

**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT
SITE VISIT**

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING
DATE: **8th May 2013**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

Item No: 01
Application No: 13/00376/FUL
Site Location: The Chase Rectory Lane Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Compton Martin **LB Grade:** N/A

Ward Members: Councillor V L Pritchard

Application Type: Full Application

Proposal: Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas,

Applicant: Mr And Mrs C & J Linegar

Expiry Date: 26th March 2013

Case Officer: Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. The Ward Councillor has also requested that the application be determined by the Committee. The Chair of Committee considers that this application raises difficult issues which can be heard at Committee.

The application was presented to the Planning Committee on 10th April 2013 and it was decided by the Committee that a site visit was required and therefore the decision was deferred.

The application relates to a property in Compton Martin. The existing property is a bungalow which is set at a slightly higher level than the road and is partially screened by trees. The existing bungalow is of render construction under a concrete tile roof. The site slopes down from south to north and there are relatively modern properties to the north and south of the bungalow. There is a two storey house set at a higher level to the south (with garage nearest the boundary) with a split level dwelling at a lower level to the north. The dwelling at a lower level to the north has windows in the side elevation that look towards the site.

The bungalow is within the AONB and is to the south of the Conservation Area.

This application seeks to develop the property by adding a first floor extension as well as extending the footprint of the property to the rear. The building would project by approximately 2.3 metres from the existing main rear wall of the property. The height of the building would increase from 6.1metres to the ridge to 8.1 metres. The extended building would have a hipped roof of a similar pitch to the existing bungalow. The existing flat roof extensions on the property will remain and the ground floor window detail will remain the same on the front elevation. Two gablet dormers are proposed in the front and rear elevations of the property.

Relevant history:

Planning application 12/02072/FUL for the erection of extensions and provision of a first floor was refused on 23rd July 2012 for the following reason:

The proposed extensions, by reason of their height, mass, bulk and detailed design would fail to respond to its local context, would not respect and complement the existing dwelling and would harm the natural beauty of the Mendip Hills AONB. The proposals would therefore be contrary to "saved" policies D.4 and NE.2 of the Bath and North East Somerset Local Plan.

This decision was subsequently appealed and the appeal was dismissed on 28th November 2012.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted and two representations were received. The comments made are summarised below:

- Objection to loss of views from property and garden
- Loss of value to property
- Inaccuracies on the plans and lack of detail
- The bulk and mass of the application are not materially different from the previous application.
- The proposal is not in keeping with the AONB and conflicts with policy NE2.
- Loss of amenity due to oppressive and overshadowing effects of development.
- Increased overlooking and loss of privacy
- Loss of light to neighbouring property
- Impact on light received to solar panels.

Case officer comments:

Loss of view and impact on property values are not material planning considerations and therefore cannot be given significant weight in the determination of this application.

Concerns have been raised in respect of the accuracy and level of details on the plans as well as the fact that a sunlight study has not been submitted. The level of information submitted is considered to be adequate and is the same level of detail as the previous application. This level of information was also considered to be adequate by the Planning Inspectorate when considering the recent appeal. The case officer has also visited the neighbouring property to assist the residents in understanding the drawings.

Compton Martin Parish Council: Object, reasons summarised below:

- The revised application is improved design but does not overcome the Parishes previous concerns
- The plans lack dimensions
- Increase in height of the roof
- The topography of the site should be considered
- Overlook neighbouring properties
- Design out of keeping with the area
- The development does not enhance landscape and open space.

POLICIES/LEGISLATION

Policies/Legislation:

The following "saved" policies in the Bath and North East Somerset Local Plan (including minerals

and waste policies) are relevant to this proposal:

D.2 - General design

D.4 - Townscape

NE.2 - AONB

NE.4 - Trees

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development

Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

The previous application and subsequent appeals are key material considerations in the assessment of this application. A key point to note is that the previous application was not refused on the basis of the impact on the neighbouring property and this issue was not raised by the Planning Inspector at the appeal stage.

There are a number of comparisons between the previous proposal and the current application; however the scheme has also been significantly altered in terms of its design. The previous application proposed to add an additional storey to the property however, the way in which this was proposed significantly altered the character of the property making it appear as a bland modern style gable fronted building.

The current proposals show a building with a slightly reduced footprint. The height of the proposed building would be around 0.6 metres higher than previously proposed although the roof would be hipped in order to reduce its mass.

The rear elevation of the building, which is the one most visible from the open countryside now has a more symmetrical appearance.

Character and appearance

The previous application was refused for the reason given above due to the effect of the extension on the character of the area and the host dwelling. This issue was discussed at length in the Inspectors report.

The Inspector reported the following about the existing bungalow:

"The existing bungalow is modest in character. It has a simple, traditional and unassuming design. Whilst it has been altered, it retains a certain amount of symmetry, with its near square floorplan and box bay windows, their gablets echoing the line of the pyramid roof"

It was considered that the previous proposal almost entirely subsumed this modest character and traditional appearance with little vestige of the character of the original building remaining. It was concluded that the proposed conflicted with Policy D.4 of the adopted Local Plan which required the appearance of extensions to respect and complement their host building. The revised proposals whilst still increasing the scale of the building are more complementary to the existing character of the building. The change to the roof form is most significant as it takes a similar form to the original roof of the house.

The west elevation of the property retains its symmetrical character and the gablet dormer windows are similar to gablets currently existing on the bay windows to this elevation.

