

**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.50/15**

**Date to Members: 11/12/15**

**Member's Deadline: 17/12/15 (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.

**Dates and Deadlines for Circulated Schedule**  
**Christmas & New Year Period 2015/16**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm</b>
<b>51/15</b>	<b>Wednesday 16 December</b>	<b>Tuesday 22 December</b>
<b>52/15</b>	<b>Wednesday 23 December</b>	<b>Tuesday 05 January 2016</b>
<b>01/16 Back to usual days</b>	<b>Friday 08 January 2016</b>	<b>Thursday 14 January 2016</b>

Highlighted above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2015/16

# CIRCULATED SCHEDULE - 11 DECEMBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/3146/AD	Approve	Westerleigh Terminal Oakley Green Farm Lane Oakley Green Westerleigh South Gloucestershire BS37 8QZ	Westerleigh	Westerleigh Parish Council
2	PK15/4092/F	Approve with Conditions	39 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
3	PK15/4623/F	Approve with Conditions	52 Siston Common Siston South Gloucestershire BS15 4PB	Siston	Siston Parish Council
4	PK15/4652/F	Approve with Conditions	28 Homefield Yate South Gloucestershire BS37 5US	Yate North	Yate Town
5	PK15/4684/F	Approve with Conditions	96 Home Orchard Yate South Gloucestershire BS37 5XG	Yate North	Yate Town
6	PK15/4713/CLE	Approve with Conditions	Birchgrove Farm The Common Chipping Sodbury South Gloucestershire BS37 6PX	Cotswold Edge	Little Sodbury Parish Council
7	PK15/4754/F	Approve with Conditions	25 Johnson Road Emersons Green South Gloucestershire BS16 7JD	Emersons	Emersons Green Town Council
8	PK15/4864/CLP	Approve with Conditions	1 Adringal Cottages Horton Hill Horton South Gloucestershire BS37 6QP	Cotswold Edge	Horton Parish Council
9	PK15/4869/CLP	Approve with Conditions	5 Berkeley Close Downend South Gloucestershire BS16 6UJ	Emersons	Emersons Green Town Council
10	PT15/3674/F	Approve with Conditions	Unit 2 31-39 Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
11	PT15/3923/F	Approve with Conditions	Woodlands Manor Nursing Home Ruffet Road Winterbourne South Gloucestershire BS36 1AN	Westerleigh	Westerleigh Parish Council
12	PT15/4158/F	Approve with Conditions	34 Townsend Lane Almondsbury South Gloucestershire BS32 4EQ	Almondsbury	Almondsbury Parish Council
13	PT15/4481/F	Approve with Conditions	8 Ridgeway Coalpit Heath South Gloucestershire BS36 2PP	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT15/4686/CLP	Approve with Conditions	6 School Way Severn Beach South Gloucestershire	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
15	PT15/4809/CLP	Approve with Conditions	34 Stroud Road Patchway South Gloucestershire BS34 5EW	Patchway	Patchway Town Council
16	PT15/4863/F	Approve with Conditions	255 Park Lane Frampton Cotterell South Gloucestershire BS36 2BL	Frampton Cotterell	Frampton Cotterell Parish Council

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/3146/ADV	<b>Applicant:</b>	Puma Energy (UK) Ltd
<b>Site:</b>	Westerleigh Terminal Oakley Green Farm Lane Oakley Green Westerleigh South Gloucestershire BS37 8QZ	<b>Date Reg:</b>	13th October 2015
<b>Proposal:</b>	Display of 2no. non-illuminated (Puma) signs (Retrospective).	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369139 178815	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd December 2015



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

The application has been referred to the Circulated Schedule following the receipt of an objection.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for 2.no of non-illuminated advertisements mounted on two posts. The advertisements are already in situ and therefore the application will be to regularise them.
- 1.2 The advertisements are located at the junction situated along Westerleigh Road, leading into Oakleigh Green Farm Lane. Westerleigh is a village and civil parish located within the Bristol/Bath Greenbelt.
- 1.3 The 2.no advertisements measure 1.37 metres in height, 2.0 metres in width and 10mm in depth. The advertisement on the right hand side of the junction measures 40cm from ground level to the base while the advertisement on the left measures 1.77 metres from ground level to the base.
- 1.4 Both advertisements are placed on a white background, solely show the advertisement and contain no other associated information.
- 1.5 This application was submitted as a result of planning enforcement involvement concerned with a number of unauthorised advertisements located at this site. Subsequently, the applicant choose to apply retrospectively for retention of these advertisements. The advertisements are placed on the same framework as that of 2.no 'Tulip' adverts. The Tulip adverts were granted advertisement consent 10<sup>th</sup> September 2015.
- 1.6 An extension of time to determine this planning application has been agreed with the applicant to the 17<sup>th</sup> December 2015.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

The Town and Country Planning (Control of Advertisements (England) (Amendment) Regulations 2007

The Town and Country Planning Act 1990 Section 220

#### **2.2 Supplementary Planning Guidance**

Shopfronts and Advertisements (Adopted) April 2012

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

3.1 PK15/3019/ADV – *Display of 2no. non-illuminated (Tulip) signs (Retrospective).*

Approved: 10<sup>th</sup> September 2015

### **4. CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council

No Objection

4.2 Other Consultees

Sustainable Transport:

‘No Comment’

#### **Other Representations**

4.3 Local Residents

Objection:

Objects on the size of the advertisements, stating they are too big and not in keeping with the rural location.

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

5.1 Principle of Development

Guidance within the National Planning Policy Framework (NPPF, 2012) (para.67) states advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts. The NPPF furthermore highlights how poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

The contents of the above policies and supporting guidance have been considered throughout the following paragraphs of this report.

5.2 Design and Visual amenity

One simple design is proposed with the advertisements mounted on a white background, with solely the company logo and title illustrated. The advertisements are post mounted; with the posts set behind the sign. The minimalistic design of the advertisements creates a uniform appearance with the Tulip adverts, as well as enabling the adverts to blend into the open landscape of the site.

Of particular importance is the assessment on the dimensions of the advertisement. Both advertisements measure 1.37 metres in height, 2.0

metres in width and 10mm in depth. An objection was raised to the size of the adverts in relation to the open nature of the application site. The advertisements being set back from the public highway, adjacent to the fence do not have a significant impact on the area. While Westerleigh is a clustered rural village, its boundary extends along the open landscape through Westerleigh Road. Along Westerleigh are businesses and as such there is a commercial element to the application site. Therefore, while rural, advertisements placed along this road do not appear out of context. Accordingly, the dimensions of the advertisements are appropriate in form, scale and siting.

Weight must be added with advertisements of a similar scale and design being located opposite in association with Westerleigh Garden Nursery and Oakley Green Café. Officers are of the opinion that an accumulation of advertisements and banners at this location would create an untidy appearance to the site. However a small number of advertisements that are appropriate in scale and minimalistic in design are appropriate.

### 5.3 Public Safety

The proposal has been assessed by the Councils Transportation Officer and there are no objections to the proposal on the grounds of public safety. The design is simple and the signs are set back from the public highway, therefore the proposal is not considered a distraction for drivers along Westerleigh Road. Communication with the applicant has identified one of the main objectives of the advertisements are to direct heavy goods vehicles that travel along Westerleigh Road into Oakleigh Green Farm Lane.

The advertisements are located on a grass embankment that is not used as a pedestrian walkway and therefore this does not provide a pedestrian hazard.

### 5.4 Cumulative Impact

The proposal has been considered within the locality having regard to the existing advertisements located at the site and within close proximity to the site. As stated above, in the interests of visual amenity it is necessary to prevent the site from becoming cluttered with advertisements given a number of businesses are located within close proximity to the site. A Planning Enforcement Investigation has been underway during 2015 concerning unauthorised advertisements at the site. A number of unauthorised advertisements have been removed during 2015 and it is now considered this has removed the previous cluttered appearance of the site. The simple design of this proposal, coupled with an appropriate scale means there is no detrimental effect on the rural nature of the locality.

## 6. CONCLUSION

- 6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.



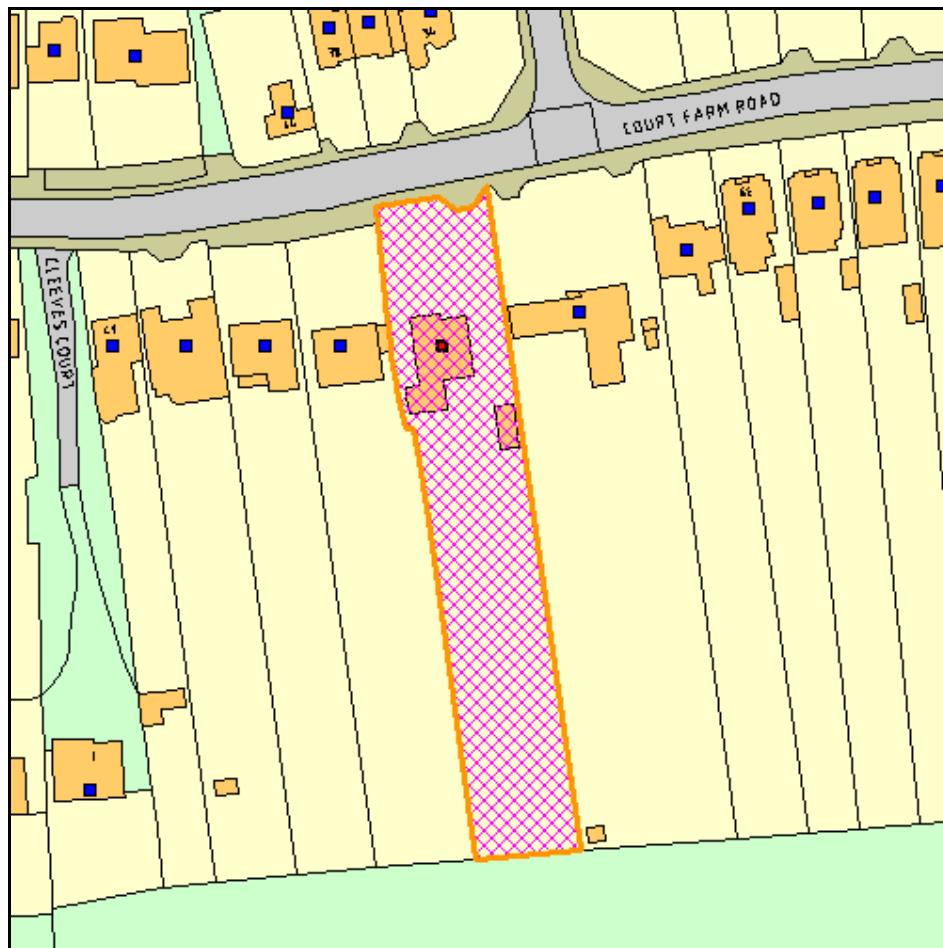
**7. RECOMMENDATION**

7.1 It is recommended that advertisement consent be **GRANTED**.

**Contact Officer: Sam Garland**  
**Tel. No. 01454 863587**

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4092/F	<b>Applicant:</b>	Mr S R Barganski
<b>Site:</b>	39 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AD	<b>Date Reg:</b>	25th September 2015
<b>Proposal:</b>	Creation of new access (Amendment to previously approved scheme PK13/2594/F) Erection of detached double garage.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365709 170596	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th November 2015



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

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the creation of new access (Amendment to previously approved scheme PK13/2594/F) and the erection of detached double garage. The PK13/2594/F permission was for the erection of 2no. detached dwellings and 2no. detached garages with access and associated works. That application provided access to the 2 proposed dwellings which would be located to the rear of the application property, whilst also providing access to the frontage of the 39 Court Farm Road. The current application seeks permission for its own access to no. 39, on the other (western) side of the existing front curtilage. The provision of a separate, additional access is what has been referred to as the amendment to PK13/2594/F, the proposed access to the other dwellings the subject of the original application remains unaffected, as do the remainder of the permissions the subject of that consent.
- 1.2 The host property consists of a detached chalet style blockwork bungalow, located within the residential area of Longwell Green. The dwelling fronts Court Farm Road, and the proposed garage would be to the front curtilage of the dwelling, forward of the dwelling.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire 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 Residential Parking Standards SPD

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

- 3.1 PK13/2594/F - Erection of 2no. detached dwellings and 2no. detached garages with access and associated works. (Resubmission of

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

4.1 Hanham Abbots Parish Council  
No comment

Sustainable Transportation

Having reviewed all the information submitted with this application, it is noted that this proposal involves creation of a new vehicular access and construction of a new garage on site.

Proposed vehicular access is on to Court Farm Road a class iii highway, which is subject to 30mph speed limit. Provision of suitable visibility splays is considered essential if road safety to be maintained. The applicant has not provided details of visibility distances with this application. According to 'Manual for Streets' guidance - ideally, visibility splays of 2.4m by 43m is required. Footway outside the new entrance is less than 2m wide and this means the drivers' sight line crosses the boundary wall either side of new entrance. Existing height of boundary wall either side of the new access is higher than driver's eye level and this means obstruction to the driver's sight line when using the new access. To improve visibility, the following is recommended,

Recommendation 1: Reduce the height of boundary wall/fence either side of the access to maximum height of 0.6m above the ground level. Revised plan should be submitted for approval.

There is sufficient space on site to enable vehicles to turn in order to access and egress the site entrance in forward gear. A planning condition will be imposed to ensure that turning area independent to parking spaces is provide and maintained on site.

It is noted that some local residents are objection to this application (i.e. proposed access) expressing concerns about pedestrian safety and visibility. From the officers' view – it is considered that subject to lowering the boundary wall/fence either side of the entrance in order to provide visibility and subject to construction suitable off-street turning area on site then, the proposal would not impact on road safety.

Proposal also involves construction of a new garage. According to South Gloucestershire Council parking standards SPD -only garages that meet the following internal space standards will count towards the parking standards,

Single garage: 6m x 3m

Double garage: 6m x 5.6m

New garage is considered too short in length to be counted as garage and does not comply with the Council's standards therefore,

Recommendation 2: amend the length of the garage to 6m in line with the council's standards for garage size.

Conclusion: the applicant should submit revised plan to address the points highlighted above.

Officer Note: Revised plans have been subsequently submitted in order to attempt to address the issues raised above. Further consultation response has been received from Sustainable Transportation, as follows:

By reference to the revised plans (i.e. revised garage and the front wall details) then, there is no highway objection to this application but the following condition is recommended,

Within one month from the date of the approval decision notice, lower the front boundary wall to maximum height of 0.6m above the footway level with any fence, vegetation, etc. immediately behind the wall is set back in order to provide visibility splays of 2.4m by 43m on to the public highway.

Lead Local Flood Authority

No comment

Tree Officer

Policy Context

South Gloucestershire Local Plan [Adopted January 2006]

Policy L1

South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

Assessment of Proposals

This amended proposal is outside of the Root Protection Areas of the existing trees therefore a Tree survey will not be necessary and there are no objections to this application.

Conclusions and Recommendations

There are no objections to this application on arboricultural grounds.

