



**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. 24/16

Date to Members: 17/06/16

Member's Deadline: 23/06/2016 (5.00 pm)

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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

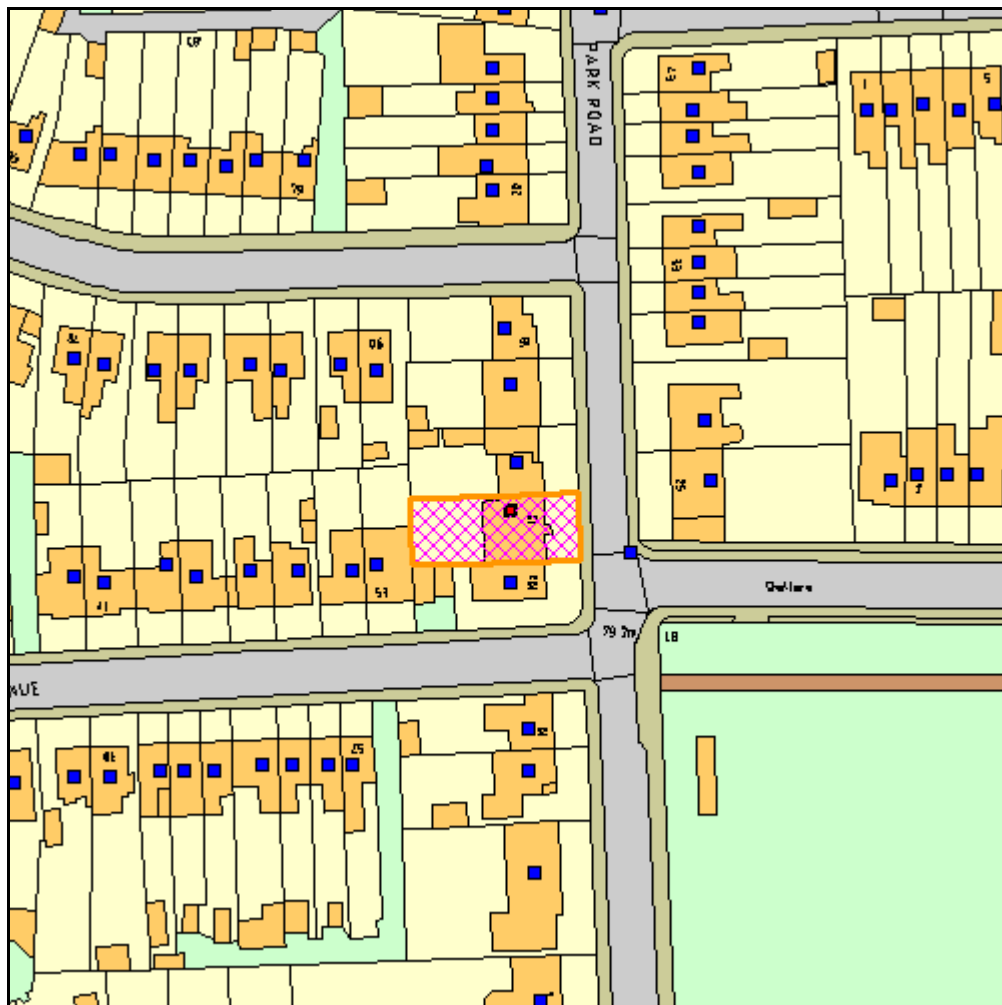
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 17 June 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/0664/F	Approve with Conditions	12 Park Road Staple Hill South Gloucestershire BS16 5LF	Staple Hill	None
2	PK16/0717/F	Approve with Conditions	114 And 116 Tower Road North Warmley South Gloucestershire BS30 8XN	Siston	Siston Parish Council
3	PK16/1706/F	Approve with Conditions	20 Charnell Road Staple Hill South Gloucestershire	Staple Hill	None
4	PK16/2031/CLP	Approve with Conditions	9 Wakeford Way Warmley South Gloucestershire BS30 5HU	Siston	Siston Parish Council
5	PK16/2284/CLP	Approve with Conditions	291 Station Road Kingswood South Gloucestershire	Staple Hill	None
6	PK16/2292/CLE	Approve	35 Deanery Road Kingswood South Gloucestershire	Siston	None
7	PK16/3135/CLP	Approve with Conditions	102 Badminton Road Downend South Gloucestershire BS16 6BZ	Downend	Downend And Bromley Heath Parish Council
8	PT15/3219/F	Approve with Conditions	29 Cabot Court Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
9	PT16/2026/CLP	Refusal	The Winnocks Thornbury Hill Alveston South Gloucestershire BS35 3LG	Thornbury South And	Alveston Parish Council
10	PT16/2045/F	Approve with Conditions	178 The Bluebells Bradley Stoke South Gloucestershire BS32 8DW	Bradley Stoke South	Bradley Stoke Town Council
11	PT16/2097/CLP	Approve with Conditions	40 Dunkeld Avenue Filton South Gloucestershire BS34 7RJ	Filton	Filton Town Council
12	PT16/2285/CLP	Approve with Conditions	Poplars Farm Pilning Street Pilning South Gloucestershire BS35 4HL	Severn	Olveston Parish Council

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/0664/F	Applicant:	Mr Mukhdoom Majid
Site:	12 Park Road Staple Hill Bristol South Gloucestershire BS16 5LF	Date Reg:	15th February 2016
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	None
Map Ref:	365316 176176	Ward:	Staple Hill
Application Category:	Householder	Target Date:	7th April 2016



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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 recommendation

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The property is a semi detached, previously extended, rendered finish dwelling fronting the main road, and located within the residential area of Staple Hill.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
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
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K3922 – Two storey side extension. Approved 5th May 1982.
- 3.2 K3922/2 – Single storey rear extension. Approved 20th April 1990.
- 3.3 P99/4345 – Two storey side and single storey rear extension. Approved 28th June 1999.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No Objection

Other Representations

4.2 Local Residents

3 letters of objection have been received as follows:

'concerns about the small distance that this extension would leave between our property and the proposed new extension. I feel that the small distance left between the properties would negatively impact upon noise levels and light into our property

'This will block the light and sunlight from part of my lounge and garden'

It will cut out most of the light to our Kitchen Window. As their house is built on the Border Line and the house is Semi Detached they have no access to the back of their property. We will not grant access through our property or allow them to erect scaffold on our property. There is also a Manhole for the drains that will need to be moved. We feel that as they have already put an extension on their property on the side and the rear, that this would also be quite an eyesore.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposals would comprise of a rear single storey extension, with lean to roof against the existing building. An extension already exists however this would be replaced by the longer extension. The proposed rear extension would not impact on wider views or the streetscene and is of an appropriate standard in design and as such not unacceptable or materially out of keeping with the character 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 used will match those of the existing dwelling.

5.3 Residential Amenity

A lean to rear extension exists to around 3 metres. These proposals seek to extend with a rear single storey lean to extension to approximately 6 metres, to the majority of the width of the house. To the detached side elevation, the building line of the neighbours dwelling extends approximately 3 metres beyond the existing extension, at two storey level. The proposed extension, at single storey level would extend to approximately the same building line as the neighbouring dwelling at this elevation. To the attached side, as referred to above there is already an extension to around 3 metres, the main issue therefore is whether an extension bringing the dwelling out to 6 metres (at single storey level) would give rise additional or material overbearing impacts. It

must also be considered that a wall to two metres in height could be constructed without the requirement for any planning permission as a means of enclosure. The proposals are also located approximately 1 metre off the shared boundary here. Any potential impacts associated with the proposals over and above these scenarios or in its own right would not be considered material or give rise to significant impact. There are not considered to be any impacts or amenity issues associated with properties along the rear extent of the shared curtilage boundary. Given therefore the overall scale of the extension and its relationship with the existing dwelling and surrounding properties the proposals are not unreasonable and it is not considered that it would give rise to a significant or material overbearing or overlooking impact upon neighbouring properties such as to sustain an objection and warrant refusal of the planning application in this instance.. Sufficient private amenity space remains to serve the property. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.4 The granting of planning permission does not grant right to carry out works or access to land not within the applicants control. Any implications or requirements involving the drainage/sewage network would need to be discussed and agreed with the relevant controlling authorities if their infrastructure was likely to be affected by the proposals.

5.5 Transportation
Existing parking and parking requirements are not affected by the proposals

6. CONCLUSION

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

6.2 The proposed 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.. As such the proposals accord with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The 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 Monday to Friday; 08.00 - 13.00 Sundays 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. 24/16 – 17 JUNE 2016

App No.:	PK16/0717/F	Applicant:	Mr And Mrs Jean-Felix And Chloe Quiroga And Savage
Site:	114 And 116 Tower Road North Warmley Bristol South Gloucestershire BS30 8XN	Date Reg:	24th February 2016
Proposal:	Erection of two storey rear and single storey rear extensions to 114 Tower Road North to provide additional living accommodation. (Amendment to previously approved scheme PK12/3564/F). Erection of two storey rear extension and conservatory to 116 Tower Road North to provide additional living accommodation.	Parish:	Siston Parish Council
Map Ref:	367006 173007	Ward:	Siston
Application Category:	Householder	Target Date:	19th April 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of the Parish Council in relation to the front boundary wall.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a number of different extensions to a pair of semi-detached dwellings on Tower Road North in Warmley. Although contained within one planning application, the proposed development affects both 114 and 116 Tower Road North. Whilst an application in this form is not ideal as the planning permission would apply to two different planning units (and it should be noted that any permission granted would not have an impact on the established planning units of the individual dwellings), it is a technically possible to apply for and determine planning permission in this manner.
- 1.2 In summary, the proposed works include:
- 114 Tower Road North
- erection of two-storey and single storey rear extension
- 116 Tower Road North
- erection of two-storey rear extension
 - erection of conservatory
- 1.3 Nos.114 and 116 Tower Road North comprise a pair of mid twentieth century semi-detached dwellings. They form part of a run of pairs of dwellings, all of which have a hipped roof design and a full height gabled bay window on the principal elevation. At the front of the property stands a low boundary wall; the front gardens are set aside to vehicular parking. Running along the drive of 114 is an access to a large parcel of land to the rear; this area is excluded from the application site.
- 1.4 The application site is situated within the Warmley Conservation Area and approximately 140 metres from the grade II* listed Warmley House. The area is of national importance due to its industrial heritage. The garden of Warmley House is a rare example of an eighteenth century industrialist's garden and includes many unusual features, some of which are constructed using recycled waste from the works. These features include the grottos, Echo Pond, a former thirteen-acre lake, a statue of Neptune, the mound, chequered walled garden, boathouse and summerhouse. Altogether there are nine listed buildings, a registered historic garden and a Scheduled Ancient Monument within the vicinity of, but not within the site, itself. The site is also within the coal referral area due to past mining activity.

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
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L12 Conservation Areas
- L13 Listed Buildings
- T12 Transportation
- H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) August 2007
- Residential Parking Standards SPD (Adopted) December 2013
- Advice Note 30: Warmley Conservation Area SPG (Adopted) July 1997

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/2118/O *Pending Consideration*
Erection of 5no. dwellings (Outline) with access, landscaping and layout to be determined. All other matters reserved.

N.B - this application is located on land to the rear of the application site although the proposed access runs along the northern side of no.114.

- 3.2 PK12/3565/F Approve with Conditions 18/12/2012
Erection of two storey rear extension and conservatory to provide additional living accommodation

N.B - this application applies to no.116 Tower Road North

- 3.3 PK12/3564/F Approve with Conditions 18/12/2012
Erection of two storey rear extension and conservatory to provide additional living accommodation

N.B - this application applies to no.114 Tower Road North

- 3.4 PK09/6019/F Refusal 11/03/2010
Erection of three storey rear extension and installation of front and rear dormer windows to facilitate the conversion of existing two dwellings to form 10no. self contained flats with parking and associated works. (Resubmission of PK09/1234/F)

- 3.5 PK09/5649/CLP Approve with Conditions 18/12/2009
Certificate of lawfulness for proposed erection of single storey rear extension to form additional living accommodation

N.B - this application relates to no.116 Tower Road North

- 3.6 PK09/5648/CLP Approve with Conditions 18/12/2009
Certificate of lawfulness for proposed erection of single storey rear extension to form additional living accommodation.

