

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **24th October 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: 12/00926/FUL
Location: High Gables The Barton Corston Bath
Proposal: Erection of a dwelling with triple garage following demolition of existing dwelling, garages and outbuildings.
Decision: REFUSE
Decision Date: 20 April 2012
Decision Level: Delegated
Appeal Lodged: 14 September 2012

App. Ref: 12/02064/AR
Location: Red Bridge House Lower Bristol Road Westmoreland Bath
Proposal: Display of 3no. internally illuminated fascia signs, 1no. internally illuminated service sign, 1no. internally illuminated totem, 1no. non-illuminated wall mounted totem and 2no. non illuminated direction signs.
Decision: Split decision - check file/certificate
Decision Date: 2 July 2012
Decision Level: Delegated
Appeal Lodged: 17 September 2012

App. Ref: 12/02159/LBA
Location: Parsonage Farm Parsonage Lane Publow Bristol
Proposal: Internal works to first floor bedroom and bathroom (regularisation).
Decision: REFUSE
Decision Date: 6 July 2012
Decision Level: Delegated

Appeal Lodged: 17 September 2012

App. Ref: 12/02056/FUL
Location: Box Bush Bromley Road Stanton Drew Bristol
Proposal: Restoration, alteration and extension of existing house following removal of existing extensions and garages
Decision: REFUSE
Decision Date: 17 July 2012
Decision Level: Delegated
Appeal Lodged: 21 September 2012

App. Ref: 12/01762/FUL
Location: Former Little Chef Bristol Road Farrington Gurney Bristol
Proposal: Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5).
Decision: REFUSE
Decision Date: 9 August 2012
Decision Level: Planning Committee
Appeal Lodged: 27 September 2012

App. Ref: 12/02266/FUL
Location: Land North Of Ashwood Church Lane East Harptree Bristol
Proposal: Erection of 9 retirement cottages with associated access, car parking, open space and landscaping.
Decision: REFUSE
Decision Date: 13 August 2012
Decision Level: Delegated
Appeal Lodged: 27 September 2012

App. Ref: 12/00675/FUL
Location: Monkton Combe School Church Lane Monkton Combe Bath
Proposal: Provision of access road, parking and drop-off area including new permissive pedestrian and cycle route and landscaping on land off Church Lane (Resubmission)
Decision: REFUSE
Decision Date: 4 April 2012
Decision Level: Delegated
Appeal Lodged: 2 October 2012

App. Ref: 12/01002/FUL
Location: The Cottage Kelston Road Kelston Bath
Proposal: Provision of new vehicular access
Decision: REFUSE
Decision Date: 24 May 2012
Decision Level: Delegated
Appeal Lodged: 2 October 2012

App. Ref: 12/01003/LBA
Location: The Cottage Kelston Road Kelston Bath
Proposal: Provision of new vehicular access
Decision: REFUSE
Decision Date: 24 May 2012
Decision Level: Delegated
Appeal Lodged: 2 October 2012

App. Ref: 12/01925/FUL
Location: 4 Lime Grove Bathwick Bath BA2 4HF
Proposal: Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear
Decision: Non-determination
Decision Date: 2 October 2012
Decision Level:
Appeal Lodged: 2 October 2012

App. Ref: 12/02072/FUL
Location: The Chase Rectory Lane Compton Martin Bristol
Proposal: Erection of extensions and provision of a first floor.
Decision: REFUSE
Decision Date: 23 July 2012
Decision Level: Delegated
Appeal Lodged: 4 October 2012

App. Ref: 11/03805/FUL
Location: 55 Meadow Park Bathford Bath BA1 7PY
Proposal: Provision of a timber balcony with stairway to garden at the rear of the dwelling (Retrospective)
Decision: REFUSE
Decision Date: 1 June 2012
Decision Level: Delegated
Appeal Lodged: 9 October 2012

APPEAL DECISIONS

App. Ref: 11/04269/FUL
Location: Court Essington, Midford, Bath
Proposal: Erection of replacement loose boxes and equipment store
Decision: **Refuse**
Decision Date: **12 September 2012**
Decision Level: **Delegated**
Appeal Decision: **Allowed**

Summary:

Court Essington is a substantial detached house in large grounds in Midford. Within the grounds is an assortment of stables, wood store and equipment store timber buildings located in close proximity to each other.

The proposal was to replace these existing buildings with one substantially larger building. The proposal was refused under the previous guidance within PPG2 and that the proposed buildings were not small scale essential sports facilities and therefore were inappropriate development within the Green Belt also harming openness and also have a harmful impact on the Area of Outstanding Natural Beauty.

Due to the passage of time the appeal was dealt with under the NPPF guidelines which are less strict in relation to the erection of facilities for outdoor sport and recreation by omitting the requirement for such facilities to be small scale or essential. The Inspector gave substantial weight to the NPPF and very little weight to the Local Plan Policy GB1 and came to the conclusion that the proposed building was not substantially larger than the existing and would not be highly visible from Old Midford Road. He was of the view that the proposal would not constitute inappropriate development in the Green Belt and would not have a harmful impact on the Area of Outstanding Natural Beauty.

App. Ref:	11/03223/FUL
Location:	The Orchard, 3 Lower Farm Lane, Corston, Bath
Proposal:	Erection of a 3 bed detached dwelling after demolition of the existing
Decision:	Refuse
Decision Date:	22 July 2011
Decision Level:	Delegated
Appeal Decision:	Dismissed

Summary:

The application relates to The Orchard, 3 Lower Farm Lane in the village of Corston. The site currently comprises a detached house, built in the 60's/70's with a detached garage and a number of single storey flat roofed extensions. The dwelling has a large garden, stables and small paddock.