**Other Representations**

4.2 Local Residents

3 letters of objection have been received, as follows:

1)

*'The site access proposals are not in accordance with acceptable standards and would lead to potential safety hazards; this is with particular reference to my parent's visibility when either using their motor car or motorised scooter. The proposals for internal circulation within the site are unacceptable and will create conflicts between pedestrians, cyclists and vehicular movements thereby creating a safety hazard.'*

*The formation of an on-site hard standing area with a dropped cross over for six vehicles spaces is out of keeping with the established character of the surrounding area which mostly consists of traditional front gardens with grassed area. There is also concern over the removal of established hedgerow*

*that has been maintained at my parent's expense. [Indeed any height change to the boundary or high sided vehicles or buildings would serious impair my parent's visibility when reversing from their access.*

*Arguably there already exists a perfectly good access via the existing drive and even the highways have commented that the new access is "not in a great position".*

*Furthermore with a new drive there will be a loss of street parking for anyone visiting the nearby properties and could at certain times cause a hazard with someone entering/ leaving no 41 at the same time as someone entering / leaving no 39. It is of great concern to my parents and myself that no consideration for their use of a motorised scooter or a motor car has been considered.*

*In the event you require any further clarity please do not hesitate to contact either myself or my brother direct.'*

2)

*'- The position and size of the proposed garage has no regard to the existing character & pattern of any "developments" in front gardens along the majority of court farm road, especially houses within close proximity. It does not follow any existing building line and is detrimental to the character/visual amenity of the area.*

*- The new access is a danger to pedestrians and road users due to inadequate visibility onto the highway with a high boundary fence and wall on either side. No visibility splay has been presented. It offers no vision of oncoming traffic and pedestrians to either side until vehicle has entered onto the highway.*

*- The position of the garage in the front garden will also present a noise/disturbance issue once the garage is in use as rarely are garages used for parking cars, more of a use a workshop, which as the majority of properties have bedrooms at the front, this is not ideal.'*

3)

*'The proposed additional access to the driveway creates a further exit on to the already busy junction onto Court Farm road and Windsor Avenue junction. It is very dangerous to cross the road and this compromises the safety of our children. The additional lane leading to the new houses already creates a danger coupled with the additional traffic and that it is already side by side to the new lane next door at number 37 court Farm Road. It will create a precedent to allow more exits from the driveways and this is a significant danger to anyone crossing the road and trying to exit their own driveways in cars.*

*The proposed double garage is in front of the current line of frontage of the existing neighbouring buildings so it is not in keeping with the style of houses along this part of Court Farm Road and will also create a precedent on the road to allow building in front of the current house frontages. Number 39 Court Farm Road often has in excess of 6 cars on their current driveway so as the proposed double garage would not accommodate these cars, then they would have to be parked on the road outside the house, creating further obstructions and dangers when trying to cross the road.'*

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design

Whilst the objection comments are noted, it should also be noted that permission exists for two dwellings to the rear of the property and their associated access, which was originally to be shared with this application property. This application seeks now to create a separate, further access to the front curtilage of no. 39. It also seeks to add a detached double garage. In terms of the area itself, there is a variety of housing types and designs, extensions and also new developments within the area. There is also variation in the front building line up and down the road and as such no specific or significant design context. Whilst the application property itself is set back from the highway, the property has a relatively large front curtilage area, some of which is used for parking. The finish is proposed to be of render with Redland breckland black roof tiles. It is not considered that the addition of a garage at this location would have a material design or location impact upon the site or area, sufficient to warrant refusal of the application on design or visual amenity grounds. The proposed garage is considered to be of an appropriate standard in design and would not be significantly or materially out of keeping with the character with the area or surrounding properties. The garage is of an acceptable size in comparison to the existing dwelling, the plot, the site and the surroundings.

### 5.3 Residential Amenity

The length, size, location and orientation of the proposed garage, set in existing residential curtilage, in its own right is not considered to give rise to any significant or material overbearing impact on nearby properties.

### 5.4 Transportation

The amount of off street parking provision remains acceptable to the front of the property. Further covered parking is made available by the proposals. The revised plans illustrate a garage with dimensions that meet the Councils requirements. The proposed access is acceptable in highways terms, subject to the condition recommended to ensure adequate visibility/highway splays.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the 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 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 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; and the provisions of the National Planning Policy Framework.

3. Within one month from the date of this decision notice, the front boundary wall shall be lowered and retained at a maximum height of 0.6m above the footway level with any fence, vegetation, etc. immediately behind the wall set back in order to provide visibility splays of 2.4m by 43m on to the public highway. Such visibility splays shall thereafter be retained.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4623/F	<b>Applicant:</b>	Mrs Donna Chambers
<b>Site:</b>	52 Siston Common Siston Bristol South Gloucestershire BS15 4PB	<b>Date Reg:</b>	4th November 2015
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation and front extension to form bay window. Erection of side porch and installation of front dormer.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366255 174770	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th December 2015



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

This report appears on the Circulated Schedule following a comment received from the Parish.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension to provide additional living accommodation and a front extension to form a bay window, the erection of a side porch and the installation of a front dormer.
- 1.2 The application site relates to a two-storey detached dwellinghouse situated within the established settlement boundary of Siston.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

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

- 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 PK10/0429/F      Erection of two storey and single storey rear extension to form additional living accommodation. Conversion of existing detached garage to home office ancillary to main dwelling and erection of detached double garage. (Resubmission of PK09/5991/F).  
  
Approved            12.4.00

- 3.2 PK09/5991/F Erection of two storey rear/side and single storey rear extension. Conversion of existing garage to office use and erection of detached double garage.  
Withdrawn Feb 2010

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

- 4.1 Siston Parish Council  
Objection: if application is approved it would be overbearing and have a dominant impact on the neighbourhood with further extensions proposed distorting the scale and character of the original dwelling.

- 4.2 Other Consultees

Archaeologist  
No comment

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material consideration. Policy CS1 is used to assess the overall design of development which is required to be of a good standard, to complement the host property and be in keeping with the character of the area in general. Saved Policy H4 is also relevant here to ensure any development does not have a negative impact on the existing occupants or its closest neighbours. In addition saved Policy T12 and Policy CS8 seek to ensure that development will have no adverse impact on highway safety and that the proposed accords with revised residential parking standards under supplementary planning guidance adopted 2013.

The proposal is considered to accord with policy and this is discussed in more detail below.

#### **Design and Visual Amenity**

- 5.2 The application site relates to a two-storey dwellinghouse situated at the end of a cul-de-sac. Access to the site is off Siston Park but the property itself is only metres away from a busy roundabout serving the A4175. Properties along this road and in the area in general are mixed with cottages and modern dwellings sitting side by side. A mixture of designs, styles and exterior finishes are therefore present. No.52 sits in a thin plot and this linear footprint has for the most part dictated previous additions to the property. It is noted that only some of the work approved under the 2010 application has taken place. This current application proposes a number of alterations including a second floor dormer in the front elevation, to better serve the existing loft conversion, a bay window to

the front elevation, a small entrance porch to the east elevation, a single storey extension to the rear and a two-storey extension to the west.

- 5.3 Dividing the proposals up, the introduction of a small bonnet type front dormer a three bay front window at ground floor level are considered acceptable and would not adversely affect the character of the host property or the area in general.
- 5.4 The proposed side porch would have a footprint of approximately 5.9 sqm, would have a mono-pitched roof, the main entrance to the south and a small window to the east. In terms of its design, scale and massing the proposed porch is an acceptable addition to the dwelling. Although part of the house is of natural stone, much has been rendered in pebbledash. It is understood that the house is to be re-rendered and the new porch would match the new materials. This is acceptable.
- 5.5 With regards to the proposed single storey mono-pitched rear extension, this would replace a small outside WC. It would measure approximately 1.8 metres by 3.8 metres with an additional roof area covering the rear entrance. The finished extension would form part of the revised internal arrangements of the property. This is again considered acceptable in terms of its appearance and scale.
- 5.6 Comments have been received from the Parish stating the proposal would be overbearing and dominant, distorting the scale and character of the dwelling. It is assumed the comments are referring to the proposed two-storey side extension. It must be noted that in 2010 permission was granted for a two storey side extension, albeit to the east rather than in this case to the west of the property. The two-storey side extension was not built following the 2010 permission. The fact that permission was granted for such a side extension plus the raising of the existing two-storey rear element, is of material concern when assessing this application.
- 5.7 The proposed two-storey side extension would be located approximately half way along the existing two-storey part of the dwelling, and thereby screened by the existing garage located within the front garden. It would have a footprint of 4.2 metres by 3.5 metres to accommodate one room at ground floor and a bedroom at first floor level. It would have eaves to match that of the original main dwelling and an overall roof height lower than the original but higher than the existing two-storey rear addition. Openings would be in the north and south elevations only. In terms of external appearance this part of the dwelling is made up of natural stone wall and the more recently added pebbledash. It is unfortunate that much of the natural stone would be covered but as mentioned above it is the intention to re-render the property due to the overall poor condition of the external materials. This is acceptable.
- 5.8 It is acknowledged that the property has changed over time and benefits from a number of additions to the original house. The Parish have objected on the basis of the extensions being over bearing, dominant and distorting the original scale of the property. However, as mentioned above, regard must be had to the previous permission granted in 2010 which granted a two-storey side extension

(plus other work). In light of this material consideration, a balanced approach must be taken. It is therefore considered that the proposed two-storey addition would not be out of proportion and can be recommended for approval.

#### Residential Amenity

- 5.9 The application site is situated at the end of a cul-de-sac. Closest neighbours to the east are screened from the application site by a large expanse of blank wall of the neighbours garage. The boundary continues as high fencing/walling and mature planting. The proposed ground floor window in the side porch would therefore not have an adverse impact on these neighbours. To the front the property faces the busy roundabout of Station Road, Station Road Link and Anchor Road and as such the proposed bay and dormer would not affect any dwellings. To the rear the changes to create a new single storey rear extension would similarly not affect neighbours over and above the existing situation.
- 5.10 The proposed two-storey side extension would be to the west. Neighbours here are set back from the application site with their garage and driveway creating a further separation between the properties. It is acknowledged that the extension would have openings in its north elevation but it is considered that given the distance between the two and the resulting acute angle there would be no issues of inter-visibility or overlooking resulting from the extension. Boundary treatment between the two comprises high fencing but it is considered reasonable to attach a condition to the decision notice stating that no further windows can be introduced to the west elevation to avoid any issues of overlooking for neighbours at No. 54.
- 5.11 Sufficient amenity space would remain to serve the property following the development. Given the above, it is considered that the proposal would not have an adverse impact on the residential amenity of closest neighbours and can therefore be recommended for approval.

#### Sustainable Transport

- 5.12 No. 52 Siston Common benefits from a large double garage to the front of the property and a large driveway turning area. It is therefore considered that the proposal accords with the approved parking standard and up to three vehicles can be accommodated on site. There are no transportation objections to the scheme.

## **6. CONCLUSION**

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

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

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 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; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

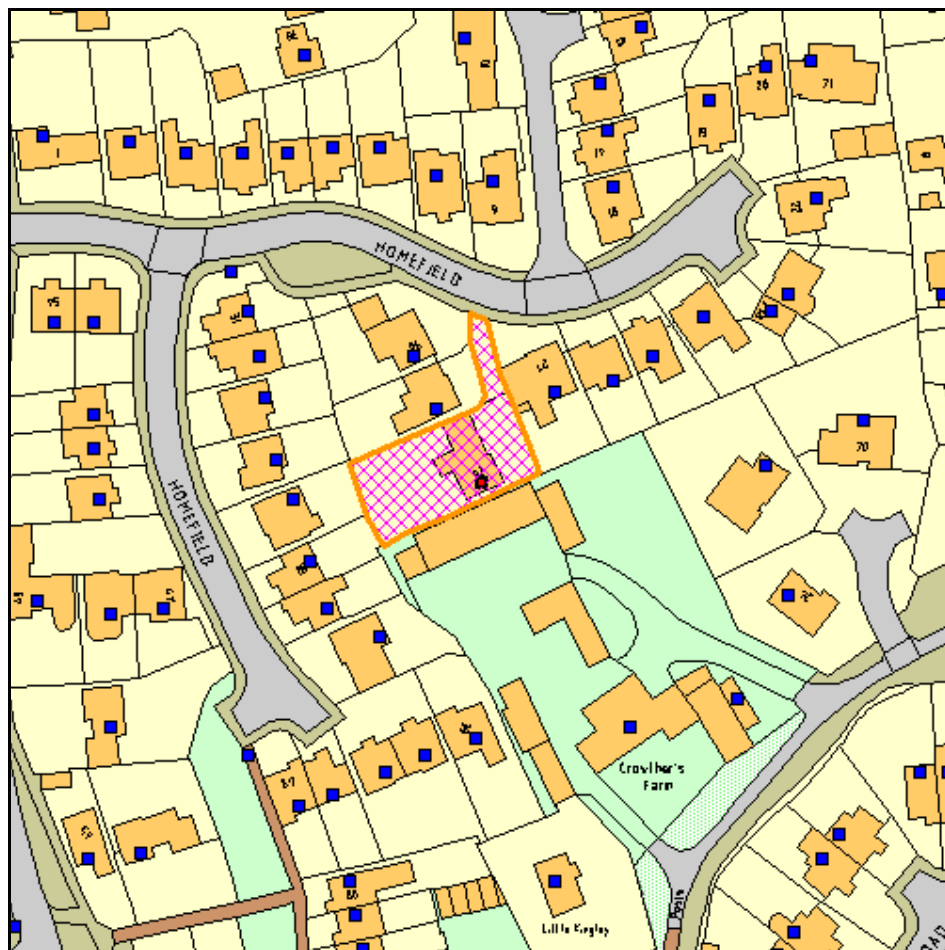
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west elevation of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4652/F	<b>Applicant:</b>	Mr And Mrs M A Johnson
<b>Site:</b>	28 Homefield Yate Bristol South Gloucestershire BS37 5US	<b>Date Reg:</b>	28th October 2015
<b>Proposal:</b>	Demolition of existing double garage and erection of two storey side extension to form additional living accommodation and new double garage.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371259 183432	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd December 2015



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 100023410, 2008. N.T.S. PK15/4652/F

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

This application appears on the Circulated Schedule as a result of a consultation response received, contrary to Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing double garage and erection of a two storey side extension to form additional living accommodation and new double garage.
- 1.2 The dwelling is a relatively modern volume built two storey detached dwelling with attached double garage to the side, located on a cul de sac, containing similar properties, within the residential area of Yate.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages  
  
South Gloucestershire Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007  
South Gloucestershire Residential Parking Standards

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

- 3.1 PK02/0433/F – Rear Conservatory. Approved 26th March 2002.
- 3.2 PK05/1969/F – First floor side extension over existing double garage. Approved 5<sup>th</sup> September 2005.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Other Consultees  
  
Sustainable Transportation  
The proposed development proposes to demolish an existing attached double garage to facilitate the erection of a two storey side extension to provide



additional living accommodation. Part of the new extension will include a replacement garage. The Council requires that new build garages have internal dimensions of at least 6m deep. For a double garage the internal width should also be 6m. The measurements of the proposed garage fall short of these requirements and cannot therefore be considered suitable for the parking of a motor vehicle.

