16 has not been discharged, and the wording will be amended to ensure that details are submitted prior to development commencing, notwithstanding demolition.

#### 5.11 Other Issues

The objection letter received mentioned that some parking spaces are blocking access to overflow parking. This does not differ from the previously approved development and is not to be assessed under the remit of this application to vary condition 2.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) The Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is considered that the variation of condition 2, for internal alterations, a new window and a single-story rear extension, would be acceptable in terms of design, visual amenity, residential amenity, parking and highway safety. The proposed amended plans are therefore in accordance with policies T12 of the adopted Local Plan, and policy CS1 of the Core Strategy. The recommendation is to approve the variation of this condition.
- 6.3 The recommendation to approve the variation of condition 2 has been taken having regard to the policies in the South Gloucestershire Local Plan set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That the variation of condition 2 is approved.

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

### CONDITIONS

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

#### Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

LP (Site Location Plan)

887-15/200 Site Plan Proposed

887-15/201 Block Plan Proposed

887-15/205 Site Section and Elevation Proposed

887-15/202A Plot 1 Plans Proposed

887-15/203A Plot 1 Front and Rear Elevations Proposed

887-15/204 Plot 1 Side Elevations Proposed

829-13/120 Rev A (Plot 2 Ground & First Floor Plans)

829-13/121 Rev A (Plot Second Floor Plan)  
829-13/122 Rev A (Plot 2 Front & Rear Elevation)  
829-13/123 Rev A (Plot 2 Side Elevation)  
829-13/130 Rev A (Plot 3 Plans)  
829-13/131 Rev A (Plot 3 Front & Rear Elevations)  
829-13/132 Rev A (Plot 3 Side Elevations)  
829-13/140 Rev B (Meeting Hall Plans)  
829-13/141 Rev A (Meeting Hall Front & Rear Elevations)  
829-13/142 Rev B (Meeting Hall Side Elevations)

Reason

In the interests of clarity and to ensure the development proceeds in accordance with the approved plans.

3. Development shall be carried out in accordance with the agreed materials for the roofing and external materials (including fenestration) submitted to the Council on 8th April 2015.

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is required prior to commencement in order to prevent the destruction of existing vegetation.

5. Prior to the first occupation of the meeting hall hereby approved a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented as approved before the meeting hall hereby permitted is brought into use; or otherwise agreed in the Travel Plan. For the avoidance of doubt the Travel Plan shall set out how the proposals and aspirations, in terms of vehicular occupancy and timing of meetings, can be achieved and controlled so as to avoid network peak times.

Reason

In order to promote more sustainable methods of travel and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.



6. The off-street parking provision shall be carried out in accordance with the plan "Site Plan Proposed" no. 887-15/200 received by the Council on 10th April 2015 prior to the first occupation of the buildings and retained thereafter.

Reason

To provide an acceptable level of parking in the interests of highway safety and the amenities of the area and to accord with saved policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. The highway improvements shown on the drawing "Site Plan Proposed" no. 887-15/200 received by the Council on 10th April 2015 shall be completed in accordance prior to any occupation of the development hereby permitted.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

8. The height of the boundary treatment at the front of the dwellings hereby approved shall not at any time exceed 0.6 metres in height.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

9. Services shall only take place at the approved gospel hall between the hours of 07.00 to 21.30 Monday to Saturday and 06.00 to 20.00 on Sundays.

Reason

In the interests of the amenities of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of the amenities of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. The meeting hall hereby approved shall only be used for purposes directly associated with a place of worship (Use Class D1) and for no other purposes (including any other use within the D1 Use Class) without the prior written consent of the Local Planning Authority.

Reason

In the interests of highway safety and the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

12. Prior to the erection of any external lighting details of the location, design, times of illumination and measures to control light spillage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

13. The first floor bathroom window in the northwestern side elevation of plot 1 shall at all times comprise obscure glazing to a level 3 standard of higher.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

14. Prior to the commencement of development excluding demolition 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 an adequate means of drainage is provided at the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is required prior to commencement due to the physical nature of surface water flooding.

15. No development shall take place, excluding demolition until details relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason

In the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is required prior to commencement as the refuse facilities may be attached to or integral to the development itself.

16. Notwithstanding demolition, no development shall take place until an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. The report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development, excluding demolition.

