

## Bath & North East Somerset Council

**MEETING:** Development Control Committee

**MEETING DATE:** 1<sup>st</sup> August 2012

AGENDA  
ITEM  
NUMBER

**RESPONSIBLE OFFICER:** Lisa Bartlett, Development Control Manager,  
Planning and Transport Development (Telephone:  
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**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:** 11/04966/FUL  
**Location:** 19 Waterloo Road Radstock BA3 3ER  
**Proposal:** Erection of 2no. semi-detached two bed dwellings with associated access and parking, following the demolition of existing double garage.  
**Decision:** REFUSE  
**Decision Date:** 19 January 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 June 2012

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**App. Ref:** 12/00491/FUL  
**Location:** Springhill House White Ox Mead Lane Peasedown St. John Bath  
**Proposal:** Removal of existing stable block and construction of new stable block (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 23 May 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 9 July 2012

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**App. Ref:** 12/00597/FUL  
**Location:** 10 Shelley Road Bear Flat Bath BA2 4RJ  
**Proposal:** Provision of a loft conversion including a rear L shaped flat roof dormer.  
**Decision:** REFUSE  
**Decision Date:** 30 March 2012  
**Decision Level:** Delegated

**Appeal Lodged:** 15 June 2012

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**App. Ref:** 12/00626/FUL  
**Location:** Somers Hill Pilgrims Way Chew Stoke Bristol  
**Proposal:** Provision of a raised roof to accommodate loft conversion.  
**Decision:** REFUSE  
**Decision Date:** 4 April 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 June 2012

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**App. Ref:** 12/01180/FUL  
**Location:** Tree Tops Horsecombe Grove Combe Down Bath  
**Proposal:** Provision of a loft conversion to include side and rear dormers.  
**Decision:** REFUSE  
**Decision Date:** 2 May 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 June 2012

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**App. Ref:** 12/01771/FUL  
**Location:** 64 Bloomfield Rise Bloomfield Bath BA2 2BN  
**Proposal:** Provision of dormer window to the rear elevation of the house  
**Decision:** REFUSE  
**Decision Date:** 13 June 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 June 2012

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## APPEAL DECISIONS

**App. Ref:** 11/03393/FUL  
**Location:** 153 Newbridge Hill, Newbridge, Bath  
**Proposal:** Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill  
**Decision:** **REFUSE**  
**Decision Date:** 10<sup>th</sup> October 2011  
**Decision Level:** Committee  
**Appeal Decision:** **Dismissed**

### Summary

In the main, the area comprises semidetached buildings which address the roads with relatively generous gardens. Notwithstanding the number of the larger buildings which have been converted to flats, the three components of the townscape complement each other.

The Inspector considered that the combined effect of the rear gardens of both the Newbridge Hill and the Apsley Road houses adds much to the character of the area. Although the benefit of

the experience is largely confined to those who live in the buildings concerned, it was considered that the proposed development would result in an erosion of this aspect of the area. The use proposed would be considerably more intensive than an incidental residential building. It is this potential departure from the established and successful pattern of residential occupation of the surrounding area which would result in an incongruous and harmful form of urban development.

It was concluded that the development would neither preserve nor enhance the character or appearance of the Conservation Area.

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**App. Ref:** 11/01674/OUT  
**Location:** Churchlands, Greensbrook, Clutton, BS39 5PG  
**Proposal:** Erection of a two bedroom cottage  
**Decision:** **REFUSE**  
**Decision Date:** 5<sup>th</sup> July 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

Appeal APP/F0114/A/11/2166996 for the erection of a two bedroom cottage has been dismissed.

The inspector agreed with the council that the appeal site is located within the countryside and outside any of the Council's housing development boundaries. Therefore the principle of residential development within the site was not acceptable. There was no evidence to suggest that the proposed dwelling would be essential to support the needs of any existing agricultural or forestry workers. Therefore the application was contrary to policy HG.4.

The site is bordered by a disused railway line and stable, the site is open to the south and east, giving the site a tranquil quality and appearance that is removed and distinct from the built form of the adjoining settlement. The construction of a new dwelling would appear as a noticeable incursion of built development into the countryside, in a form that would be both sporadic and insensitive to the established rural character of the area. Therefore the application was contrary to policy Ne.1.

The inspector disagreed with the council that the proposed development would cause a negative impact on highway safety. They considered access to be satisfactory and there was no conflict with T.24.

In light of the above comments the appeal was dismissed.

