

Bath & North East Somerset Council

MEETING:	Planning Committee	AGENDA ITEM NUMBER	
MEETING DATE:	12th March 2025		
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control		
TITLE:	SITE VISIT AGENDA		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	24/02245/FUL 14 February 2025	Jenny Daly and Neil Smith 105 Holcombe Close, Bathampton, Bath, Bath And North East Somerset, BA2 6UR Erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.	Bathavon North	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001

Application No: 24/02245/FUL

Site Location: 105 Holcombe Close Bathampton Bath Bath And North East Somerset BA2 6UR



Ward: Bathavon North

Parish: Bathampton

LB Grade: N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Jenny Daly and Neil Smith

Expiry Date: 14th February 2025

Case Officer: Christine Moorfield

To view the case click on the link [here](#).

REPORT

This application is for the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

The scheme has been amended since the original submission. The side extension has been reduced in length and the top floor juliette balcony has been removed.

The application was brought to committee on the 12th February 2025 as Cllr Guy raised concerns in respect of the proposal and the Chair and Vice Chair of the Planning Committee have commented as follows:

Chair

This is a bold proposal in respect of a modest sized dwelling and would warrant consideration in detail by Committee to discuss its design and amenity implications.

Vice Chair

Noting the concerns raised by the ward councillor and third party representations and the comments from the Parish Council, predominantly in relation to potential impacts on the amenity of neighbours in terms of overlooking, light and privacy, I recommend that this proposal for two extensions is referred to the Planning Committee to fully debate in public any relevant policy areas.

At the Planning Committee meeting on the 12th February the committee resolved to visit this site and a site visit was carried out on the 3rd March 2025.

HISTORY

DC - 18/00776/FUL - PERMIT - 21 May 2018 - Insertion of two side gable windows (Retrospective)

The site is located within the Bath World Heritage site setting area and the Bathampton neighbourhood plan area.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR KEVIN GUY

As the ward Councillor for Bathavon North I have taken a detailed look at this application and if approved it would significantly overlook the neighbouring 2 properties and infringe on their privacy. Accordingly if you are minded to approve the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works. Then I would like this application to be sent to the Planning Committee for consideration

PARISH COUNCIL

We have some concerns about overlooking the neighbouring property but as long as that is not the case, we have 'No Objection' to this application.

Six letters of objection have been received

Main issues raised:

Plans difficult to read

The building of the sun room will block out the light to the house at 103 and seem very

This is a very large extension and over development of the site

Loss of privacy for neighbours
Impact on wildlife
Disruption to residents during construction.
Access for emergency vehicles may be impaired.
Fantastic views of the valley will be lost.
Great loss of privacy, increasing over looking.
Increase in drainage
Not in keeping with the character and appearance of the existing dwelling and area.
Possible increase in street parking in a congested area
Details limited on how much additional off street parking will be created additional parking required.
The gable end window, which received retrospective planning, should remain as a window.
New plans will still result in some overlooking and the extension will still have an overbearing impact.
Removal of boundary vegetation will increase visibility of the built form.
The rear balcony at the upper ground floor look towards neighbours property.
Access is difficult for the manoeuvring of large vehicles including those of the refuse and recycling services.
The plan shows parking for 2 cars in the current front garden but due to the topography of this area and limited space for manoeuvring it seems unlikely that this will be possible.

Concerns have been expressed as a member of the PC is related to the applicant.

DRAINAGE

The Drainage and flooding team require some more information on this proposal.
A drainage strategy is required showing how the surface water is going to be managed onsite and not allowed to discharge on to the public highway.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B4: The World Heritage Site and its Setting
CP6: Environmental Quality
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D6: Amenity
HE1: Historic environment
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D5: Building design
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Character and Appearance

The proposal is for the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

It is noticeable that unusually these property boundaries that are not parallel to the properties they are at an angle. It is also notable that the topography of this area slopes steeply down to the Southeast on the Eastern side of the cul de sac. The topography results in the properties have a small street presence appearing as bungalows but due to the slope of the land are two storeys to the rear.

Through colour render is shown to be used summer room extension SW elevation, the first-floor section NE elevation and the ground floor element of the two-storey extension on the NW elevation. The first-floor element of this two-storey extension will be through colour cement boarding. The roofs will be single ply membrane flat roofs. A condition requiring details of these materials would be necessary should permission be granted.

The two-storey extension on the NW side of the dwelling has been reduced from that originally proposed and now has a footprint of 7m x 3.5m at ground floor level and a footprint of 5.5 m x 3.5m at first floor level. The extension runs parallel with the boundary with the neighbour's property but is at an angle to the main house due to the line of the boundary. There is an infill section which is single storey but due to the topography sits at a higher level above the existing undercroft and will provide a landing area out to a set of steps that lead down to the garden.