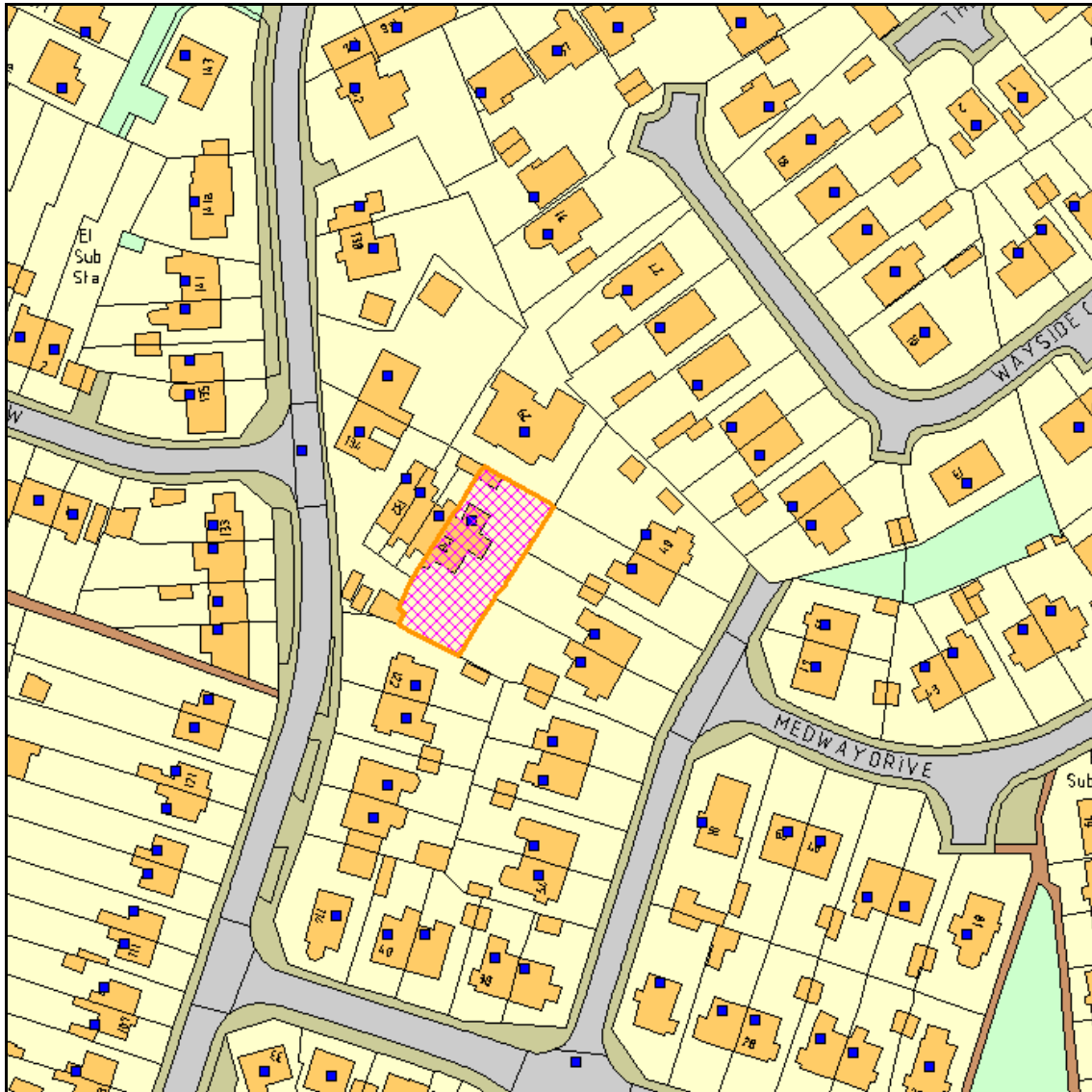
Reason

To ensure that adequate measures have been taken to mitigate against contaminated land and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is required prior to commencement in the interest of public health.

