

Bath & North East Somerset Council

MEETING: Development Control Committee

MEETING DATE: 9th May 2012

AGENDA
ITEM
NUMBER

RESPONSIBLE OFFICER: Lisa Bartlett, Development Control Manager,
Planning and Transport Development (Telephone:
01225 477281)

TITLE: NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF
FORTHCOMING HEARINGS/INQUIRIES

WARD: ALL

BACKGROUND PAPERS: None

AN OPEN PUBLIC ITEM

APPEALS LODGED

App. Ref: 11/04341/FUL
Location: Blue Gates Hursley Hill Publow Bristol
Proposal: Erection of 1no garden storage building following demolition of existing garden storage sheds (Resubmission)
Decision: REFUSE
Decision Date: 23 December 2011
Decision Level: Delegated
Appeal Lodged: 29 March 2012

App. Ref: 11/05173/FUL
Location: 717 Wellsway Bath BA2 2TZ
Proposal: Erection of a two storey side extension to replace existing carport and utility
Decision: REFUSE
Decision Date: 30 January 2012
Decision Level: Delegated
Appeal Lodged: 29 March 2012

App. Ref: 12/00331/FUL
Location: 19 Ivy Grove Southdown Bath BA2 1AP
Proposal: Installation of rear dormer and erection of first floor extension.
Decision: REFUSE
Decision Date: 14 March 2012
Decision Level: Delegated
Appeal Lodged: 29 March 2012

App. Ref: 11/04523/FUL
Location: 4 Duchy Road Clandown Radstock BA3 3DQ
Proposal: Erection of detached dwelling.
Decision: REFUSE
Decision Date: 20 December 2011
Decision Level: Delegated
Appeal Lodged: 10 April 2012

App. Ref: 11/04664/FUL
Location: 29 Lymore Gardens Twerton Bath BA2 1AQ
Proposal: Erection of rear dormer and loft conversion.
Decision: REFUSE
Decision Date: 12 January 2012
Decision Level: Delegated
Appeal Lodged: 10 April 2012

App. Ref: 11/03236/OUT
Location: Fields North Of Orchard Park Staunton Lane Whitchurch Bristol
Proposal: Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane.
Decision: REFUSE
Decision Date: 13 October 2011
Decision Level: Delegated
Appeal Lodged: 16 April 2012

App. Ref: 11/02432/OUT
Location: Land Rear of Holly Farm Brookside Drive Farmborough Bath BA2 0AY
Proposal: Residential development comprising 38 dwellings with associated access, car parking and landscaping
Decision: REFUSE
Decision Date: 20 December 2011
Decision Level: Planning Committee
Appeal Lodged: 18 April 2012

App. Ref: 11/04391/FUL
Location: Land Between 85 And Squirrel's Tale London Road West Lower Swainswick Bath
Proposal: Erection of a new dwelling.
Decision: REFUSE
Decision Date: 23 December 2011
Decision Level: Delegated
Appeal Lodged: 18 April 2012

APPEAL DECISIONS

App. Ref: 11/02210/AR
Location: Land at junction of Mill Road & Frome Road, Radstock
Proposal: Advertisement sign
Decision: Refuse
Decision Date: 18 May 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary: The Inspector acknowledged the reasonable need of the appellant to advertise for business purposes, the advertisement sign, by reason of its excessive size, scale, height and bulk, was considered to be unduly prominent and obtrusive in the street scene, particularly given the area's semi-rural character.

It was concluded that the advertisement would be detrimental to the character and appearance of the Radstock Conservation Area.

App. Ref: 11/02546/FUL and 11/02681/FUL
Location: 1 Hayes Place, Bear Flat, Bath BA2 4QE
Proposal: Change of use of the first floor from residential accommodation to office and removal of part wall and external staircase, and formation of a parking space
Decision: Refuse
Decision Date: 21 April 2011 and 18 May 2011
Decision Level: Delegated
Appeal Decision: Dismiss

Summary:

With regards to the loss of residential accommodation, the Inspector highlighted the lack of evidence to support the appellant's contention that relocation would be impossible and there are a number of empty office premises on the opposite side of the road which would seem perfectly capable of meeting the applicant's requirements. This self-contained first-floor residential accommodation occupies a highly sustainable location, with good access to public transport, local shops and services, and employment areas within the city.