Vehicular parking for a development is assessed on the number of bedrooms available within a dwelling. It is unclear from the plans submitted the number of bedrooms that will be available after development. A dwelling with up to four bedrooms would require a minimum of two parking spaces and a dwelling with 5+ bedrooms a minimum of three parking spaces.

Before final comments can be made on this development, amendments as detail above need to be submitted.

Officer Note: The applicants' agents have subsequently stated that the property would remain a four bedroom dwelling and one of the existing small bedrooms is lost to make way for the creation of bigger bedrooms. The proposed replacement garage remains below the dimensions that the Council would normally consider to count as parking spaces, however it is further confirmed that two spaces will remain, as existing to the front of the garage.

### **Other Representations**

#### 4.3 Local Residents

One letter of objection has been received, as follows:

*'We calculate that the proposed construction will cause a shadow to fall across our front bedroom and our lounge when the sun shines during mid-morning. Most of the houses in Homefield with adjoining garages have them set back by about a metre - if the line of construction was brought back in a similar fashion, we would not be affected.'*

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy CS1 of the Core Strategy also seeks to secure a high standard of design.

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is acceptable in context of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials (bricks and tiles) used will match those of the existing dwelling as well as some render to be added.

### 5.3 Residential Amenity

The residential concerns raised to the original proposals are noted. Concerns are largely on the grounds of amenity impact caused by the proximity, location

and orientation of the proposed extension to the side of the neighbouring property, and the amenity impacts through loss of light that it is considered would accrue. The extension would be within the application site curtilage and follow the existing building lines of the existing attached double garage. This would mean that the building, which would be two storey, would be slightly set forward of the neighbouring property, as existing at ground floor level, by approximately 75cm. The side wall of the application property is located approximately 1.3 metres from the side wall of the neighbouring property. Given the relative relationship and dimensions involved, the relatively small difference in front building lines and the area between the two properties, it is not considered that the extension, at the scale and location proposed, could be construed as having a significant or material overbearing effect or effect upon light in this instance. It is not considered that other cited examples of set back garages within the vicinity offer a significant design or amenity precedent in this instance and individual applications should be judged on their own merits. Given therefore the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to sustain an objection or warrant refusal of the application on this basis. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

#### 5.4 Highways

The proposed replacement garage, i.e. the ground floor element of the proposed extension, would be very similar in dimensions to that existing. These dimensions do not however meet the Council's current required dimensions to be considered as valid off street parking provision. Notwithstanding this the site has existing space on the driveway running to the front of the garage which will remain and which it is considered provides the required level of parking in accordance with the Council's parking standards, a condition ensuring that provision is retained is recommended.

## 6. **CONCLUSION**

- 6.1 Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking exists. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan, the South Gloucestershire Local Plan Core Strategy, 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 and informatives as outlined in the attached 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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

**Reason**

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

3. 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. A minimum of two off street parking spaces shall be retained within the site at all times.

**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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

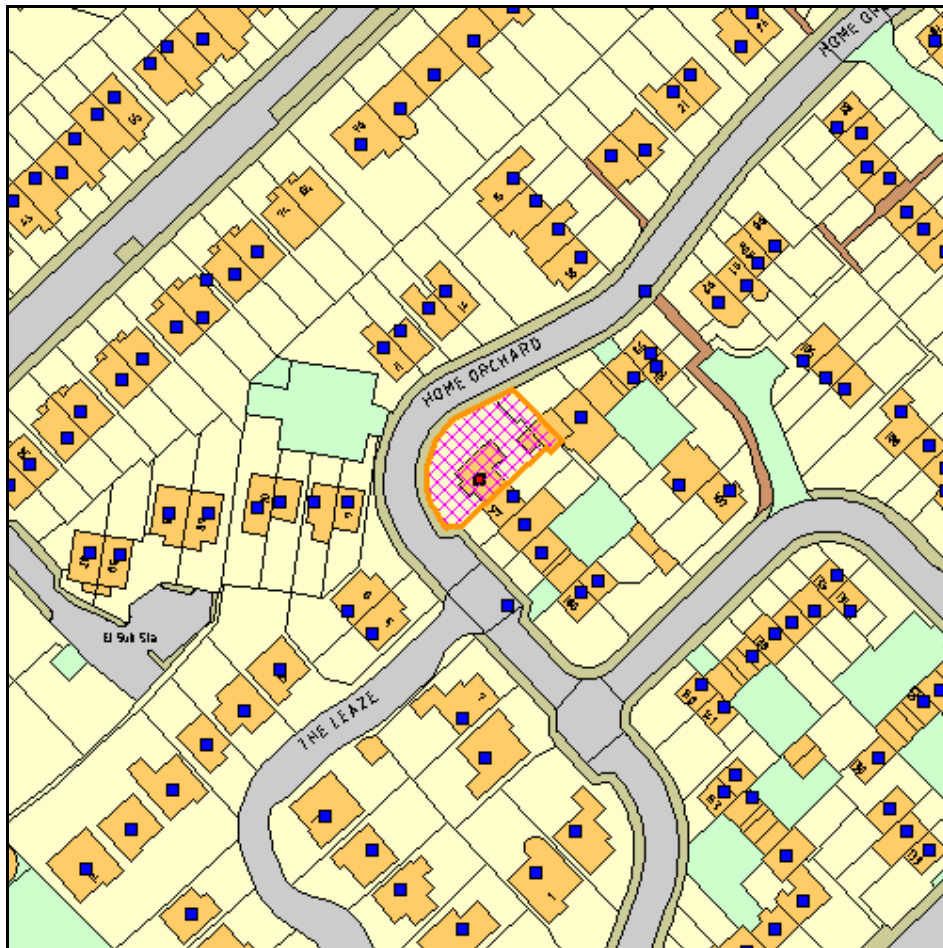
5. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays, 08.00 - 13.00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the 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; and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4684/F	<b>Applicant:</b>	Mr Matt Jarrett
<b>Site:</b>	96 Home Orchard Yate Bristol South Gloucestershire BS37 5XG	<b>Date Reg:</b>	30th October 2015
<b>Proposal:</b>	Erection of single and double storey rear extension to provide additional living accommodation and installation of first floor Oriel window to side elevation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370974 182722	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd December 2015



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 100023410, 2008. N.T.S. PK15/4684/F

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

This application has been referred to the circulated schedule due to an objection raised by Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a double storey and single storey rear extension to provide additional living accommodation and installation of a first floor Oriel window to the existing side elevation at 96 Home Orchard, Yate. The proposed single storey element would span the entire rear of the original dwellinghouse measuring a maximum 7.2 metres wide by 4.3 metres in depth and a maximum height of 3.5 metres (2.05 metres ground to eaves level). The two storey element would have a maximum width of 5.5 metres, a maximum depth of 3.6 metres and an overall maximum height to the ridge of the front-gabled roof of 6.95 metres.
- 1.2 The application site relates to a two-storey dwelling erected of red brick. The dwelling is served by a detached garage to the rear. The dwelling is an end of terrace but the buildings to which it is attached are a mixture of terraces and coach houses. The rear garden is enclosed by a brick wall with timber fence panels.
- 1.3 There is an existing conservatory in place which will need to be removed to make way for the development as proposed.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK01/3446/PDR                      No Objection                      24/01/2002  
Erection of rear conservatory.

- |     |  |          |            |
|-----|--|----------|------------|
| 3.2 | P88/3523   | Approval | 15/03/1989 |
|     | Erection of 54 two and three storey dwellings and seven flats with associated garages; construction of parking area, footpath and access roads (in accordance with the revised layout plan received by the council on the 10TH march 1989)   |          |            |
| 3.3 | P88/2136   | Approval | 24/08/1988 |
|     | Erection of 169 dwellings with provision of garages or garage spaces. Construction of associated access roads, footpaths and car parking spaces (in accordance with the revised plans received by the council on 21 <sup>st</sup> June 1988) (to be read in conjunction with P87/2618) |          |            |
| 3.4 | P87/2618   | Approval | 13/04/1988 |
|     | Residential and ancillary development on approximately 12.5 acres (outline variation of section 52 agreement)  |          |            |
| 3.5 | P84/2534   | Approval | 04/07/1985 |
|     | Residential and ancillary development on approximately 9.4 acres.  |          |            |

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

- 4.1 Yate Town Council  
Raised an objection on the following grounds: overbearing, design visual appearance, landscaping and materials.
- 4.2 Sustainable Transport  
The proposed development will increase the number of bedrooms within the dwelling to four. The existing vehicular access and parking is unaffected by the development. The level of parking available complies with the Council's residential parking standards. On that basis, there is no transportation objection to the proposed development.

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 The application is seeking full planning permission for the erection of a double storey and single storey rear extension to provide additional living accommodation and installation of a first floor Oriel window to the existing side elevation.
- 5.2 Principle of Development  
Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an

appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

### 5.3 Design / Visual Amenity

The proposed Oriel window is modest in scale and is considered to be in-keeping with the surrounding dwellings. As the end of terrace property already has an Oriel window in the side elevation, it is already out of balance and many of the properties on the street have slight design differences. Therefore, it is considered the proposed Oriel window is of a scale and design that would be in keeping with the character and appearance of the dwelling and the area as a whole and there are no concerns in terms of design.

The proposed two storey rear extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst it is appreciated that the proposed extension is large in area and an element of the proposal is two storeys, it is considered that the extension would be suitably subservient to the bulk of the main dwelling. This is especially the case given the two storey element is set approximately 1 metre back and the fact that the ridge height of the extension would be some 300mm lower than the main ridge height. Whilst concern has been raised by the Town Council regarding the scale of the proposal, it is considered that the extension is of a simple design and the resultant building would be well proportioned. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. To ensure that the materials to be used match the existing dwelling, a condition will be applied should planning permission be granted.

The proposed extension would be to the rear of the existing dwelling. Whilst it is accepted that there are no other two storey rear extensions in the immediate vicinity, there are various examples of single storey extensions. Furthermore, given the simple design, the set back two storey element and the fact that the proposal is located to the rear of the dwelling, it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the principal dwelling and street scene.

### 5.4 Residential Amenity

The rear of the property is bound on both sides by neighbouring residential properties and is enclosed and screened by a 1.8 metre high brick wall with closed board fencing.

The proposal includes the addition of a new first floor Oriel window on the side elevation. Given the location of this window, it is not considered that the proposal would result in any significant increase in overlooking or loss of



privacy over and above that from the existing first floor Oriel window. It is therefore considered that there are no issues of inter-visibility or loss of privacy.

Whilst the two storey extension of the proposal has considerable depth, it is not considered that it will have any adverse impact on the amenities of the neighbouring properties. The attached building to the northeast of the site consists of a garage and house No. 95. The proposal may have a considerable depth, but given the distance from the actual No. 95 dwelling, the existing boundary treatments in place and the fact that No. 95 does not have any windows in the side elevation, it is considered that the extension would not have appear overbearing or significantly alter the light levels or outlook experience from the neighbouring property.

To the southeast of the site, the proposed extension will about the side of the rear garden of house No. 97. There are no windows in the side elevation meaning a material loss of privacy will be avoided. While the rear extension is two storey, this element is set approximately 1.7 metres back from No. 97 so would not be expected to cause a material loss of light to the neighbouring property. However, the ground storey element of the proposal will extend 4.3 metres to the rear leaving only a minimal gap between the side elevation and the border with No. 97. This border is currently marked with a 1.8 metre high fence which will help lessen any potentially overbearing impacts the proposal may have.

The resultant rear garden would remain ample for a four bedroom dwelling and the property benefits from a reasonable sized front garden. Therefore, the impact on residential amenity is subsequently deemed acceptable.

#### 5.5 Parking and Highway Safety

The proposed development will increase the number of bedrooms within the dwelling from three to four. However, the application would not affect the vehicular access and parking that the property currently benefits from. As such, it is considered that the parking provision would remain in compliance and within the Council's required parking standards. Should planning permission be granted, a condition will be applied to ensure that a minimum of 2 car parking spaces are retained on the site.

## 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: Helen Braine**  
**Tel. No. 01454 868388**

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

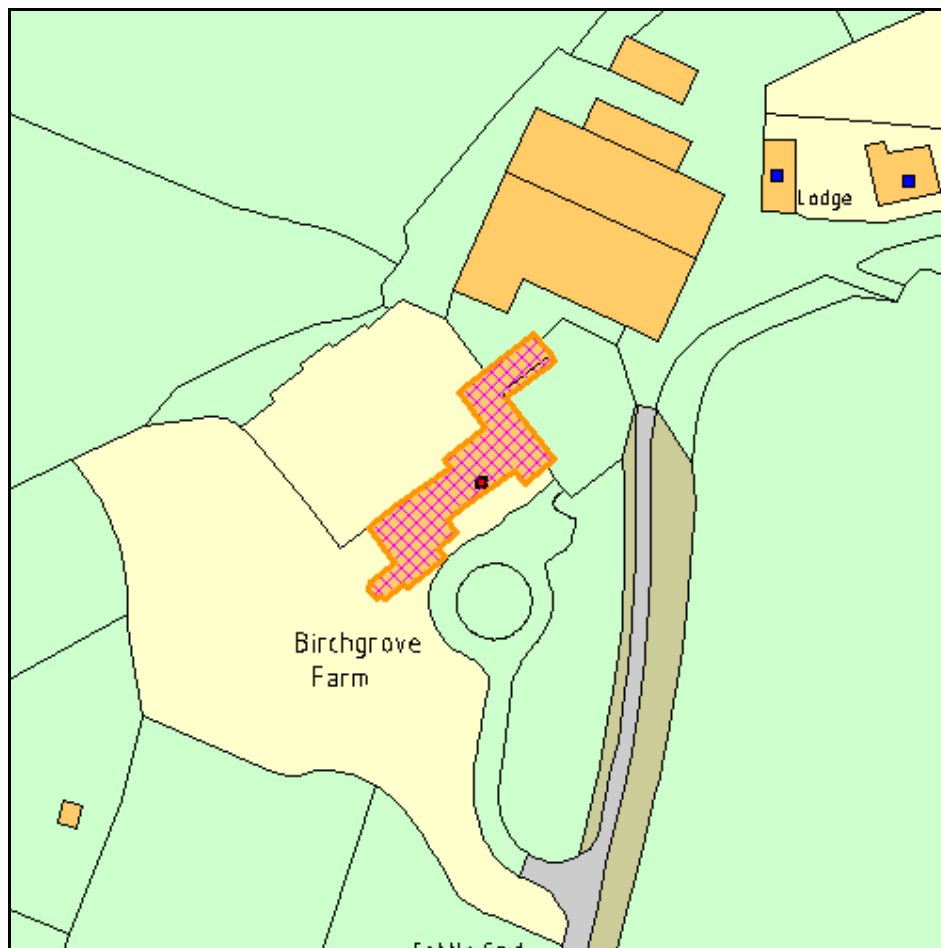
3. Off street parking provision for a minimum of two vehicles shall be retained on site at all times.

