

## Bath & North East Somerset Council

**MEETING:** Development Control Committee

**MEETING  
DATE:**

AGENDA  
ITEM  
NUMBER

**RESPONSIBLE OFFICER:** Lisa Bartlett, Development Control Manager,  
Planning and Transport Development (Telephone:  
01225 477281)

**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:** 12/02826/FUL  
**Location:** Land Between Barton House And Laburnum Cottage The Barton Corston  
Bath  
**Proposal:** Erection of a single dwelling from an existing access on land adjacent to  
Laburnum Cottage (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 22 August 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 31 January 2013

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**App. Ref:** 12/03887/FUL  
**Location:** Homefield Lower Shortwood Farm Whitehouse Lane Hinton Blewett  
Bristol Radstock  
**Proposal:** Change of use of existing barn for use as holiday let  
**Decision:** Non-determination  
**Decision Date:** 20 February 2013  
**Decision Level:**  
**Appeal Lodged:** 7 February 2013

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**App. Ref:** 12/02335/REM  
**Location:** Westfield House Summer Lane Monkton Combe Bath  
**Proposal:** Removal of condition 2 of application 07/01390/FUL allowed on appeal  
5th November 2011 to allow use of the first floor area of the extended  
coach house to be used as a separate dwelling (Renovations and  
extension of former coach house/gardener's rooms to form annexe to

**Decision:** Westfield house and demolition of timber shed)  
REFUSE  
**Decision Date:** 19 July 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 8 February 2013

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**App. Ref:** 12/01882/OUT  
**Location:** Parcel 0006 Maynard Terrace Clutton Bristol  
**Proposal:** Erection of 36no. dwellings and associated works (revised resubmission)  
**Decision:** REFUSE  
**Decision Date:** 17 December 2012  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 11 February 2013

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**App. Ref:** 12/00459/FUL  
**Location:** 30 North Road Midsomer Norton Radstock BA3 2QD  
**Proposal:** Erection of dwelling and alterations to existing access.  
**Decision:** REFUSE  
**Decision Date:** 24 July 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 February 2013

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**App. Ref:** 12/03605/FUL  
**Location:** 1 Kempthorne Lane Odd Down Bath BA2 5DX  
**Proposal:** Erection of a two storey extension.  
**Decision:** REFUSE  
**Decision Date:** 7 November 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 February 2013

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**App. Ref:** 12/03835/FUL  
**Location:** 5 Vernon Park Twerton Bath BA2 3DD  
**Proposal:** Erection of an end of terrace house with 2no. car spaces for dwelling and 1no. car space for 5 Vernon Park (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 30 October 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 18 February 2013

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**App. Ref:** 12/04848/FUL  
**Location:** 3 Lincombe Road Westfield Radstock BA3 3YJ  
**Proposal:** Erection of a single storey extension to rear of garage and a first floor extension over garage (resubmission)  
**Decision:** REFUSE  
**Decision Date:** 27 December 2012  
**Decision Level:** Delegated

**Appeal Lodged:** 21 February 2013

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**App. Ref:** 12/02021/FUL  
**Location:** Field Parcel 6823 Adjacent To Kennet And Avon Canal Warminster Road Claverton Bath BA2 7BJ  
**Proposal:** Erection of an agricultural building for drying and storage of hops produced on the holding.  
**Decision:** REFUSE  
**Decision Date:** 10 October 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 February 2013

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**App. Ref:** 12/04616/AGRA  
**Location:** Field Parcel 6823 Adjacent To Kennet And Avon Canal Warminster Road Claverton Bath BA2 7BJ  
**Proposal:** Erection of a portal framed agricultural storage building (Following 12/04193/AGRN).  
**Decision:** REFUSE  
**Decision Date:** 7 December 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 February 2013

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**App. Ref:** 12/04220/OUT  
**Location:** 23 Chandos Road Keynsham Bristol BS31 2BY  
**Proposal:** Erection of a dwelling to the rear of 23 Chandos Road (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 12 November 2012  
**Decision Level:** Delegated  
**Appeal Lodged:** 25 February 2013

