

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **24th October 2012**

AGENDA
ITEM
NUMBER

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

TITLE: **SITE INSPECTION APPLICATIONS**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development 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.

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01	12/02970/FUL 3 September 2012	Mr Graham Bradley 41 Elliston Drive, Southdown, Bath, Bath And North East Somerset, BA2 1LU Erection of dormer window	Southdown	Andy Pegler	REFUSE
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Item No: 01
Application No: 12/02970/FUL
Site Location: 41 Elliston Drive, Southdown, Bath, Bath And North East Somerset



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Full Application
Proposal: Erection of dormer window
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr Graham Bradley
Expiry Date: 3rd September 2012

Case Officer: Andy Pegler

REPORT

Reasons for Reporting Application to Committee:

Cllrs. Romero and Crossley have requested that the application be referred to committee if the recommendation is to refuse. Cllr. Romero refers to the complex and lengthy planning history, and the interest of absolute transparency on decision making; and points out that the proposal is significantly reduced from that which was previously refused. Cllr. Crossley considers that the latest application addresses the questions that were posed with previous submissions, and that the applicant should have the opportunity to address any concerns directly with the committee.

This application was deferred at the last meeting of the Committee to allow Members to view the property.

Description of the Site and Application:

The property is situated on the north side of Elliston Drive and is one of 3 (originally) identical townhouses arranged over 3 floors. Recent alterations to the property comprise the raising of the ridge height of the roof; and the introduction of rooflights to the front. The land on which the group of properties stand is steeply sloping. Consequently, the neighbouring houses to the east and west are, respectively, higher and lower. The property backs onto neighbouring properties on The Hollow which are set at a higher level.

The application proposes the erection of a dormer window, facilitating access to a roof conversion. The submitted drawings describe the face of the dormer corresponding with the rear face of the building, and the ridge (of the dormer) corresponding with that of the main roof. A 'half-hipped' roof form is proposed. The dormer sides are proposed to be tile-hung, and the roof tiled to match the main roof. The window would be obscure-glazed, and non-opening.

Relevant Planning History:

06/03135/FUL - RF - 7 November 2006 - Loft conversion with rear dormer extension (resubmission)

07/00427/FUL - RF - 3 July 2007 - Alterations to roof slope to alter pitch and raise ridge and the provision of a rear dormer (Retrospective application)

07/00093/ENFAPL - DISMIS - 22 January 2008 - Appeal against Enforcement Notice

08/00887/CLPU - RF - 1 May 2008 - Provision of loft with rear dormer

08/02704/FUL - RF - 26 September 2008 - Alterations to roof slope to alter pitch and raise ridge and erection of a rear dormer (Retrospective)

08/02725/CLPU - RF - 22 September 2008 - Provision of dormer on rear roof slope (resubmission)

09/00150/FUL - RF - 25 March 2009 - Installation of rear dormer (Retrospective) (Resubmission)

09/04029/FUL - RF - 18 February 2010 - Construction of rear dormer window and raising of roof (Part retrospective)

10/00025/CLPU - RF - Provision of loft with rear dormer

10/00048/ENFAPL - DISMIS - 19 April 2011 - Without the benefit of Planning Permission, the unauthorised development comprising of the raising of the roof ridge of the dwelling and the installation of a rear dormer roof extension

10/01163/FUL - RF - 10 February 2011 - Construction of rear dormer window and raising of roof (Part retrospective) (Resubmission)

10/04009/FUL - PER - 10 February 2011 - Raising of roof of dwelling (Retrospective)

Members attention is drawn, in particular, to the appeal against an Enforcement Notice which, having been dismissed in April 2011, resulted in the removal of an unauthorised dormer roof extension which had been constructed in 2007.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The occupier of a neighbouring property, to the rear, has expressed concern at any suggestion that overlooking is not an issue; and points out that, unlike the existing windows, those at roof level are clearly visible. The harmful impact of a previous dormer and the present state of the building are referred to; and it is suggested that the interests of neighbours are not being properly considered. A site visit is suggested to be necessary.