Weighing all of the material considerations in the balance, I find that there are none sufficient to overcome the clear conflict with Policy HG.13

With regards to the loss of the wall the Inspector stated that significant weight was given to the importance of supporting the local business. However, it considered that the benefits of the scheme would be clearly outweighed by the detrimental impact it would have upon the character and appearance of this part of the conservation area.

App. Ref: 11/02095/AR & 11/03561/LBA
Location: 2 Northumberland Buildings, Bath, BA1 2JB
Proposal: Display of a cut out letters sign, a swing sign and a brass plaque (Advertisement consent) & External alterations for the display of cut out letters (Listed Building Consent)

Decision: SPLIT (AR) & REFUSE (LBA)
Decision Date: 2nd August 2011 & 10th October 2011
Decision Level: Delegated
Appeal Decision: Dismiss

Summary:

The cut out lettering signage was refused in both applications as the signage, due to its size and siting, would lead to an erosion of the simplicity of the façade of the building, which is fundamental to its aesthetic and therefore architectural significance.

The Inspector notes that the terrace is an excellent example of Thomas Baldwin's work, a striking piece of neo-classical architecture and has had little external alterations. She notes that there have been few external changes and, with the exception of one set of wall-mounted lettering at the other end of the building, the overall unity and simplicity of the original design has been largely preserved. She considers that what is now proposed would interfere with and detract from that unity and simplicity, and would adversely affect the special architectural and historic interest of the terrace and this in turn is harmful to this part of the Conservation Area.

App. Ref: 11/10941/FUL & 11/01942/LBA
Location: Rowan House, High Street, Freshford, Bath, BA2 7WF
Proposal: Provision of a new waste pipe to the external wall
Decision: Refuse
Decision Date: 16th September 2011 & 15th September 2011
Decision Level: Delegated
Appeal Decision: Dismiss

Summary:

The applications were refused as the appellant proposed the use of plastic polypipe for the waste pipe. The Council considered that the use of modern materials, such as polypipe, was not appropriate to the period of the building thus would harm the special interest of Rowan House.

The Inspector noted that new services can have a detrimental impact on historic building but this can be minimised by the use of appropriate materials, such as cast iron downpipes on Victorian and Georgian buildings. She concluded that although the proposed pipework would resemble cast iron, its inappropriate plastics material, the form of its fittings, and its out of keeping self-finished character, it would stand out as a modern addition, irrespective of its height above the ground. Due to its inappropriate character and its unsympathetic appearance, the proposed pipework would harm the special architectural interest of the listed building. She noted the removal of pipework at the back would not outweigh the loss of significance that these inharmonious works would cause to the heritage asset. She considered that the proposed external pipework would harm, and thus, fail to preserve, the special architectural interest of the listed building.

She noted the listed building is within the Freshford Conservation Area which is mainly characterised by its historic street pattern and the architecture of its historic and listed buildings. The use of appropriate traditional building materials contributes positively to the character of the historic architecture in the Conservation Area. Because the proposed external pipework would fail to preserve the special architectural interest of the listed building, it would, in turn, fail to preserve or enhance the character of the Conservation Area.

App. Ref: 11/03666/FUL
Location: The Lodge, Kelston Knoll, Kelston Road, Kelston, Bath, BA1 9AD
Proposal: Erection of a single storey extension
Decision: Refuse
Decision Date: 20th October 2011
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

The application was refused as the proposed extension represented a 140% volume increase above the original volume of the dwelling, when taking into account previous extensions. This was considered to be a disproportionate addition above the original dwelling thus representing inappropriate development, which is harmful by definition to the Green Belt.

The Inspector noted the original volume and disproportionate addition are not defined in PPG2. He afforded only limited weight to the Council's SPD as it uses an amended version of Local Plan Policy HG.15. He took the view that the wording in the Local Plan should be used and in light of that, the proposed extension was modest and a limited addition to the host building.

App. Ref: 11/04813/FUL
Location: 1 Beckhampton Road, Oldfield Park, Bath
Proposal: Conversion and extension of existing garage to create additional habitable space to No.1 Beckhampton Road
Decision: Refused
Decision Date: 23 December 2011.
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The Inspector considered that the two main issues in this appeal to be the effect that the proposed development would have upon (i) the effect on the character and appearance of the locality including the City of Bath World Heritage Site, and (ii) the effect on the living conditions of occupants of the host dwelling, 2 Beckhampton Road and 27 Shaftesbury Road, through potential overlooking and light and noise emissions.