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**App. Ref:** 12/02165/OUT  
**Location:** Fairash Poultry Farm Compton Martin Road West Harptree Bristol BS40 6EQ  
**Proposal:** Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).  
**Decision:** REFUSE  
**Decision Date:** 6 August 2012  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 27 February 2013

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**App. Ref:** 12/03103/REM  
**Location:** Vale View Cottage Vale View Place Larkhall Bath  
**Proposal:** Removal of condition 12 of application 01/00050/FUL (Erection of a dwelling).  
**Decision:** REFUSE  
**Decision Date:** 20 September 2012

**Decision Level:** Delegated  
**Appeal Lodged:** 28 February 2013

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## APPEAL DECISIONS

**App Ref:** 12/03315/FUL  
**Location:** 11 Frome Road, Radstock BA3 3JX  
**Proposal:** Construction of one studio apartment and one two bedroom apartment.  
**Decision:** Refuse  
**Decision Date:** 31 July 2012  
**Decision Level:** Delegated  
**Appeal Decision:** Dismissed

### Summary

The main issues are:

i) Whether the proposal would preserve or enhance the character or appearance of the Radstock Conservation Area

The flat roof design would offer a poor design solution, again out of accord with the style of traditional cottages nearby. The proposal would be a dominant and discordant feature in a prominent position, lying to the east of a wide junction and area of open space. This would neither preserve nor enhance the character or appearance of the conservation area

ii) the effect of the proposal on the living conditions of the occupiers of the proposed development with particular regard to daylight and noise

The Inspector was not satisfied that adequate daylight would be received within the ground floor flat. It was further considered that the occupiers of the proposed apartments would be exposed to high levels of noise from road traffic and that in these circumstances it would not be appropriate to seek to mitigate such noise by the imposition of conditions, as it would effectively prevent having openable windows in the ground floor studio. This would add to the claustrophobic conditions, and limit natural ventilation, which would be unacceptable in a one room dwelling. High noise levels would also make sitting out in the garden a very noisy experience

The proposal would result in material harm to the living conditions of proposed occupiers with regard to daylight and noise and would conflict with saved LP Policy D.2 as well as advice in the Framework.

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**App Ref:** 12/04399/FUL  
**Location:** 168 Charlton Park  
**Proposal:** Rebuild front wall, erection of 3 pillars and erection of fencing in between pillars and to side of properties (Retrospective) (Resubmission)  
**Decision:** Refuse

**Decision Date:** 16.11.2012  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal dismissed 24<sup>th</sup> January 2013

### Summary

The application was a retrospective application for a boundary wall which was refused due to the impact on the character and appearance of the surrounding area.

The fence was considered to be a prominent feature in the street. The Inspector concluded that the fence would unacceptably harm the appearance of the established layout.

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**App Ref:** 12/02849/FUL  
**Location:** Little Mead, Pipehouse Lane, Freshford  
**Proposal:** Erection of single storey extensions following demolition of existing side and rear extensions, and general renovation of existing studio outbuilding into additional accommodation ancillary to the main house.  
**Decision:** Refuse  
**Decision Date:** 24.08.2012  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal dismissed – 24<sup>th</sup> January 2013

### Summary

The application was for the extension of an annex building to create addition accommodation for the owners of the main house to use as a studio and as accommodation for guests.

The main reasons for refusal were extensions being inappropriate distortional additions to the building, the impact of the design on the existing building and concerns in respect of the future use of the building.

Whilst there was some doubt about which parts of the building were considered to be original the Inspector concluded that the increase in volume and 20% increase in the area covered by the building would represent a disproportionate addition over and above the size of the original building.

It was considered that the building due to the increase in area would detract from the openness of the Green Belt.

The Inspector considered that due to its size and the fact that the extension would wrap around the barn it would fail to complement the existing building. Stating that it would dominate the building and the large box dormer exacerbated the impact.

The applicant also made an application for costs and this application was rejected. The Inspector concluded the following in this decision:

- The first two reasons for refusal were clear and specific and the officer's report provided adequate evidence to substantiate them.

