

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **4th September 2013**

AGENDA
ITEM
NUMBER

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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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/02112/FUL 15 July 2013	Mr Lionel Tonizzo 4 Lime Grove, Bathwick, Bath, Bath And North East Somerset, BA2 4HF Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).	Bathwick	Rebecca Roberts	PERMIT

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 13/02112/FUL
Site Location: 4 Lime Grove Bathwick Bath Bath And North East Somerset
BA2 4HF



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Nicholas Coombes Councillor David Martin
Application Type: Full Application
Proposal: Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).

Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Mr Lionel Tonizzo
Expiry Date:	15th July 2013
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

At the request of Cllr Martin, and with the agreement of the Chairman, as the Ward Member objects to the proposed contrary to the officers recommendation. This application was deferred at the last meeting of the Committee to allow Members to view the application site.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located to the east of the city centre within a residential suburb of the city between the A36 and the Kennet and Avon Canal. 4 Lime Grove is an end of terrace of four period properties in an area that has a mix of housing styles and types set into the rising topography. The properties are constructed from Bath Stone with stepped access off the footway which is enclosed by a low Bath Stone wall with pierced tracery stones forming the top course and gate pillars which provide an entry point. The site is within the designated Bath Conservation Area and the World Heritage Site.

Due to the sloping topography the dwellings are set into the slope with small courtyards to the rear and terraced gardens accessed by steps from ground floor level. A number of properties have small roof top terraces above.

The application proposes the conversion of the existing residential property which is used as student lets to form 2 maisonettes (1no. 5 bed and 1no. 4 bed) across the basement/ground floor and the second/third floor with a 2no. bed self-contained apartment splitting the two at first floor level. The application also proposes a two storey flat roof extension to the rear, this will replace an existing single story extension and will provide additional space at first floor level to accommodate a bedroom.

The application has been revised in light of neighbours comments and removed the hipped roof to form a flat roof to further reduce the overall height of the extension, the window at ground floor level in the boundary wall with no. 3 has been removed , the juliette balcony has been reduced in depth to be flush with the rear elevation and all bathroom windows annotated to be obscurely glazed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS - No objection. The proposed use is unlikely to generate more parking demand than its current use, however given the site's good location close to local facilities and alternative transport, and the fact that off-street parking for two cars already exists, it has been recommended by our Parking Services team that residents should not be allocated parking permits.

The area indicated for cycle parking is not clear, but would nevertheless appear to be unavailable should two cars be parked on the frontage. A more appropriate and secure area should be identified for cycle parking along the side or at the rear of the property.

ENVIRONMENTAL HEALTH - No comments or observations

COUNCILLOR MARTIN - This is a re-submission of a previous application which was refused at appeal by the Planning Inspector. This is so that consideration can be given to the potential loss of amenity and privacy to the adjoining property at 3 Lime Grove, due to the increased sense of enclosure, loss of light and overshadowing from the proposed first floor extension. The new application does not appear to deal adequately with the Inspector's findings of harm to the living conditions at 3 Lime Grove from the previous design of this extension.

OTHER REPRESENTATIONS / THIRD PARTIES: 8 x objections received and summarised as;

- Overdevelopment
- Ruin the unique look and symmetry of the Victorian terrace of houses
- Increase the existing problem with lack of parking along the permit bays
- Fails to address previous objections or reasons for dismissal made by the Planning Inspectorate
- The plans appear to misrepresent the situation in a number of ways
- Would cause significant harm to the living conditions at the adjoining property
- There has been a continuing nuisance problem in terms of noise / litter due to the large numbers of occupants in the house
- Out of character with the area
- The developer's economic interests to increase profit are not my concern
- The extension will shade and reduce the view from our balcony
- The flats provide substantial increased accommodation that could be used for students, exacerbating an already difficult situation in our mainly quiet neighbourhood

POLICIES/LEGISLATION

RELEVANT PLANNING HISTORY:

02/01496/FUL - RF - 7 August 2002 - Construction of a hardstanding, retaining walls and steps after part demolition of existing garden wall

03/00358/FUL - PERMIT - 29 May 2003 - Formation of vehicular access to front (Resubmission)

12/01925/FUL - NONDET - 2 October 2012 - Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear. Application Appealed for non-determination after officers recommendation to refused. Dismissed at appeal.