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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4713/CLE	<b>Applicant:</b>	Mr I McDiarmid
<b>Site:</b>	Birchgrove Farm The Common Chipping Sodbury Bristol South Gloucestershire BS37 6PX	<b>Date Reg:</b>	5th November 2015
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use as residential dwelling without compliance with agricultural occupancy condition (d) attached to planning permission N7803.	<b>Parish:</b>	Little Sodbury Parish Council
<b>Map Ref:</b>	374153 183004	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>		<b>Target Date:</b>	28th December 2015



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

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

### **1. THE PROPOSAL**

1.1 This application seeks a certificate of lawfulness for the occupation of Birchgrove Farm, The Common, Chipping Sodbury without compliance with condition (d) attached to planning permission N7803. Planning permission N7803 was for the erection of an agricultural workers dwelling and condition (d) read as follows:

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

1.2 A certificate of lawfulness is sought on the basis that the building has been used without compliance with this condition for the required period for the use to become immune from enforcement action under section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) of the Act, the use is lawful.

1.3 Although not relevant to the determination of a certificate, the site is located outside of any defined settlement and is therefore considered to be in the open countryside. A public right of way runs close to the rear boundary of the property.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17c (06.03.2014)

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

- |     |   |                           |            |
|-----|---|---------------------------|------------|
| 3.1 | N7803   | Approve with Conditions   | 24/12/1981 |
|     | Erection of agricultural workers dwelling (Outline).  |                           |            |
| 3.2 | N7803/AP  | Approved                  | 16/09/1982 |
|     | Erection of agricultural workers dwelling. (Approval of details). To be read in conjunction with planning permission N7803.     |                           |            |
| 3.3 | P88/2008  | Approval of Full Planning | 17/07/1988 |
|     | Erection of two-storey side extension to provide sitting room, dining room and study with two bedrooms and two bathrooms above. |                           |            |

- 3.4 P88/3362 Approval of Full Planning 11/01/1989  
Erection of single storey extension to provide hobby/games room, lobby, shower room, verandah, workshop and store, garden store, covered way, double domestic garage , single domestic garage, 4 stables and horse feed, harness and tack room. Erection of extension at first floor level to provide bedroom.

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

- 4.1 The applicant has submitted the following items in support of the application:
- statutory declaration by Ian Duncan McDiarmid and Shirley Jestina McDiarmid, dated 21 October 2015.

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

- 5.1 No contrary evidence has been received from third parties.
- 5.2 The LPA does not itself hold any contrary evidence.

#### **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Little Sodbury Parish Council  
None received
- 6.2 Transportation DC  
No comment
- 6.3 Local Residents  
None received

#### **7. EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the dwellinghouse without compliance with condition (d) of planning permission N7803.
- 7.2 Breach of Planning Control  
There have been no applications submitted under section 73 of the Act to vary or remove the planning condition that restricts the occupancy of the dwelling to a person solely or mainly or last employed in agriculture. The occupation of the dwellinghouse by persons not solely, mainly, or last employed in agriculture would be a breach of planning control.
- 7.3 Grant of Certificates of Lawfulness  
Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:  
*For the purposes of this Act uses and operations are lawful at any time if -*

*(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

7.4 Time Limit of Immunity and Lawfulness

The applicant is claiming that the dwellinghouse has been occupied without compliance with condition (d) of N7803 between 1998 and 2002. Under section 171B(3) of the Act, such development would become lawful after a period of ten years.

7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the occupation of the dwelling without compliance with condition (d) of N7803 has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use.

7.6 Assessment of Lawfulness

From the evidence submitted by the applicant in the form of a statutory declaration, the following dates are of importance:

- Birchgrove Farm was purchased by the applicants on 8 July 1988
- The applicants operated an agricultural enterprise from the farm until 1998 when the livestock was sold
- Since then, mowing rights have been rented by third parties under annual agreements
- From the late 1980s the applicants had another business - a ladieswear retail outlet in Chipping Sodbury.
- Clothing sales ceased in 1994 and the business traded as a picture and arts gallery
- Picture and arts gallery business ceased trading on 31 October 2002
- Both applicants have also been in receipt of a pension (one applicant receives a pension (since 2004/2005) from previous employment left in 1987; the other applicant receives the state pension only).

7.7 To be found lawful, the application needs to demonstrate that there has been a continuous breach of condition (d) of N7803 for a period in excess of ten years beginning with the date of the breach. The wording of the condition is important as it establishes whether or not a breach has occurred.

7.8 When the livestock was sold in 1998, the only income generated from the land was a rental income from the mowing rights. This is not 'employment' in agriculture and therefore would mark the start of a breach of the condition as the applicants were not solely or mainly employed in agriculture. As the applicants ran a picture and art gallery between 1998 and 2002 it is clear that the applicants had an alternative means of employment during this time and it cannot be considered that their last employment was in agriculture.

7.9 This confirms that there has been a breach for a period of four years. Should the applicants have returned to employment in agriculture following the closure of the gallery then the breach would have ceased. However, the statutory declaration claims that since 2002 the only animals kept on the farm were 3

donkeys. This is not considered to amount to employment in agriculture. It is therefore considered that the breach of the condition has continued continuously since 1998 when the farm enterprise run by the applicants was run down through the sale of the livestock.

7.10 Assessment Findings

It has been found that, on the balance of probabilities, there has been a continuous breach of condition (d) of N7803 since 1998 as the applicants have not been employed in agriculture since this date and were last employed in an art sales and gallery business.

7.11 The LPA has no counter evidence that the dwelling has not been occupied in breach of this condition for a period of ten years since the date of the breach or that a subsequent change of use has occurred.

7.12 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

*In the case of applications for existing use, 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, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.13 It is therefore considered that the occupation of the dwellinghouse at Birchgrove Farm, The Common, Chipping Sodbury by Ian Duncan McDiarmid and Shirley Jestina McDiarmid without occupation with the agricultural occupancy condition imposed by condition (d) on planning permission N7803 has occurred continuously since 1998 and would be immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act a certificate of lawfulness should be granted.

## **8 RECOMMENDATION**

8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below,

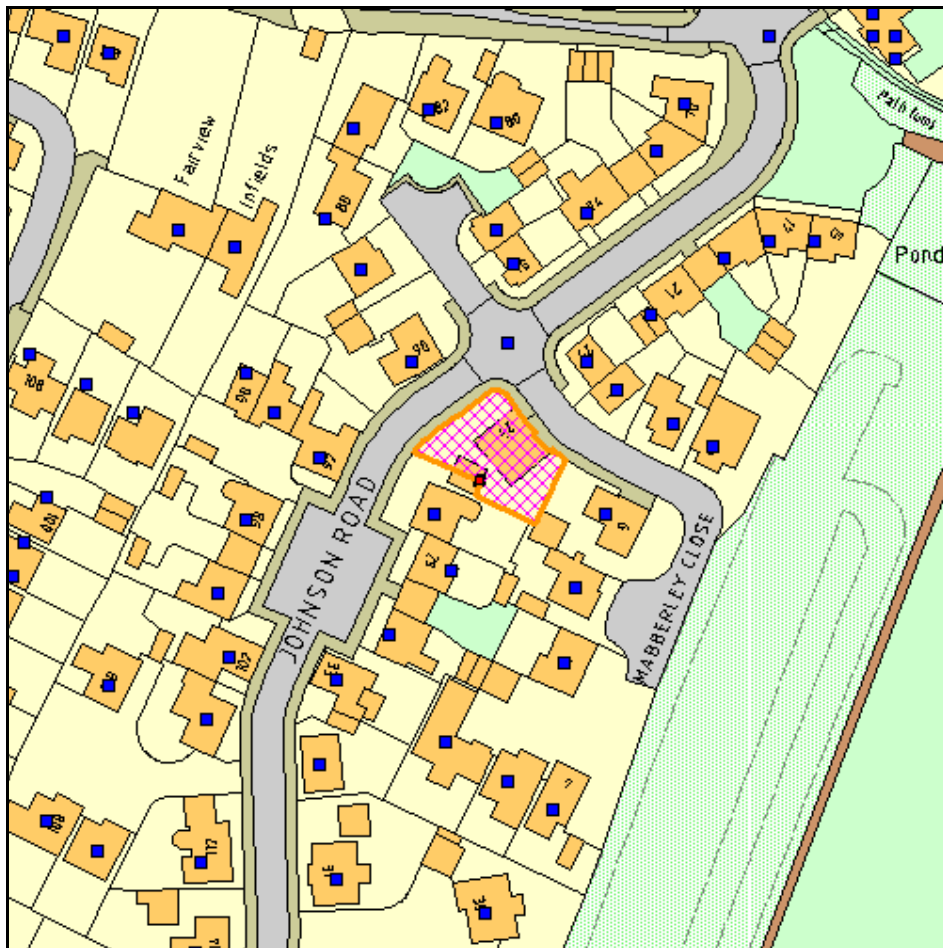
**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### **REASON**

1. Evidence has been submitted to demonstrate that the occupation of the dwellinghouse at Birchgrove Farm, The Common, Chipping Sodbury by Ian Duncan McDiarmid and Shirley Jestina McDiarmid without occupation with the agricultural occupancy condition imposed by condition (d) on planning permission N7803 has, on the balance of probabilities, occurred continuously since 1998 and is immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act a certificate of lawfulness should be granted.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4754/F	<b>Applicant:</b>	Mr Tomlin
<b>Site:</b>	25 Johnson Road Emersons Green Bristol South Gloucestershire BS16 7JD	<b>Date Reg:</b>	6th November 2015
<b>Proposal:</b>	Demolition of detached garage and erection of single storey rear extension and two storey side extension to provide an annex ancillary to the main dwelling.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367100 176389	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st December 2015



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

Two comments were received that are contrary to the Officer's recommendation.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission to demolish a detached double garage and erect a two-storey side extension and single-storey rear extension that will form an ancillary annex to 25 Johnson Road, Emersons Green.
- 1.2 The plot is set within a built-up residential estate and is situated on the corner plot of a road. The property is detached and finished in red brick facing with a pitched roof. There is a detached double garage which is set at an angle towards no. 27 on the side of the property. There is a garden to the front and rear of the property and about two off-street parking spaces to the front and side elevations.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPD (Adopted 2013)

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

- 3.1 K7528- Comprehensive development of residential, district centre and public house. Approval of Outline 05.10.1995
- 3.2 PK00/1506/RM- Erection of 43 no. dwellings and associated works (Reserved Matters) Approve with Conditions- 07.11.2000
- 3.3 PK02/3249/F- Erection of rear conservatory. Approve with Conditions- 29.11.2002.

## **4. CONSULTATION RESPONSES**

### **4.1 Emersons Green Town Council**

- Proposed extension is overdevelopment of the site.
- Leaves inadequate amenity space outside.

### **4.2 Other Consultees**

#### **Sustainable Transport**

- Clarification is needed regarding whether this is an annex or the creation of a separate one-bed dwelling.
- Two parking spaces need to be provided in addition to the garage as the garage falls short of the 3m by 6m standard.

### **Other Representations**

### **4.3 Local Residents**

#### **Objection from 9 Maberley Close**

- Overdevelopment of the site and unacceptable amenity space leftover.
- Loss of double garage and driveway space which is inadequate for a property this size.
- Loss of light to 9 Maberley Close; will leave the property penned in and overshadowed.
- Resident is severely visually impaired and loss of light will have a negative impact.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 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, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Due to the size and the self-contained nature of the extension, during the course of the application it has been confirmed by the applicant and agent that the extension is not intending to be a separate dwelling and will be considered as an annex that is ancillary to the main dwelling. It is important to note that for a building to be considered as an annex there has to be a clear relationship between the annex and the main house. An annex is treated as part of the existing C3 dwelling use.

The proposal accords with the principle of development subject to the consideration below.

## 5.2 Visual Amenity

The proposal consists of a two storey side extension and a single storey rear extension of the existing property that is to be treated as an annex that is to be used ancillary to the main dwelling. The design and use of materials has been informed and is in keeping with the character of the existing dwelling. The extension to the side is quite large, extending by 3.8m but the extension also has a slightly lower roof ridge. The objection made by Emersons Green Town Council and the neighbour objection explains that this is over development of the site and there is lack of private amenity space for the dwelling resulting from the annex. Whilst limited weight can be afforded to the emerging Policies, Sites and Places Plan, guidance set out in PSP 44 states that for a four bedroom dwelling 70 sqm of outdoor amenity space should be provided. The resulting outdoor amenity space for the dwelling would be approximately 80 sqm and it is therefore, considered that the resulting private amenity space is sufficient. Confirmation has been sought regarding the use and size of the extension. The extension to the side is intended to create an annex and is a larger extension as this is with the view to provide a lift at a later date. The rear extension is considered in-keeping with the existing property due to the single-storey nature, pitched roof and choice of materials. Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

## 5.3 Residential Amenity

The dwelling is detached with neighbours to the front, rear and both side elevations. The neighbouring properties to the front, rear and north side elevation are of a significant distance separated by gardens and an access road. The south side elevation is also a sufficient distance away and set to an angle facing away from the proposed extension. There are also no windows proposed to the side elevation and therefore, it is considered that there will be no significant impacts in terms of overlooking and loss of light and privacy. The neighbour objection received from no. 9 Mabberley Close explains that their property will be overshadowed by the extension. However, it is considered that there is decent distance between the two properties which are separated by rear gardens. The rear extension is also single storey and so this is unlikely to have any significant effects on no. 9 Mabberley Close. Overall, it is considered that the proposal would not unacceptably harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

## 5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property to four and as the Sustainable Transport comment explains that the single garage does not meet the specified dimensions, amended plans were received by the Council on 26<sup>th</sup> November 2015 which clearly show two off-street parking places measuring 4.8m by 2.4m. Clarification has also been sought from the agent with regard to the proposed use of the extension. The extension will be used as an annex that will be used ancillary to the main property. Therefore, there are no objections in terms of parking and highway safety.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 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: Chloe Buckingham**  
**Tel. No. 01454 867967**

## **CONDITIONS**

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

Reason

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

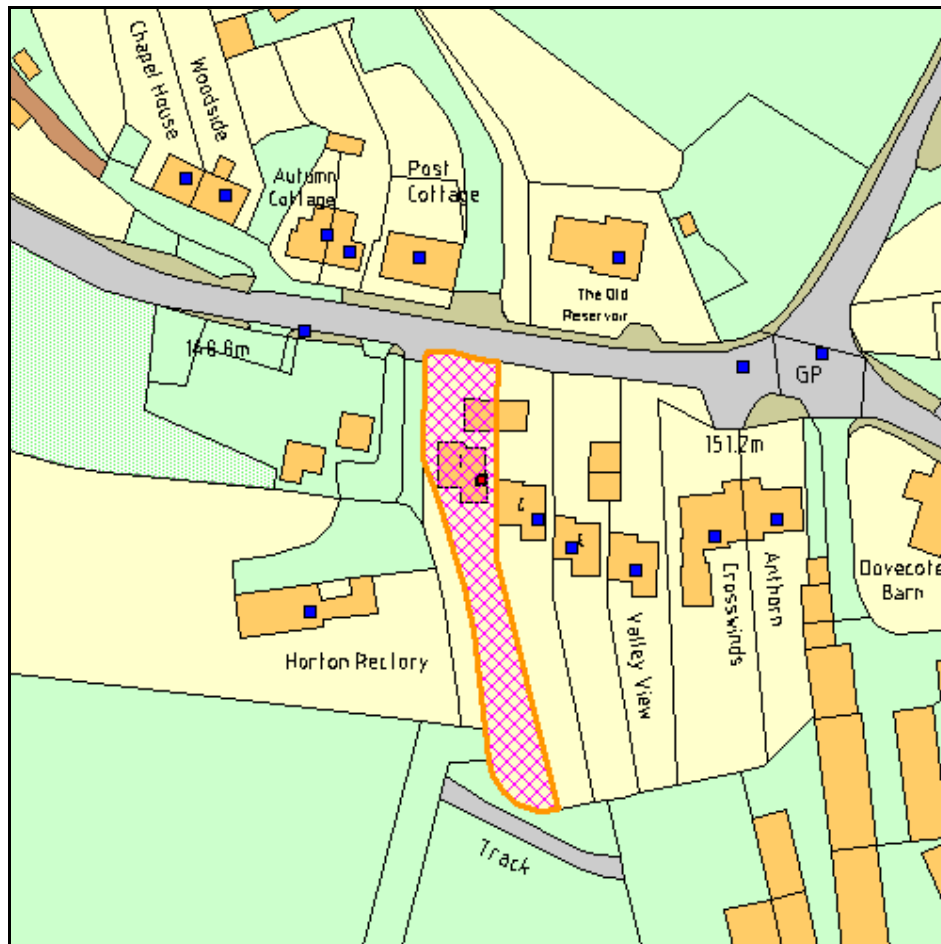
2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 25 Johnson Road, Emersons Green.

Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4864/CLP	<b>Applicant:</b>	Mr Stephen Hall
<b>Site:</b>	1 Adringal Cottages Horton Hill Horton Bristol South Gloucestershire BS37 6QP	<b>Date Reg:</b>	13th November 2015
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the proposed installation of 5no. rooflights to facilitate garage loft conversion	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	376162 184246	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>		<b>Target Date:</b>	5th January 2016



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 5no. rooflights to facilitate a garage loft conversion at 1 Adringal Cottages, Horton Hill, Horton would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The garage is attached to the subject property however it provides a garage for the adjoining property (No.2 Adringal Cottages) which is accessed from the rear elevation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application therefore the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

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

- 3.1 **PK10/2146/F – Approval – 30/09/2010** – Erection of rear conservatory.
- 3.2 **PK05/3060/F – Approval – 29/11/2005** – Erection of single storey rear extension to form additional living accommodation and first floor rear balcony.
- 3.3 **P84/1226 – Approval – 11/04/1984** – Demolition of three existing cottages and erection of four detached houses with garages and construction of vehicular accesses (in accordance with the additional plans received by the council on 8th March 1984.

- 3.4 **N7134/4 – Approval – 08/12/1983** – Demolition of three existing cottages and erection of four detached houses with garages, construction of vehicular access.
- 3.5 **N7134/2 & 3 – Refusal – 29/04/1982 & 21/04/1983** - Erection of four detached houses and garages. Erection of a two-storey extension to an existing cottage and construction of vehicular accesses (in accordance with the amended plans received by the Council on 23rd March 1983). - Erection of 3 detached houses and garages and construction of a vehicular access.
- 3.6 **N7134/1 – Approval – 26/03/1981** - Demolition of two cottages and erection of 2 semi-detached and 1 detached house. Erection of 4 garages. Construction of 2 vehicular accesses (Outline).

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

- 4.1 Horton Parish Council  
No Objection
- 4.2 Other Consultees  
Public Rights of Way  
Commented that it may affect an adjacent Public Right of Way; the proposal has not been considered to impact the public right of way.

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

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

- 5.1 Application Form; Site Location Plan and Existing Block Plan, Proposed Block Plan, Existing Elevations and 3D View, Proposed Elevations and 3D View.

#### **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 not consideration of planning merit, the application is based on the facts presented. This 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 the householders under Schedule 2, Part 1 Class C of the GPDO (2015).

6.3 The proposed development consists of the introduction of 5 No. Velux style roof lights. This development would be within Schedule 2, Part 1 Class C of the GPDO (2015), which allows for other alterations to the roof of a dwellinghouse, provided it meets the criteria detailed below:

**C.1 Development is not permitted by Class C 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) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof;**

The alteration would not protrude more than 0.15 metre beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

**(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The proposal would not result in the highest part of the alteration being higher than the highest part of the original roof.

**(d) It would consist of or include;**

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

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal would not include the installation, alteration or replacement of a chimney, flue, or soil and vent pipe. The proposal would not include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –**

**(a) Obscure-glazed; and**

The proposal does not include introduction of windows in the side elevation of the dwellinghouse.

**(b) 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 —**

Not applicable.



**7. RECOMMENDATION**

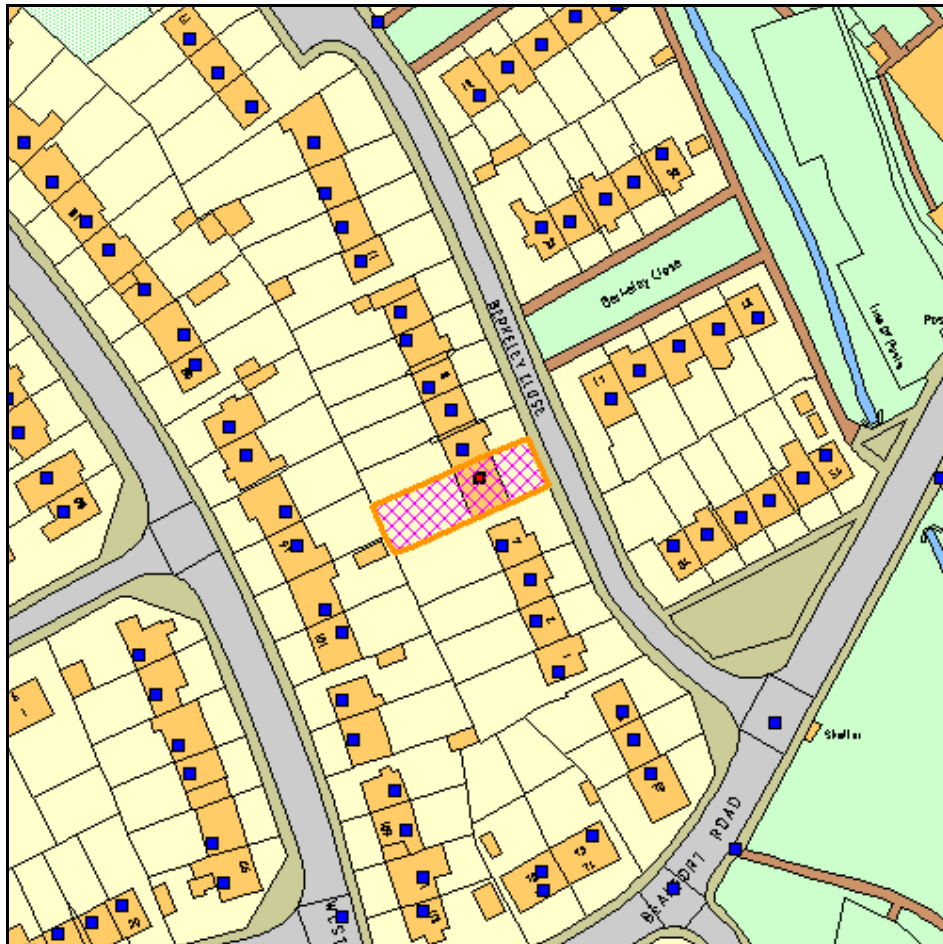
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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 Schedule 2; Part 1, Class C of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PK15/4869/CLP	<b>Applicant:</b>	Mr & Mrs B & R Altwasser
<b>Site:</b>	5 Berkeley Close Downend Bristol South Gloucestershire BS16 6UJ	<b>Date Reg:</b>	13th November 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366012 177521	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>		<b>Target Date:</b>	7th January 2016



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

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a single storey side at 5 Berkeley Close, Downend would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance  
The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

- 3.1 PK14/1734/F Approve with Conditions 24/06/2014  
Erection of two storey side extension to provide additional living accommodation

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 The following evidence was submitted to the Local Planning Authority on 12 November 2015 –
  - Existing Block and Location Plan
  - Proposed Elevations

- Existing Elevations
- Existing Ground Plan
- Proposed Ground Floor Plan

## 6. ANALYSIS OF PROPOSAL

6.1 This application seeks a certificate of lawfulness for a proposed single storey side extension at a property in Downend.

### 6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 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 Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 The proposed development is a single storey side extension to the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below

### 6.5 Assessment of Evidence: Single Storey Side Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

#### 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 of this Schedule.

**(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 single storey side 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 single storey side extension would not exceed the height of the eaves 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 proposed single storey side extension would not extend beyond a wall that forms the principal elevation of the original dwellinghouse or a wall that fronts a highway and forms a side elevation of the original dwellinghouse.

- (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 is for a single storey side elevation, it does not extend beyond the rear wall of the original dwellinghouse, 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**

The proposed extension would be single storey.

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

The proposed extension would be within 2 metres of the boundary curtilage of the dwellinghouse, however the height of 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 extend beyond a wall forming a side elevation of the original dwellinghouse, however it would not exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse.

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

The proposed extension does 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 is not situated within 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 dwellinghouse;**

The materials which will be utilised will be brick and concrete pan tiles, this is to match the original house.

- (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**

This is not applicable for the proposed development.

**(c) where the enlarged part of the dwellinghouse had 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.**

This is not applicable for the proposed development.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**

## **CONDITIONS**

1. 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.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/3674/F	<b>Applicant:</b>	Annie Jin
<b>Site:</b>	Unit 2 31-39 Gloucester Road North Filton South Gloucestershire BS7 0SH	<b>Date Reg:</b>	1st September 2015
<b>Proposal:</b>	Change of use of Unit 2 from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of extraction unit to rear elevation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359868 178322	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd October 2015



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

The application is circulated due to the comments of a neighbour which is addressed in the report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to change the permitted use of unit two of this recently constructed set of five retail units to a Hot Food Takeaway (Class A5). The proposal would use vehicular access from Gloucester Road.
- 1.2 The proposal is anticipated to employ 4 full time employees. The application seeks permission for the use to open between 11am and 11pm daily.
- 1.3 The applicant has been asked to provide full details of the extraction system proposed to exit the rear of the property and a noise assessment for the use during the course of the application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

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

RT8 Small retail uses within the Urban Area and the boundaries of settlements.

T7 Cycle parking

T8 Car parking

T12 Transport Development Control Policy for New Development.

EP2 Flood Risk and development

South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design

CS14 Town centres and retail

CS25 Communities of the north fringe of Bristol urban area.

CS9 Protecting the natural environment

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

South Gloucestershire Design Guide

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

- 3.1 PT13/3456/F Demolition and remediation of existing petrol station to facilitate the erection of 4 no. retail shops (use class A1) and one Cafe (use class A3) with parking and associated works (including two solar panels). Creation of new vehicular access. Approved 14.11.2013

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

4.1 Filton Town Council  
No Objection

4.2 Other Consultees

Transportation  
No objection

Environmental Protection  
No objection subject to odour control being agreed.

#### **Other Representations**

4.3 Local Residents

One objection was received in relation to the following matters;

- Filton Park shops already contains three takeaway food outlets plus two other food establishments with takeaway options.
- A further outlet is not required

One support comment was received in relation to the following matters;

- There has been little interest in the shops and the writer is keen to prevent prolonging a derelict look to the area.
- It is the best unit for a hot food outlet and hope it will suffice for the immediate area/in this block of shops.

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

5.1 Principle of Development

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

5.2 Gloucester Road North is identified as a Local Centre in SGLP Figure 9.1 and Core Strategy Table 3. Local centres are not defined by boundaries but, officers take the view that the site forms part of Gloucester Road North Local Centre. The proposal, therefore, falls to be considered against SGLP Policy RT8 and Core Strategy Policy CS14. The Core strategy advises that development in local centres will be primarily to meet local needs only and of a scale appropriate to the role and function of the centre / parade. And where it would not harm the vitality and viability of other centres. Policy RT8 also required that the proposal would not give rise to unacceptable levels of traffic or on street parking, be detrimental to the residential amenity of the area or affect the character of the area.

- 5.3 Given that the unit is one of only a handful of hot food takeaway facilities in the Gloucester Road North Local Centre the change of use from an empty retail shop is considered to add to the local facilities at this centre. There have been empty A1 retail shops in the Local Centre for several years and the local centre is not lacking in convenience stores which along with other shop uses serve the local community. The use is not inappropriate within a local centre and the development is consistent with the scale and function of Policy RT8. The development would also be consistent with Policy CS14 which encourages convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion.
- 5.4 The site is also located directly on a major road/ bus route, close to other shops and services. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to other policies of the local plan.
- 5.5 Design  
The application is for the change of use of an existing building and the only alteration is the erection of a flue to the rear of the site which would be 2.5m tall and rise above the eaves level. Being located some 50m from the nearest public viewpoint (road) and at the rear, the flue does not feature in the main views of the building, and is considered acceptable in appearance.
- 5.6 Residential amenity  
There are residential flats to the south of the site and houses to the rear. There are also residential properties to the north and on the opposite side of Gloucester Road North. Despite the site's location on the busy Gloucester Road North there is potential for noise disturbance from the extraction unit and deliveries to the site and as such a Noise Impact Assessment has been conducted by Matrix on behalf of the applicant to establish the pre-development typical background noise levels at the nearest noise sensitive receptors to the proposed takeaway at both back and front. This took into account the proposed opening hours of 11am to 11pm.  
Noise emission calculations demonstrate that at the nearest noise sensitive receptors; the extract fan proposed to be a systemair MUB/T 042 400DV and delivery activity noise emissions will result in:  
• BS4142 Rating Levels significantly below the typical background noise level; this will result in a very low to negligible noise impact  
• Noise ingress through an open window substantially below BS8233 limits  
On this basis the Noise Impact Assessment concludes that the noise impact of the proposed takeaway will be acceptable on noise grounds.
- 5.7 In light of the above assessment conditions restricting opening hours (including take away deliveries) and extraction unit operation to between 11 am and 23.00 hours are considered necessary.
- 5.8 The method of odour control has not been fully worked through by the applicant and as such in order to ensure that a smell nuisance does not occur as a result of the hot food takeaway a condition has been agreed by the applicant such that details are required by condition.