It was considered that the appeal scheme would require the substantial alteration and extension of the garage. The front elevation of the building would be brought closer to the rear elevation of the existing dwelling and the monopitch roof on the garage would be replaced with a pitched roof containing rooflights along both the front and rear roof planes. The elevation facing Shaftesbury Road would be faced with Bath stone to match the traditional local material and the remaining elevations finished with render.

The views of the building from the public domain would be restricted mainly to its side elevation fronting Shaftesbury Road although glimpses of the upper parts of the building and roof would also be possible. The Inspector considered that those views would not be dominant or out of context in the street scene of Shaftesbury Road. Although similar detached buildings within the rear gardens of nearby dwellings were noted it was considered that the appeal building which would replace a garage of broadly similar dimensions would be out of context with the character

or appearance of the locality or the City of Bath World Heritage Site and there would be no material conflict with the thrust of LP1 policies HG.12, D.2 and D.4 in those respects.

Although the outbuilding would provide only ancillary accommodation to the main dwelling and not be a separate dwelling it was considered that arrangement is desirable and it would be harmful to the living conditions of the occupant of the outbuilding through overlooking.

A rooflight within the rear roof plane of the proposed outbuilding would be in close proximity to a first floor window in the side elevation of 27 Shaftesbury Road. The proposed rooflight would, along with others in the roof, give rise at times to some light and noise emissions which would be harmful to the living conditions of potential occupiers of the neighbouring first floor accommodation.

It was therefore considered that the appeal scheme would be harmful to the living conditions of present and future occupants of the host dwelling, 2 Beckhampton Road and 27 Shaftesbury Road, through potential overlooking and light and noise emissions in conflict with LP policy D.2.

App. Ref:	11/01315/AR
Location:	27 Milsom Place, City Centre, Bath
Proposal:	The advertisement proposed is replacement of all existing signage with new signage, exterior retractable awnings and menu boxes.
Decision:	Refused
Decision Date:	30 June 2011
Decision Level:	Delegated
Appeal Decision:	Dismissed

Summary:

The Inspector considered that the main issue is the effect of the proposals on 27 Milsom Place which is listed grade II and on the historic character and appearance of the Bath Conservation Area and World Heritage Site.

The intimate contained nature of Milsom Place, and the informality and modest scale of the buildings and spaces signals its subservient relationship to the formal street frontages. Additions, alterations and lighting have a consistent, restrained and modern character that gives a unifying cohesion to the development whilst allowing the character of individual historic structures and the spaces between them to remain predominant.

The appellant's wish to give prominence to their business is understandable, as is the wish to use standardised branding. In this case however the heritage significance of the buildings and the townscape makes the site a particularly sensitive one. The works, which relate to a restaurant within Milsom Place, have been carried out and the advertisements are in place.

The Inspector noted that the Council has raised no objection to the lettering over the entrance to Milsom Place from Broad Street or to the retractable awnings and did not disagree. The lettering in the entrance passageway stands proud of the wall but this and the lettering over the display niche have a similar muted finish and simple form to that over the entrance from Broad Street. The menu display box too has a subdued finish. All however are lit by projecting 'retro' style swan neck lights. Whilst it was understood these are typical 'Cote Brasserie' lights they have no design or historic relationship with the Georgian buildings, and their large and dramatic form is wholly at odds with that of the restrained modern cylinder lights installed throughout Milsom

Place. As a result of this lighting, the signage and menu box have an obtrusive, cluttered and overly prominent appearance.

With the umbrella in place and the restaurant awnings extended this pleasant open space is almost wholly enclosed. Not only does this result in the brand awing and umbrella together dominating the courtyard, but also a diminution of the quality of the space between the buildings.

Whilst the use of brand standard lighting and the umbrella give additional prominence to the business this is not sufficient to outweigh the harmful impact they have on the listed building and its setting. It was concluded therefore that the proposed works and advertisements would fail to preserve the special architectural interest of the listed building and fail also to preserve the historic townscape character and appearance of the Conservation Area and World Heritage Site. As such the proposals would conflict with the objectives of Policies BH.2, D.2, D.4, BH.6 and BH17 of the Bath & North East Somerset Local Plan 2007.