POLICY CONTEXT:

NATIONAL PLANNING POLICY FRAMEWORK:

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

BATH LOCAL PLAN (adopted 2007)

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings

BH.1 - Impact of development on World Heritage Site of Bath or its setting

BH.6 - Development within or affecting Conservation Areas

T.24 - General development control and access policy

T.26 - On site parking and servicing provision

CORE STRATEGY:

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 limited 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. The following policies should be considered:

B4 - The World heritage Site and its setting (will replace BH.1)

D.2, D.4, HG.12, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE: The property is currently used as student lets but has not been physically subdivided, multiple kitchens and bathrooms exist in the existing layout and it is proposed to keep these. The site is in a sustainable location and therefore there is no in principle objection to the conversion of the property in to multiple residences. The building can be easily converted without compromising the inherent character of the building and its relationship within the local streetscene and will not result in loss of residential space and will improve the mix of the residential in this locality.

CHARACTER, APPEARANCE AND SITE LAYOUT:

No. 4 acts as a book end to the terrace and this is reflected in the neighbouring terrace to the south. The middle properties within the terrace display a mix of three storey projections that are full or three quarter width structures, some of which have been extended further by small single storey extensions and a number of these have been utilised as raised terraces or have small staircase providing access to the garden.

The subdivision of the property will not materially alter the character and appearance of the property and the extension proposed is of scale which appears as a subservient addition and will incorporate details such as the band coursing which respects the proportions and design of the host building. The requirements relating

to design are that development should respond to its local context and in the case of extensions, respect and compliment their host dwelling. It is proposed that the extension will be constructed of materials to match the existing dwelling, and will replicate the domestic architectural style of the host building and the wider area, thereby responding to the local context. The proposed development is considered to preserve the character and appearance of the streetscene and this part of the Conservation Area.

RESIDENTIAL AMENITY:

The adjoining property No.3 Lime Grove does not fully extend the full width of the plot which creates a small courtyard between the rear elevation of the main building and the side of the 3 storey projection, there are a number of windows on these elevations that provide light into a kitchen/dinner, bathroom and reception room. The bookend design of No.4 Lime Grove results in the rear elevation being full width and in line with the neighbouring projections and therefore results in some overshadowing due to the orientation of the site.

The previous application which was dismissed at appeal extended off the boundary wall with no. 3 and was two and half storey's high with railings above enclosing a balcony/raised terrace. Furthermore it extended significantly into the garden and this impact was further exacerbated by a large staircase. The Inspector did not state that an extension would be unacceptable but that the harm caused by the bulk and location on the boundary would result in harm to the amenity of no.3.

The extension has been significantly reduced in response to the inspector's comments and has set the extension off the boundary at first floor level by approximately 2.1 metres so as to reduce the potential for overbearing impact and increased sense of enclosure. The agent in response to third party comments has removed the hipped roof which reduces the overall height by approximately 1.5 metres to try and minimise any overshadowing of the neighbouring property, however due to the topography, orientation of the properties and the already enclosed environment some overshadowing during the morning part of the day will be caused. However the increase in over shadowing is not considered significant enough to warrant a reason for refusal.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The proposed development will utilise the existing parking area and on street parking currently available to No. 4 Lime Grove. The parking services team have advised that no further permits will be issued to the property. However the application site is within a sustainable location with easy access to local facilities and services within the City Centre and the local shopping area of Widcombe, the restriction on permits for new developments is a common approach by the parking team and an informative is proposed to bring this to the applicants attention.

CONCLUSION: On balance, the re-submitted scheme is considered acceptable and is of a design that respects the context of the property and the local streetscape which is considered to preserve the character and appearance of this part of the Conservation Area and the setting of the World Heritage Site; some harm will be caused to the amenity of neighbouring occupiers however it is not considered significant enough to warrant a reason for refusal.

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 materials to be used shall match those of the existing property in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the development and the character and appearance of this part of the Conservation Area.

3 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 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 north elevation 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.

5 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 relates to drawing no's LG.1.A and LG.3.B date stamped 20th May 2013 and LG.6 date stamped 12th July 2014.

ADVICE NOTE:

The applicant should be advised that residents of the development will not be considered eligible to apply for residents parking permits.

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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.