

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **12th December 2012**

AGENDA  
ITEM  
NUMBER

**01**

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

TITLE: **SITE VISIT AGENDA**

WARDS: Odd Down

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

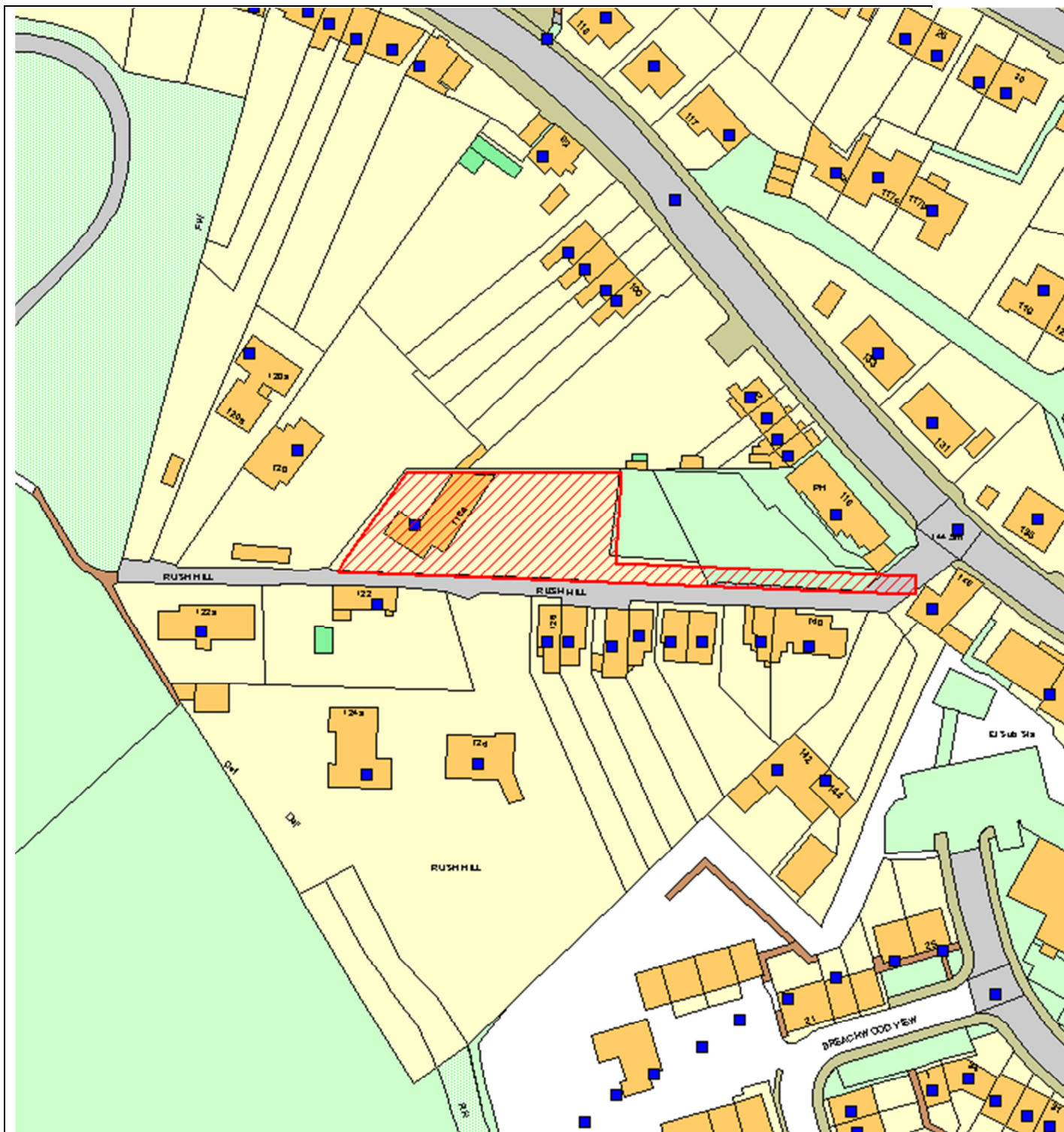
relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [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.