N.B - this application relates to no.114 Tower Road North

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No objection to the proposed rear extensions; request special attention to be paid to the preservation of the original stone walls and black slag coping blocks at the front.
- 4.2 Conservation Officer
Recommend that gabled roof design is reconsidered and a hipped roof utilised
- 4.3 Transport Officer
No objection

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a number of householder extensions to a pair of semi-detached dwellings in Warmley.
- 5.2 Principle of Development
Extensions and alterations to existing residential dwellings are broadly supported by policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. In addition to these considerations, given the heritage value of the site, the assessment should also include conservation matters.
- 5.3 Design and Heritage
Tower Road North forms the eastern boundary and one of the main access routes through the Warmely Conservation Area. It is a busy road and is characterised by a mix of residential and modern industrial development. To the west of the road is a row of mainly semi-detached, mid-twentieth century houses, all of two-storeys in height with rendered walls above brick plinths, clay tile roofs and a mix of timber and uPVC windows. The buildings are mostly all symmetrical about the party wall, with a pair of gabled, projecting bay windows facing the road, a single central chimney stack and hipped roofs with the ridge parallel to the road. Extensions are mostly small, single-storey, flat or pent-roof structures added to the rear elevations. There are, however, some exceptions where two-storey extensions have been built to the rear and, in some cases, the side, of the original dwellings.

- 5.4 Each pair of semi-detached properties is separated from the next by an access drive leading to the rear gardens. The majority of properties have small single-storey garages located to the rear of the property aligned with their ridges perpendicular to the road. This spacing allows important views and glimpses between the houses through to the wooded area of Warmley Gardens situated to the west. The mature trees and vegetation can be seen rising above the ridges of the houses and as a green backdrop to them, providing a clue to the presence of the gardens.
- 5.5 Whilst the properties along Tower Road North are of no special architectural or historic interest, their uniformity of design, scale, massing and spacing creates a pleasant rhythm and sense of coherence in this part of the conservation area. The views and glimpses of the wooded areas and trees of Warmley Gardens between and above the properties also make an important contribution to the character and appearance of the conservation area.
- 5.6 To the rear of nos.114 and 116 is the former nursery site. The nursery site is mostly open in character and provides a buffer between the houses along Tower Road North and the historic gardens site to the rear. Today, the site is overgrown and scrubby, with the decaying remains of structures associated with the nursery site visible from within Warmley Gardens. The backs of the semi-detached properties can be seen clearly from within the gardens, especially by the Echo Pond where they create a well-defined built edge to the open, rural space of the former nursery site. Their similar roof form, scale and mass and their consistent ridge and eaves heights create a pleasant rhythm comparable to the elevations facing Tower Road North. Rear extensions tend to be visually and physically subservient to the main building, leaving the original form and appearance of the buildings unaltered in most cases.
- 5.7 The proposal initially differed from the previously approved schemes in the depth of the single storey extension to no.114 and the form of the two-storey rear extensions to both properties which had been given gables as opposed to hipped roofs. The extension of the single storey element pushes the building line further towards the open space but there is sufficient distance between it and the core of the Warmley site that the extension will not harm the setting of the designated heritage assets or be detrimental to the character or appearance of this part of the conservation area. The gable roof form of the two-storey extensions, however, was considered likely to appear severe against the hipped roof form prevalent in this area. In order to address this concern, the roof design has been amended so that it contains a hipped roof.
- 5.8 The additional depth to the proposed single-storey rear extension at 114 is less than ideal; it creates a deep projection to the rear elevation and a high parapet wall between the two properties. Plans submitted with this application indicate that the extension at 114 would project 3.6 metres beyond the extension at 116 and the wall would have an overall height of 4.2 metres. A greater discussion on the impact of the development on residential amenity is addressed below.
- 5.9 Although the proposed rear extensions are less than ideal, it has not been concluded that they would be harmful to the visual amenity or historic and architectural interest of the area. The materials identified match those already

- used on the site and therefore no objection to the proposal is raised on the basis of design.
- 5.10 Residential Amenity
Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which would result in sub-standard living conditions.
- 5.11 The wall between the proposed rear extensions is of some concern. The extension to no.114 would project 3.6 metres beyond the extension to no.116 and would have an overall height of 4.2 metres. Whilst, on paper, this would appear to have a significant impact on the living conditions for no.116 there are a number of factors which mitigate the situation.
- 5.12 Due to the gentle slope of the site, the height of the wall from the finished floor level of the conservatory to no.116 stands at approximately 3.7 metres. The orientation of the site results in the dividing wall being to the north of no.116 further limiting the impact in terms of light. It would also appear that there would be a slight realignment of the boundary between the two properties providing additional amenity space to no.116. Whilst it has been concluded the proposed development would have an impact on the living conditions and residential amenity of no.116, given the finished floor level and orientation it is not considered that this impact would amount to be prejudicial.
- 5.13 It is not considered that the proposed extensions would have a significant detrimental impact on any other nearby occupier. Therefore, in terms of residential amenity, the proposal is found to be acceptable.
- 5.14 Transport and Parking
The proposal would see the number of bedrooms within the properties increase from three to four. Under the Residential Parking Standard SPD, three and four bedroomed properties are required to provide two off-street parking spaces.
- 5.15 At present the front gardens are laid to gravel and are used for parking provision. In addition to this, there is opportunity for parking along the driveway. In total, two parking spaces can be accommodated at each dwelling and therefore no transport objection is raised to the proposal.
- 5.16 Front Boundary Wall
The Parish Council has expressed its desire that special consideration be given to the retention of the front boundary wall. Officers note that the boundary wall is an interesting feature of the locality and also consider that it is desirable that the front boundary wall is retained.
- 5.17 Plans submitted with the application indicate that the wall in front of no.114 (which is in a poor state of repair) would be removed.
- 5.18 Part 11 Class C of the *Town and Country Planning (General Permitted Development) Order 2015* allows for the demolition of the whole or part of any gate, fence, wall or other means of enclosure as 'permitted development'

unless the demolition of such structure falls into the definition of 'relevant demolition'. Relevant demolition includes the demolition of a building (and walls can in certain circumstances fall within the definition of a building). Section 74 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* places control over the demolition of buildings within conservation areas and requires planning permission to be sought for demolition with conservation areas. However, the *Conservation Areas (Application of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Direction 2015* (clause 4) states that section 74 does not apply to 'any gate, wall, fence or means of enclosure which is less than one metre high which abuts on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case.'

5.19 The wall in question abuts the highway and is less than one metre in height. Therefore, when read in conjunction with the Direction listed above, the wall would not fall into the definition of a building and therefore it may be removed without planning permission.

5.20 Officers agree with the Parish that the wall should be retained. However, it is beyond the scope of this application to ensure that the wall is repaired and retained as it does not fall within the definition of relevant demolition. Officers therefore accept the loss of the front boundary wall in this instance.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

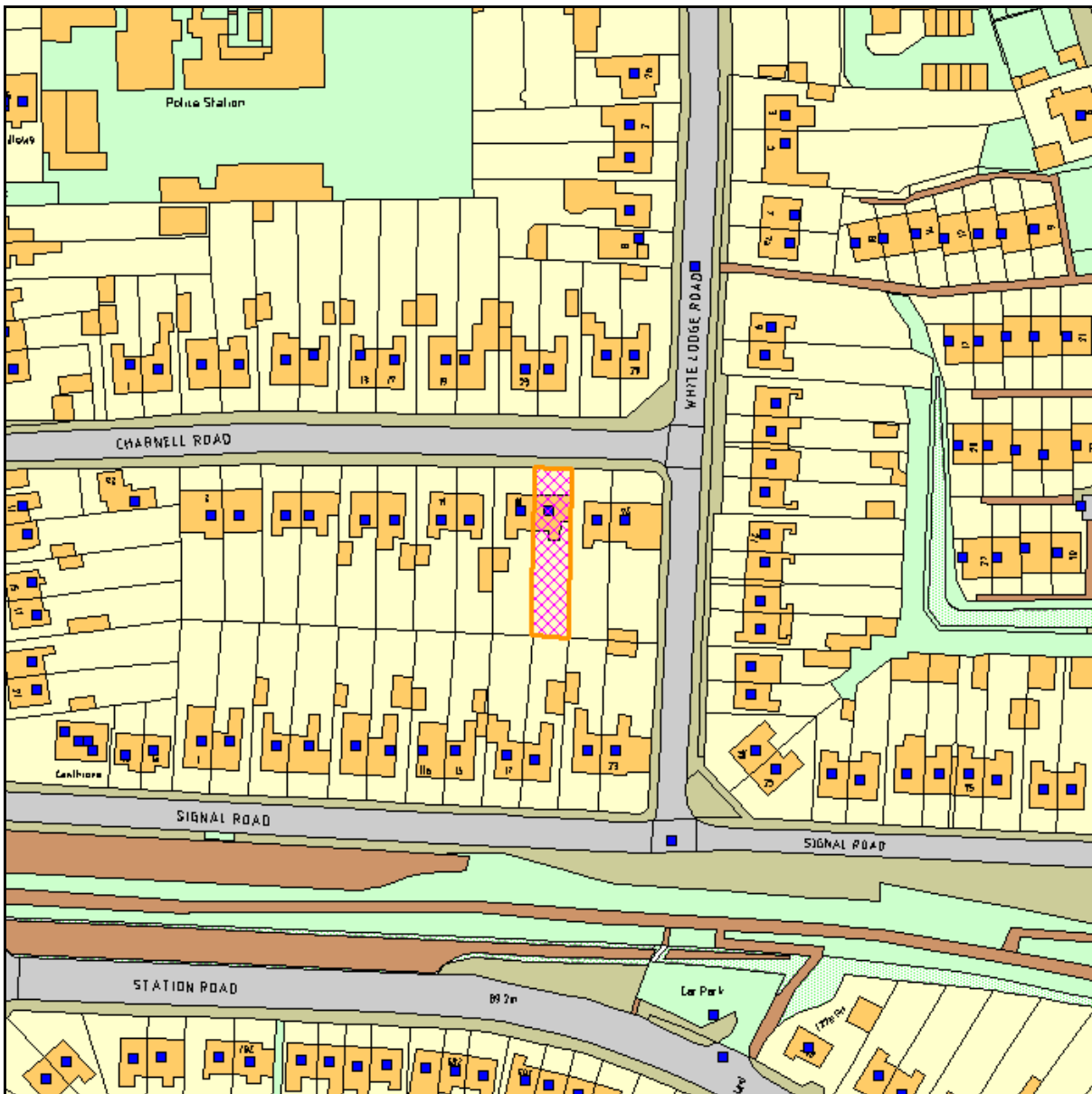
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/1706/F	Applicant:	Mr S Richards
Site:	20 Charnell Road Staple Hill Bristol South Gloucestershire BS16 5NE	Date Reg:	18th April 2016
Proposal:	Erection of single storey rear extension to form additional living accommodation and raised decking area	Parish:	None
Map Ref:	365516 175748	Ward:	Staple Hill
Application Category:	Householder	Target Date:	8th June 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This planning application has been referred to the Circulated Schedule because an objection has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1. The application relates to a 1940s semi-detached property forming part of a residential housing estate in Staple Hill. The property has an attached garage to the east of the main house and a relatively large rear garden which slopes away from the property and is mostly laid to lawn. There are adjoining residential properties to the east, south and west.
- 1.2. The applicant seeks partially retrospective planning permission for the erection of a single storey rear extension to provide additional living accommodation, along with a small area of raised decking and access steps.
- 1.3. The applicant has informed the Officer that the raised decking was necessary to comply with Part K of Building Regulations so that the bi-folding doors to the extension do not overhang steps, posing a safety hazard; and the applicant intends to use this area as a landing, not a sitting area. Following Officer advice, the applicant amended the proposed plans so that the raised decking no longer extends up to the boundary fence with number 18 Charnell Road: it now extends no further than the edge of the bi-folding doors on this side.
- 1.4. The proposal does not benefit from a deemed planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") because the eaves height of the rear extension is in excess of 3 metres in height when measured from the ground level (it measures approximately 3.2 metres) and the landing proposed will be in excess of 30 centimetres in height and therefore will constitute a 'raised platform' under the permitted development legislation, which is not permitted.

2. POLICY CONTEXT

2.1. National Guidance

National Planning Policy Framework March 2012

2.2. Development Plans

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

H4 – Development within existing residential curtilages, including extensions and new dwellings

South Gloucestershire Local Plan Core Strategy 2006-2027 (Adopted December 2013)

CS1 - High Quality Design

CS29 – Communities of the East Fringe of Bristol Urban Area

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

PSP9 - Residential Amenity

PSP39 – Development within existing residential curtilages, including extensions and new dwellings

PSP44 – Private amenity space standards

2.3. Supplementary Planning Guidance

Design checklist SPD (adopted August 2007)

3. RELEVANT PLANNING HISTORY

None.