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**App. Ref:** 11/04664/FUL  
**Location:** 29 Lymore Gardens, Twerton  
**Proposal:** Erection of rear dormer and loft conversion  
**Decision:** **REFUSE**

**Decision Date:** 12<sup>th</sup> January 2012  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

The main issue is the effect of the proposal on the character and appearance of the area.

The Inspector noted the existence of other dormer windows, in particular the large dormer at the next door dwelling to the site. He opined that the harm created by this development should not be repeated. When considering the design in isolation the Inspector considered that the proposal would be an excessive and bulky addition to the dwelling which would be out of scale and incompatible with the building.

Interestingly the Inspector made no mention of the site's location within the defined World Heritage Site.

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**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<sup>th</sup> January 2012  
**Decision Level:** Delegated  
**Appeal Decision:** **Allowed**

**Summary:**

Appeal APP/F0114/D/12/2173041 for the erection of a two storey side extension to replace existing carport and utility has been allowed.

The inspector agreed with the council that the scale of the proposal, its detailed design and proposed materials would appear subservient to and complement the existing property. In inspector disagreed with the council that the proposed development would result in a terracing effect closing the gap between two neighbouring properties. The inspector stated that the proposal would bring development over two storeys to the boundary edge, but given the existing development at No 215, would retain a gap between the properties. There have been a number of side extensions to adjoining properties with the result that there is no uniform spacing which is characteristic of this group of semi-detached properties. Therefore the appeal was allowed.

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**App. Ref:** 11/05347/FUL  
**Site address:** 143 The Hollow, Southdown, Bath  
**Proposal:** Erection of two storey side extension following removal of the existing conservatory and garage (Resubmission)  
**Decision:** **REFUSE**  
**Decision Date:** 26 January 2012  
**Decision Level:** Delegated

**Appeal Decision: Allowed**

**Summary:**

The main issue is the effect of the proposal on the character and appearance of the area.

The Inspector considered that the extension would have an acceptable relationship with the appearance of the original building, which, when seen from the front, would largely retain its original form. Further, it was found that the character and appearance of the surrounding area would be preserved, given the limited visibility of the site from the public realm and the sympathetic design of the proposal.

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**App. Ref:** 11/03382/FUL  
**Site address:** 7 Uplands Road, Saltford, Bristol  
**Proposals:** Extensions to the front and roof of property to provide a study and two bedrooms  
**Decision:** **REFUSE**  
**Decision Date:** 22<sup>nd</sup> September 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary**

The main issue is the effect of the proposal on the character and appearance of the property and on the locality.

The substantial bulk and height of the front extension, with eaves above those of the remodelled main front elevation, would dominate, rather than complement, the host dwelling, while its proximity to the public highway would give it undue prominence in the street scene. The resulting harmful visual impact would be most noticeable in views from the south, where a large expanse of blank side wall would be seen projecting forward of the neighbouring modest bungalow, creating an unsatisfactory and incongruous juxtaposition.

The proposal would not represent good design. It would not respect and complement the host building, nor would it maintain the character of the area.

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**App. Ref:** 11/03882/LBA  
**Location:** 20 St Mark's Road, Widcombe, Bath  
**Proposal:** Addition of photovoltaic to complement existing solar Thermal.  
**Decision:** **REFUSE**  
**Decision Date:** 15 November 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismiss**

**Summary:**

The proposed photovoltaic panels would be located predominantly on the rear south facing roof slope, although there would also be panels on the south facing roof slope in the valley. The rear roof slope, and the upper part of the south facing roof in the valley, are clearly visible from the footway alongside Calton Gardens and even more visible to anyone on the open space approaching the rear boundary fence. It does not require any vegetation to be moved aside to get those views.

The rear roof slope is also clearly visible from the public footpath that rises from St Marks Road to Calton Gardens without the use of a telephoto lens or any form of magnification. Whilst vegetation alongside this path might have been recently trimmed, and leaves might reduce other views to some extent in the summer, the proposed panels would be visible from these public vantage points. In addition, they would also be clearly visible from the gardens of neighbouring properties.

The proposals would introduce an alien, modern, element into these views of the historic terrace and significantly detract from, and cause significant harm to, the architectural and historic character and setting of the listed terrace and the character, appearance and setting of the wider Bath Conservation Area and the World Heritage Site. The proposals would, therefore, be contrary to the aims of Planning Policy Statement 5: Planning for the Historic Environment and Planning (Listed Buildings & Conservation Areas) Act 1990.