## INDEX

01	12/04102/FUL 22 November 2012	Mrs Rai Maylou, 118A Rush Hill, Southdown, Bath, Bath And North East Somerset Erection of a two storey extension and a single storey garage extension (revised resubmission).	Odd Down	Sasha Coombs	PERMIT
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<b>Item No:</b>	01
<b>Application No:</b>	12/04102/FUL
<b>Site Location:</b>	Maylou, 118A Rush Hill, Southdown, Bath



**Ward:** Odd Down

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:**

Councillor S P Hedges

Councillor N J Roberts

**Application Type:** Full Application

**Proposal:**

Erection of a two storey extension and a single storey garage extension (revised resubmission).

**Constraints:**

Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,

<b>Applicant:</b>	Mrs Rai
<b>Expiry Date:</b>	22nd November 2012
<b>Case Officer:</b>	Sasha Coombs

## **REPORT**

This application was initially referred to the committee on 21st November 2012 at the request of the ward Cllr Nigel Roberts. The application was then deferred to enable members to carry out a site visit in order to assess the proposal site within its context.

Maylou is a detached property built in early 2000s on the plot to the rear of the redundant Rose & Laurel Public House on the south-western edge of Bath World Heritage Site. The site is located off a busy Rush Hill road in a residential area, which is characterised by a mixture of buildings cascading down the hill. This part of Southdown is located on the fringe of the city's urban envelope, and has a semi-rural character with a single narrow lane (also called Rush Hill, but in previous planning reports referred to as Rush Hill Lane or The Lane). The Lane provides access to the houses to the west of the main road. The application site has a dedicated driveway defined by a low stone boundary wall which runs parallel to the Lane. As part of the application process, an Ownership Certificate B was signed in relation to this access drive.

There is a more or less consistent building line along the southern edge of the Lane with a number of detached and semi-detached two-storey stone cottages. Maylou occupies the plot to the north where the land slopes away from the Lane, and is set on lower level cut into the hill slope. Beyond the low southern boundary wall some further screening is provided by a mature beech hedge. To the north of the site the land slopes down to a currently unoccupied plot of land and a line of terraced houses fronting onto the main road of Rush Hill. Beyond the western boundary lies the detached property of 120 Rush Hill. To the east there is a currently empty former car park to the Rose and Laurel Public House which has an extant permission (ref. 11/04016/FUL) for 3no dwellings comprising 2no x 3 bed houses and 1no 2 bed house.

The property is built on a slight angle against the western edge of the curtilage with a gravelled area outside, currently used for parking, and has an elevated open lawn to the north-east. The house itself is a two-storey detached dwelling with a small front porch and two single-storey side projections (kitchen and garage). The kitchen extension is slightly staggered in relation to the south-west gable end of the house, and the garage is adjacent to the northern gable. At the rear there is a small patio area enclosed by the kitchen extension, the retaining walls and the boundary fence with the neighbour at 120 Rush Hill.

This application is a resubmission of an earlier application to extend the property. The initial application 12/02635/FUL was refused on visual amenity and design grounds due to the substantial bulk and height of the front extension. It was considered that it would dominate, rather than complement, the host dwelling, and would have an undue prominence in the street scene.

The size of the proposed extension/garage has now been reduced and the current application consists of two main elements:

1. Additional floor level over the existing kitchen extension - the proposed extension would have a double-pitched roof repeating the contours of the existing projection. The total height increase would constitute some 2m.
2. Two storey extension to the north with a single storey element at its easternmost end. The two-storey part would be 1.3m lower than the main pitch (4.7m under eaves) and would occupy the footprint of the current garage. The single storey double garage would project at an angle forward of the principle elevation along the northern boundary of the site.

It is also proposed to increase the size of the entrance porch, and to install solar panels on the south facing pitch of the new garage.

#### RELEVANT HISTORY:

In 1964 an application for residential development on this site was refused, and in 1975 an application for the erection of three detached houses was also refused.

98/00460/OUT - Erection of 2 houses (outline application) Refused 26.02.1999

99/00903/OUT - Erection of a single bungalow.

Appeal was made against the non-determination of the application. The Council resolved that it would have refused the application on the grounds of highways safety, amenity and character. The appeal was dismissed in May 2000 but in his report, the Inspector did not rule out the 'possibility of a limited amount of built development' providing that the scheme 'could demonstrate a design that respected the character of the nearby properties'.