App. Ref:	11/00811/FUL
Location:	Parcel 4645 Access Road to Quarry, Upper Weston, Bath
Proposal:	Installation of new telecommunications base station incorporating a 12.3m high lightweight & slim-line lattice mast with cabinets at ground level enclosed by a closed boarded fence and three rows of planting to its perimeter at Council land, adjacent Primrose Hill Reservoir, track off Weston Park West, Weston, Bath, BA1 4BB
Decision:	Refused
Decision Date:	31 May 2011
Decision Level:	Delegated
Appeal Decision:	Dismissed

Summary:

The Inspector considered that the main issues related to whether a) the proposal constitutes inappropriate development in the Green Belt, b) its effect on the openness and visual amenity of the Green Belt and on the character and appearance of the area, which lies within the Bath Conservation Area and the Bath World Heritage Site, and c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The proposal would be sited on land that is currently open and undeveloped, and its presence would inevitably result in a loss of openness. It was therefore considered that the development would be inappropriate development in the Green Belt.

The top of the proposed lattice mast would be visible from parts of the residential road network to the south and south-east. In these distant views it would be seen over or between houses, so that it would be seen in context with other development. However, there is public access to the hill-slope field and there are a number of public footpaths criss-crossing the open hillside in the vicinity of the site, including one which runs very close to it, and part of the Cotswolds Way, which runs along the lower edge of the field. Landscaping proposed around the base station compound would eventually effectively screen the lower level structures, but the proposed mast would be visible from much of the open hillside. In this context it was considered that it would be perceived as an incongruous and visually intrusive structure in the open countryside.

One of the objectives of Green Belts is to retain attractive landscapes, and enhance landscapes, near to where people live. The proposal would diminish the attractiveness of the rural landscape adjoining, and forming a setting for, Weston, and, more broadly, the city of Bath. It would thus conflict with this important Green Belt objective. Indeed, tracts of open hillside are noted as having particular importance in giving Bath its green and rural setting and accordingly are given specific protection under Policy NE.3 of the Bath and North East Somerset Local Plan including minerals and waste policies (LP).

It was concluded that the proposal would be contrary to this development plan policy and to those aimed at protecting the World Heritage Site and its setting (LP Policy BH.1), the Conservation Area (LP Policy BH.6), the visual amenities of the Green Belt (LP Policy GB.2), landscape character (LP Policy NE.1) and the character of the Cotswolds AONB (LP Policy NE.1). Furthermore, it would diminish the openness of the Green Belt, its most important attribute.

App. Ref:	11/02013/FUL
Location:	The Pelican Inn, 10 South Parade, Chew Magna
Proposal:	Erection of new link building and alterations to existing stone barns
Decision:	Refused
Decision Date:	26 October 2011
Decision Level:	Delegated
Appeal Decision:	Dismissed

Summary:

The Inspector considered that the two main issues in this appeal to be the effect that the proposed development would have upon (a) the character and appearance of the area, and (b) protected species.

The Pelican occupies a prominent position at the centre of the village. In public views from the street, including the elevated footpath on the opposite side of the road, there is a clear physical and functional distinction between the detached, two-storey, architecturally detailed Public House, and the subservient, single-storey east barn, which has no openings in its street elevation. The gated access through the gap between these two buildings provides views of the interior courtyard, and the barn that encloses it on the farther side. This visual permeability allows an understanding of the spatial relationships between the Public House, its outbuildings and courtyard, all of which form part of the historic grain of the village.

It was considered that the proposed link between the two buildings would erode the longstanding physical and functional distinction between them, and result in the loss of the existing visual permeability from the public realm. It was considered that this would be harmful to the existing character and appearance of both The Pelican Inn, and the wider Conservation Area. It was concluded that the proposed development would conflict with the objectives of Policy BH.6 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007, which explains that particular attention will be given to the retention of groups of buildings, existing spaces and the historic grain, and provides that development will only be permitted where it preserves or enhances the character or appearance of the Conservation Area.

The Inspector did note that in the current economic climate, the government places considerable emphasis on encouraging growth. The appellant has carried out extensive refurbishment work

so that the Public House, which had declined in popularity in recent years, is now thriving. The current development proposals would enable The Pelican to respond to increasing demand and provide improved facilities for its customers, but while some weight was attached to the economic benefits this would bring, that weight was not sufficient to outbalance the adverse impacts identified.

Finally, the Inspector noted that evidence had been submitted by the appellant to the effect that while the recommended additional ecological surveys have not yet been carried out, its ecological adviser has confirmed that even if bat activity were to be found, it would be possible to provide suitable facilities within the roof voids of the barns in the context of the proposed alterations. On that basis, if the Inspector was minded to grant planning permission for the proposed development, it would be open to attach a condition requiring that the further surveys, along with full details of the proposed incorporation of any measures they identified as necessary to mitigate the impact of the proposals on bats and their habitat, be provided to the Council for written approval prior to the commencement of any work on the barns.