5.9 Transportation

The proposal would use the communal parking and cycle facilities at the front of the site and as such there is no transport objection.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

**CONDITIONS**

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

Reason

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

2. Prior to the first opening of the Hot Food Takeaway to the public a method of odour control in accordance with Defra's publication 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 shall be submitted to, approved in writing by the Local Planning Authority and installed as such. The system shall then be operated and maintained in accordance with the approved system.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

3. The use hereby permitted shall not be open to customers outside the following times:  
11.00 to 23.00 hours.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

4. No machinery shall be operated, no process shall be carried out and no deliveries despatched from the site outside the following times 11.00 to 23.00 hours.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

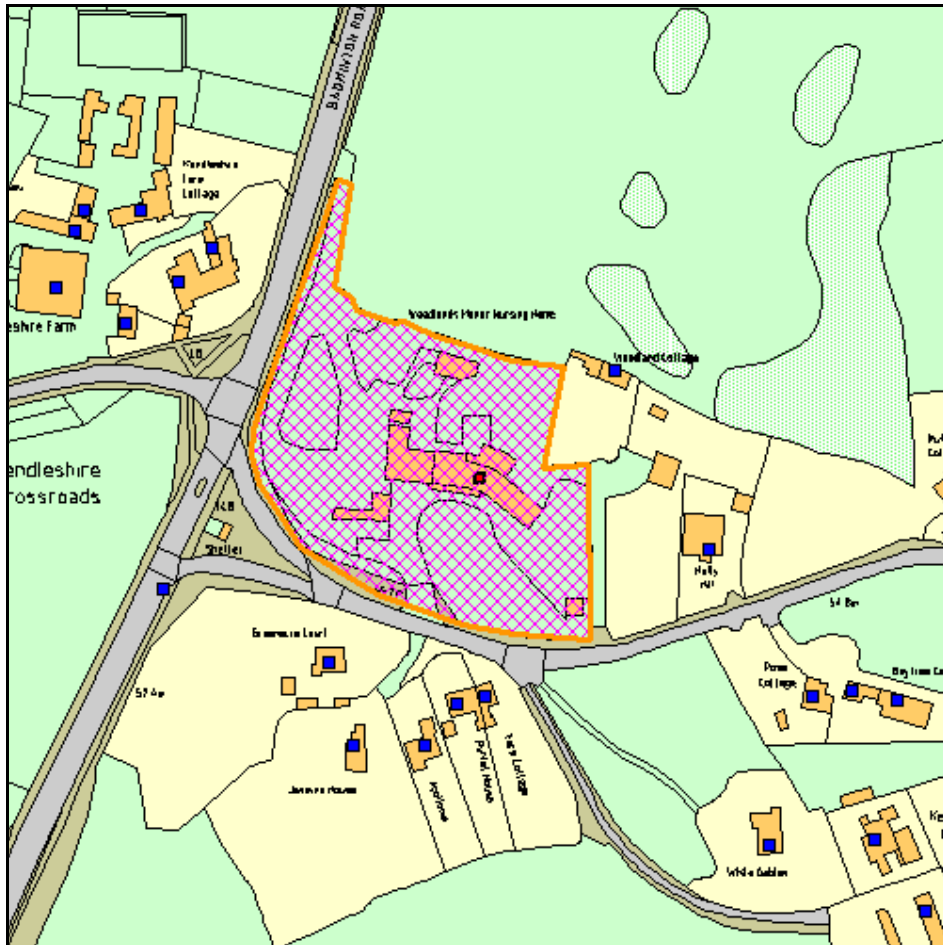
5. The use hereby permitted shall be operated in accordance with the Noise Impact Assessment dated 14/10/2015 and received 26/10/15.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/3923/F	<b>Applicant:</b>	Woodlands Manor Care Home Ltd
<b>Site:</b>	Woodlands Manor Nursing Home Ruffet Road Winterbourne South Gloucestershire BS36 1AN	<b>Date Reg:</b>	17th September 2015
<b>Proposal:</b>	Erection of single storey rear extension to form enlarged kitchen and store.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	366403 179413	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th November 2015



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

The application has been submitted to the Council's Circulated Schedule procedure as the recommendation is a departure from the adopted Development Plan, and has been advertised as such for a period of 21 days.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form an enlarged kitchen and store at Woodlands Manor, which is a large nursing care home (Use Class C2).
- 1.2 The application site extends to approximately 01.13 hectares in area and is located on the eastern side of Badminton Road within the open Green Belt and outside of any defined settlement boundary. Access is off Ruffet to the south of the site. The site slopes down from south to north. Mature trees and vegetation are growing around the boundaries of the site. A number of protected trees within the site and on the boundaries are protected.
- 1.3 Woodlands Manor is currently undergoing a large extension to provide 12 additional bedrooms with en-suites, on top of the existing 38 bedrooms, for palliative nursing care for the elderly together with a training room, visitor accommodation and ancillary facilities. This extension was approved at appeal under application reference PT13/3642/F.
- 1.4 During the course of the application, the case officer thought it likely that the recommendation made would be a departure from the adopted Development Plan, and therefore the application has been advertised as such in the local press and with a site notice for a period of 21 days.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H3 Residential Development in the Countryside  
E6 Employment Development in the Countryside  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Archaeology  
  
South Gloucestershire Local Plan Core Strategy (adopted) December 2013.  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Accessibility  
CS9 Managing the Environment and Heritage

CS13 Non Safeguarded Economic Development Sites  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)

**3. RELEVANT PLANNING HISTORY**

The site has an extensive planning history, the most recent of which is detailed below:

- 3.1 PT15/0953/F, Retention of pump house, approval, 21/04/15
- 3.2 PT13/3642/F, Erection of two storey extension to provide additional 12 no. bedrooms, ancillary facilities and entrance canopy. Installation of solar panels, refusal, 18/02/14, appeal allowed, 23/03/15
- 3.3 PK13/3641/O, Erection of 2no. single storey, 7no. two storey nursing care units (Use Class Sui Generis) and 1no. community room (Outline) with access, layout and scale to be determined. All other matters to be reserved, refusal 02/05/2014, appeal dismissed, 23/03/2015
- 3.4 PT07/3203/F, Conversion of existing garage and store to 1 no. self contained extra care dwelling, approval, 20/03/09.
- 3.5 PT08/2263/F, Erection of 2 no. self contained units of Extra Care Accommodation (Class C2) (as defined in the Town and Country Planning (General Permitted Development) Order 1995), refusal, 18/09/08. Appeal dismissed.
- 3.6 PT08/0155/F, Erection of 3 No. self contained units of Extra Care Accommodation (Class C2 (as defined in the Town and Country Planning (General Permitted Development) Order 1995), refusal, 06/03/08.
- 3.7 PT05/0571/F, Erection of 2 no. additional care sheltered dwellings and associated parking area, application not determined, 14/07/05. Appeal dismissed.
- 3.8 PT05/0561/F, Erection of 4 no. additional care sheltered dwellings and associated parking area, application not determined, 06/05/05. Appeal dismissed.
- 3.9 PT05/0579/F, Erection of two storey extension, to form an additional 10 units and associated parking area, application not determined, 06/05/05, appeal dismissed.
- 3.10 PT05/0567/F, Erection of 19 no. additional care sheltered dwellings, community tea room, garden store and associated parking area, application not determined, 06/05/05. Appeal dismissed.



- 3.11 PT04/4131/F, Erection of single storey rear extension to form extended kitchen area, store and boiler room, refusal, 22/04/05. Appeal dismissed.
- 3.12 PT04/1432/F, Erection of 14 no. sheltered dwellings, community tea room and garden store with associated works. (Resubmission of PT04/0428/F dated 05 March 2004), refusal, 30/06/04. Appeal dismissed.
- 3.13 PT04/0428/F, Erection of no.14 sheltered dwellings, community tea room and garden store with associated works, refusal, 05/03/04.
- 3.14 PT02/3487/F, Erection of two storey side extension to form additional residential and day care accommodation for elderly persons, approval, 17/06/03.

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

4.1 Westerleigh Parish Council  
No objection.

4.2 Other Consultees

Tree Officer  
No objection.

Sustainable Transport  
No objection.

Highway Structures  
No comment.

Lead Local Flood Authority  
No comment.

Wales and West Utilities  
May have pipes in the area and apparatus may be affected during construction. Developer should contact Wales and West Utilities prior to works.

#### **Other Representations**

4.3 Local Residents  
None received.

4.4 Representations following advertisement regarding departure  
None received.

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

5.1 Principle of Development  
The NPPF still attaches great importance to the protection of Green Belts and repeats previous Green Belt policy in that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances. Furthermore, the NPPF

also states that the essential characteristics of Green Belts are their openness and permanence.

- 5.2 Paragraph 88 states that in considering any planning application, 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
- 5.3 According to paragraph 89 of the NPPF, local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions:
- buildings for agriculture and forestry;
  - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
  - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.4 The proposed development is acceptable in principle given that it proposed an '*extension or alteration of a building.*' The NPPF states that extensions should not result in...*disproportionate additions over and above the size of the original building.* This would indicate that when assessing whether an extension is proportionate or not consideration should also be given to previous extensions that have occurred to the building. The Council's Development in the Green Belt SPD sets out principles for determining extensions in the Green Belt.
- 5.5 The SPD sets out that in order to assess whether an addition is proportionate or not account should be taken of the increase in volume and the appearance of the extension, i.e. whether it appears out of proportion in terms of scale and character. Although the Development in the Green Belt SPD primarily relates to the extension of dwellinghouses, it is considered that the overall principles set out in the SPD are still relevant and reasonable to assess the proposal.
- 5.6 Although the proposed extension to form a kitchen and store is small, extensions must be assessed cumulatively, and the building is already undergoing a very large extension (PT13/3642/F) which, despite being approximately 177% larger than the original building, was approved at appeal

in February 2015 due to the very special circumstances put forward relating to the lack of palliative care in South Gloucestershire. Further to this, the retention of the pump house at the site has been regulated through a retrospective application in April 2015 (PT15/0953/F), and this proposal coupled with the pump house and the large increase in the number of rooms currently under construction cannot be reasonably said to be proportionate to the original building. Given the above, the proposal is considered to represent a disproportionate addition to a building in the Green Belt contrary to guidance in the NPPF, the adopted Development Plan, and the Development in the Green Belt SPD which ordinarily considers anything over a 50% volume increase to be disproportionate.

- 5.7 The applicant has submitted a Planning Policy, Design and Access statement advising that the proposed development is required as a kitchen, store and laundry room to support the increase in beds approved at appeal, providing 18 no. new en-suite bedrooms, representing a net increase of approximately 25%. The proposed extension is approximately a 1% increase above the volume of the original building. Whilst ideally this proposal would have been submitted alongside the proposed increase in bedrooms under PT13/3642/F rather than this ad hoc approach, officers think it is likely that had both proposals been submitted together, the Inspector would have taken the same view with regards to the proposed kitchen and store extension. This view was that the benefits of the additional facilities proposed under PT13/3642/F, which included the provision of additional palliative care, economic and social benefits, making efficient use of previously developed land, upgrading of existing facilities etc, would outweigh the totality of the identified harm to the Green Belt. Consequently, very special circumstances exist as this proposal is required to directly support the proposal approved at appeal under PT13/3642/F, and it therefore complies with section 9 of the NPPF and policies CS5 and CS34 of the Core Strategy and the Development in the Green Belt SPD.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

**Contact Officer:** 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).

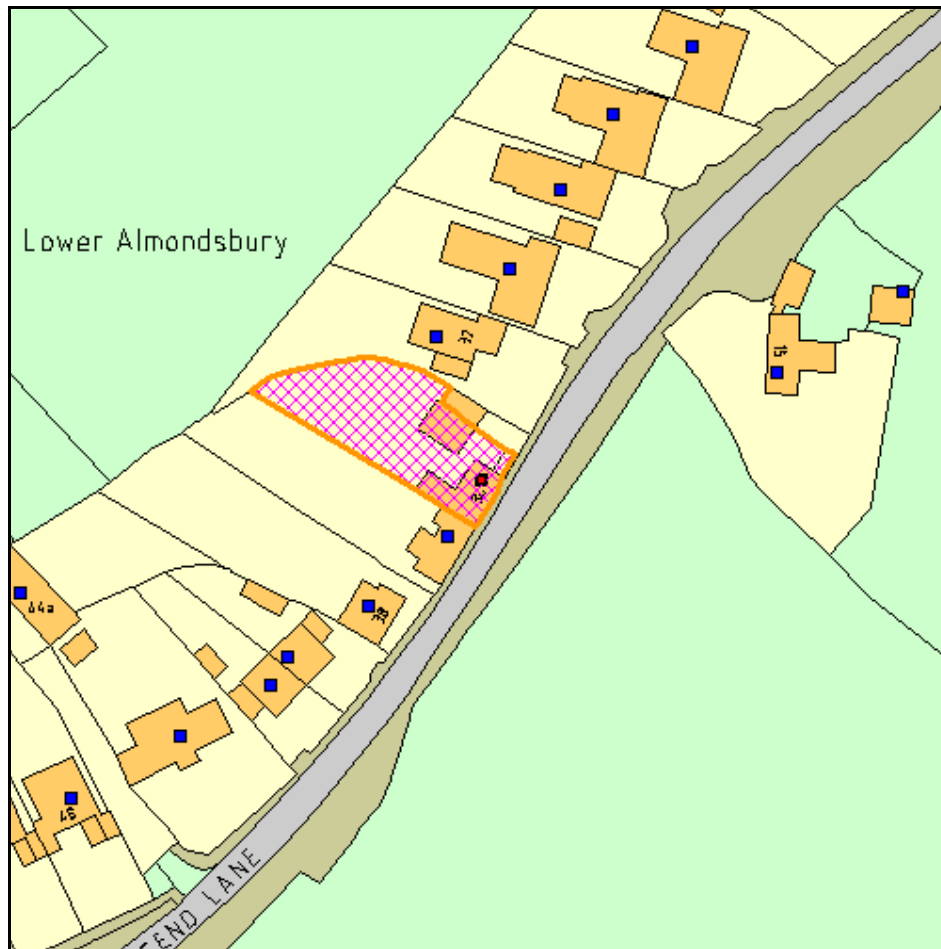
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/4158/F	<b>Applicant:</b>	Mr Martyn Dash
<b>Site:</b>	34 Townsend Lane Almondsbury Bristol South Gloucestershire BS32 4EQ	<b>Date Reg:</b>	30th September 2015
<b>Proposal:</b>	Demolition of existing garage. Erection of single storey and two storey extension and alteration to roofline to form additional living accommodation and loft conversion.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	359932 184014	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th November 2015



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

This application appears on the Circulated Schedule as a result of a consultation response received, contrary to Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing garage, erection of a garage, single storey and two storey extension and alteration to roofline to form additional living accommodation and loft conversion. The proposals would essentially also replace an existing first floor dormer and an existing single storey gabled kitchen to the rear.
- 1.2 The property is an end of terrace cottage, constructed in render and stone, located along Townsend Lane. The site is washed over by Green Belt designation. It is located within the settlement boundary for Almondsbury.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Practice Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist  
South Gloucestershire Council Residential Parking Standards  
South Gloucestershire Green Belt SPD

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

- 3.1 N6619 – Side porch and first floor bathroom extension. Approved 15th May 1980
- 3.2 N6619/1 – Single garage to replace existing prefabricated garage. Approved 16<sup>th</sup> September 1982.