01/01712/FUL- Erection of a two storey dwelling house, garage and access and alteration of public house car park. Approved 30/07/2001.

According to the Officer's report of 07/11/2001 it was considered that in this case the aforementioned appeal decision (99/00903/OUT) was a significant material consideration. The consent had a number of conditions attached removing permitted development rights usually associated with enlargement of a dwelling, erection of freestanding buildings in its curtilage and erection of any means of enclosure. The reasons for the conditions were 'to protect the open semi-rural character and setting of the site'; 'to safeguard the amenities of the surrounding area; and 'to protect the integrity of the design of the dwelling house'.

12/02635/FUL - Erection of a two storey side extension and a first floor extension above existing kitchen. Refused 14/08/12

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways Development Control - wishes to make no comment on the above planning application

Building Control - no comments received

Local Member - Cllr Nigel Roberts (Odd Down Ward) asked for this application to be referred to committee if the officers are minded to recommend approval.

Reasons:

1. That the size of the development is out of proportion to the existing dwelling.
2. As noted in previous planning decisions this is a semi-rural area and this size of dwelling is out of proportion to the existing dwellings and the setting of the area.
3. That the position of the dwelling will overlook the houses on the Rush Hill meaning their loss of amenity, and possible light to their gardens, they are south facing.
4. The lane has a difficult junction to a busy road, Rush Hill, the current permission for the conversion of the public house into three cottages means that any addition could lead to health and safety problems as this lane is used by pedestrian to access the footpath to Barrow castle.

Third Party Representations - 12 letters of objections and 2 letters of general comments were received. The main points of objections raised were as follows:

- The resubmission failed to address previous objections;
- Impact on the character and visual amenity of the area;
- Further obstruction of views and loss of light;
- Increase in traffic movement associated with extra accommodation provided by the extensions, and the subsequent highways issues;
- Overdevelopment of the site;
- Disproportionate addition to the 'host' dwelling;
- Several letters referred to the original Inspector's report (May 2000) and the further development restrictions secured by the conditions of planning consent 01/01712/FUL
- Cumulative effect of the recently approved development at Rose and Laurel pub, and other recent developments in the area on the highways safety.
- High hedge along the southern boundary of the site interrupts the open character of the hill slope and blocks the views.

## **POLICIES/LEGISLATION**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE

POLICIES ADOPTED FOR OCTOBER 2007

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

BH.1 - World Heritage Site

T.24 - Highways Safety

T.26 - Parking Standards

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY (MAY 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - World Heritage Site

CP6 - Environmental Quality

### **OFFICER ASSESSMENT**

The main material planning issues in this case are:

- Impact on visual amenity and character of the area
- Effect on residential amenity and views across the site
- Impact on special qualities of World Heritage Site
- Highways Safety

### **IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA**

The assessment of the visual impact is particularly relevant here with regard to the proposed two storey side extension and the garage (north and east elevation) because they would be plainly visible from the public domain and can affect the overall appearance of the street scene.

As described above, despite the existence of a busy transport link and the substantial high-density urban area nearby, Rush Hill Lane managed to retain a quiet and unspoiled semi-rural character. The Inspector's appeal decision (99/00903/OUT) noted that this derived from the cottage style houses on the southern edge of the Lane, the narrowness and length of the lane along with the low stone boundary wall. This quality was recognised during the original consideration of the proposal to build Maylou (01/01712/FUL), and had a great bearing on the design and positioning of the house within the plot and in wider street scene.

Bearing in mind the degree of significance that was placed on the way this development responded to the landscape and character of the area within it was placed, it would be logical to attach similar weight to the way any further substantial extensions to this house would physically and visually respond to their immediate and wider context. Local Plan Policy D.4 would be particularly pertinent in this case stating that "development would only be permitted where a) it responds to the local context in terms of appearance, materials, siting, spacing and layout reinforces or complements attractive qualities of local distinctiveness; or improves areas of poor design and layout; ... and d) the appearance of extensions respect and complement their host building".

The previous application to extend this property (12/02635/FUL) was refused on design policies D.2 and D.4 due to the considerable bulk of the north and east projections. The size of the north-east extension has now been noticeably reduced: it has been cut back to a much smaller two-storey side extension which would occupy the footprint of the existing garage, and a single storey DBL garage to the front. No two storey part of the extension now projects forward of the existing building. The height of the new garage has been reduced to lessen the visual impact when viewed from the lane.