- In respect of the third reason for refusal a condition could have been used in respect of this matter. However, given the dispute over the proposed use the condition could have been unreasonable and the Council was right not to use a condition.
- In terms of time being wasted it was concluded that the appellant choose to submit a CLEUD and that any costs for this cannot be secured through this decision.
- The application was determined within 8 weeks and therefore there was not unreasonable delay.
- There was inconsistency in the advice given by the Council in respect of the proposed use. However, this would not have overcome the reasons for refusal.
- Advice in respect of the extension being inappropriate in the Green Belt and the appropriateness of its scale was generally consistent.
- The Inspector did not find that the Council displayed an unreasonably negative or intransigent attitude when dealing with the proposals. Rather, they set out what I have found to be justified objections to it, while giving the appellants the opportunity to amend their proposals accordingly. For example, on 25 July 2012, Mrs Faulkner wrote a lengthy email setting out her views on the scheme and offering the appellants the opportunity of amending the plans or withdrawing the application.

The fact that the Council does not have arrangement for local design review is surprising, however the advice in the NPPF while authoritative is not a statutory requirement, and the appeal decision found the Council's objections to the design of the development to be generally sound

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**App Ref:** 12/00579/FUL  
**Location:** 9A Molly Close, Temple Cloud, Bristol, BS39 5AE  
**Proposal:** the erection of a three bedroom bungalow and the alteration of the front garden.  
**Decision:** Refuse  
**Decision Date:** 2 February 2012  
**Decision Level:** Delegated  
**Appeal Decision:** Dismiss

### Summary

The main issues are:

i) the effect of the proposal on the character and appearance of the area

Given its siting and scale, the proposed dwelling would appear as a visually obtrusive development, which would significantly diminish the open and spacious character of the upper part of Molly Close. It was concluded that the development would have an unacceptable impact on the character and appearance of the area due to its siting and scale

ii) whether the living conditions for future occupiers would be acceptable in terms of the provision of private outdoor amenity space.

I conclude that the proposed area of private outdoor amenity space would be of an adequate size and provide sufficient privacy for future occupiers of the development. There would be compliance with Policy D2 of the Local Plan insofar as it relates to the living conditions for the future occupiers of the development.

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**App Ref:** 12/04122/FUL  
**Location:** Bannerdown Cottage, Steway Lane, Batheaston, BA1 8EQ  
**Proposal:** Single storey kitchen extension with terrace to west and garage extension to east (Resubmission)  
**Decision:** Refuse  
**Decision Date:** 13 November 2012  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal dismissed 12 February 2013

### Summary

The application was a revised scheme following a refusal and entailed erection of two extensions to a dwelling within the Green Belt. The application was refused because the cumulative increase in volume of all extensions was deemed disproportionate in relation to the original dwelling and harming to the openness of the Green Belt.

The dwelling was extended in 2003 and the parties broadly agreed about the size of the dwelling before and after this earlier extension. However, the applicant contested LPA's calculations of the increase in volume. In particular, the appellant's approach took into account a former attached garage and various outbuildings that had been demolished shortly after 2003.

The Inspector found that the former garage and outbuildings, even assuming they were indeed part of the dwelling as opposed to separate curtilage structures, should only be taken into account if they formed part of the dwelling as it existed on 1 July 1948, and there was no definitive evidence of this. The Council's assessment therefore was deemed correct and the appeal was dismissed.

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**App Ref:** 12/03517/FUL  
**Location:** 15 Rosslyn Road, Bath BA1 3LQ  
**Proposal:** Two storey side and single storey rear extension  
**Decision:** Refuse  
**Decision Date:** 10 October 2012  
**Decision Level:** Delegated  
**Appeal Decision:** Appeal dismissed 12 February 2013

### Summary

The application was refused on the grounds of harm to residential amenity and impact on the character of the locality. The Inspector did not agree that the harm to the residential amenity would be harmful enough to justify refusal. With regard to character of the locality, the street has an attractive suburban character by virtue of the generous setting out of the semi-detached pairs, which are typically set well back from the road with large gaps between them, particularly at first floor level. The Inspector agreed that the proposed two storey side extension would erode the spacious setting out of the dwellings and would be detrimental to the streetscene.