POLICIES/LEGISLATION

The Development Plan comprises, inter alia, the Bath and North East Somerset Local Plan, including minerals and waste policies, 2007 (the Local Plan). Of particular relevance are Policies D.2 and D.4. which relate, respectively, to Design & the public realm, and Townscape.

The National Planning Policy Framework (NPPF) was published in March 2012 and is therefore recognised as a material consideration.

There is no conflict between the relevant policies of the Local Plan and the NPPF. The presumptions are in favour of sustainable development, having regard to economic, social and environmental aspects.

OFFICER ASSESSMENT

The application raises 2 principal issues. Firstly, the extent to which the proposed dormer window respects and reflects the prevailing character and appearance of the host property and the group of which it forms a part; secondly, the impact of the proposal upon the amenities of neighbouring residential occupiers.

Character and appearance:

In determining the appeal in 2011, the Inspector opined that the property was viewed from a significant number of neighbouring properties to the rear and would therefore be appreciated as part of the character of the area in which the occupants reside. The Inspector also noted that there are very few dormers visible and the predominant character and appearance of the area is therefore of a roofscape largely uninterrupted by dormer additions; and that this is especially true of the immediate group of dwellings that includes the application property and which is closest to those living to the rear (on The Hollow). The Inspector noted that the previous dormer was particularly incongruous in its setting. The dormer covered a substantial area of the rear roof slope acting to dominate the roofslope. The Inspector concluded that the dormer failed to maintain the character of the public realm and did not respond adequately to the local context contrary to policies D.2 and D.4 of the Local Plan.

The scale and position of the proposed dormer appear to be determined by the need to provide headroom above a (modified) internal staircase. As a consequence (and contrary to the suggestion by the applicant's agent) the dormer is set well forward in the roof slope, and its ridge corresponds closely with that of the main roof. The result is a structure of undue prominence. An attempt has been made to reduce the scale of the dormer by utilising a half-hipped roof form. Such a detail is however incongruous in the context of the surroundings which comprises an uninterrupted and simple roofscape. The design is overly contrived, and results in a proposal which fails to respect and reflect the prevailing character of the host property and the group of which it forms a part.

It is recognised that the current proposal is smaller than the previous dormer in terms of its width and a half-hipped roof is proposed instead of a flat roof. However, whilst acknowledging this and noting that the proposal incorporates more sympathetic materials, it continues to be harmful to the overall character and appearance of the area and the harm which was previously identified both by the Council and the Inspector has not been overcome.

Regard has been had to other dormer roof extensions in the locality, to which the applicant has drawn attention; and also to the perceived benefits relating to the resulting accommodation. In the circumstances however these factors do not serve to outweigh the harm identified above. Personal circumstances can rarely, if at all, be given weight in any assessment of planning merits.

Residential Amenity:

A previous Planning Inspector described the relationship between the application property and its neighbours as "...a relatively intimate area of gardens...". In response to concerns relating to overbearing and overlooking (or perceived overlooking) the applicant has sought to reduce the apparent scale of the dormer, and has introduced obscure glazing and non-opening windows. On balance, and with appropriate conditions, the proposal would have no significant adverse impact upon the amenities of neighbouring residential occupiers.

Conclusion:

The proposal fails to respect and reflect the prevailing character of the host property and the group of which it forms a part. Whilst it would, with appropriate conditions, have no significant adverse impact upon the amenities of neighbouring residential occupiers, such findings do not outweigh the harm identified above in respect of character and appearance.

RECOMMENDATION

Refuse

REASON(S) FOR REFUSAL

1 The proposed dormer roof extension, by reason of its overall scale, design and situation, would appear as a discordant and obtrusive feature, to the detriment of the character and appearance of the dwelling and the group of which it forms a part, and contrary to Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

PLANS LIST:

This decision relates to drawings no. 003 and 005, received 9th.July 2012.