4. CONSULTATION RESPONSES

4.1. Other Consultees

None received.

Other Representations

4.2. Local Residents

One objection was received from a local resident, which raised the following main issues:

- A party wall agreement was signed on the basis the rear extension was permitted development;
- The plans submitted do not reflect what has been carried out;
- The additional height of the eaves has led to:
 - loss of light;
 - loss of views;
 - the overshadowing of the objector's property;
- The rear extension and its floor level is higher than it needs to be;
- Regarding the veranda:
 - it was initially communicated to be a small area to accommodate doors, however it spans the entire width of the rear extension;
 - the drawings indicate the bi-folding doors folding back to the objector's side of the property, but this is not the case;
 - alternatives (e.g. a different door configuration, steps located away from the boundary fence, a Juliet balcony) do not seem unreasonable;
 - it will impact upon the objector's privacy, as they will be overlooked. Any further screening between the veranda and the objector's property would lead to further loss of light;
 - while the applicant had a large raised decked area before, this did not have planning permission and did significantly affect the objector's privacy; and

- The eaves height should be lowered to 3 metres, and there should be no veranda or steps near the objector's boundary fence panel.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1. Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013) ("the Core Strategy") states that development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of both the site and its context; the density and overall layout is well-integrated with existing adjacent development; safeguard/enhance existing features of landscape, nature conservation, heritage or amenity value and public rights of way; and contributes to relevant strategic objectives.
- 5.2. Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) ("the Local Plan") permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they respect the design and character of the existing property and the character of the street scene and surrounding area; would not prejudice the residential amenity of neighbours; would not have an unacceptable impact on highway safety or parking provision; would not prejudice the retention of adequate private amenity space; and, in the case of extensions to dwellings in the Green Belt, the extensions would not be disproportionate over and above the size of the original building and would not prejudice the openness of the Green Belt.
- 5.3. Policy PSP39 of the South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (March 2015) ("PSP") sets out a similar policy to H4 of the Local Plan, but includes additional specified design considerations (e.g. building line, window and door shape reveals, alignment of openings, architectural style/detailing and hard and soft landscaping); a provision that development will only be permitted where it would not lead to the loss of trees/vegetation that provide relief in built up localities or gardens that form part of a settlement pattern that contributes significantly to local character; and having regard to the efficient and sustainable use of land. While the PSP has not been adopted, as this policy is similar to saved policy H4 and there are no objections against this policy, the Officer considers that it can be assigned significant weight.
- 5.4. Policy CS29 of the Core Strategy sets out the vision for the communities of the East Fringe of Bristol, which includes protecting open green hillsides to the east, protecting and enhancing formal and informal green assets and heritage assets and managing flood risk.
- 5.5. Policy PSP9 of the PSP provides that development will only be permitted providing it does not have an unacceptable impact on the living conditions of occupiers of nearby properties, which could result from loss of privacy and overlooking, overbearing and dominant impact, loss of light etc. Although the PSP has not been adopted yet, it is considered that moderate weight can be given to this policy.

5.6. Policy PSP44 of the PSP sets out the minimum private amenity space standards for new dwellings and for proposals involving the change of use, development or sub-division of existing areas of private amenity space. This is 60 square metres for a three bedroom house. Significant objections have been made to this policy, and therefore limited weight will be attributed to it.

5.7. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

Design and Visual Amenity

5.8. The works which are the subject of this application include the erection of a single storey rear extension to form additional living accommodation and a small raised decking area (or landing), including access steps.

5.9. The rear extension itself measures approximately 5.8 metres in width (spanning the entire width of the rear of the dwelling) and 3 metres in depth from the original rear wall of the dwelling. The roof on the extension is sloped, and measures approximately 3.2 metres from ground level to the eaves height and 4 metres from ground level to the ridge height. It is to have two roof lights and interlocking roof tiles to match those on the existing dwelling; a set of white uPVC bi-folding doors which are approximately 3.2 metres wide. The existing property also has white uPVC windows and is pebble-dashed grey, and the proposed single storey rear extension is to replace a timber deck and a small part of the original kitchen that jutted out of the rear of the dwelling.

5.10. While the single-storey rear extension is large, its form, scale and height appear in proportion to that of the existing dwelling. Indeed, the ridge height and the width and depth of the rear extension are in accordance with the permitted development criteria. While the eaves height exceeds the permitted development criteria by approximately 0.2 metres, in this case it is not considered that this makes the proposal unacceptable. The rear extension also does not appear out of context in the surrounding residential area, and there are examples of similar rear extensions in the vicinity.

5.11. While an objection has been received which states that the rear extension and its floor level is higher than it needs to be, the Officer can only assess the acceptability of what has been applied for in policy terms, and it is not considered that the height of the rear extension appears out of character for the site or its context.

5.12. The roof lights and opening for the bi-folding doors are not quite in alignment with the windows on the first floor. However, they are in alignment with each other and the lack of alignment with the first floor does not appear discordant when viewing the development as a whole.

5.13. Furthermore, while the plans state that a 'K-rend' finish is to be used, following discussions with the Officer, the applicant has confirmed that a pebble dash finish will now be used to match the existing on the remainder of the dwelling. As a result, it is considered that the external finish will be in character with the site and its context. It will be necessary to impose a condition requiring the rendering works to be carried

out using materials to match the existing materials on the remainder of the dwelling, as this had not been completed at the time of the Officer's visit.

- 5.14. The raised decking area measures approximately 5 metres wide, 1 metre deep and 0.9 metres high. It begins from the western end of the bi-fold doors to the eastern wall of the dwelling, has a balustrade around it and leads down on to some steps that are directly in front of the bi-folding doors. The applicant has informed the Officer that the decking, balustrade and steps are all to be constructed of timber, which will not appear out of character for a residential property. The design of the raised decking area was changed in response to Officer advice so that it no longer abuts the property's boundary with 18 Charnell Road (it is now approximately 0.9 metres away).
- 5.15. The decking area and steps are small in area and, while raised, it is not considered that their height will appear disproportionate in size or out of keeping with the property or its surroundings.
- 5.16. Moreover, the raised decking area is no longer symmetrical when looking at the rear of the dwelling. This is because of the revision of the scheme so that the decking no longer abuts the western boundary. Although this is not usually desirable, it is considered that in this case it does not appear out of place when looking at the scheme as a whole.
- 5.17. Therefore, on balance, it is considered that the proposal is in accordance with the relevant parts of Policy CS1 of the Core Strategy, Policy H4 of the Local Plan and Policy PSP39 of the PSP.

Residential Amenity

- 5.18. The objection received sets out that the proposal will result in loss of light, loss of privacy and is overbearing in nature.
- 5.19. In respect of loss of light / overshadowing, the permitted development criteria set out in the GPDO represent what the government considers is acceptable. The proposed single storey rear extension meets the permitted development criteria in relation to its ridge height, but its height at the eaves is 0.2 metres higher than that permitted. Whilst the addition of 0.2 metres to the eaves height will make some difference to the levels of light into the rear ground floor rooms of 18 Charnell Road, it is not considered that this would be significant so as to warrant refusing this planning application.
- 5.20. Similarly, in regards to the objection that the rear extension is overbearing, it is not considered that the proposal would be significantly more overbearing than a rear extension that met the permitted development criteria. Therefore, this would not justify refusing this planning application.
- 5.21. In relation to privacy, it was accepted that the raised decking area abutting the fence could give rise to those using it being able to see into habitable rooms of 18 Charnell Road. As a result, the alteration to the design of the raised decking area was sought and agreed with the applicant, and it and the steps are now to be situated approximately 0.9 metres away from the boundary with no. 18.

It is considered that this issue has been addressed by the revised plan, so that there will be no significant impact on privacy.

- 5.22. In addition, the proposal site is located in a residential housing estate where there are neighbouring properties to the sides and rear of it. As a result, there is a degree of mutual overlooking into gardens that cannot be avoided. This is also exacerbated by the gardens of the neighbouring houses in Charnell Road sloping away from the rear walls of those houses. While it will be possible to see some of neighbouring gardens from inside the rear extension, it is not considered that this will result in a significant loss of privacy. Likewise, as the raised decking area is narrow and is unlikely to be wide enough to sit out on (and, even if it was, this would result in less overlooking than views from the rear first floor windows at the property), it is also not considered that this will have a significant impact on the privacy of neighbouring occupiers. As a result, it is not considered that any further measures (e.g. screening) will be required to mitigate the impact upon the privacy of neighbouring occupiers.
- 5.23. Furthermore, an objection was received regarding the veranda and steps, stating that alternatives, such as a different door configuration or a Juliet balcony, would not be unreasonable. However, given the assessment of these aspects of the design and their impact upon residential amenity above, it is not considered reasonable to insist upon such changes to the proposed scheme.
- 5.24. Therefore, it is considered that the proposal is in accordance with the relevant parts of Policy H4 of the Local Plan and Policies PSP39 and PSP9 of the PSP.

Highway Safety and Parking Provision

- 5.25. The proposal is at the rear of the property and has no impact on highway safety or parking provision. Thus, the proposal is considered to comply with the relevant parts of Policy H4 of the Local Plan and Policy PSP39 of the PSP.

Retention of Adequate Private Amenity Space

- 5.26. The rear garden of the proposal site is a reasonably large sized garden which would have measured in the region of 180 square metres prior to the erection of the proposed rear extension. The proposed rear extension, the raised deck area and steps will measure approximately 25 square metres. As such, the rear garden of the property would still be approximately 155 square metres if the proposal were to be approved, which is considered to be ample amenity space.
- 5.27. While a small amount of grass has been lost as a result of the proposed development, it is not considered that any valuable trees or vegetation have been lost because of it. Other trees and vegetation remain at the property that contribute to relief in the locality.
- 5.28. As such, it is considered that the proposed development is in accordance with the relevant parts of Policy H4 of the Local Plan and Policies PSP39 and PSP44 of the PSP.

Other Issues

- 5.29. An objection has been raised in respect of various matters which have not already been addressed above, and each issue will be dealt with in turn below.
- 5.30. The objector has stated that a party wall agreement was signed on the basis that the development was going to benefit from a deemed planning permission under the permitted development legislation. Party wall agreements and discussions between the parties about the form of the development are not material considerations that can be given weight in determining this application.
- 5.31. Another issue raised is that the plans submitted do not accurately reflect the works carried out in respect of the size of the extension and the position of the bi-folding doors when folded back. The plan of the proposed single storey rear extension (drg. no. 01A) shows the eaves height as being 3.2 metres from ground level (which is in excess of the permitted development criteria) and the ridge height as being 4 metres from ground level, which is believed to reflect the position on the ground. The position of the bi-folding doors when folded back shown on the plans is not considered to be a material issue requiring the resubmission of amended plans, as the applicant would be able to change which way the doors folded without it constituting 'development' for which planning permission would be required. Therefore, it is not considered that there are any material concerns about the plans submitted.
- 5.32. The objector has also commented upon the proposed development leading to a loss of their views towards Siston. However, this is not a material consideration which can be taken into account when determining this application, as there is no right to a view.
- 5.33. An objection has also made reference to the fact that, while the applicant had a large raised decked area in the position of the rear extension before, this did not have planning permission and did significantly affect the objector's privacy. The Officer can confirm that what was in situ at the property before the proposed development has been given very little weight, as this planning application has been primarily assessed on the basis of the proposed scheme against planning policy.
- 5.34. As a result, it is not considered that any of the above concerns would constitute a reason for refusal.

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 2006-2027 (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1. That this planning application be approved subject to conditions.

Contact Officer: Kathryn Leeming
Tel. No. 01454 863117

CONDITIONS

1. Within 3 months from the date of this decision, the rendering of the external walls of the rear extension hereby approved shall be completed using materials to match that of the existing dwellinghouse.

Reason

In the interests of good design and to protect the amenity of adjacent properties in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013), Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and Policy PSP39 of the South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (March 2015).