# ITEM 10

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1682/F	<b>Applicant:</b>	Mr Simon Battson
<b>Site:</b>	126 Park Lane Frampton Cotterell South Gloucestershire BS36 2ER	<b>Date Reg:</b>	5th May 2015
<b>Proposal:</b>	Erection of detached double garage and store.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366693 181102	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th June 2015



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100023410, 2008. **N.T.S.** **PT15/1682/F**

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

This report appears on the Circulated Schedule following an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a double garage/store.
- 1.2 The application site relates to an end of terrace two-storey cottage situated within the established settlement boundary of Frampton Cotterell.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning Policy Guidance 2014

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) 2013

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

- 3.1 PT04/1871/F      Erection of two storey side extension to form living room with two bedrooms over. (Resubmission of PT04/1062/F).  
Approved      4.8.04
- 3.2 PT04/1062/F      Erection of two storey and first floor side and rear extension to form breakfast room with 2 no. bedrooms and bathroom over.  
Refused      11.5.04

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No comment

- 4.2 Highway Drainage  
No objection as there will be no significant change to the existing surface.
- 4.3 Sustainable Transport  
No objection
- 4.4 Archaeologist  
No comment

### **Other Representations**

- 4.5 Local Residents  
One letter of objection has been received. The points raised are summarised as:
- Very large building with a high roof
  - Foundations may affect the existing dry-stone boundary wall

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application stands to be assessed against the above listed policies and all other material considerations. Saved policy H4 of the adopted Local Plan (2006) allows the principle of extensions and alterations within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Policy CS1 of the adopted Core Strategy seeks high quality design. The proposal is considered to accord with the principle of development.
- 5.2 Design and Visual Amenity  
The existing dwellinghouse is an end of terrace property within Frampton Cotterell. The rank of cottages are side on to the highway with the application site being located furthest from the road. The cottages are part of the historic fabric of the area and a shared path/driveway running along the front of Nos. 1-3 gives access to the application site. These modest cottages have small front gardens and parking provision for each lies on the other side of the driveway/path. The application site is located at the head of this driveway. Its end position means it benefits from a larger garden which extends down the side of the property and log legs around to the front. The proposed garage would be located within this area to the front of the property.
- 5.3 The garage would measure approximately 7.3 metres in length, 5.6 metres wide, have a height to eaves of 2.5 metres and an overall ridge height of 4.3 metres. It would be rendered to match the existing house and have concrete interlocking tiles, again to match the house. The garage door would be a roller shutter. In terms of its design, scale and massing the proposed is considered acceptable and appropriate to the host property and area in general.
- 5.4 Residential Amenity  
The host dwelling is located in an established residential area, characterised by semi-detached bungalows. Neighbours to the south and southeast are separated from the application site by stone boundary walls that vary in height but in parts reach approximately 2 metres.

Neighbours to the southeast, a bungalow with a large dormer extension, are approximately 20 metres away from the boundary wall. Here the roof of the garage would slope away from these neighbours helping to reduce its physical impact. An end gable would face neighbours to the south and these neighbours at No. 122 Park Lane again, a single storey dwelling, would be approximately 7.5 metres away from the new structure. This property has two windows at ground floor level and a small porch. It is acknowledged that the proposed garage would have two windows in this opposing elevation to serve a workshop but given the single storey nature of the proposed garage and the screening provided by the existing boundary it is considered that it would not have a significantly negative impact on the immediate neighbours in terms of overlooking or privacy. Furthermore, the proposal would not result in any loss of light and its position on site would not be overbearing to the neighbouring properties. Adequate amenity space would remain to serve the application site and as such the proposal is considered to accord with saved policy H4 of the adopted Local Plan.

#### 5.5 Other matters

Comments have been received expressing concern about the proposed garage adversely affecting the existing dry stone boundary wall. The proposed structure would be approximately 0.4 metres away from the wall that separates No. 46 Medway Drive from the application site and approximately 2.6 metres from the wall next to No. 122 Park Lane. This distance would allow access and maintenance to both the garage and the wall and this is considered good practice. In planning terms, the main issues under consideration were the design and the impact on residential amenity and both have been found acceptable. The ownership of the wall has not been confirmed, but, regardless, should the existing boundary wall between the application site and its neighbour be damaged in any way this would be a civil matter to be resolved between parties and not something that can be covered under the remit of a 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 **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That planning permission is **approved**, subject to the attached condition.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

### Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS5 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.