The east elevation, fronting Rectory Lane, as existing lacks any clear distinction as the front of the property. Whilst the window arrangement at the ground floor level is somewhat haphazard this is the existing arrangement. The addition of the extra floor does not harm the appearance of this elevation. Overall it is considered that the proposed extension whilst adding an additional storey to the building does retain the character of the original building.

Turning to the impact of the development on its wider context the Inspector had reservations about the quality of the design. The Inspector noted the following:

"The properties in the vicinity of the site are of various ages, sizes and designs and, setting aside the conflict with Local Plan Policy D.4 identified above, I acknowledge that a substantial modern house would not be out of place."

Therefore if it is considered that the alterations to the building are acceptable the size of the building cannot be considered to be a reason for refusal of the proposals in design terms. The design of the building is significantly improved from the previous scheme. The rear elevation which is most visible from the footpath to the rear has been significantly improved and the front elevation will remain partially screened from the road which the Inspector acknowledged. It is considered that the alterations would not have an adverse impact on its setting in the Area of Outstanding Natural Beauty and could not therefore be refused on the basis of NE.2.

To conclude it is considered that the revisions to the proposals are sufficient to overcome the concerns raised at the Planning appeal.

Impact on neighbouring properties

Concerns have been raised by the occupants of the property to the north of The Chase. When the previous application was assessed the following conclusion was reached in terms of impact on the neighbouring properties:

"The proposals will have an impact on the amenity of the neighbouring occupier to the north.

However, the existing bungalow and proposed extension are set in from the existing boundary and their impact on the amenity of the neighbouring occupier to the north will not result in "significant harm" by reason of loss of light or overshadowing".

As previously suggested there are similarities between this application and the previous application in terms of the impact on the neighbouring property. Whilst it is noted that the resultant building would be higher than previously proposed the hipped form of the roof helps to lessen this and reduce the overall impact.

During the assessment of this current application a visit was made to the adjacent property 'Meadow Combe'. The property has a side window facing towards The Chase,

this window is a high level window and provides a secondary source of light to the room as there are also windows in the rear of the property which provide light and outlook. Whilst it is acknowledged that the light levels to this side window would be affected, and to a limited degree the outlook from the window, as previously concluded this is not considered to be so harmful to warrant the applications refusal.

No issues in respect of overlooking have been raised previously in respect of this application. The positioning of the windows in this application are broadly similar to the previous application. The side windows at ground floor level would not introduce any greater level of overlooking than currently exists. A rooflight is proposed in either side of the roof slope however one relates to a stair way and the other to a bathroom so would not result in a harmful level of overlooking. The windows proposed in the rear elevation would face at an angle towards Meadow Coombe. However, there are already some views into this property's house and garden from The Chase and the angle of overlooking would not be direct. It is also of note that the side window of Meadow Coombe already looks directly into the garden of The Chase. Overall the level of overlooking and relative privacy is considered to be acceptable. Conditions will be recommended to ensure no further windows are installed in the side elevations of the building.

The proposals will also have an impact on the views from some properties, but the private views from existing houses are not generally material considerations.

The conclusions reached in terms of the impact on neighbours have not significantly altered from the previous decision. It is also of note that no reference was made by the Planning Inspector to any harmful impact on the neighbouring property. Overall, the proposals will accord with Local Plan policy D.2.

Other matters

The neighbouring occupiers have also raised concerns in terms of the impact the increase in the height of the building would have on the level of light received to their solar panels. This impact is not one that would harm their amenity as such but there is some weight to be given to this issue on the grounds of sustainability.

The solar panels were in place at the time of the previous application and subsequent appeal and the panels were not a reason for the refusal of the application.

Whilst it is noted that some light may be lost to these panels in the winter months when the sun is lower in the sky the impact this would have would not result in a significant loss that would warrant the refusal of this application.

The proposals should not harm the existing mature Beech tree on the site and they would therefore accord with Local Plan policy NE.4

Conclusion

The Planning Inspector in her review of the previous case considered that a substantial house would not be out of place in this location. The amendments to the design of the

proposal show a scheme which better complements the character of the existing house and would not harmfully impact the appearance of the wider area.

Whilst the impact on the neighbouring property has been acknowledged and carefully assessed the impact on them is not considered to be so severe to warrant the refusal of this application .

RECOMMENDATION

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevations (north east or south west) at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

4 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 This decision is taken on the basis of the following drawing numbers:

Received 29th January 2013

Design and Access Statement

2012/Chase01B Location Plan

2013/Chase/03B Existing Elevations

2012/Chase04B Existing Elevations

2013/Chase06B Proposed Ground Floor Plan

2013/Chase07B Proposed First Floor Plan

2013/Chase08B Proposed Elevations

2013/Chase/09B Proposed elevations

Received 1st March 2013

2012/Chase05B Existing Floor Plan

Received 6th March 2013

2013/Chase02D Existing/Proposed Block |Plan

Received 15th March 2013

Site Plan with dimensions

2 REASONS FOR GRANTING APPROVAL

1 The development is considered to be of an acceptable scale, design and siting , which would preserve the character and appearance of this building and the surrounding Area of Outstanding Natural Beauty. There will be no harm to highway safety or residential amenity as a result of this development.

2 The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2 - General design and public Realm Considerations

D.4 - Townscape considerations

NE.2 - Areas of Outstanding Natural Beauty

NE.4 - Trees and Woodland conservation

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Bath and North East Somerset Submission Core Strategy (May 2011)

The National Planning Policy Framework published in March 2012

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant sought pre-application advice prior to this application being submitted. For the reasons given above the application was recommended for approval.