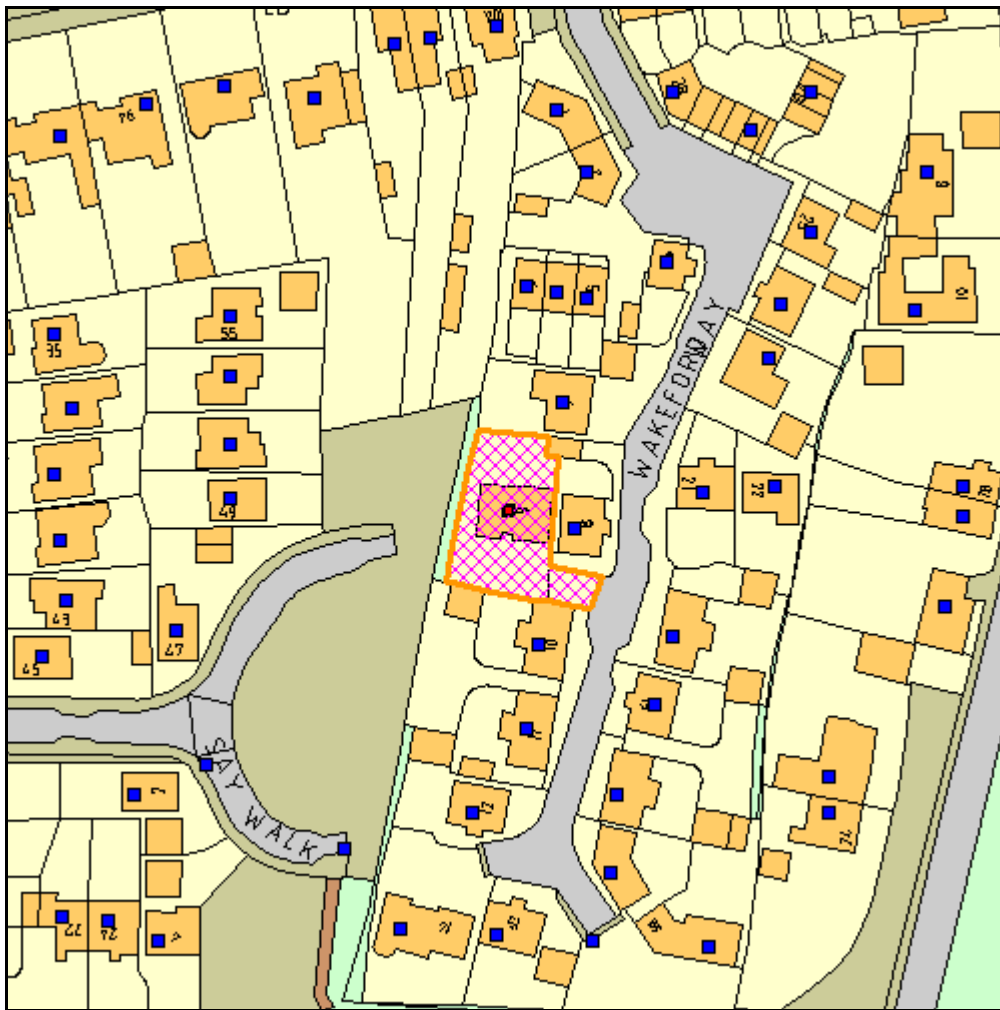
2. The raised decking area, balustrades and access steps hereby approved shall be constructed using timber.

Reason

In the interests of good design and to protect the amenity of adjacent properties in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013), Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and Policy PSP39 of the South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (March 2015).

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/2031/CLP	Applicant:	Mr Peter Lee
Site:	9 Wakeford Way Warmley Bristol South Gloucestershire BS30 5HU	Date Reg:	19th May 2016
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear and side extension to provide additional living accommodation	Parish:	Siston Parish Council
Map Ref:	367891 173182	Ward:	Siston
Application Category:		Target Date:	14th July 2016



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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 erection of a single storey rear and side extension at No. 9 Wakeford Way, Warmley would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response received

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Detailed Elevations
Section A
Ground Floor Plan
Site Location Plan

Topographical Survey

Plans received by the Council on 25/04/2016

Roof and Block Plan Proposed (P101)
Proposed Ground Floor (P102)
Elevations Proposed 1 (P103)
Elevations Proposed 2 (P104)
Section Proposed (P105)

Plans received by the Council on 28/04/2016

5.2 Email from agent confirming materials sent 06/06/2016

6. **ANALYSIS OF PROPOSAL**

6.1 **Principle of Development**

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a single-storey extension to the rear and a single-storey extension to the side of a detached house. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alteration of a dwellinghouse. This allows single-storey rear and side extensions subject to the following;

6.4 **Single-storey side 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 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 side extension would not exceed 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 side extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (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 side extension does not extend beyond a 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 as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (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 side extension would be single storey.

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

The height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

- (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 extends beyond a side wall of the property but does not have more than one storey, exceed 3 meters in height or have a width greater than half of the width of the original property.

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

The development would not include any of the above.

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

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

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

A.3 Development is permitted by Class A subject to the following conditions—

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

As per the email received from the agent on 06/06/2016, the materials used in the exterior work will match the existing.

- (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.

6.5 Single-storey rear extension:

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

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

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the

original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

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

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

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the rear extension would not exceed 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 rear extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (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 related to a detached dwellinghouse. The proposed extension would extend 2.7 meters beyond the rear wall. The development is 3.6 meters in height. The development therefore meets this 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 as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (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 rear extension would be single storey.

- (ii) 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 height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

- (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 extension does not extend beyond a side elevation of the 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—

- (b) 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;

As per the email received from the agent on 06/06/2016, the materials used in the exterior work will match the existing.

- (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

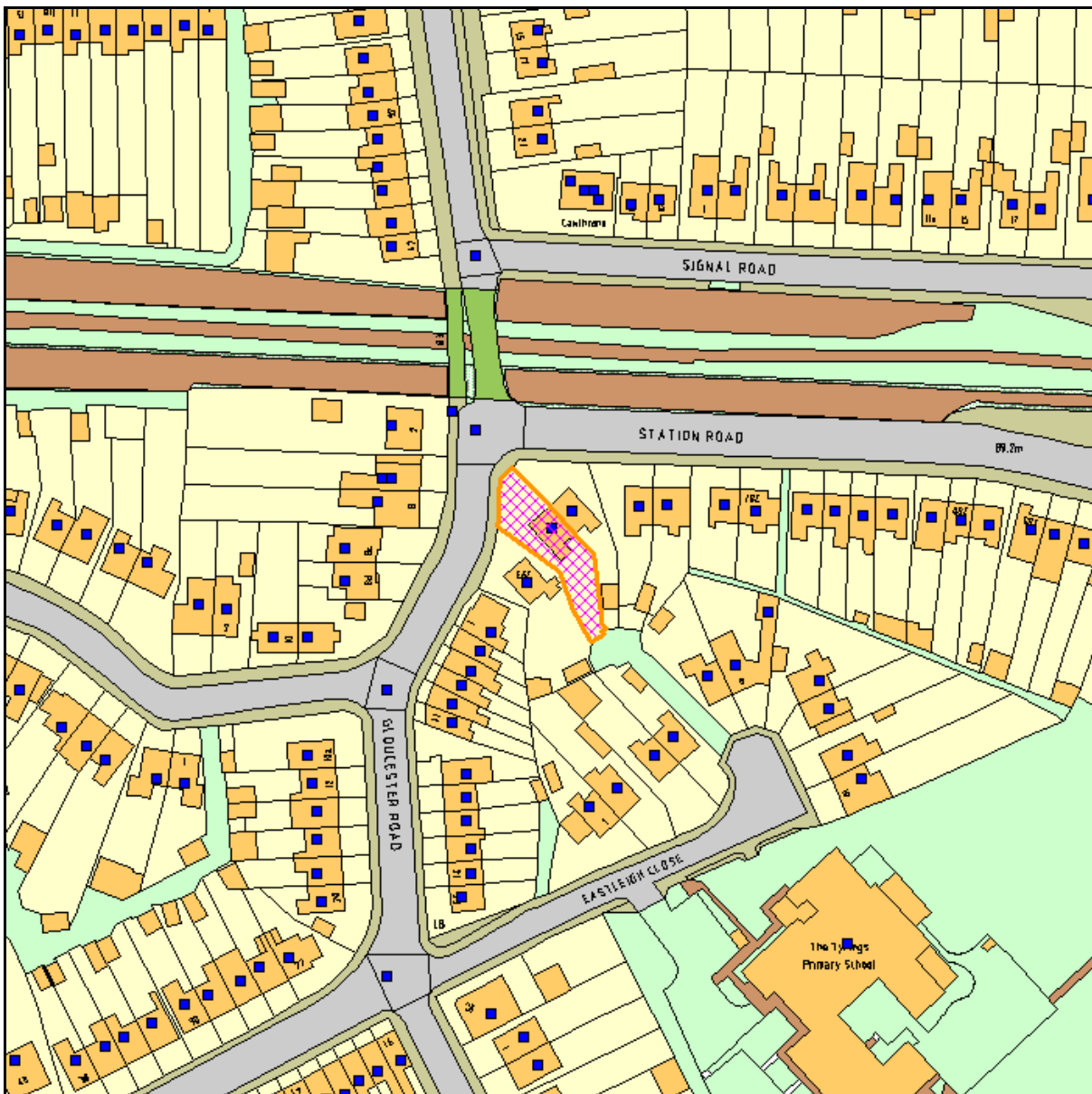
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear and side extensions 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: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/2284/CLP	Applicant:	Mr Jonathan Watts
Site:	291 Station Road Kingswood Bristol South Gloucestershire BS15 4XP	Date Reg:	4th May 2016
Proposal:	Certificate of lawfulness for the proposed installation of rear and side dormer window to form additional living accommodation	Parish:	None
Map Ref:	365410 175625	Ward:	Staple Hill
Application Category:	Certificate of Lawfulness	Target Date:	23rd June 2016



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PK16/2284/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness and as such according to the current scheme of delegation it 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 rear and side dormer at 291 Station Road, Kingswood 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 as such 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

No Relevant Planning History

4. CONSULTATION RESPONSES

- 4.1 Unparished Area
No Comment Available
- 4.2 Other Consultees
No Comments Received

Other Representations

- 4.3 Local Residents
No Comments Received

5. Summary of evidence in support of application

- 5.1 Application Form; Combined Existing and Proposed Plans and Elevations; Site Location Plan

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 B of the GPDO (2015).

- 6.3 The proposed development consists of the introduction of a rear dormer to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions etc. to the roof of a dwellinghouse provided it meets the criteria detailed below:

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 (changes of use)**

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

- (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 proposal would not exceed the height of the highest part of the existing roof.

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

The proposal will be situated to the rear and side elevations and does not front 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 proposal would result in an additional volume of approximately 33.6 m³

- (e) It would consist of or include –**
 - (i) the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

Not applicable.

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

The host dwelling is not on article 2(3) land.

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

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials used will be of a similar appearance.

- (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, measure along the roof slope from the outside edge of the eaves; and**
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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 to be installed.**

The window to the side elevation will be obscured glazed and non-opening.

7. RECOMMENDATION

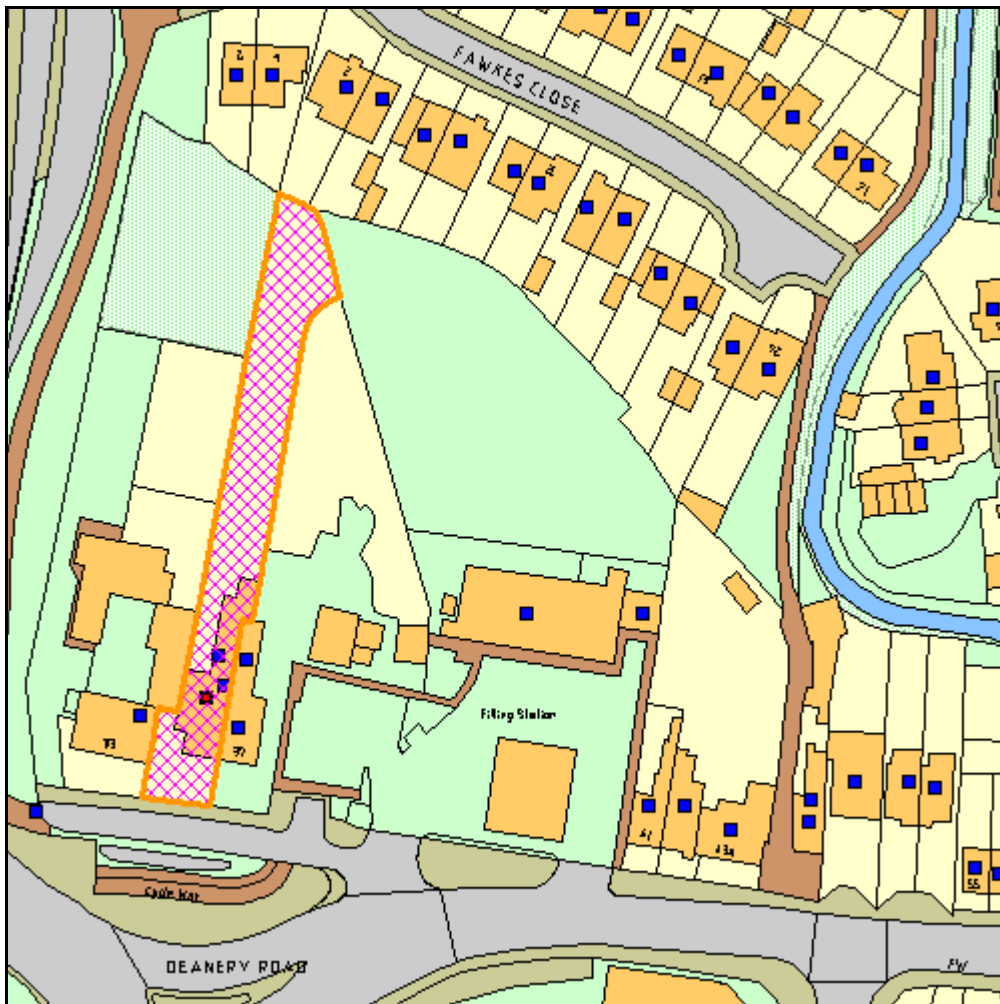
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension falls within the permitted rights afforded to householders under Schedule 2; Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/2292/CLE	Applicant:	Dr Tim Percival
Site:	35 Deanery Road Kingswood Bristol South Gloucestershire BS15 9JB	Date Reg:	4th May 2016
Proposal:	Certificate of lawfulness for the existing use of dwelling (Class C3) to house in multiple occupation (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	None
Map Ref:	366636 173606	Ward:	Siston
Application Category:		Target Date:	24th June 2016