# ITEM 11

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1749/F	<b>Applicant:</b>	Mr And Mrs A Clarke
<b>Site:</b>	25 Railton Jones Close Stoke Gifford South Gloucestershire BS34 8XY	<b>Date Reg:</b>	28th April 2015
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362349 179393	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th June 2015



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100023410, 2008. **N.T.S.** **PT15/1749/F**

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

This application is to appear on circulated schedule due to the receipt of an objection from a neighbour about the side window in the first floor bedroom, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of first floor side extension to form additional living accommodation.
- 1.2 The application site relates to an end of terrace property, that has an existing single storey side extension on the south-west elevation. The application site is located within an established residential area of Stoke Gifford and is situated at the end of a cul-de-sac.

### **2. POLICY CONTEXT**

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

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

- 3.1 PT08/1078/F          Erection of single storey side extension to provide additional living accommodation (Retrospective)  
Approved 04.06.08

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection. Hours of work to be included in planning conditions.
- 4.2 Lead Local Flood Authority  
No comment.

#### 4.3 Sustainable Transport

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the bedrooms within the dwelling will increase to three. The block plan submitted shows parking which complies with the Councils residential parking standards. In light of the above, there is no transportation objection to the proposed development.

### **Other Representations**

#### 4.4 Local Residents

One objection has been received from a neighbouring resident who is concerned about the single side window in the first floor, which would look directly into their garden (No. 23). If the planning application is approved with a window on the side elevation the neighbour would like it to be conditioned that the window must be of a fixed obscure glazing to protect my privacy now and in the future

## **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

Saved policy H4 of the Local Plan (adopted) 2006 allows for the principle of the proposed development. The main issues to consider are the design of the proposed extension and the impact on the character of the area (policies H4 of the Local Plan and CS1 of the Core Strategy); the impact on the residential amenity of neighbouring occupiers (saved policy H4 of the Local Plan); and the transportation effects (saved policies H4 and T12 of the Local Plan).

#### 5.2 Design

The proposal seeks to erect a first floor extension above an existing single storey side extension to create a third bedroom and en suite bathroom for the master bedroom. The extension is unusual because it is tapered to fit at the side of the dwelling, being narrower at the front and wider at the rear. The extension would measure 1.2 m at the front elevation tapering out to 2.2m and 8.5m in length. The ridge height would match the existing dwelling at approximately 6.9m. The proposal would remain in keeping with the host dwelling and appears suitably subservient due to the size restrictions of the curtilage on the south-west elevation. Materials would match the existing extension and dwelling. The proposal is considered to be appropriate in terms of design.

#### 5.3 Impact on Residential Amenity

The proposal would increase the existing single storey extension to a two storey extension. To the immediate south west of the dwelling is a communal parking area for local residents allocated parking. The application site is situated on land that is slightly higher than the parking area and dwellings to the south west. The proposal would include a small bathroom window on the front elevation and larger window on the rear elevation serving the bedroom. In addition, there is a small window on the south-west elevation which causes the nearest neighbouring resident at No.23 concern in respect of overlooking and loss of privacy to their garden.

The proposal would be approximately 12 metres from the neighbouring garden at No. 23 and as the side window is not the primary window, it is considered that to prevent any overlooking the window is fitted with obscure glazing and is non-opening (as indicated on the proposed plans). This would still provide adequate additional light into the small bedroom and also mitigate any overlooking or privacy impact on neighbouring occupier's enjoyment of their private garden. On this basis, a condition requiring obscure glazing and non-opening window will be attached to the decision notice.

5.4 The proposal is not considered to have any other impact on residential amenity and would not result in an overbearing impact or loss of light. The footprint of the dwelling would not increase due to the existing single storey side extension and therefore adequate private amenity space remains to serve the dwelling.

5.5 Transportation

As the extension is located at the side of the property it will not impact on the property's existing parking arrangements. The proposed parking arrangements are considered to comply with the Council's adopted Residential Parking Standards SPD and therefore, there is no transportation objection to the proposed development.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **approved**, subject to the conditions attached to the decision notice.

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

## CONDITIONS

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

Reason

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

2. The glazing in the first floor side window on the south-west elevation shall at all times be of obscured glass to a level 1 standard or above, and be permanently fixed in a closed position.