App. Ref: 11/04299/FUL
Location: 7 Valley View Road, Paulton
Proposal: Erection of 2m high close board fence to south boundary.
Decision: Refused
Decision Date: 15 December 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The main issue is the effect of the proposed fence on the character and appearance of the locality. Means of enclosures in this pleasant residential area are generally comprised of a visually acceptable mixture of walls, of various heights, built in permanent materials, sometimes backed by hedges/shrubbery, and hedges in their own right. I consider that the means of enclosure proposed would appear crude and utilitarian in comparison, and such is its proposed length and prominence that it would undoubtedly cause an adverse local visual impact.

App. Ref: 11/03251/FUL
Location: Indaba, Entry Hill, Combe Down, Bath
Proposal: Provision of rear dormer and loft conversion including external wall modifications
Decision: Refused
Decision Date: 4 October 2011
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

Share the Council's view that the existing building is not of any significant architectural merit. Raising the eaves by the limited extent proposed would not have any harmful impact on the overall appearance of the building. Nor would this fundamentally alter its existing modest character. The proposal would also introduce a larger gap between the windows and eaves of Indaba than is present at Brishella, and at most other nearby dwellings. But in my judgement neither this, nor the creation of the frontage roof lights, would give rise to such significant or prominent differences as would detract from the visual harmony between Indaba and Brishella.

Nor would it, in the context of the many variations in the design of the dwellings along this part of Entry Hill, diminish the attractive character and appearance of the street scene as a whole.

App. Ref: 11/02891/FUL
Location: 13 West Avenue, Oldfield Park, Bath
Proposal: Change of use of dwellinghouse to 4no studio flats and 1no 1-bedroom flat
Decision: Refused
Decision Date: 5 September 2011
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The main issues in this case are, first, whether the proposal would be an overdevelopment of the site not compatible with existing uses in the locality and, second, whether the development would provide satisfactory accommodation to meet the needs of future occupiers. At present the occupancy of the property is limited to a maximum of 6 persons under Use Class C4, whereas the proposed change could lead to occupancy levels significantly above that figure if, for example, the units were occupied by 2-person households. Such an outcome would represent an over-development of the property which would substantially increase occupancy levels and could lead to additional disturbance and traffic generation. Conclude that the proposal would be an overdevelopment of the site, and not compatible with existing uses in the area. The kitchen space available would be about 3.6sqm which, combined with the limited living space in the multi-functional rooms, would result in inadequate space standards for day to day living.

App. Ref: 11/02602/FUL
Location: South Breach Cottage, Ashton Hill, Corston
Proposal: Erection of a car shelter and equipment trailer (Retrospective).
Decision: Refused
Decision Date: 21 October 2011
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

Afford limited weight to the guidance within the SPD on extensions since it is based on a modified form of LP policy HG.15, and no adequate explanation has been provided as to the reason for the change of wording. The dwelling has been extended before, but this modest development in my view represents a limited extension to an existing dwelling in the terms of LP policy GB.1. Under the terms of LP policy HG.15, if it can be demonstrated that the cumulative effect of another extension would not contribute to a deterioration in rural character, that built should be considered as not inappropriate development in the GB. Most of the structure is screened and well hidden behind a hedge fronting the adjoining highway, but that which can be seen from outside the site from public vantage points is well designed and comprised of traditional materials consistent with its rural location.

App. Ref: 11/02109/FUL
Location: 70 Russet Way, Peasedown St. John
Proposal: Erection of a self-contained 3 bedroom dwellinghouse.
Decision: Refused
Decision Date: 17 August 2011
Decision Level: Chair referral - Delegated
Appeal Decision: Allowed

Summary:

The principal issue is the effect of the proposed development on the character and appearance of the host building and the area. The proposal is for a two-storey dwelling which would be attached to the side of the host building. Its front building line would be set back by about 1.5m, and its rear elevation would project about 1m beyond the rear building line. The proposed dwelling would be set about 3m from the side boundary and about 4m (at its closest point) away from the footway along Orchard Way, the main distributor road and the proposed roof line will be set 1m above the existing. No.70 stands at the entrance to the estate of which it is part. The design of the proposed dwelling, with its prominent roof form, would not appear out of keeping, and would have the merit of providing a strong architectural statement at the entry to the estate; it would not appear cramped on its site. Conclude that the proposed development would be visually well integrated with the character and appearance of the host building and of the area.