## 4. **CONSULTATION RESPONSES**

### 4.1 Almondsbury Parish Council

Objection. insufficient parking for vehicles to the property, danger to pedestrians due to lack of footpath.

#### Sustainable Transportation

Part of the proposed development involves the demolition of the existing garage but insufficient detail has been submitted on the proposed vehicular parking after development.

For information vehicular parking for a dwelling is assessed on the number of bedrooms available within a dwelling. A four-bed dwelling would be required a minimum of two parking spaces, each space measuring at least 2.4m wide by 4.8m deep. If this parking is directly in front of the building line it should measure 5.3m. If a new build garage is proposed then the internal dimensions should be at least 3m wide by 6m deep.

Before final comments are made, a revised block plan showing proposed access and parking needs to be submitted.

Officer Note: Further plans have subsequently been submitted. The dimensions of the garage appear to be slightly narrower, at 2.6 metres, than what the Council would generally consider sufficient to count as a parking space, however the plans also illustrate the provision of three parking spaces within the site. Access will remain from the same point.

### **Other Representations**

#### 4.2 Local Residents

One response has been received as follows:

The dividing wall between No 34 and No 36 is not perpendicular, but alters slightly at first floor level; this may need to be taken into account. The garage to be demolished shares a party wall with the garage of No 36; this will need to be made sound.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Green Belt

Green Belt policy allows for limited extension of dwellings provided that it does not result in disproportionate additions over and above the original building. The property is located within the residential area of Almondsbury, although

washed over by the Green Belt. Given the size of the proposals, and taking into account what will essentially be replaced by them, it is considered in this instance that the proposed extension is of an acceptable scale and is not disproportionate to the original dwelling and that the proposals are therefore acceptable in Green Belt terms.

### 5.3 Design / Visual Amenity

There are a number of different rooflines and patterns associated with the existing and surrounding properties. The proposal itself would incorporate a 'catslide' roof down to ground floor level on the attached side. The proposed extension is of an appropriate standard in design and is an acceptable addition to the main dwelling house and area. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling. Sufficient private amenity space will remain to serve the property.

### 5.4 Residential Amenity

A single storey building already exists up to the shared boundary on the attached side of the property. The proposals would remain single storey at this elevation with the 'catslide' roof elevating the extension to two storey towards the other side of the house. There are currently windows on this elevation that directly overlook the neighbouring property. These will not exist as part of the extension. Given the circumstances of the site and given the overall scale of the extension and its design and relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.5 The practicalities of the construction of the development and any shared ownership or party wall issues will be for the applicants and their contractors to determine and agree, where necessary, in accordance with any neighbours affected. Further to this the granting of planning permission does not grant consent to enter or use land not within their control or unlawfully block a public highway.

### 5.6 Sustainable Transportation

It is considered that adequate off street parking within the application site is available to serve the property, in accordance with the Council's residential parking standards. Access will be as existing on existing hardstanding to the road and the situation is therefore not changing in this respect. It is not considered that any existing rights of public access would be blocked or hindered by the proposals. Notwithstanding this the granting of consent would not give any rights to obstruct or affect access.

## 6. CONCLUSION

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



- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not significantly or materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking would remain as would access. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy adopted December 2013, The NPPF and the provisions of the South Gloucestershire Green Belt SPD.
- 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.

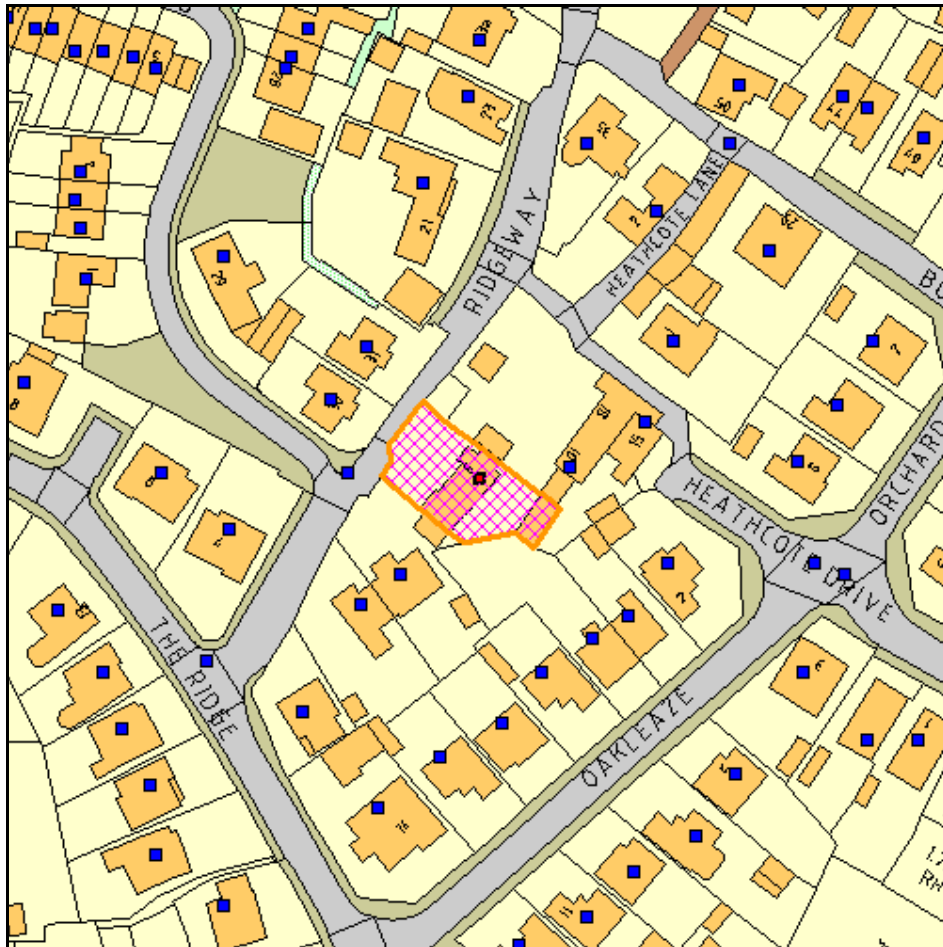
**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### **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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
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 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; and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/4481/F	<b>Applicant:</b>	Mr Richard Pearce
<b>Site:</b>	8 Ridgeway Coalpit Heath Bristol South Gloucestershire BS36 2PP	<b>Date Reg:</b>	3rd November 2015
<b>Proposal:</b>	Demolition of existing garage. Erection of two storey front, side and rear extension to include balcony and front and rear dormer windows. Erection of front canopy porch area.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367519 181108	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th December 2015



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 100023410, 2008. **N.T.S.** **PT15/4481/F**

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

Two comments were received that are contrary to the Officer's recommendation

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission to erect a two-storey front, side and rear extension to include a balcony and front and rear dormer windows as well as the erection of a front canopy porch area to 8 Ridgeway, Coalpit Heath. The application site relates to a detached dwelling.
- 1.2 The plot is set on a quiet residential cul-de-sac within an existing settlement boundary in Coalpit Heath. The property is finished in rough stone render on a red brick plinth with a pitched, gable-end roof. The garage is to the side of the property with a long driveway leading towards the garage with parking spaces for 2/3 cars and a large front garden. There is an out-building to the rear of the property that is a Locally Listed Building and both no. 4 and 5 Ridgeway are also Locally Listed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
  
South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings.  
L15 Buildings and Structures which make a significant contribution to the Character and Distinctiveness of the Locality.
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPD (2013)

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

- 3.1 There is no relevant Planning History for this site.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
  - Concerned about the overbearing impact on neighbouring properties.

- Concerned also regarding the views of the Conservation Officer.

#### 4.2 Other Consultees

##### Sustainable Transport

- 4 bedrooms proposed and the new garage is part of the extension but does not comply with the standard dimensions. Therefore two off-street parking spaces measuring 4.8m by 2.4m should be provided.

##### Conservation Officer

- No. 8 Ridgeway itself is not a Locally Listed Building but there is a traditional out-building at the rear of the plot.
- No.4 and 5 are Locally Listed Buildings and they are set at a lower level compared to the modern dwelling and are separated by a flat roof garage.
- The side extension could have an overbearing impact on the cottage.
- Change to the design of the dormers will make them more prominent and visually distracting features.
- Dormers are generally flat roofed on this style to reduce their visual impact and dominance.
- Dormer over garage is very bulky and could be reduced in width.
- The extension will bring the building line closer to the Locally Listed Buildings but the setting of this is already compromised by the presence of the surrounding modern development.

#### **Other Representations**

#### 4.3 Local Residents No Comments

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

#### 5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 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, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

#### 5.2 Visual Amenity

The proposal consists of a two storey front, side and rear extension to include a balcony to the rear, front and rear dormer windows and the erection of a front canopy porch area. The design and use of materials have been informed and are in keeping with the character of the existing dwelling. However, concern has been raised by the Conservation Officer regarding flat roof dormer windows being more appropriate. It is however, considered that instead of flat roof dormer windows, the pitch of both the dormer windows to the front should be

reduced and the overall width of the dormer above the garage should also be reduced as shown in the revised plans: RID8/15/06 Rev C. These changes were made so the difference in scale and height of the new building are not accentuated and to reduce the potential of the extension having an overbearing impact on the locally listed buildings. It is also important to highlight that the setting of the locally listed buildings have already been compromised by surrounding modern development, which has also been explained by the Conservation Officer. Overall, it is considered that the proposed extension would not harm the character or appearance of the area or the setting of the Locally Listed Buildings and as such, is considered acceptable in terms of visual amenity.

### 5.3 Residential Amenity

The dwelling is detached and set forward from the properties to either side elevation and the property to the front is separated by an access road and a 1.6m stone wall. It is not considered that the two storey extension will have a significant overbearing impact on the properties to the side elevation due to the amount of garden space separating the neighbouring dwellings. It is also not considered that there will be a significant impact on privacy or the amount of light currently afforded to the surrounding neighbours due to the large amount of surrounding garden and that there is only one window proposed to the north side elevation. The proposed balcony to the rear elevation is also not likely to have a significant impact on the privacy to properties to the rear as they are a significant distance away separated by large gardens. It is also considered that the private amenity space left over for the host dwelling after the extension has been built is adequate. Therefore, there are no objections in terms of residential amenity.

### 5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property from three to four and as pointed out by Sustainable Transport the proposed garage falls short of the standard dimensions and so plans have been submitted to show parking space for two vehicles to the front of the property (RID8/15/06 Rev C). Therefore, there are no objections in terms of parking and highway safety.

## 6. CONCLUSION

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

6.2 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: Chloe Buckingham**

**Tel. No. 01454 867967**

### **CONDITIONS**

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

Reason

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

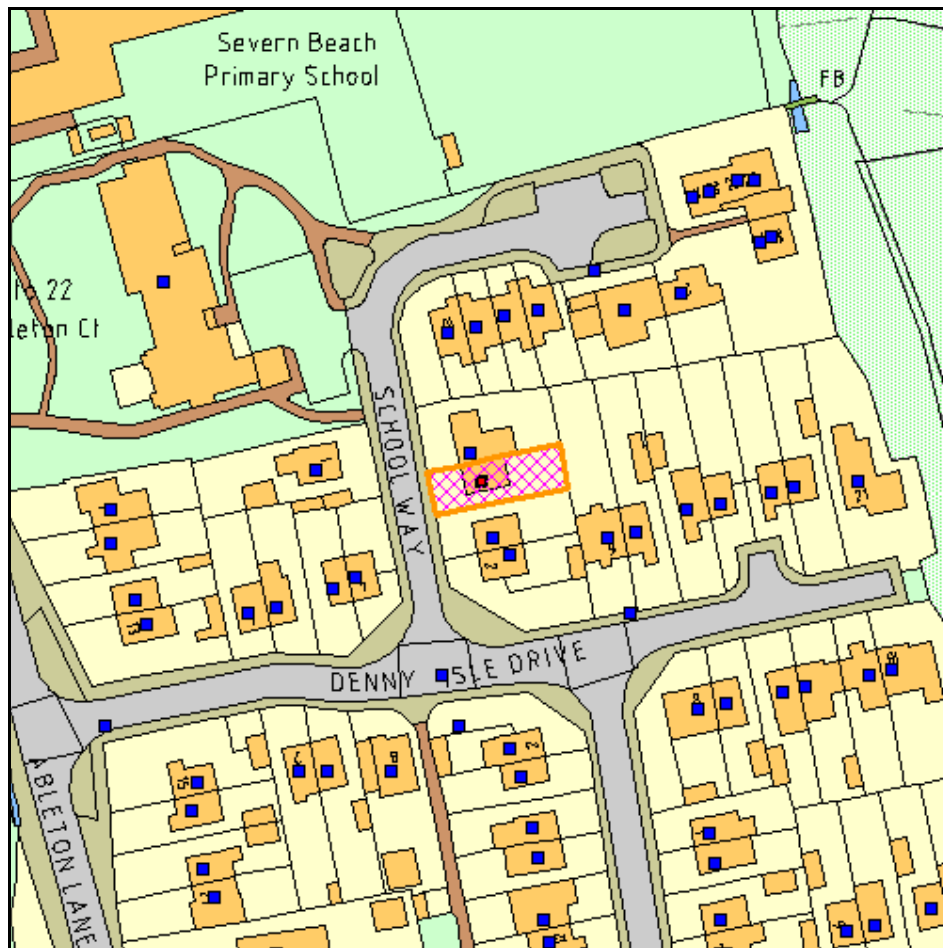
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy T12 and T8 of the South Gloucestershire Council Local Plan (2006) and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/4686/CLP	<b>Applicant:</b>	Mr Colin Brickell
<b>Site:</b>	6 School Way Severn Beach Bristol South Gloucestershire BS35 4QA	<b>Date Reg:</b>	13th November 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354345 184552	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>		<b>Target Date:</b>	7th January 2016



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at 6 School Way, Severn Beach would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application therefore the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

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

There is no relevant planning history at the site.

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No Comment Received
- 4.2 Other Consultees  
None Received

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received



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

- 5.1 Application Form; Existing and Proposed Elevations; Site Plan (Title plan); Existing and Proposed Ground Floor Plan; Existing and Proposed Elevations.

## 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 not consideration of planning merit; the application is based on the facts presented. This 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 the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

- 6.3 The proposed development consists of a single storey extension to the side of the property. This development would be within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse, provided it meets the criteria 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 the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties 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 extension would not exceed the height 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 eaves to 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 project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

- (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 development does not extend beyond the rear wall of the original dwellinghouse.

- (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;**

The extension proposed is a 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, and 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;**

The proposal does not have more than a single storey; a width greater than half of the original dwellinghouse or a height over 4 metres.