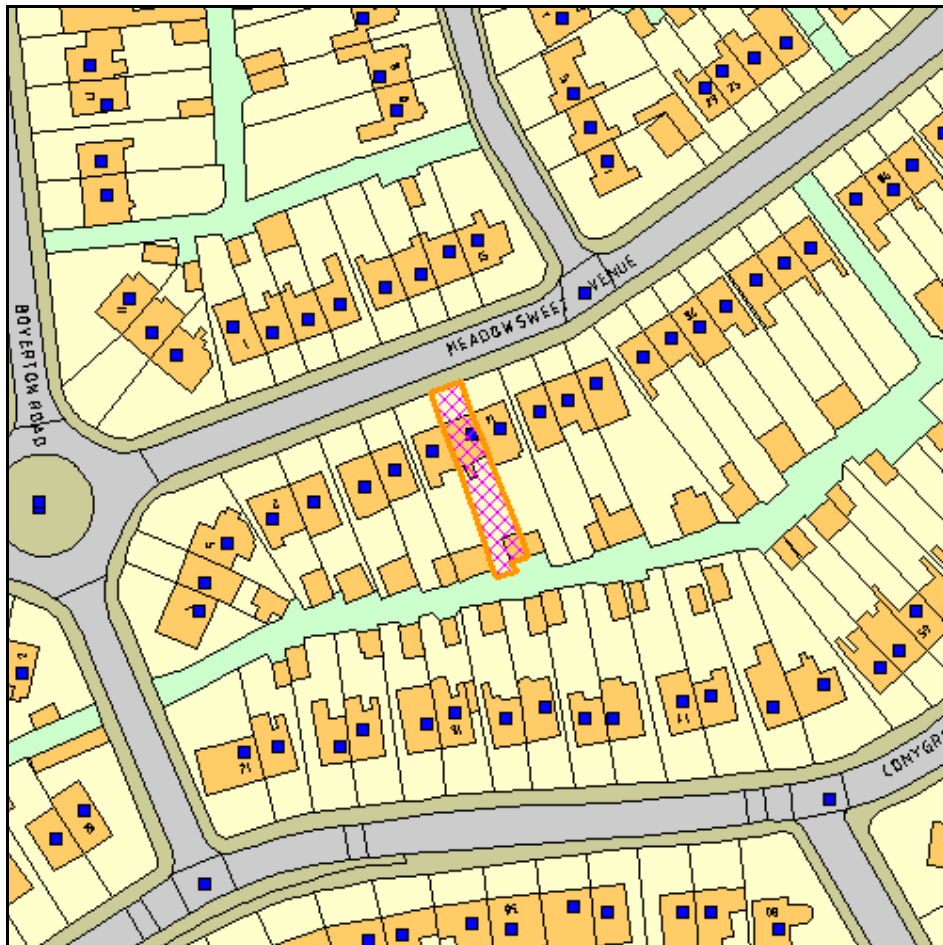
Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 200 (Saved Policies) and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

# ITEM 12

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1840/CLP	<b>Applicant:</b>	Mrs Lisa Haywood
<b>Site:</b>	12 Meadowsweet Avenue Filton Bristol South Gloucestershire BS34 7AL	<b>Date Reg:</b>	8th May 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360609 179433	<b>Ward:</b>	Filton
<b>Application Category:</b>		<b>Target Date:</b>	2nd July 2015



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

The 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 rear extension to 12 Meadowsweet Avenue, Filton, would be lawful.
- 1.2 The 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 solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1 There is no relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No Objection
- 4.2 Councillor  
No Comments Received
- 4.3 Local Lead Flood Authority  
Drainage and Flood Risk Management Team have no objection in principle to this application subject to the informative attached to the decision notice.

### **Other Representations**

- 4.3 Local Residents  
No Comments Received

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

- 5.1 AV171924 Site Location Plan, TAC 3129-100 Existing Ground and First Floor Plans, TAC 3129-101 (REV A) Proposed Ground and First Floor Plans, TAC 3129-102 Existing Elevations, TAC 3219-103 Proposed Elevations, all of which were received on 28<sup>th</sup> April 2015.

## 6. **ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

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

- 6.2 The key issue in this instance 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 (2015).

- 6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) **As 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 total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) **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 height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) 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 rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (f) Subject to paragraph (g), 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 extends from the rear of the dwellinghouse by 2.625 metres at its maximum depth which does not exceed 3 metres nor does it exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

he extension would be single storey.

- (i) 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 extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) 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 a single storey, or**
  - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the property.

- (k) It would consist of or include—**
  - (i) the construction or provision of a verandah, 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 development would not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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 a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

**A.3 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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The proposed plans indicate that the proposal will be finished with render, tiles and windows to match existing. The proposed materials would therefore match the host dwelling.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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**

Not applicable.