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PK16/2292/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 29th April 2016.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of 35 Deanery Road, Kingswood, Bristol BS15 9JB.
- 1.2 The application comprises a Certificate of Lawfulness for the existing use of the property as a large house in multiple occupation (*sui generis*).
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use for the use of the building and land as defined on the submitted Site Location and Block Plan received 29th April 2016 (the building and its associated curtilage is enclosed in red on the plan)..

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 29th April 2016.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

Enforcement History

- 3.2 None

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following as evidence in support of the application:

1. Statutory Declaration of Nigel Stephen Comer of 35 Deanery Road, Warmley Bristol BS15 9JB dated 27th April 2016

Mr Comer submits the following:

- I am the sole registered proprietor of the freehold at 35 Deanery Road under Title number AV34684
- I purchased the property on 2nd Nov. 2001 with the intention of using the premises as a large House in Multiple Occupancy (HMO), being for the occupation of seven or more residents.
- Since purchasing the premises it has been used for HMO purposes continuously and without interruption to the date of this declaration.
- I have had the benefit of an HMO licence from 2011-2016 which allows for up to 10 persons living at the property.
- No enforcement notices have ever been served in relation to the unauthorised use.

2. Electoral Register Details

Electoral Register details have been submitted for the property spanning the period 2002 – 2016. The details show the names of individual occupants and their years of occupancy of no.35.

3. Photos

A series of 55no. photographs of the interior of no.35 have been submitted. The photos are purported to have been taken on the 17th March 2016 by the applicant's Architectural Surveyor.

4. Supporting Statement for iPlans dated 18th April 2016

In summary, the supporting statement includes the following relevant evidence:

- The applicant Dr Tim Percival recently purchased no.35 Deanery Road.
- Since 2001, the previous owner ran the property in breach of planning control as a large HMO.
- The authorised use of the property is C3 dwelling.
- Since Feb. 2011 a licence to run the house as a large HMO was issued by the Council to support up to 10 tenants.
- The property is semi-detached with the rooms spread over 3 floors.
- The internal layout has been as the submitted floor plans since 2001. There are 9 bedrooms with 7 bathrooms, 6 of the 9 bedrooms benefit from en-suite facilities. The ground floor consists of 4 en-suite bedrooms, 1 living area and 1 kitchen. The first floor consists of 1 en-suite bedroom and two bedrooms which share 1 bathroom. The loft consists of 1 bedroom sharing 1st floor bathroom and 1 en-suite bedroom.
- The existing condition of the property is poor. Renovation is currently taking place but the number of rooms will remain the same.
- The minimal term of rental for the rooms was 5 months to the maximum period of over 6 years.
- The submitted electoral roll information shows that in 2004 for example there were at least 7 tenants. Throughout the different years, there were

more tenants, however, due to short tenancies, they do not appear on the electoral role.

5. **SUMMARY OF CONTRARY EVIDENCE**

1. None submitted.

6. **OTHER CONSULTATIONS**

Local Councillor

No response

Parish Council

Not a parished area.

7. **ASSESSMENT**

- 7.1 The legislative framework for a Certificate of Lawfulness rests under S191 of the Town and Country Planning Act 1991. Specifically, this act specifies that:

s191) (1)

'If any person wishes to ascertain whether

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under are lawful;

or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter'.

- 7.2 Accordingly, the applicant submitted the application under S191 (1)(a). To this extent, having regard to S171B of the Act, a Certificate of Lawful Existing Use or Development can be obtained where:-

(a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.

(b) A condition or limitation on a planning permission has not been complied with for more than 10 years.

(c) Building or other operations have been completed for more than 4 years.

(d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 29th April 2006 to 29th April 2016.

7.3 For a use to be lawful for the purposes of the Town and Country Planning Act, section 191(2) requires that:

'For the purposes of this Act uses and operations are lawful at any time if:

- (a) no enforcement action may 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); and*
- (b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

(No enforcement notice was in place during the relevant 10 year period)

7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, an unfettered occupation of this site for the use described has occurred for a continuous period of not less than 10 years and whether or not the use is in contravention to any planning enforcement notice or breach of condition notice then in force.

7.5 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or 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. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.6 Hierarchy of Evidence

The evidence submitted comprises an affidavit or statutory declaration. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.

4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

From the evidence submitted the Statutory Declaration carries substantial weight.

Analysis

- 7.7 Officers consider the site to be one planning unit. It is clearly all in the same ownership; is distinct in character from the adjacent and commercial uses; and appears to be one unit of occupation.
- 7.8 The onus is on the applicant to demonstrate that on the balance of probability the uses(s) applied for have been continuous for 10 years consecutively prior to the receipt of the application. Evidence should be precise and unambiguous. The Council should not issue a certificate unless this is the case or where it has evidence of its own or from others to make the applicant's version of events less than probable. The Council does however have the option of issuing a certificate for a reduced area of land and can also revise the description of use if needs be.
- 7.9 The applicant primarily relies on one Statutory Declaration and some supporting evidence as listed in section 4 above.
- 7.10 The applicant states that the property has been used continuously as an HMO since 2001. The submitted electoral roll information spans this period but is inconclusive as there are periods since 2006 when there were either no tenants as shown e.g. 2007-2008 and 2010 – 2011 or where only one or two tenants are shown e.g. 2006 and 2009 respectively. Conversely there were 7 tenants in 2004, suggesting HMO occupation then. The gaps in this evidence are explained by the applicant as being due to short tenancies, which would not have been recorded on the electoral role.
- 7.11 The submitted photographs are not dated but the applicant's agent has confirmed in writing that they were taken in March 2016. They are merely a snapshot of the property at the end of the relevant 10 year period. Whilst the photos help to confirm the existing internal layout of the property they are of little use in establishing the continuous 10 year use of the property.
- 7.12 Officers have made their own internal enquiries and the Council's Council Tax officer's records did, in as much as was possible, corroborate Mr Comer's version of events. The Council's Housing Officer was able to confirm that the property was licensed on the 1st March 2011 as an HMO for up to 10 persons and this also confirms what Mr Comer has said in his sworn evidence.

7.13 Whilst the submitted evidence is limited, officers consider that given the Council has no evidence of their own, or 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.

7.14 Was there Deliberate Concealment?

The site is not concealed from public view although the internal areas are private; nevertheless neighbours would have been aware of the daily comings and goings to and from the property. There is nothing to suggest that there was any attempt to deliberately conceal the use applied for especially given that longer term tenants were registered on the electoral roll and a license for an HMO was applied for in 2011. Officers are therefore satisfied that on the balance of probability, the use referred to above has been continuous as described for a period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

8.0. CONCLUSION

8.1 The submitted evidence covers the relevant 10-year period prior to receipt of the application and beyond.

8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own officers to make the applicant's version of events less than probable.

8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued for the land and buildings relating to the submitted red edged plan.

Planning Unit

8.4 Officers are satisfied that the land and buildings the subject of the application represent a separate planning unit.

9. RECOMMENDATION

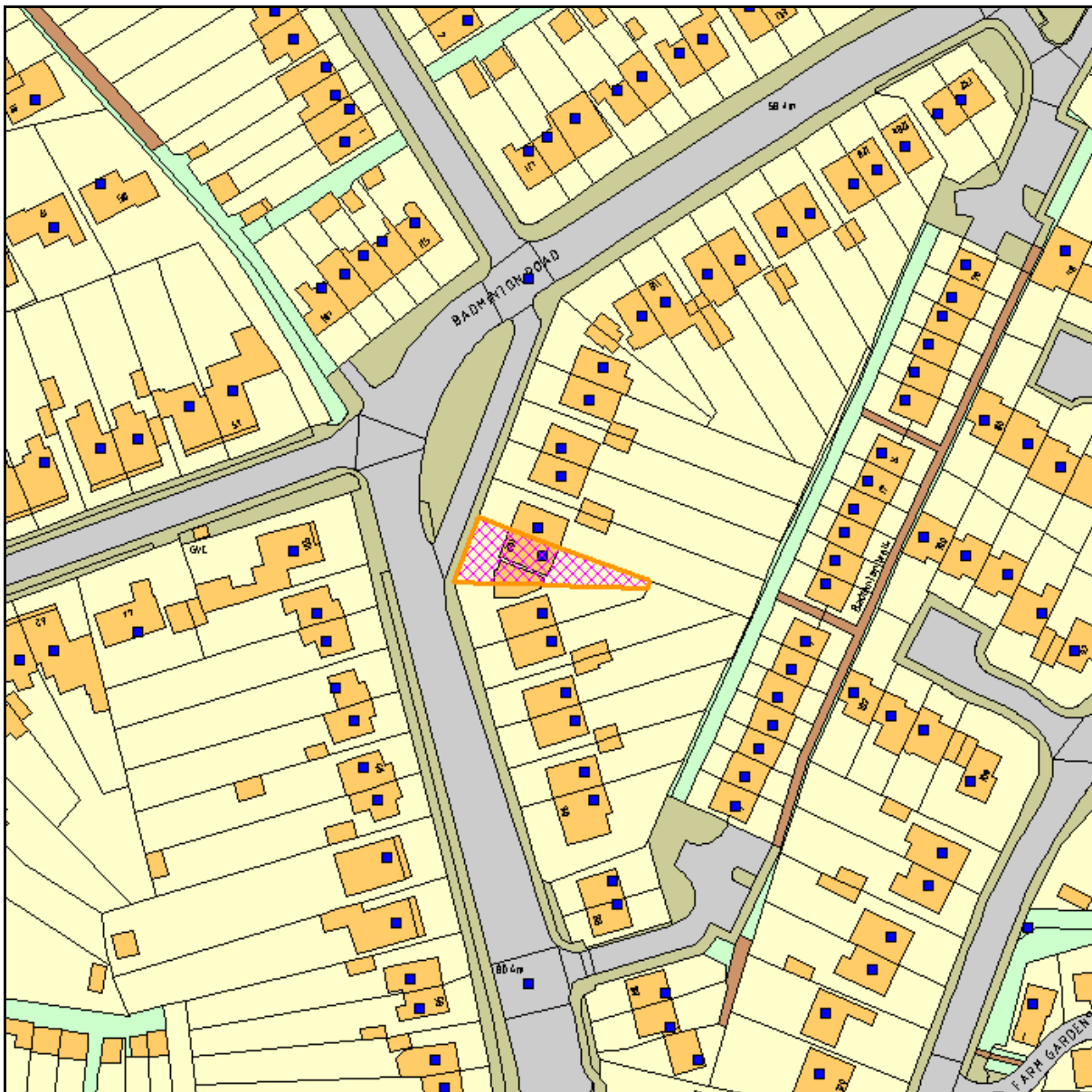
9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of no. 35 Deanery Road, Kingswood as a large House in Multiple Occupation (HMO) *sui generis*.