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**App. Ref:** 12/00511/FUL  
**Location:** Bickfield Farm, Bickfield Lane, Compton Martin  
**Proposal:** Installation of photovoltaic solar panels  
**Decision:** Refuse  
**Decision Date:** 19.04.2012  
**Decision Level:** Delegated  
**Appeal Decision:** Allow

**Summary:**

Installation of 208 panels set in three parallel rows sited in an area of about 950 square metres within a pasture field. The site is within the Bristol and Bath Green Belt and the Mendip Hills Area of Outstanding Natural Beauty. Appreciate that the development might benefit the farm business financially. However, it seems to me that it could not be reasonably argued that it is functionally required for the undertaking of the agricultural enterprise on the holding. On this basis I conclude on this issue that the proposal constitutes inappropriate development in the Green Belt. Whilst the installation occupies a physical space and thus necessarily results in a loss of openness it is impermanent in appearance. Its structure appears lightweight such that it could be readily removed. In all, I consider that the limited loss of openness entailed in the scheme adds only a little additional weight against the proposal. The panels are dark-coloured and set in slender silver frames. To the eye, they are not in themselves unattractive, their form reading clearly as a product of their function. That said they do appear somewhat out of place in a traditional pastoral landscape. Nevertheless, I consider that they result in only limited harm to the visual amenity of the Green Belt and the Area of Outstanding Natural Beauty. The installation is not so substantial that it would result in the permanent sterilisation of agricultural land. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The scheme would support Government policy on renewable energy and climate change. These other considerations clearly outweigh the harm by reason of inappropriateness and other harm, so as to amount to the very special circumstances necessary to justify the development.

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**App. Ref:** 12/00452/FUL  
**Location:** Nempnett Farm, Greenhouse Lane, Nempnett Thurbwell  
**Proposal:** Installation of photovoltaic solar panels  
**Decision:** Refuse  
**Decision Date:** 19.04.2012  
**Decision Level:** Delegated  
**Appeal Decision:** Allow

**Summary:**

Three parallel rows of photovoltaic panels sited in a rectangle of land extending to about 37m by 26m within a pasture field. The site is within the Bristol and Bath Green Belt. Appreciate that the development might benefit the farm business financially. However, it seems to me that it could not be reasonably argued that it is functionally required for the undertaking of the agricultural enterprise on the holding. On this basis I conclude on this issue that the proposal constitutes inappropriate development in the Green Belt. Whilst the installation occupies a physical space and thus necessarily results in a loss of openness it is impermanent in appearance. Its structure appears lightweight such that it could be readily removed. In all, I consider that the limited loss of openness entailed in the scheme adds only a little additional weight against the proposal. The



panels are dark-coloured and set in slender silver frames. To the eye, they are not in themselves unattractive, their form reading clearly as a product of their function. That said they do appear somewhat out of place in a traditional pastoral landscape. Nevertheless, I consider that they result in only limited visual harm to the Green Belt. Acknowledge that the installation is visible from the farm buildings at Oxleaze Farm, which is the neighbouring farm to the north, as well as from the public footpath mentioned above, but I saw that due to its dark colour and low profile it is not particularly prominent in the landscape. Incremental contributions such as that provided by the appeal scheme can be significant in achieving the economic, social and environmental dimensions of sustainable development. Cumulatively, they have the potential to secure significant reductions in greenhouse gas emissions and provide resilience to the impact of climate change. Accordingly, I give very considerable weight to the delivery of renewable energy benefits associated with the scheme. These other considerations clearly outweigh the harm by reason of inappropriateness and other harm, so as to amount to the very special circumstances necessary to justify the development.

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<b>App. Ref:</b>	12/00453/FUL
<b>Location:</b>	Oxleaze Farm, Greenhouse Lane, Nempnett Thrubwell
<b>Proposal:</b>	Installation of photovoltaic solar panels
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	19.04.2012
<b>Decision Level:</b>	Delegated
<b>Appeal Decision:</b>	Allow