Whilst this would be a change to the existing, it is considered that the proposed two storey extension and the garage would be appropriate in their appearance, and their mass/scale/bulk would not be of such significance as to merit resisting the application as being unacceptably out of character in this case. The design of the extension takes cue from the host property, and is considered to be overall a proportionate addition, commensurate with this house and its plot.

It is therefore considered that the design of the current proposal is acceptable and would not detrimentally affect the character and appearance of the property or the area.

## EFFECT ON RESIDENTIAL AMENITY AND VIEWS ACROSS THE SITE

Due to the orientation, the topography of the site and the degree of separation with the neighbouring houses it is considered that the occupiers of the neighbouring properties would not suffer a significant loss of daylight. In terms of overlooking, the gardens of 120 Rush Hill and the properties to the north contain some mature vegetation (which provides reasonable screening of the site); furthermore the fenestration of the proposed extensions would mainly repeat the already existing. It is therefore considered that there would not be a significant loss of privacy arising from the proposal.

A comment was received with regard to the impact and shadow that may be cast by the north eastern two storey extension and single storey garage on the empty site to the north-east of the plot. It was noted that the current mature trees could be removed in future thus exposing the elevation. The new extension would bring the gable wall closer to the boundary by approximately 6m, however the potential increase in overshadowing would be marginal. Furthermore, the site is currently unused and therefore it cannot be argued that any serious residential amenity harm would be caused.

Many of the Third Party objections received raised concerns over further blocking of the long distance views. A number of letters pointed out that the original intention of keeping the site open was to allow public views over the City. Planning practice tends to take the line that there is no private 'right to a view', but that maintenance of public views is a proper planning consideration. This issue was a material consideration in the original scheme because the Lane, often used by pedestrians, offered panoramic views of the City (including Royal Crescent) looking north and north-east across the site from Rush Hill Lane. However, since the house was built, a mature beech hedge along the southern boundary of the site has provided some screening. It was also noted during the site visit that a number of mature trees to the north of the curtilage further block the views from the Lane. The beech hedge was planted in line with the approved landscape scheme to develop the site. Whilst the dissatisfaction with these view obstacles is understandable, it is not part of this application to control the height of the hedge or, indeed, the trees to the north of the site. Consequently, the public views are now considerably reduced, as is the weight given to this material consideration.

Furthermore, the proposed garage on the northern boundary of the site would be at its pitch under 4m high and set well below the level of the public lane. Thus, even



without the hedge and the trees to the north, it is unlikely that the views would be detrimentally affected.

## IMPACT ON SPECIAL QUALITIES OF WORLD HERITAGE SITE

The proposal is of a relatively minor nature and its effects would be fairly localised, thus it is considered that it would not adversely affect special qualities of Bath Heritage Site.

## HIGHWAYS

Council's Highways department offered no comments on the proposal. Clearly, the highways conditions in the area are far from ideal. However, the property does have its own wide driveway and a generous courtyard which would, even with a presence of a front extension, still allow for a reasonable parking and turning arrangements. It is also proposed to retain the two garages. The application entails an extension to an existing dwelling, and it is considered unreasonable to argue that it would lead to any significant increase in traffic.

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

1 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 permissions.

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area.

3 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.

## PLANS LIST:

1 Site Location Plan 1:1250 received 27 September 2012  
Existing Site and Block Plan rhill5/A, Existing Elevations rhill2/A, Existing Plans rhill1/A, Proposed Elevations rhill4pb/C, Proposed Elevations rhill7p/C, Proposed Site and Block Plan rhill6p/C, Proposed Plans rhill3p/C, Proposed Plans rhill8p/c received 18 September 2012.

The development is considered to be acceptable in scale and design, commensurate with the host dwelling and its plot. It will not be detrimental to the character and appearance of the locality or the World Heritage Site. The proposal will not result in unacceptable overlooking of neighbouring property considering the orientation of fenestration, and would have a limited impact in terms of overshadowing, and as such is not detrimental to residential amenity. Therefore the proposal is consistent with the requirements of Policies BH.1, D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.