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building and land shown enclosed in red on the submitted Site Location Plan has been used as a large House in Multiple Occupation (HMO) (sui generis) for a continuous period of 10 years or more immediately prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PK16/3135/CLP	Applicant:	Mr And Mrs Westwood
Site:	102 Badminton Road Downend Bristol South Gloucestershire BS16 6BZ	Date Reg:	24th May 2016
Proposal:	Certificate of lawfulness for the proposed installation of rear and side dormer windows to form additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365201 177232	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	14th July 2016



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PK16/3135/CLP

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 rear and side dormer windows at No. 102 Badminton Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class 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 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Council
No objection.

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Elevations (A3 160517)
Site Location Plan

Plans received by the Council on 19/05/2016

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a dormer window to the rear and side of a semi-detached house. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions subject to the following:

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 (changes of use)**

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

- (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 dormer windows would not exceed the highest part of the roof, and therefore meets this criterion.

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

The proposal will be situated at the rear and side elevations and would not front a highway.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

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

(ii) 50 cubic metres in any other case'

The property is a semi-detached house and the proposal would result in an additional volume of less than 50 cubic meters (Approximately 46 cubic meters).

(e) It would consist of or include –

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal includes none of the above.

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

The host dwelling is not on article 2(3) land.

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

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

As per the Existing and Proposed Elevations which were submitted 19/05/2016, the materials used in the exterior work will be of similar appearance to existing materials.

(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, measured along the roof slope from the outside edge or the eaves; and

- (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 would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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.

The side dormer window will have a window, but this will be both obscure-glazed and non-opening. Therefore the development meets this criterion.

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 dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PT15/3219/F	Applicant:	Pantheon West Ltd
Site:	29 Cabot Court Gloucester Road North Filton Bristol South Gloucestershire BS7 0SH	Date Reg:	27th July 2015
Proposal:	Erection of 11no flats with associated works	Parish:	Filton Town Council
Map Ref:	359870 178282	Ward:	Filton
Application Category:	Major	Target Date:	23rd October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in order to revise the previous resolution and merely gain an extension in time for the signing of the S106 Agreement.

1. THE PROPOSAL

- 1.1 The application site comprises an area of hard standing, measuring approximately 741 square metres, situated in a back-land location to the west of Gloucester Road North, within the established residential area of Filton.
- 1.2 The application site is set back from the street and is screened from the public realm by existing built form, most notably the newly built commercial development along Gloucester Road North and the older Cabot Court. The site abuts long, linear, garden curtilages on the north, south and western sides of dwellings along Broncksea Road and Braemar Avenue.
- 1.3 Planning permission was granted (subject to a S106 Agreement) via Circulated Schedule 49/15, a copy of which is appended to this report, for the erection of a block of 11no. flats comprising 6 x 1 bed and 5 x 2 bed flats, all to be offered as affordable housing. Vehicular access to the flats would be via the existing access off Braemar Road; the access from Broncksea Road having been closed off to through traffic.
- 1.4 Part 3 of the resolution required the S106 Agreement to be signed within 6 months of the date of the resolution. Unfortunately, due to protracted negotiations, the S106 has not yet been signed but the applicant has requested an extension in time to 8th July 2016 to allow the matter to be resolved – hence this further referral to the Circulated Schedule to formalise the arrangement.

2. POLICY CONTEXT

2.1 National Policy

National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan (Saved Policies) Adopted 6th Jan 2006.

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

L9 - Species Protection

EP2 - Flood Risk and Development

T7 - Cycle Parking

T12 - Highway Safety

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS2 - Green Infra-Structure
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106
Planning Obligations Guide SPD Adopted March 2015.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8 - Settlement Boundaries
PSP9 - Residential Amenity
PSP12 - Development Related Transport Impact Management
PSP17 - Parking Standards
PSP20 - Wider Biodiversity
PSP21 - Flood Risk, Surface Water and Watercourses
PSP22 - Environmental Pollution and Impacts
PSP44 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0876/F - Erection of two buildings to form 10 flats and associated works.
Refused 15 Nov 2001 on the following grounds:
- Inadequate parking provision.
 - Additional traffic movements onto and off a busy classified road.
- 3.2 PT07/1953/F - Erection of 9no. self-contained flats with associated works.
Approved 14 Jan 2008 subject to S278 Agreement.
- 3.3 PT08/1331/F - Erection of 10no. self-contained flats with associated works.
Withdrawn 4 July 2008

- 3.4 PT10/3420/EXT - Erection of 9no. self-contained flats with associated works.
(Consent to extend time limit implementation for PT07/1953/F).
Approved 28 Jan. 2011
- 3.5 PT13/3909/RVC - Variation of condition 6 attached to planning permission
PT10/3420/EXT to read, 'The parking for the approved scheme will be laid out
and maintained to the satisfaction of the Council clear of obstruction at all times
for the parking and manoeuvring of motor vehicles in accordance with plan
reference 13042/01.'
Approved 13 Dec. 2013
- 3.6 PT15/1077/NMA - Non-material amendment to PT07/1953/F to replace
basement parking area with accommodation, alteration to elevations and
relocation of parking spaces.
Objection 30 March 2015 – proposal is material.
- 3.7 PT15/3219/F - Erection of 11no. flats with associated works.
Approved subject to S106 Agreement 11th Dec. 2015 (still not signed)

4. **CONSULTATION RESPONSES (made in response to the original application
PT15/3219/F)**

4.1 Filton Parish Council
No objection

4.2 Other Consultees

Lead Local Flood Authority
No comment

Arts and Development
No comment

Wessex Water
Standard comments – No objection

Highway Structures
No comment

Housing Enabling
Notwithstanding the fact this scheme is for a 100% affordable housing scheme,
as the scheme exceeds the urban threshold as set down under Policy CS18 of
the Core Strategy the Council will secure 35% affordable housing as part of a
Section 106 agreement. Therefore as the application is for 11 dwellings 4 need
to be secured under a S106 agreement as affordable housing.

New Communities

The following contributions are requested to be secured by S106 Agreement:

Off-site POS provision/enhancement - £6,606.92p
Off-site POS maintenance - £9,019.85p

The contributions are likely to be spent on projects at Stoke Park, Elm Park or the Allotments adjacent to Northville Park.

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Children and Young People

No response

Other Representations

4.3 Local Residents

6no. letters/e-mails of objection have been received from local residents. The concerns raised are summarised as follows:

- The building is too large and will have an overbearing impact on neighbouring residential properties.
- Overlooking of neighbouring property from roof terrace and balconies.
- A new secure boundary treatment is required to prevent cars from rolling into neighbouring gardens, as has happened in the past.
- There have been problems with flooding in Bronksea Road properties. How will the drainage and sewage be managed without routing pipes through back gardens?
- Overdevelopment of site.
- Inappropriate design – not in-keeping with neighbouring houses.
- Increased on-street parking.
- Limited access for emergency vehicles.
- More landscaping is required.
- Insufficient parking provision.
- Dangerous crossing from Braemar Avenue to Cabot Court.
- Increased noise.
- There is no demand for flats in the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the resolution to grant application PT15/3219/F subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report.

- 5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the

Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the 6 month deadline for completing the S106 Agreement. An extension in time to 8th July 2016, to complete the S106 is sought by the applicant. Officers are however satisfied that there is every expectation that the S106 will be signed shortly.
- 5.4 On 28th November 2014, the Government announced changes to the national policy in relation to contributions for affordable housing and other tariff style planning obligations (S106 planning obligations). These were published as an update to the National Planning Practice Guidance (NPPG). Whilst affecting the thresholds for affordable housing contributions, the changes also impact on other contributions such as community facilities and services. The High Court last year quashed this guidance to exempt sites of less than 10 units from S106 affordable housing requirements; however the government appealed the judgment and the Court of Appeal recently overturned the High Court's decision.
- 5.5 Para. 205 of the NPPF also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 5.6 The major changes to planning policy as a result of the 28th November update to the NPPG are as follows:
- Developments of 10 units or less and with a combined gross floor-space of no more than 1000sq.m. will not be required to make S106 contributions.
 - In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
 - In **designated rural areas**, for developments of **6-10 units**, only a cash payment is payable upon completion of units i.e. in circumstances where affordable housing is not to be delivered on site.
 - Residential annexes and existing home extensions are exempt from affordable housing and tariff-style contributions.
 - Rural Exception Sites are also excluded from having to make contributions.
- 5.7 The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and

- c) fairly and reasonably related in scale and kind to the development.

In this instance, having regard to the above, the application has been re-assessed against the latest guidance and it is considered that a planning obligation relating to affordable housing and POS provision/enhancement and maintenance is still required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

CIL Matters

- 5.8 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 however, social housing is exempt from CIL charging.

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 Officers consider that having received assurances that the signing of the S106 is imminent that a further extension in time beyond the originally granted 6 months to 8th July 2016 is reasonable.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) The provision of a minimum of 35% (4 dwellings) affordable housing units should be delivered without public subsidy or financial assistance and will consist of 3no. 2 bed 4 person houses for Social Rent; in accordance with the requirements listed in para. 5.36 above.
- (ii) A contribution of £6,606.92p towards off-site POS provision/enhancement.
- (iii) A contribution of £9,019.85p towards POS maintenance
- (i) and (ii) to be spent on either or a combination of :

Natural and Semi Natural Green Space – Stoke Park (or such other Natural and Semi Natural Green Space as may be appropriate)
Provision for Children and Young People – Elm Park (or such other Provision for Children and Young People as may be appropriate)
Allotments – Allotment Plots adjacent to Northville Park (or such other Allotments as may be appropriate).

The reasons for this Agreement are:

- (i) To accord with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. Jan 2013.
 - (ii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
 - (iii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
 - (3) Should the agreement not be completed by the 8th July 2016, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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. Details of all boundary treatments (walls, railings or fences) to be erected/retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the development commences and the development shall only be carried out in accordance with the details so approved. The boundary treatments as approved shall be erected prior to the first occupation of the building.

Reason

To protect the character and appearance of the area and to protect neighbouring residential amenity, to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and the requirements of the NPPF.

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mondays to Fridays inclusive, 08.00hrs to 13.00hrs Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

4. Notwithstanding the details shown on the General Arrangement of Foul Drainage Drawing No. 150907 101, prior to the commencement of the development hereby approved, drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition because any prior development could sterilise the ability to implement the drainage scheme.

5. Notwithstanding the details shown on the approved plans, prior to the commencement of the relevant sections of the development hereby approved, details or samples of the roofing and external facing materials proposed to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting) together with a 5-year maintenance schedule, and areas of hardsurfacing, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a pre-commencement condition to ensure a satisfactory scheme of landscaping can be secured prior to any works commencing that may affect the scheme.

7. The approved car parking, cycle parking, bin storage and turning arrangements as shown on the Proposed Site Plan no. 3821_105 Rev C, shall be provided prior to the first occupation of the building for the purposes hereby approved and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of car and cycle parking facilities, turning areas and bin storage facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS1 of The South Gloucestershire Local Plan Core Strategy and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014.

8. Prior to the first occupation of any of the residential units hereby approved, the car parking spaces shall be clearly marked out in white paint and allocated one per flat with two visitor spaces, all in accordance with the details shown on the approved Proposed Site Plan Drawing No. 3821_105 Rev C and thereafter maintained as such.

Reason

To ensure a satisfactory parking provision in the interests of residential amenity and highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2014 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2014.