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**App. Ref:** 11/00082/FUL  
**Location:** Giraffe, 8 Dorchester Street, Bath  
**Proposal:** Provision of a new shopfront and use of walkway for the siting of 18no. tables, 42no. chairs and 2no. benches.  
**Decision:** **REFUSE**  
**Decision Date:** 25 August 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

#### **Summary:**

The main issue is the effect of the proposal on the character and appearance of the area.

The appeal focussed on the external lighting fixed to the building's frontage, as the Council had no objection to the other elements of the proposal.

The Inspector noted that other units within the Southgate development had followed the guidance set out within the Southgate Design Guide and had installed either halo illumination or discrete trough lighting. The proposed spotlights would appear as an obtrusive addition to the streetscene within this prevailing character during both day and night time hours.

The Inspector agreed with the appellant that there are many traditional precedents for projecting and hanging lighting in Bath, but concluded that the consistent deployment of more subtle lighting techniques within the Southgate development is a component of the area's distinctive character.

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**App. Ref:** 11/03374/FUL  
**Location:** Prop Cosy Club, 20 Southgate Place, Bath  
**Proposal:** Installation of a new shopfront to Cosy Club Restaurant/Bar (retrospective) (resubmission).  
**Decision:** **REFUSE**  
**Decision Date:** 29 September 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Allowed**

**Summary:**

The main issue is the whether the proposal preserves or enhances the character and appearance of the Bath Conservation Area.

The Inspector held that there was evidence of the use of stainless steel glazing surrounds within the Southgate development and that the width of the framing did not appear as unduly disproportionate. It was also considered that the setting back of the shopfront softened any impact on the streetscene.

The appeal was allowed.

The main issue is the impact of the proposed signage on the character and appearance of the Bath Conservation Area. In addition to the projecting signs the Inspector decided to consider the menu boards as part of the appeal, by reason that they were shown on the submitted drawings. The Inspector opined that whilst the Council seeks to resist internally illuminated signs, there is evidence of such signage at numerous nearby premises which illustrates the commercial character of the area. The Inspector held that the moderate size, simple design and means of illumination of the signage proposed were consistent with this character and would not therefore be harmful to the character or appearance of the Conservation Area. The appeal was allowed.

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**App. Ref:** 11/02734/FUL  
**Location:** The Jays, 19 Meadway, Temple Cloud  
**Proposal:** Erection of a dwelling  
**Decision:** **REFUSE**  
**Decision Date:** 26 August 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

The main issue is whether the proposed development would accord with national and local policy which seeks to protect the character and appearance of the countryside.

The Inspector noted that the site is located outside the defined Housing Development Boundary relating to Temple Cloud. As such, the proposals were considered under Policy HG.10 of the

adopted Local Plan. The proposed development is not essential for an agriculture or forestry worker and therefore does not comply with the requirements of that policy.

Limited weight was given to the acceptable layout, design and highways issues. The Inspector concluded that the harm to the character and appearance of the countryside was the determining issue in this case and therefore dismissed the appeal.

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**App. Ref:** 11/01144/OUT  
**Location:** Land to the rear of 62 High Street Twerton  
**Proposal:** Erection of 1no dwelling following demolition of existing garage at land rear of 62 High Street, Twerton  
**Decision:** **REFUSE**  
**Decision Date:** 7<sup>th</sup> July 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

**KEY ISSUES:**

This application was refused on the grounds that a single dwelling in this location would not respond to the local context, would be poorly connected to the surrounding area and would be harmful to the streetscene in addition the new dwelling would potentially prejudice the future vitality of existing trees surrounding the site. By reason of its proximity to the railway line the Council concluded that the occupants of the dwelling would be exposed to frequent and persistent levels of noise and vibration to the detriment of amenity. The Council also considered that the proposed would generate additional conflicting traffic movements that would prejudice road safety.

**APPEAL SUMMARY:**

The Inspector agreed with the Council stating that a detached dwelling in this location would appear isolated in a backland area, unrelated to other built form. The Inspector concluded that the development would undermine the cohesiveness of the area, would harm the character and appearance of the Conservation Area, and would put pressure on the trees. In respect of the exposure to the railway line the Inspector noted that noise was a fundamental issue and there was nothing to indicate, for what is a constrained site, that there would be a reasonable prospect of designing a dwelling with acceptable standards of amenity concerning noise.

The Inspector did not agree with the concerns relating to the access but stated that this did not outweigh the other harm identified.