- (c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

## 7. **RECOMMENDATION**

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

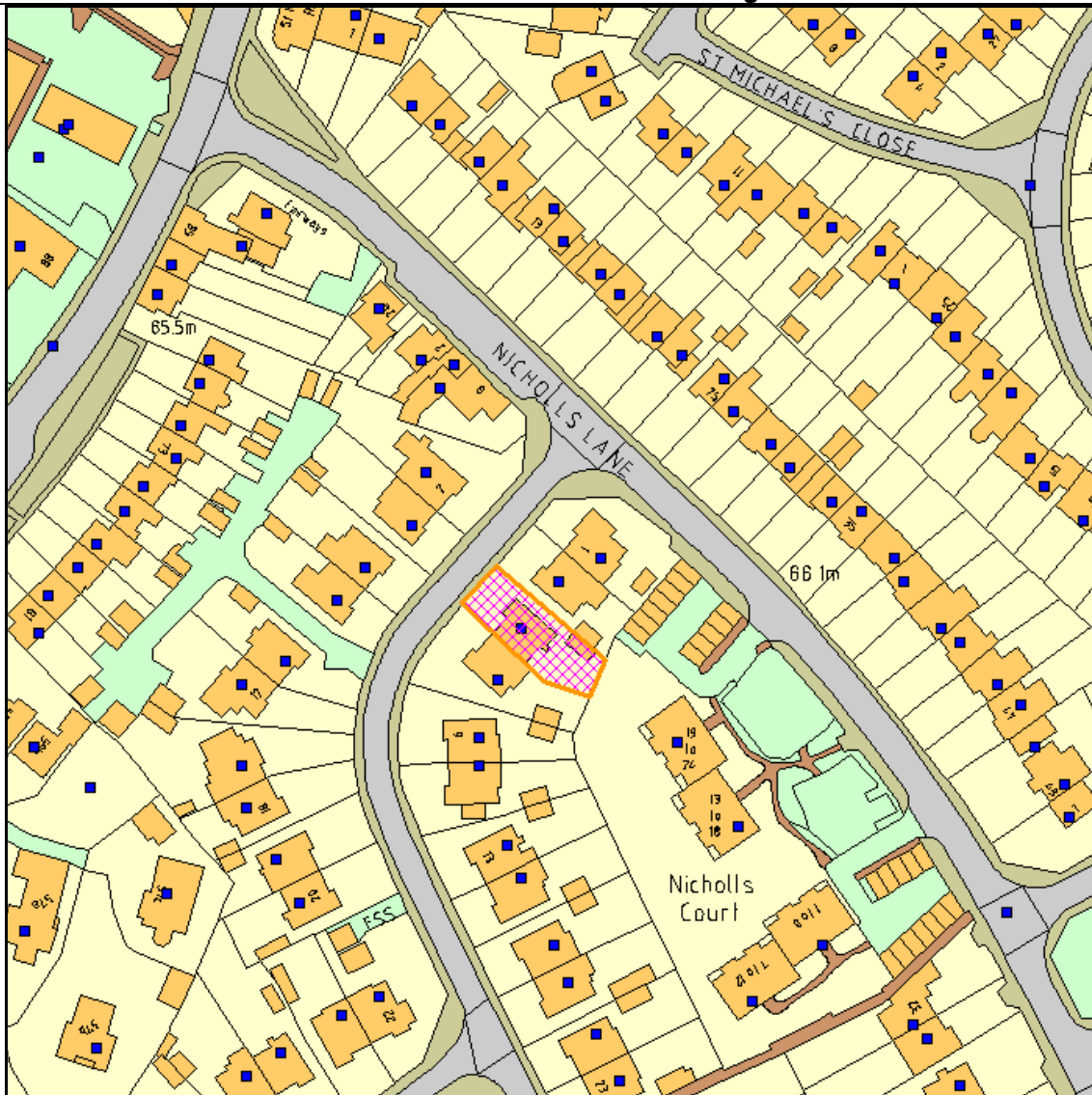
Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Jessica Robinson**  
**Tel. No. 01454 868388**