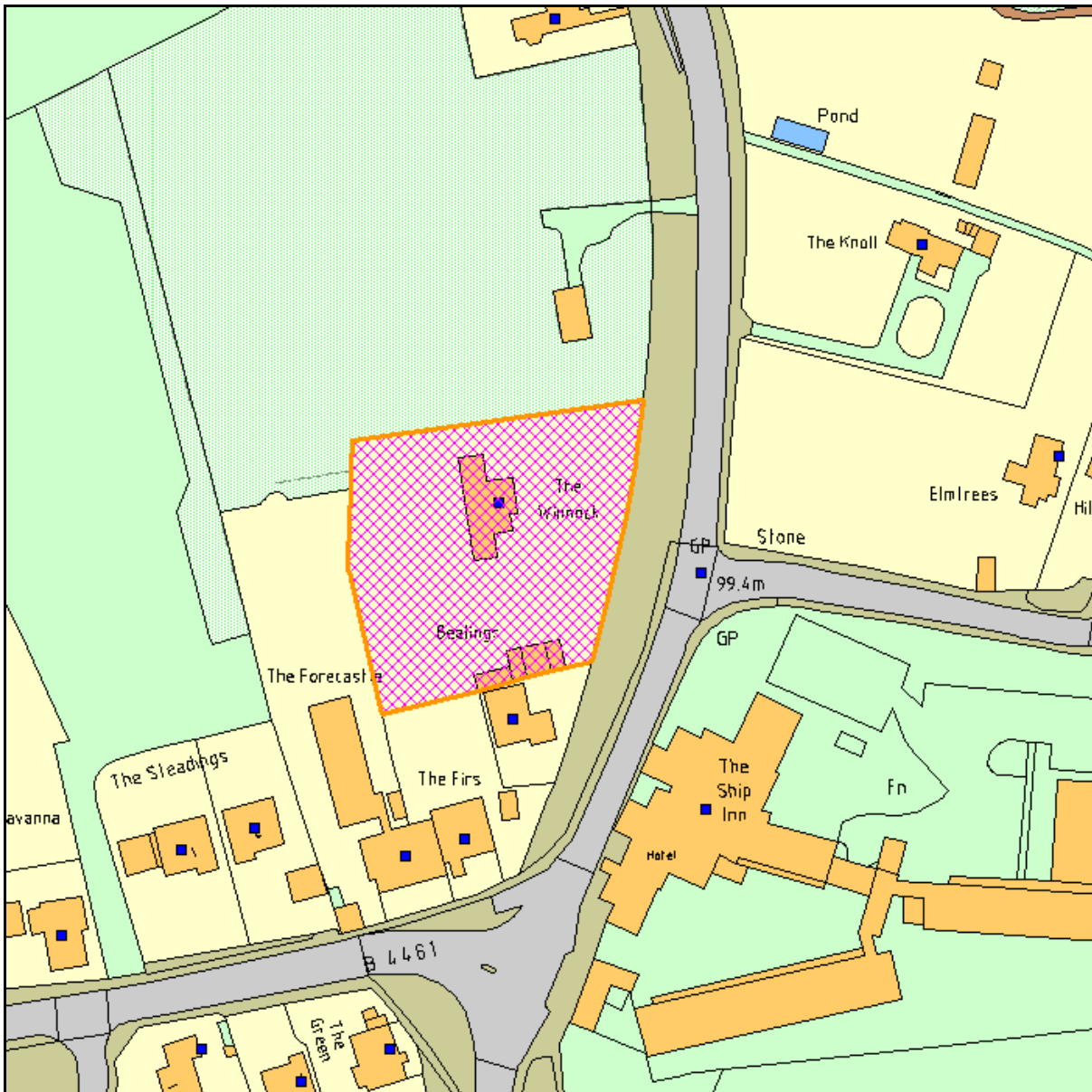
9. Access to the Sedum roof terrace shall be restricted to maintenance purposes only.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PT16/2026/CLP	Applicant:	Mr Clayton Baker
Site:	The Winnocks Thornbury Hill Alveston South Gloucestershire BS35 3LG	Date Reg:	4th May 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	Parish:	Alveston Parish Council
Map Ref:	363461 188410	Ward:	Thornbury South And Alveston
Application Category:	Certificate of Lawfulness	Target Date:	24th June 2016



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 100023410, 2008. N.T.S. PT16/2026/CLP

REASON FOR REPORTING TO THE 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 extension on the northern elevation at The Winnocks, Thornbury Hill, Alveston 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.
- 1.3 In order to be consistent with what has already recently been defined as the principal elevation within PT16/2050/PNH it is considered that the Certificate of Lawfulness is for a rear extension for the purposes of the applications of the GPDO rather than a side extension as described. This assessment will consider whether the proposed development accords with the regulations for a rear extension.

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 PT16/2050/PNH The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.5m, for which the maximum height would be 4m and the height of the eaves would be 2.5m.
Refused 01/06/2016

Refusal Reason:

'The proposed development is not permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) Schedule 2, Part 1, Class A as the development would not take place on the rear wall of the original dwellinghouse (as described under Class A.1(g) of the GPDO)

As a result the development would not comply with the criteria set out within Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.'

This proposal was for an extension on the western elevation of the building, and therefore different to the proposal put forward under this Certificate.

- 3.2 PT08/1582/F Installation of 2no. front and 2no. rear dormer windows to facilitate loft conversion.
Approve with Conditions 18/07/2008
- 3.3 P96/2442 Erection of single storey extension.
Approval Full Planning 18/11/1996
- 3.4 P84/2120 Alterations and extension to existing bungalow to provide lounge, dining room hall and cloakroom.
Approval Full Planning 12/09/1984

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No comments received regarding the proposal.

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 26 April 2016 –
- Existing Site Location and Block Plan(16/119/001)
 - Existing Floor Plans (16/119/002)
 - Existing House Elevations (16/119/003)
 - Proposed Floor Plans PD (16/119/250)
 - Proposed Roof Plan PD(16/119/251)
 - Proposed Elevations PD (16/119/252)

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for a proposed single storey side extension at a property in Alveston.
- 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 described by the applicant as a single storey side extension. Having established the principal elevation being on the south-east of the property because of the access and the location of architectural features, in this case a porch serving the main entrance to the house. It is considered that the proposal would be a rear extension. As such, the assessment will consider a single storey rear extension.
- 6.5 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.
- 6.6 Assessment of Evidence: Single Storey Rear 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 rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the single storey rear 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 extension does not extend beyond a wall which forms a principal elevation of the original dwellinghouse neither does it extend beyond a wall which fronts a highway or form a side elevation.

- (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 host dwelling is a detached dwellinghouse, the proposal is for a single storey rear extension which will extend beyond the rear wall of the original dwellinghouse by circa 4.4 metres, this is too large to be considered permitted development without a prior notification procedure undertaken, and therefore does not meet this 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;**

The proposal is for a single storey rear extension, the proposal would not extend beyond the rear wall of the original dwellinghouse by more than 8 metres, nor would it exceed 4 metres in height. However, the proposal fails to comply with conditions outlined in A.4.

- (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 height of the eaves would not exceed 3 metres.

- (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

Due to what has been defined as the principal elevation the proposed extension does not extend beyond a side wall of the property as it is considered to be a rear extension rather than side extension.

(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.

Conditions

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 of a similar appearance to those used in the original 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

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.

A.4 – (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

- (2) Before beginning the development the developer must provide the following information to the Local Planning Authority—
- (a) a written description of the proposed development including –
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse;
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
 - (b) a plan indicating the site and showing the proposed development;
 - (c) the addresses of any adjoining premises;
 - (d) the developer's contact address; and
 - (e) the developer's email address if the developer is content to receive communications electronically.
- (3) The Local Planning Authority may refuse an application, where in the opinion of the authority –
- (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, The conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1 (f) but is allowed by paragraph A.1 (g).

In this case a Prior Notification has not been received and as such the proposal fails the conditions set out above.

In summary this highly technical exercise, has on the balance of probability concluded that the proposal as submitted cannot be undertaken without first submitting a prior approval application for a larger householder extension. It is possible that subject to such a procedure being followed and not attracting any objections from nearby residents that such a proposal could then be permitted development. However, in the absence of such a prior approval application having been made the proposal cannot proceed lawfully under the GPDO 2015.

7. RECOMMENDATION

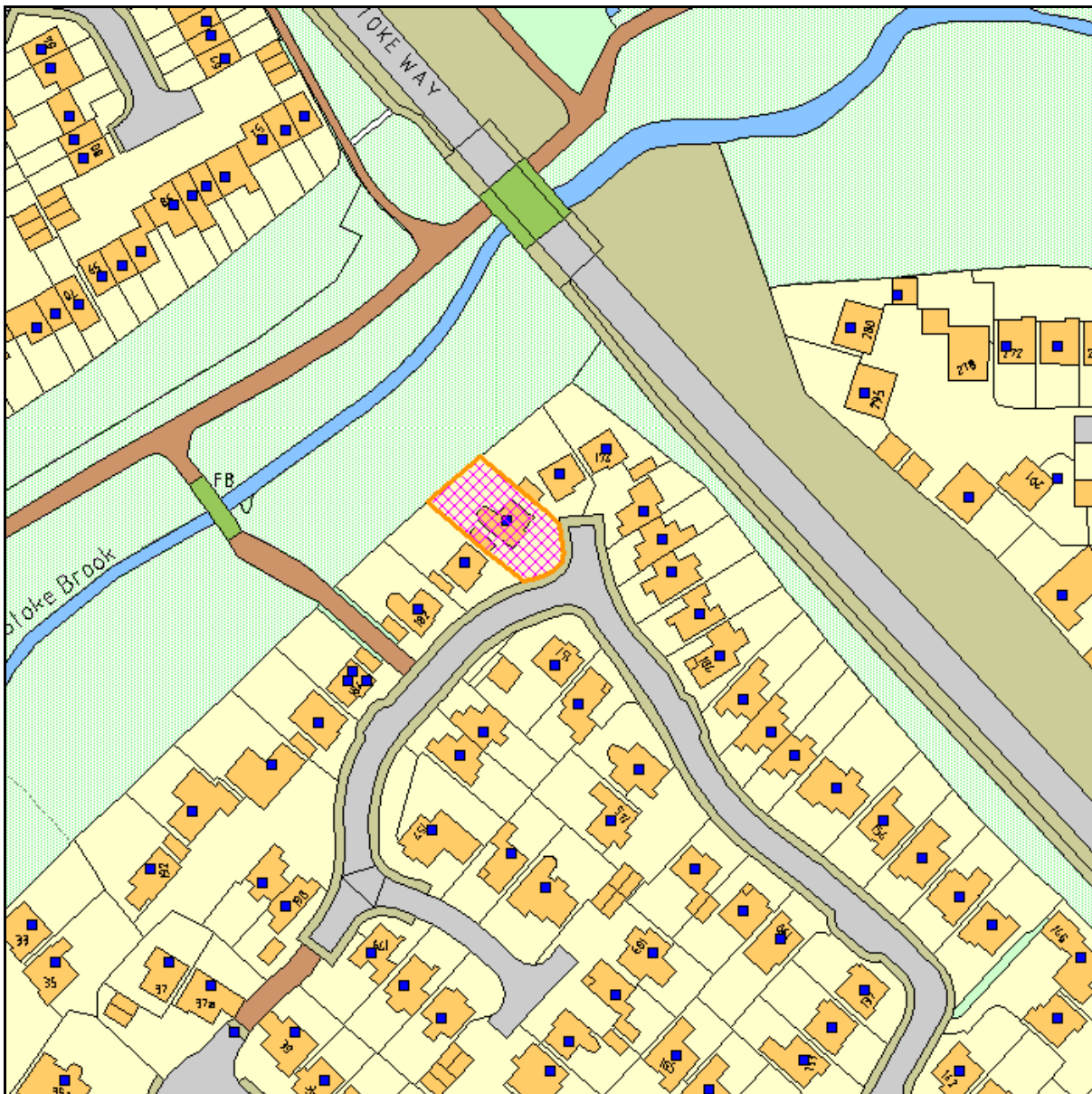
- 7.1 That a Certificate of Lawfulness for Proposed Development is **REFUSED** for the following reason:

The proposed development is not permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) Schedule 2, Part 1, Class A as the development would not take place on the side elevation of the original dwellinghouse and when considered as a rear extension it is too large to be considered permitted development without a prior notification procedure undertaken, as a result the development fails to comply with the conditions outlined Class A.4 of the GDPO.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 24/16 – 17 JUNE 2016

App No.:	PT16/2045/F	Applicant:	Mr J Walsh
Site:	178 The Bluebells Bradley Stoke Bristol South Gloucestershire BS32 8DW	Date Reg:	28th April 2016
Proposal:	Demolition of existing garage and conservatory and erection of two storey side extension and single storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362443 181388	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	20th June 2016



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 100023410, 2008. N.T.S. PT16/2045/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing garage and erection of a two storey side extension and single storey rear extension at 178 The Bluebells Bradley Stoke.
- 1.2 The host dwelling is a detached two-storey dwelling. The property is situated within the settlement boundary of Bradley Stoke.
- 1.3 The materials proposed would be of a similar appearance to the existing elevations and roof, including: buff brick and render elevation, concrete interlocking tiles, and white PVC windows.
- 1.4 An application for a similar proposal was granted planning permission in 2005, this permission has now elapsed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0719/F Erection of two storey side and single storey rear extension to form extended living room, garage and study with bedroom and ensuite facilities over.
Approve with Conditions 19.04.2005

- 3.2 P93/0020/405 Erection of 41 houses and garages and ancillary works on 3.93 acres (1.6 hectares); construction of vehicular and pedestrian access (to be read in conjunction with P84/20/1) (in accordance with amended plans received by the council on 4 March 1994)
Approval of Reserved Matters 09.03.1994
- 3.3 P84/0020/1 Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.
Approval 03.12.1986

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection, the proposal is overdevelopment of the site.
- 4.2 Sustainable Transport
No objection providing the driveway is widened to provide 2 off street parking spaces.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

- 5.2 Design and Visual Amenity
The applicant site is a two-storey buff brick and rendered dwelling located within Bradley Stoke. The property is detached. There is currently an area of hardstanding at the front of the property which is used as a driveway. There is an existing detached garage which will be demolished. The application seeks approval for the demolition of existing garage and conservatory and erection of two storey side and single storey rear extension to provide additional living accommodation.