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**App. Ref:** 11/04341/FUL  
**Location:** Blue Gates, Hursley Hill, Bristol  
**Proposal:** Erection of 1no garden storage building following demolition of existing garden storage sheds (Resubmission)  
**Decision:** **REFUSE**



**Decision Date:** 23<sup>rd</sup> December 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

**KEY ISSUES:**

The Council considered that the proposed shed (with a footprint of 45m<sup>2</sup> at a height of 3.5m situated 40m from the main dwelling could not be considered as an extension to the existing dwelling and as such had to be treated as a new building in the green belt. In the absence of any very special circumstances the proposed building was by definition inappropriate development, contrary to the prevailing policy. By reason of its size (being akin to a small dwelling) the Council considered that the excessive bulk of the building and its physical separation from the main dwelling represented an encroachment into the green belt that would compromise openness and rural character.

**APPEAL SUMMARY:**

The Inspector agreed with the Officer assessment that the proposal could not be regarded as an extension to the existing building and concluded that although the footprint of the proposed replacement building would potentially be smaller than the overall area taken up by the individual sheds and greenhouses, its solid mass and height would result in it being significantly larger and more visually intrusive than the small domestic sheds and glasshouses that it would replace. The Inspector did not find any "very special circumstances" to justify the development and rejected the scheme as being inappropriate development in the green belt that harmed openness.

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**App. Ref:** 11/00364/FUL  
**Location:** Land Adj. Dymboro Villa, Providence Place, Midsomer Norton  
**Proposal:** Erection of a detached one bedroom coach house style live/work unit.  
**Decision:** **REFUSE**  
**Decision Date:** 11<sup>th</sup> May 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

**KEY ISSUES:**

This application was the third such submission for this site however was refused on the grounds that a new dwelling on this tight site would result in a cramped form of overdevelopment providing inadequate provision of outdoor amenity space for the future occupiers, giving rise to an unacceptable level of overlooking and loss of amenity in respect of both the adjoining property and future occupiers and featured inadequate parking provisions and a substandard access.

## **APPEAL SUMMARY:**

The Inspector agreed with the Council and concluded that the dense form of development would not follow the general pattern of the area and would appear shoe-horned onto the site harming the prevailing character and appearance. The Inspector did not agree with the Council that the proposed dwelling would harm the amenities of future occupants or that there was a lack of outdoor amenity space however did note that the minimal garden space would add to the concerns relating to visual integration with the surrounding area. Finally the Inspector concluded that the issues raised in respect of parking and access were not upheld.

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**App. Ref:** 11/04572/FUL  
**Location:** Staddle Stones, Priston  
**Proposal:** Erection of detached double garage  
**Decision:** **REFUSE**  
**Decision Date:** 19<sup>th</sup> December 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

### **Summary:**

### **KEY ISSUES:**

The Council refused this application on the grounds that the detached garage was close enough to the dwelling to be considered an extension and along with other works permitted it represented a cumulative increase to the original dwelling of over 100%. The garage was felt to represent a disproportionate addition to the dwelling constituting inappropriate and harmful development in the green belt. In addition the Council concluded that the garage would be unsympathetic on the site and would detract from and distort the appearance of the host dwelling.

No very special circumstances were put forward and the Council considered that the size, siting, design and forward projection of the garage represented an encroachment into the open landscape to the front of the property, detracting from intrinsic openness and rural character.

## **APPEAL SUMMARY:**

The Inspector did not share the Council's view that the proposed represented an extension and rejected the appellant's assertion that it was "infill" development. In viewing the garage as a building rather than an extension the Inspector concluded that it did not conform to green belt policy and therefore represented inappropriate development, which by definition is harmful.

Although the Inspector felt that the proposed garage would not harm the character and appearance of the area she agreed with the Council in the assessment that the proposed would diminish the openness of the green belt and concluded that the application was contrary to the prevailing green belt policy

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**App. Ref:** 11/03987/OUT  
**Location:** Land to the rear of 69 Haycombe Drive, Bath  
**Proposal:** Erection of a detached two storey dwelling on land to the rear of 69 Haycombe Drive  
**Decision:** **REFUSE**  
**Decision Date:** 20<sup>th</sup> December 2011  
**Decision Level:** Committee  
**Appeal Decision:** **Allowed**

**Summary:**

**KEY ISSUES:**

This case was presented to members concluding that the principle of development in this location was acceptable and in accordance with policy. The impact on highway safety was considered negligible given the level of visibility and the fact there are several existing vehicular access along this part of the road. As the application was for outline permission with details of the appearance, landscaping, layout and scale reserved it was felt that the impact on residential amenity could be mitigated through good design at the reserved matters stage. It was recommended that outline permission should be granted.