The site is within the Green Belt and the proposal was refused as it was considered that the replacement dwelling would be materially larger than the existing dwelling which would represent inappropriate development within the Green Belt and would also have a harmful impact on openness.

The Inspector considered this and was of the view that, at an 80% increase in volume, the proposed dwelling would be materially larger and therefore the development was inappropriate development within the Green Belt and as such is contrary to the NPPF. The Inspector was also of the view that the proposal would have a harmful impact on the openness of the Green Belt which again is contrary to the NPPF. However he was also of the view that the proposed dwelling would not be so conspicuous as to cause material harm to the visual amenity of the Green Belt or the character and appearance of the area.

App. Ref: 11/04966/FUL
Location: 19 Waterloo Road, Bath
Proposal: Erection of a pair of semi detached dwellings, including revised access and parking arrangements
Decision: **Refuse**
Decision Date: **19 January 2012**
Decision Level: **Delegated**
Appeal Decision: Dismissed

Summary:

The application related to an area of land adjacent to 19 Waterloo Road that formed a side garden, garage and parking area. 19 Waterloo Road is an end of terrace miner's cottage. The site is within the Radstock Conservation Area.

The application was refused due to poor quality design and layout, including a car parking area to the front which did not reflect the character of the neighbouring Miner's cottages and this part of the character of the Radstock Conservation Area. There was also an issue with overlooking at the rear to the existing garden of 19 Waterloo Road.

Following the refusal of the appeal proposal, a revised application for a detached dwelling on the site, which overcame the previous reasons for refusal, was granted planning permission on 4 April 2012 ref: 12/00614/FUL. Soon after this an appeal was received against the original scheme for a pair of semi detached dwellings.

The Inspector, in dismissing the appeal, was of the opinion that the proposed dwellings were of a scale and mass that was not significantly different from the detached dwelling already granted permission. However he was of the view that the proposed parking area to the front would become dedicated to car parking and manoeuvring space which, along with the hard surfacing materials, would present a hard, uncompromising edge to the public realm when unused, and an incongruous parking lot when full.

He also commented that there would be little or no opportunity for landscaping, and that the prominence of this aspect of the development, set on rising land, would render it visually unacceptable and harmful.

He concluded that the proposed development would not serve to preserve or enhance the character or appearance of the Conservation Area. He was also of the opinion that car parking should not dominate the public realm and that the development should respond to the local context in terms of its layout.

In relation to the overlooking concerns the Inspector was of the view that, with appropriate screening, any issues of harm to residential amenity could be overcome.

App. Ref: 12/01771/FUL
Location: 64 Bloomfield Rise, Bath
Proposal: Erection of a Dormer Window to the rear elevation.
Decision: **Refuse**

Decision Date: 14 June 2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The proposal was for a large flat roofed window at the rear of 64 Bloomfield Rise and was refused due to the

In dismissing the appeal the Inspector was of the view that the dormer would fill the majority of the roof slope and, although it would not alter the height of the ridgeline it would dominate the rear roof slope. This would significantly change the roofscape of the building and the terrace as a whole.

The Inspector had regard to the strong visual presence of the dwelling's rear elevation within the street scene and found overall that the proposed dormer would appear in a prominent position as an intrusive and unsympathetic alteration. He concluded that it would fail to display the high quality of design that is required to either complement the existing dwelling or to maintain or enhance the public realm. He was, however, of the view that the dormer would not harm the character of the World Heritage Site.

Finally the Inspector also had regard to other dormer windows within the locality of the dwelling but was of the view that they were minor in status and found that none would be directly comparable to the appeal proposal, either in terms of their size or their visual prominence.

App. Ref: 12/00490/LBA
Location: 29 Sion Hill, Lansdown Bath
Proposal: The creation of a new oval shaped window opening at ground floor level to the rear elevation
Decision: Refused
Decision Date: 05 April 2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary

The introduction of an oval window would interrupt the original architectural balance and proportions of the rear elevation as per the original architect's intention. The proposed oval window would introduce a new off-centre opening of significant size and of a shape which has previously been limited to the ground and first floor of the rear elevation of No 30 and would lead to an unacceptable loss of historic fabric.

The appellant's argument that an increase in natural light levels is required is refuted and that the existing light levels are regarded as acceptable augmented by the borrowed light afforded by a substantial, recently approved modern extension.

App. Ref: 11/02418/LBA & 11/02417/FUL
Location: Weaver's Farm Barn, Wellow, Somerset
Proposal: The construction of a two-storey extension for use as a holiday let

Decision: Refused
Decision Date: 03/08/2011
Decision Level: Delegated
Appeal Decision: **Dismiss**

Summary

The site, which is an historic farmstead, has changed significantly with part of the farmstead having been developed for residential housing. Although in a very poor condition the surviving threshing barn's character and essential form remains intact and in juxtaposition and close proximity to the farmhouse is a strong visual reminder of its agricultural context. The barn is also a prominent heritage asset within the Conservation Area/village and is an important surviving feature of its agricultural origins. Whilst it is acknowledged that there may have been a two-storey building that occupied a similar footprint and location as the existing attached, single storey masonry constructed shed this is long gone. The existing single storey historic extension as it exists is subservient to the barn however the construction of a strident two-storey building would increase its prominence and therefore have a detrimental impact on its character and its prominence as an important heritage asset in the Conservation Area. It would unacceptably disrupt the scale and form of this traditional agricultural barn, detracting from the balance of the main body of the barn with its forward projecting wagon entry. These features are of special importance architecturally and are of historic significance in respect of this designated heritage asset and the proposals would cause substantial harm. It was also found that development would cause harm to the character and appearance of the Conservation Area, the AONB and the openness of the Green Belt.