- (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 proposal does 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 proposal will be finished with bricks and roof tiles to match the existing dwelling. The proposed materials would therefore have a similar appearance to the materials in 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**

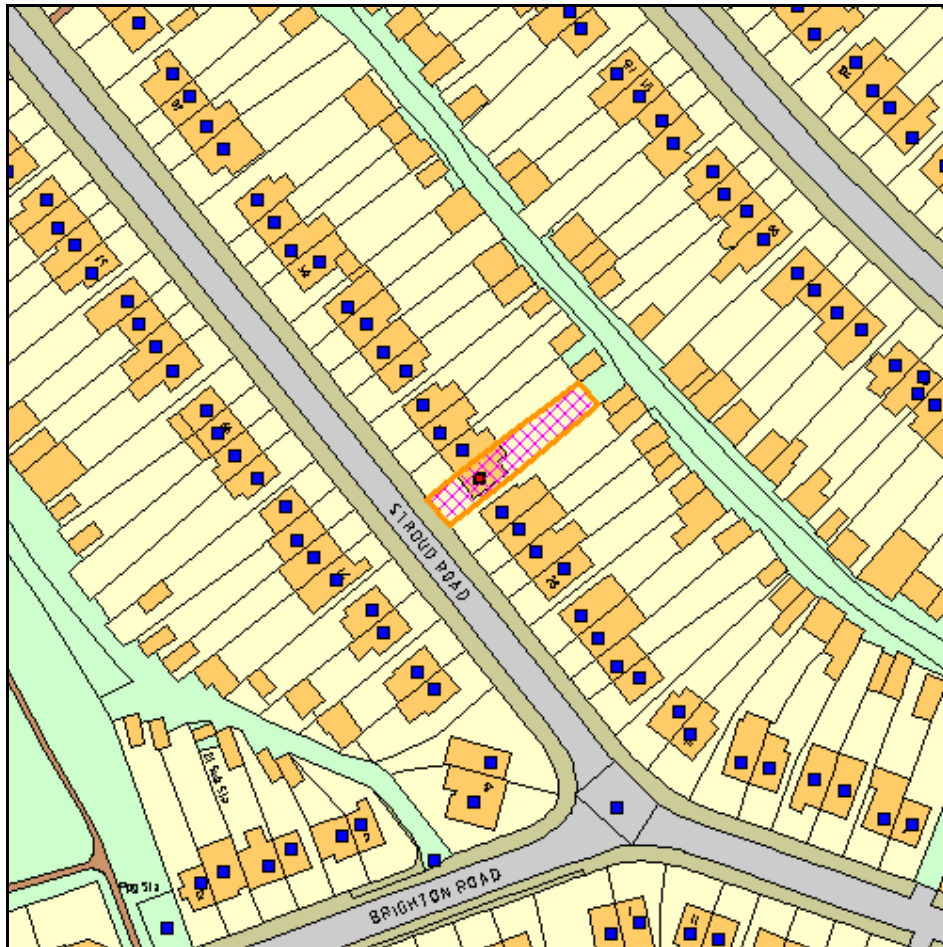
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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 Schedule 2; Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/4809/CLP	<b>Applicant:</b>	Mr J Nutt
<b>Site:</b>	34 Stroud Road Patchway Bristol South Gloucestershire BS34 5EW	<b>Date Reg:</b>	6th November 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of rear dormer and erection of rear conservatory.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359597 181731	<b>Ward:</b>	Patchway
<b>Application Category:</b>		<b>Target Date:</b>	31st December 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 installation of a rear and side dormer window and a rear conservatory at no. 34 Stroud Road in Patchway would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General permitted Development) (England) Order 2014.
- 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.
- 1.3 After reviewing the planning history for the site, it is clear that the permitted development rights for the property are intact.

### **2. POLICY CONTEXT**

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

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 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
Concerned that this application will be out of keeping with the existing street scene and that the side window of the roof extension will overlook the neighbouring property.
- 4.2 Councillor  
No Comment received

## **Other Representations**

- 4.3 Local Residents  
No Comments received

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

- 5.1 Location Plan; Combined Plan (PLN-1) – all plans received on the 05/11/2015.

## **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, Classes A and B of the GPDO (2015).

- 6.3 The proposed rear extension will be considered under Class A; and the proposed dormer window will be considered under Class B. Each of these proposals will be considered as such throughout the remaining report.

### **A. The enlargement, improvement or other alteration of a dwellinghouse (proposed rear extension).**

#### **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 proposed side extensions 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 proposed side extensions 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 proposed rear conservatory would 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 application relates to a terraced dwellinghouse. The proposed conservatory would extend 2.8 metres beyond the rear wall or the original dwellinghouse and have a maximum height of 2.8 metres. The proposed development, therefore, meets these criteria.

- (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;**

The proposed rear conservatory 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 proposed rear conservatory 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 the side elevation of the original dwellinghouse.

- (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 proposal is for a rear conservatory.

- (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.

**B. Additions etc to the roof of a dwellinghouse (proposed box dormer).**

**B.1 Development is not permitted by Class B 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed works do not exceed the maximum height of the existing roof.

- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

**(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

The house is terraced and the cubic content of the resulting roof space would not exceed 40 cubic metres. The cubic content of the proposed dormer window would be approximately 33.26 cubic metres.

**(e) It would consist of or include -**

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe; or

**(f) The dwellinghouse is on article 2(3) land.**

The dwellinghouse is not on article 2(3) land.

### **Conditions**

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

**(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

**(b) The enlargement must be constructed so that –**

**i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

**(aa) the eaves of the original roof are maintained or reinstated; and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.4 metres from the existing eaves.

- ii. **Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

**(c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be -**

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

Telephone correspondence with the agent confirms that the window in the side elevation will be obscure glazed and any section that opens will be above 1.7 metres from the floor of the room in which the window is installed.

## **7. RECOMMENDATION**

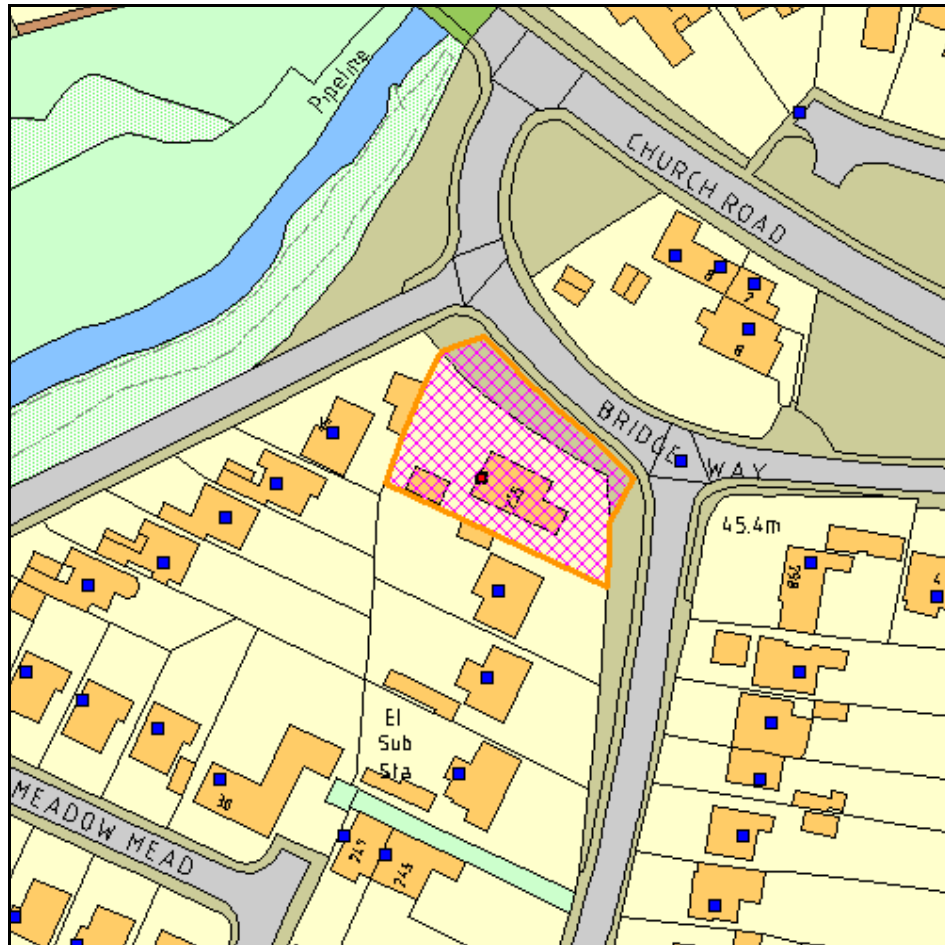
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear and side dormer window and rear conservatory would be allowed as it falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A and B of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 868388**

**CIRCULATED SCHEDULE NO. 50/15 – 11 DECEMBER 2015**

<b>App No.:</b>	PT15/4863/F	<b>Applicant:</b>	Mr Byron Constable
<b>Site:</b>	255 Park Lane Frampton Cotterell Bristol South Gloucestershire BS36 2BL	<b>Date Reg:</b>	12th November 2015
<b>Proposal:</b>	Erection of 2m high boundary wall to front elevation	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366782 181834	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th January 2016



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 100023410, 2008. N.T.S. PT15/4863/F

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

This report appears on the Circulated Schedule following objections from the Parish and objections from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a 2 metre high boundary wall across part of the front of the property. The application relates to detached single storey dwelling situated with the established settlement boundary of Frampton Cotterell.
- 1.2 This application follows a previously refused scheme to enclose some of the area of open grassed land to the north of the site within the residential curtilage. This was refused for the reasons specified below. A new application was submitted to straighten the existing wall and to increase part of its height. Again concerns were raised with the applicant as that proposal would also entail enclosing part of the open land and also part that did not fall within the ownership of the applicant. As a result of these discussions, revised plans were sent in which indicate that the existing wall is to remain in place and the proposal is merely to raise part of it to achieve a height of 2 metres.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L5	Open Spaces
T12	Transportation Development Control

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 PT15/3435/F Erection of 2m high wall, pedestrian gate and widening of existing access.

Refused 28.9.15:

*Reason 1:*

*The erection of the wall in the proposed location would result in loss of open amenity space which would be detrimental to the quality, character, visual amenity and distinctiveness of the street scene and character of the area and thereby contrary to saved Policy L5 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.*

*Reason 2:*

*The creation of the widened access would result in the use of land outside the ownership of the applicant to the detriment of the street scene. This would be contrary to saved Policy L5 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; and the NPPF (2012).*

- |     |          |  |
|-----|----------|--|
| 3.2 | P99/1225 | Erection of single storey side extension (in accordance with amended plans received by the Council on 16 March 1999 and 18 March 1999) |
|     | Approved | 29.3.99  |
| 3.3 | P90/1315 | Alterations to and raising of roof of existing dwelling<br>To accommodate loft conversion to form two additional bedrooms and W.C.     |
|     | Refused  | 28.3.90  |

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

4.1 Frampton Cotterell Parish Council  
Objection: - adverse impact on the street scene and highway safety

4.2 Other Consultees

Transport Engineer  
No objection

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received from a local resident:

- application to straighten out the curve of the wall on the north side although no illustration or plan is provided - not possible to give a full assessment of the application
- the straightening of the line of the wall will enclose some of the land that was refused in a previous application – refusal reason still relevant

- proposed change to the height of the wall would be detrimental to the street scene and character of the area – high walls not in keeping with the area
- proposed facing material of reconstituted stone is not in keeping with the walls of neighbouring properties - natural local sandstone appropriate
- security and privacy cited reasons but a large part of the wall is proposed to be 1 metre which would not really affect the desired outcome - if we all applied to have boundaries raised to 2 metres for those reasons then the character of the village would be very much changed.

*Revised plans showing the wall is to remain in situ and only its height would changes were sent out for re-consultation. No response was received to these revisions and the original comments remain.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Policy CS1 is used to assess the overall design of development which is required to be of a good standard, to complement the host property and be in keeping with the character of the area in general. Saved Policy H4 is also relevant here to ensure any development does not have a negative impact on the existing occupants or its closest neighbours. In addition saved Policy T12 and Policy CS8 seek to ensure that development will have no adverse impact on highway safety and residential parking standards revised under supplementary planning guidance adopted 2013 are adhered to.

It is considered that the proposal to raise the height of part of the existing boundary wall accords with policy and this is discussed in more detail below.

### Design and visual amenity

5.2 The application site is a single storey detached dwellinghouse situated on the corner of Park Lane and Bridge Way. The dwelling is set back from the highway being separated from it by a pavement and deep grass verge along both the sides to the north and the east. The current boundary treatment is a wall of grey concrete like blockwork which from the highway presents at a height of approximately 1 metre for the perimeter of the site. The grass verge to the east of the property hosts a telegraph pole and green BT telephone box. This area of grass is outside the application site, being owned and maintained by the Council.

5.3 This application differs from the other recently proposed schemes as it would entail no changes to the position of the actual boundary and it would not encroach into the land outside the residential curtilage. It proposes changes to the height along part of that boundary. It is considered that this is an important difference. It is useful to reiterate the existing situation with regards to the land to the north and east of the application site. Land to the east is owned and maintained by the Council, land to the north is owned by the applicant but lies outside his residential curtilage and the grassed area further still to the northwest is unregistered land. Under the previous application the report concluded that in its totality this piece of land played an important part in the



character of the area and should remain as open grass, regardless of the ownership.

- 5.4 Plans submitted with the application show that the existing boundary wall extends for a distance of 25.5 metres along this northern boundary with Bridge Way. The intention is to raise a length of this wall that stretches almost from the one side of the pedestrian access to the boundary with the neighbouring property at No. 54 Meadow Mead (approximately 16 metres) to a height of 2 metres. The rest of the wall would be renewed but would remain at the same height and provided this is the case, the new wall would not need formal planning permission. The reason given for the increase in height is to improve privacy and security for the property. Although comments have been received from local residents expressing concern regarding the justification for increasing the height, it must be noted that each application is assessed on its own individual merits. It is acknowledged that 2 metres is rather high and typical boundary fencing is 1.8 metres, nevertheless, this in itself is not sufficient reason to refuse the application. It is furthermore considered unlikely, given the distance from the highway, a refusal to increase the height of the wall could be successfully defended in an appeal situation.
- 5.5 It is believed that the existing wall is of re-constituted stone of a grey colour. Nearby walls are observed as being of a traditional natural stone in colour and design. The proposal has not been sufficiently specific with regards to proposed materials and given that the expanse of raised wall would be extensive it is considered appropriate that a condition be attached to the decision notice stating that no development must take place until a sample of materials has been submitted to the Local Planning Authority and approved in writing.

#### Residential Amenity

- 5.6 The proposal to increase the height of the existing wall would not result in any adverse impact on neighbouring properties due to the respective distances between them.

#### Sustainable Transport

- 5.7 Under the previous application Highway Engineers did not raise any objection to the scheme which would have been closer to the road than this current scheme. Plans indicate that the higher wall would be a distance of between 4.5 and 5 metres away from the highway. Given this location, the proposed 2 metre high wall would not impact on road or pedestrian safety. The rest of the wall, although replaced, would not change in height. There are consequently, no highway concerns with regards to this proposal.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 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. 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 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; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

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

#### Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.