The extension of the SW elevation is single storey with a flat roof. The two-storey extension which is covered in cladding also has a flat roof. The use of flat roofs reduces the visible mass and bulk of the extensions. The side extension will be visible from the street, but the use of this cladding results in the extension have a somewhat lightweight appearance and it is legible as a modern addition without visually dominating the host dwelling.

The dormers are seen to site within the roof slope and the sunroom extension cumulatively are not seen to be visually dominant or to detract from the character and appearance of the host dwelling. The change of existing front door to a window is seen to be acceptable and not to harm the appearance of the dwelling.

The proposals by reason of their design, siting, scale, massing, layout and materials are acceptable and contribute and respond to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

Residential Amenity

Concerns have been raised in relation to the proposals effect on the privacy and amenity of neighbours in terms of loss of light and overbearing impact.

Concerns were raised that the two-storey element would have an overbearing impact on the neighbours outlook from their kitchen in particular. At present there are trees and some vegetation that screen this boundary. The trees are to be removed and given their position and condition within this non conservation area this would not be objected to.

The outlook would be onto the side elevation of the extension which will be clad and rendered. The height of the extension is 6m and due to the boundary line, the extension will be angled away from the neighbours property to the north. The overbearing impact given the angle and distance is not seen to be significant.

With regard to the impact on the adjoining neighbour the extension is angled in part across the rear of number 105 but is at a distance from the adjoining neighbour. The extension on the rear of the property on the boundary with the adjoining neighbour it modest in scale and given it has a flat roof its impact in terms of lost light is seen to limited.

The top floor window which was to be converted into a Juliette balcony as originally submitted has been kept as a window, no balcony is proposed.

As the extensions sit at an angle to both the immediate neighbours it was felt that windows across the whole width of the extensions could impact on the privacy of the neighbours. The widths of the windows have been reduced so they are not across the whole rear elevations thereby setting the windows in from the boundaries. The rear walls are angled away from the neighbours and the windows having been reduced in width are considered to result in limited overlooking of the neighbours' properties. A 1.8m high privacy screen is shown to be provided on the boundary with the adjoining neighbour in order to restrict the possibility of overlooking into their property as a result of the extension and landing at the top of the steps down into the garden. A condition to require this to be erected and retained is necessary. The proposed new side extension will act as a screen to the existing windows in the NE elevation of this property as existing. New windows are proposed in the rear elevations of the two-storey extension but these are as an angle to the neighbour property looking towards the East.

Whilst the neighbour to the north does have a seating area adjacent to their driveway the main view from the proposed extension over the boundary will be of the neighbours drive and garage.

The flat roof areas other than the access to the garden steps must not be used as balconies etc and a condition in this respect is necessary.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance that would warrant refusal of this application. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

The loss of a view has been raised but this is not a material consideration in respect of such a proposal.

Highways

The means of access remains unchanged and as such the Highway Engineer does not comment on such proposals. The plans indicate that the existing front garden area will be levelled, this to include the driveway that slopes down to the existing garage. A retaining wall will be constructed at the front of the extension with steps down. The area available for parking will, therefore, be larger than at present.

The means of access is as existing, and the parking arrangements are considered acceptable and to maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

As this development is within a residential area and is a cul de sac it is considered necessary for any permission granted to be subject to a condition requiring a construction management plan.

World Heritage Site Setting

The proposed development is within the Bath World Heritage Site setting; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site and its setting.

In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value or the setting of the World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

Trees

As stated, the proposals will require the removal of some of the vegetation on the NW boundary to be removed. The plans indicate new planting, but the space is limited. The site is not within a Conservation Area. The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Local Plan Partial Update and part 15 of the NPPF.

Drainage

This is a residential property attached to the mains. Surface water run off will be required to be contained within the site.

The Drainage and flooding team commented that a drainage strategy is required showing how the surface water is going to be managed onsite and not allowed to discharge on to the public highway. The agent has confirmed that all surface water will be taken to a new private soakaway located within the application site and the parking area will have a permeable surface finish. The agent has agreed to a condition in respect of this matter.

Low Carbon and Sustainable Credentials

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

Public Sector Equality Duty

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

The application is recommended for PERMISSION.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, dormer cheeks and the driveway/parking permeable surface area, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Drainage (Bespoke Trigger)

No construction of the external walls of the development shall commence until a drainage strategy showing how the surface water is going to be managed onsite and not allowed to discharge on to the public highway has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until the development has been constructed in accordance with the approved strategy.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

5 No Terrace/Balcony Use (Compliance)

None of the flat roof areas of the development hereby approved shall be used as a balcony, terrace, roof garden or similar amenity area.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Privacy screen (Pre occupation)

Prior to the first occupation of the extension hereby permitted the proposed privacy screen on the boundary with number 103 Holcombe Close shall be erected in accordance with the approved drawings. Thereafter the screen shall be permanently retained.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

001 and 002.
010C and 011C

Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.