# ITEM 13

## CIRCULATED SCHEDULE NO. 23/15 – 5 JUNE 2015

<b>App No.:</b>	PT15/1850/PNH	<b>Applicant:</b>	Mr Mark Hendy
<b>Site:</b>	5 Friary Grange Park Winterbourne South Gloucestershire BS36 1LZ	<b>Date Reg:</b>	11th May 2015
<b>Proposal:</b>	Erection of single storey rear extension which would extend beyond the rear wall of the original house by 3.9 metres, for which the maximum height would be 3.995 metres and the height of the eaves would be 2.32 metres	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365206 181031	<b>Ward:</b>	Winterbourne
		<b>Target</b>	11th June 2015



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

The application has been reported to the circulated schedule because an objection has been received from a neighbour and Winterbourne Parish Council. It should however be noted that as this is an application for prior notification it has been referred to the schedule for information only.

### **1. THE PROPOSAL**

- 1.1 This application is for the Prior Notification of a rear single storey extension at 5 Friary Grange. The property is a semi-detached bungalow located within an established residential area of Winterbourne. The extension would extend beyond the rear wall of the original house by 3.9 metres, the maximum height would be 3.9 metres and the height of the eaves would be 2.3 metres.
- 1.2 This application is for a Prior Notification, which is a process that allows a household to notify the Local Planning Authority of intent to use their permitted development rights to build an extension of up to 8 metres in depth and no more than 4 metres in height for a detached dwellinghouse.

### **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) (England) Order 2015, 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.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection, the proposed extension would exclude light to the neighbouring properties. Residents from nos. 3 & 7 attended the meeting to raise their objection.
- 4.2 Lead Local Flood Authority  
No objection.

### **Other Representations**

- 4.3 Local Residents  
One objection has been received from a neighbouring resident (No. 7):
- Property adjoins No. 7;

- Proposed extension is too big for the size of the present bungalows, out of keeping and character;
- Extension projects 3.9m from the rear of my property and only 300mm away from the party fence;
- Concerned that the extension would considerably restrict the amount of natural light to the rear lounge/diner;
- No's 3, 5, & 7 have very short rear gardens and light is already restricted by the height of the trees at the rear of Nicholls Court to the rear;
- Other concern is that the applicant proposes to re-position the kitchen onto the adjoining lounge/diner wall of No. 7's property wall which could cause disturbance without sound proofing.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

It stands to be determined whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) Order 2015, and the Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

5.2 The application site is not located on article 2(3) land nor is it on a site of special scientific interest. The proposed extension would measure no more than 6 metres in depth and has a maximum height of less than 4 metres as such the proposal is considered to comply with the criteria set out in Part 1, Schedule 2 (development within the curtilage of a dwellinghouse), Class A, of the Town and Country Planning (General Permitted Development) Order 2015.

5.3 Because objections have been raised by a neighbouring resident and the Parish Council this application also needs to be considered in terms of the proposals impact on amenity.

### 5.4 Impact on Amenity

Various concerns have been raised by a neighbouring resident that the proposed rear extension would appear too big, out of character, too near to their property and party fence and reduce daylight into their lounge/diner.

5.5 The proposed extension would be located on the rear (south-east) elevation of the bungalow. The extension would extend 3.9 metres from the rear elevation and in terms of design, is considered to be in keeping with the character of the host dwelling. The siting of the extension on the rear elevation is not considered to harm the character of the area and is considered appropriate in scale. The extension would include a wet room, utility and family room and would be located approximately 300mm from the shared boundary with No. 7. The extension is set away from the boundary and would not affect the existing shared fence. The extension would finish in line with the front elevation of the single garage and would leave a modest amount of private amenity space for the occupiers.

5.6 The proposed extension would have a pitched roof with a gable end, and would therefore be sloped away from the neighbouring property. Due to the orientation of the adjoining property No. 7, it is unlikely that morning daylight would be significantly reduced as a result of the single storey extension. There would be no windows inserted in the side elevations, which would protect the amenity of the neighbouring occupiers. The scale of the proposal appears appropriate in its context and would comfortably provide additional living space to the dwelling. Overall, the proposed extension is considered acceptable and is unlikely to have any material impact on the nearest neighbouring properties as a result.

5.7 Other Matters

The internal room layout of the proposed extension is not a planning matter. It is considered unlikely that the creation of additional living accommodation at the residential property would create significant additional noise issues.

6. **RECOMMENDATION**

6.1 That prior approval is required and approved.

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