#### **Summary:**

The installation includes two parallel rows of photovoltaic panels sited in a rectangle of land extending to about 53m by 17.5m. The site is in the corner of a pasture field lying to the north of the main farm buildings and to the east (rear) of a new dwelling with road frontage. The site is within the Bristol and Bath Green Belt. Appreciate that the development might benefit the farm business financially. However, it seems to me that it could not be reasonably argued that it is functionally required for the undertaking of the agricultural enterprise on the holding. On this basis I conclude on this issue that the proposal constitutes inappropriate development in the Green Belt. Whilst the installation occupies a physical space and thus necessarily results in a loss of openness it is impermanent in appearance. Its structure appears lightweight such that it could be readily removed. In all, I consider that the limited loss of openness entailed in the scheme adds only a little additional weight against the proposal. The panels are dark-coloured and set in slender silver frames. To the eye, they are not in themselves unattractive, their form reading clearly as a product of their function. That said they do appear somewhat out of place in a traditional pastoral landscape. Nevertheless, I consider that they result in only limited visual harm to the Green Belt. Acknowledge that the installation is visible from the farm buildings at Nempnett Farm, which is the neighbouring farm to the south, but I saw that due to its dark colour and low profile it is not particularly prominent in the landscape. Incremental contributions such as that provided by the appeal scheme can be significant in achieving the economic, social and environmental dimensions of sustainable development. Cumulatively, they have the potential to secure significant reductions in greenhouse gas emissions and provide resilience to the impact of climate change. Accordingly, I give very considerable weight to the delivery of renewable energy benefits associated with the scheme. These other considerations clearly outweigh the harm by reason of inappropriateness and other harm, so as to amount to the very special circumstances necessary to justify the development.

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**App. Ref:** 12/01925/FUL  
**Location:** 4 Lime Grove, Bathwick, Bath  
**Proposal:** Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear  
**Decision:** Refusal  
**Decision Date:** 02.10.2012  
**Decision Level:** Non-determination  
**Appeal Decision:** Dismiss

**Summary:**

Inevitably, this existing arrangement restricts light and outlook to the patio and various habitable room windows in the main rear wall and side elevation of the rear projection of No 3. There is also an appreciable degree of mutual overlooking between Nos 3 and 4. However, the existing situation is consistent with the general standards of the area. Conversely, the proposed first floor rear extension would significantly increase the sense of enclosure at No 3 whilst further reducing light and outlook to the patio and rear/side windows. The inclusion of a roof terrace at second floor level would likewise increase the degree of overlooking. These effects would be unacceptable when assessed against the general standards of the area and the need to protect the amenities of existing uses and occupiers set out in saved Policies D2 and HG.12 of the Bath & North East Somerset Local Plan 2007. This leads me to conclude on the main issue that the proposed development would cause significant harm to the living conditions at the adjoining property, 3 Lime Grove. I agree with the Council that the works proposed would be generally unobtrusive, such that the character and appearance of the conservation area, which is also a designated World Heritage Site would be preserved. Although the proposal would increase the supply of housing in a central and accessible location, in broad compliance with the National Planning Policy Framework, this must be set against other policies in the Framework seeking to deliver high quality residential and living environments. In this instance, the harm that I have identified in relation to the main issue is significant and overriding.

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**App. Ref:** 12/01606/FUL  
**Location:** 22 The Tynning, Widcombe, Bath  
**Proposal:** Erection of a two storey extension and a single storey side/rear extension following demolition of existing single storey extension and associated works (revised resubmission).  
**Decision:** Refuse  
**Decision Date:** 07.06.2012  
**Decision Level:** Delegated  
**Appeal Decision:** Dismiss

**Summary:**

The proposed design is imaginative. Four semi-detached houses face Widcombe Hill between The Tynning and Tynning End. Due to the topography of the land No 22 occupies a prominent position above the level of the road both to front and side. However, the angles of view from the public domain work in favour of the proposal. The cat slide roof of the two storey extension would ensure that this extension appeared subservient to the host dwelling. The addition of the two storey extension would therefore do no more than bring the dwelling in line with the size and

design of other houses nearby. Believe that the extensions would respect the dominance and character of the existing house without unduly upsetting the balance of the semi-detached pair. I consider that the proposal represents thoughtful and innovative design of considerable quality. I appreciate that the area of the balcony would be small and therefore might not be intensively used. I also appreciate that it would be set away from the common boundary. However, the houses are of modest size and the gardens are not large. Consider that, due to the short distance involved and the limited amount of amenity space at St Aubins, the balcony would give rise to overlooking at uncomfortably close range. This aspect of the proposal is therefore unsatisfactory.

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