The proposed two storey side extension will not be obviously subordinate to the original dwellinghouse, however it will continue the hipped roof style.

Furthermore, the extended section will be set back from the remaining central section parallels with the existing set back part of the original house further to the north east. It is noted that the two storey side extension will be visible from the streetscene, it is however considered that as there is a wide variety of styles of property within this part of Bradley Stoke this is acceptable.

The materials utilised in the proposal will match those used in the existing dwelling with concrete interlocking roof tiles, facing brickwork elevations and white UPVC windows and doors. So whilst the extension will significantly increase the size of the original house it is not considered to amount to overdevelopment.

It is considered that the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

The applicant site is a two-storey property situated on the residential road of The Bluebells in Bradley Stoke. The boundary treatments at the site consist of 1.8 metre fences.

The proposed extension will be on the south-west elevation. It is noted that there are no side elevation windows proposed reducing the potential for overlooking. Furthermore, no. 179 located to the south-west have no side elevation windows which reduces the overbearing impact of the proposal.

There are new windows proposed in both the front and rear elevation, however these are not considered to result in an adverse increase of overlooking.

An objection has been raised by Bradley Stoke Town Council suggesting that the proposal is overdevelopment of the site, Officers note that a similar application was granted permission in 2005 which holds some weight in this decision given that the relationship with properties either side will not have materially changed in the interim. Furthermore, the site is considered to retain adequate private amenity space for existing and future residents.

Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.4 Highways

The proposal shows that one further bedroom will be created as a result of the proposed extension, South Gloucestershire's Residential Parking Standards Supplementary Planning Document (adopted) December 2013 states that the minimum parking requirement for a four bed dwelling is two off street parking

spaces. The existing garage is proposed to be demolished. The applicant proposes to widen the existing driveway to provide off street parking spaces. Subject to these spaces being provided there are no transportation objections, to ensure the spaces are provided a condition is recommended.

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** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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).

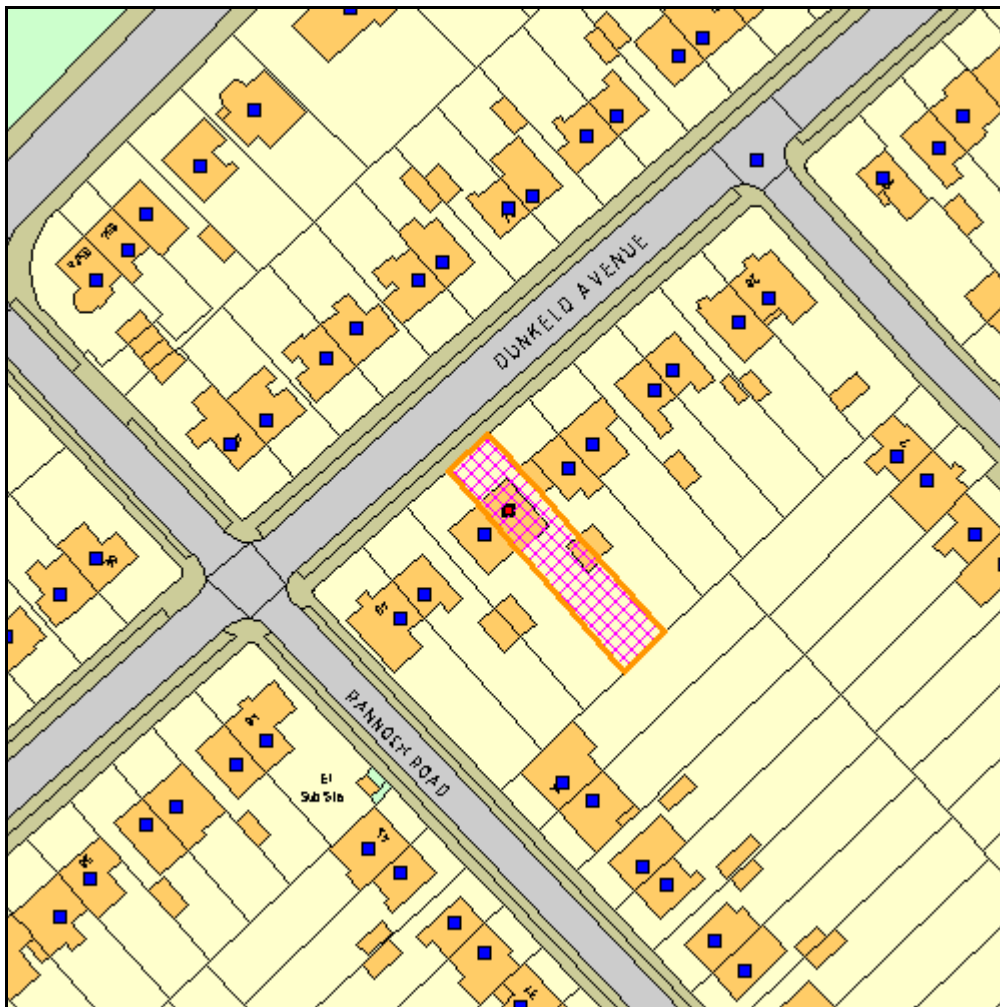
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (Site and Location Plan 1917-1) hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy 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. 24/16 – 17 JUNE 2016

App No.:	PT16/2097/CLP	Applicant:	Mr And Mrs Armsby
Site:	40 Dunkeld Avenue Filton Bristol South Gloucestershire BS34 7RJ	Date Reg:	29th April 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	Parish:	Filton Town Council
Map Ref:	359639 178591	Ward:	Filton
Application Category:		Target Date:	22nd June 2016



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 100023410, 2008. N.T.S. PT16/2097/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at 40 Dunkeld Avenue, Filton 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 Filton Town Council
No Objection

Other Representations

- 4.2 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form; Combined Existing Plans and Elevations; Site Location Plan; Combined Proposed Plans and 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 proposal extends beyond the rear wall of the dwellinghouse by approximately 2.75 metres.

- (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 render 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

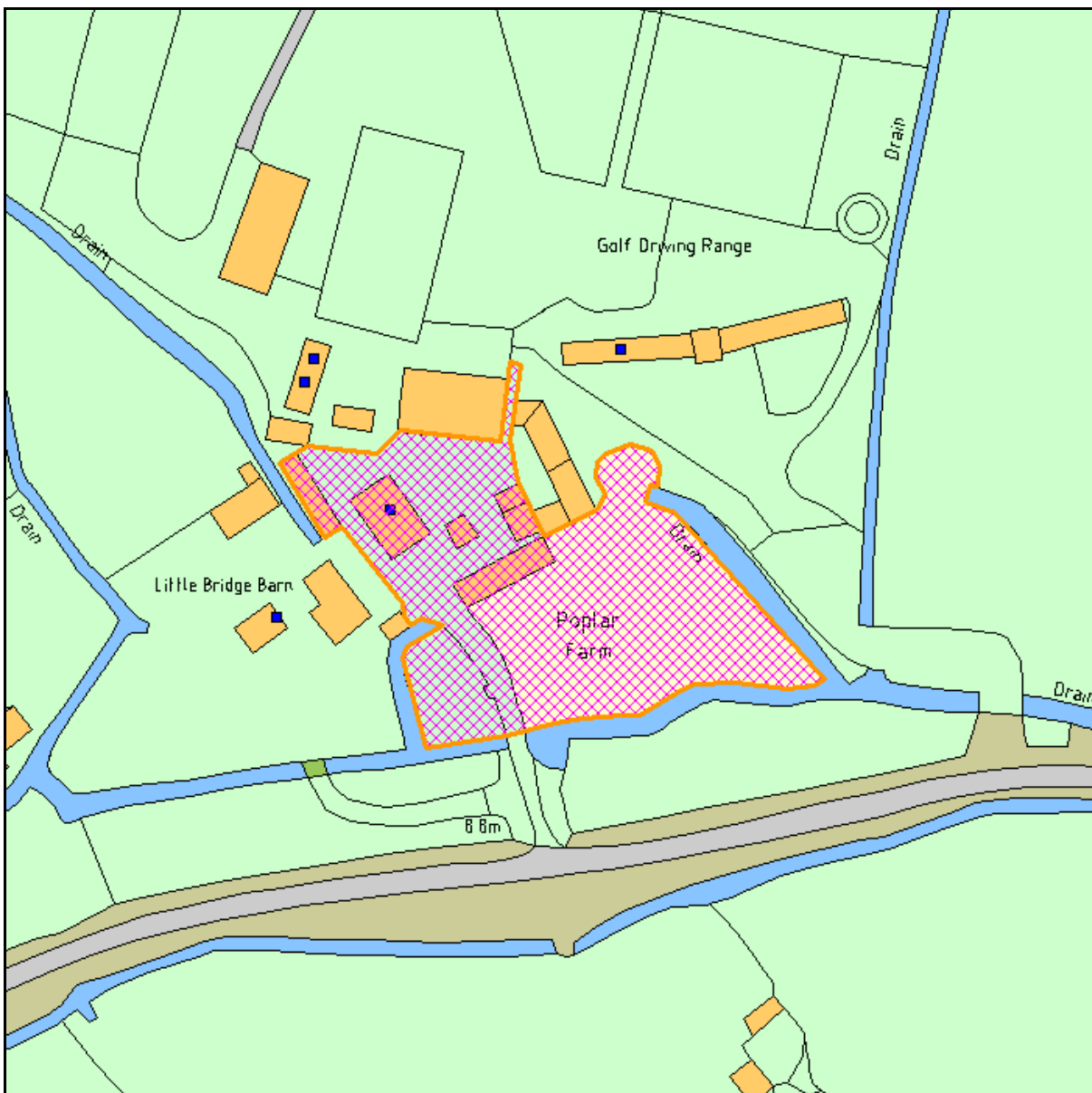
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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. 24/16 – 17 JUNE 2016

App No.:	PT16/2285/CLP	Applicant:	Mr & Mrs Alasdair & Tracy Allan
Site:	Poplars Farm Pilning Street Pilning South Gloucestershire BS35 4HL	Date Reg:	9th May 2016
Proposal:	Certificate of lawfulness for the proposed erection of two storey rear extension.	Parish:	Olveston Parish Council
Map Ref:	358370 185890	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	30th June 2016



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PT16/2285/CLP

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 erection of a two storey rear extension at Poplars Farm, Pilning, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/2823/F Approved with Conditions 30/11/2010
Conversion of 2no. existing barns and erection of single storey glazed link extension to form additional bedrooms, office and study area.(Re-Submission of PT10/1620/F)
- 3.2 PT10/1620/F Refused 25/08/2010
Conversion of 2no. existing barns and erection of single storey glazed link extension to form 1no. dwelling with access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No Objection
- 4.2 Other Consultees

Councillor
No response received

Planning Enforcement
No response received

Other Representations

4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 As received by the Council on 29/04/2016:
Accompanying Letter
Site Location Plan
Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Second Floor Plan
Proposed Rear Elevation
Proposed Section A-A
Photograph of Existing Rear Elevation

As received by the Council on 09/05/2016:
Site Plan
Block Plan
Accompanying Letter
Previous Plans for PT10/2383/F

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a double storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the 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 extension would not extend beyond walls which form the principal elevation or

- (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;**

Not applicable as the extension would be two storeys.

- (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 as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (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 two storey rear extension would extend beyond the rear wall of the original dwelling house by 3 metres and will not be within 7 metres of any boundary of the curtilage.

- (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 development would not be within 2 metres of the boundary curtilage of the dwellinghouse.

- (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 development does not extend beyond a side elevation of the 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 materials used in the exterior work will match the existing.

- (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.**

The extension would have a roof pitch similar to that used on the main dwelling.

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 rear 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) (England) Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 863133