Members considered the application however overturned the officer recommendation concluding that the scheme was unacceptable. The application was refused on the grounds that the development would result in an increase in vehicular activity associated with the new dwelling on a busy main road to the detriment of highway safety and that the siting of a single dwelling on this site would create an unacceptable sense of enclosure and dominance to the detriment of the residential amenity of the occupiers of adjoining properties.

**APPEAL SUMMARY:**

The Inspector allowed the appeal agreeing with the case officer's original recommendation that an appropriately designed dwelling on this site could be accommodated without any harmful effect upon the character and appearance of the surrounding area. The Inspector noted that there are 11 direct accesses from Whiteway Road to the rear gardens of Haycombe Drive and confirmed that the visibility to the left of at least 70m, and to the right of more than 100m exceeds the minimum visibility of 43m, recommended in the government's *Manual for Streets*, for an access emerging on to a road with a 30mph speed limit. The Inspector concluded that the granting of permission should not set a precedent in this area and that any future similar applications would need to demonstrate, individually, that they complied with the relevant policies of the Development Plan.

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**App. Ref:** 11/02409/FUL  
**Location:** Mayor North Hill Farm, Pagans Hill, Chew Stoke  
**Proposal:** Change of use of building No. 6 to provide ancillary bedroom accommodation to the farmhouse (Resubmission)  
**Decision:** **REFUSE**  
**Decision Date:** 21<sup>st</sup> July 2011

**Decision Level:** Delegated  
**Appeal Decision:** Allowed

**Summary:**

**KEY ISSUES:**

The Council considered that the proposed barn conversion would expand the residential use of the site beyond the domestic perimeter thus constituting an encroachment into the open countryside for which no very special circumstances were presented, contrary to green belt policy. The intensification of domestic activity was deemed to be inappropriate and contrary to policy and it was concluded that the location of the barn could lead to a proliferation of activity and domestic paraphernalia which could be harmful to the openness of the green belt. The Council concluded that if allowed, the development would represent a fragmentation of the farm holding, contrary to policy.

**APPEAL SUMMARY:**

The Inspector felt that the proposed did not represent inappropriate development as the building is already in existence and in good structural condition. Given the lack of external works required, she concluded that the proposed would not harm openness. The Inspector did not agree with the Council's opinion that the development would represent a fragmentation of the farm holding. The appeal was allowed with conditions recommended.

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**App. Ref:** 12/00352/FUL  
**Location:** 12 Lansdown Park, Bath, BA1 5TG  
**Proposal:** Provision of a loft conversion with 3no. dormer windows.  
**Decision:** **REFUSE**  
**Decision Date:** 21<sup>st</sup> March 2012  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

Number 12 Lansdown Park is located perpendicular to the rear garden of number 11 Lansdown Park. The inspector agreed with the council that the proposed dormer window would overlook the garden of number 11 Lansdown Park. There would be views from the proposed dormer windows towards No. 11, in particular from bedroom 6. There would be an increase in overlooking of the garden and rear elevation of No. 11 that would adversely affect the privacy of the occupiers over and above the existing situation. The proposed development would result in an unacceptable increase in overlooking which would materially harm the living conditions of the occupiers of 11 Lansdown Park and, as such, would also be contrary to Policy D.2 and the Framework.

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**App. Ref:** 12/00747/FUL  
**Location:** 70 Bloomfield Drive, Bloomfield, Bath, BA2 2BG  
**Proposal:** Installation of a side dormer and a rear velux.

**Decision:** REFUSE  
**Decision Date:** 25/04/2012  
**Decision Level:** Delegated  
**Appeal Decision:** Dismissed

**Summary:**

The application refused the erection of a dormer window on the side elevation of the existing property. The existing dwelling and surrounding streetscene were characterised by dwellings with pitched roofs and hip ends.

The inspector did not agree that the dormer would impact on the surrounding World Heritage Site. However the inspector agreed with the council that although the scale of the proposed development would not be excessive in size, there would be a material change in the appearance of the existing hipped roof which is a characteristic of the dwellings along the street. The proposed dormer would be visible from the streetscene and would detract from the dwellings positive contribution to the streetscene. The proposed dormer window would increase the bulk of the roof slope and unbalance the appearance of the terrace.

The inspector agreed that the development was contrary to polices D.2 and D.4.

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