

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **23rd October 2013**

AGENDA  
ITEM  
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION – SITE VISITS**

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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/02097/FUL 12 July 2013	Mr And Mrs Rose 16 Southstoke Road, Combe Down, Bath, Bath And North East Somerset, BA2 5SL First floor extension over existing property resulting in two storey dwelling. Two storey rear extension and two no. single storey side extensions.	Combe Down	Tessa Hampden	PERMIT



<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Mr And Mrs Rose
<b>Expiry Date:</b>	12th July 2013
<b>Case Officer:</b>	Tessa Hampden

## **REPORT**

Reason for referring this application to committee

Cllr Beath has requested that this application is referred to committee, due to the impact upon the character and appearance of this dwelling, the wider area, and the impact upon the neighbouring occupiers. The full comments are detailed within the representations section of this report.

Site description and proposal

The application relates to a detached single storey dwelling located off Southstoke Road within the Combe Down area of Bath. The property is located outside of the City of Bath Conservation Area but within the wider World Heritage Site.

The application seeks planning permission for a first floor extension over the existing property resulting in two storey dwelling, a two storey rear extension and two single storey side extensions. Planning permission is also sought for a garage. Revised plans have been received following discussions with the agent. These amend the internal layout of the main dwelling in order to allow for 2 of the additional windows on the rear elevation to serve a hallway area, which permits for these windows to be obscurely glazed. A hipped roof has also been introduced replacing a gable end adjacent to the neighbouring property 17 Southstoke Road.

Relevant planning history

There is no planning history directly associated with this planning application

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Conservation Officer - All aspects of the proposals have been considered and given the significance of the building as a locally important heritage on balance the application proposals should be resisted in their current form.

Cllr Beath - requests that if this application is recommended for approval, it is heard at Planning Committee. The reasons are as follows:

-the application would be harmful to the existing important and unique Arts & Crafts design of this cottage, and its coupling with the adjacent Arts & Crafts neighbouring home in a similar style / materials. These, and others in the road that reflect elements of that style, are very special features of the road. In the circumstances, and given the controversial nature of the proposal, it would be in the interest of the public for the decision to be taken in public, should officers be recommending to permit. It is out of place and unsympathetic within the existing cluster of homes. It would constitute a too dominant massing in the plot

and in relation to neighbouring homes, and would have an unacceptable overlooking negative impact on neighbouring homes and amenities.

No comments on revised plans

Bath Preservation Trust - object to the development. The comments can be summarised as follows:

The Trust is very concerned at the loss of this unique dwelling which is to be altered to a form which does not enhance or conserve the local distinctiveness of the group of much admired dwellings it sits within, or the distinctiveness of the Bath World Heritage site. As it stands, 16 Southstoke Road is a delightful example of the Arts and Crafts style comprising of a Cotswold Stone tiled roof as well as a Dutch gable end roof to the oldest part of the dwelling, both these features are rare in Bath. By virtue of the massing and height proposed, is deemed to be an overdevelopment of a small site and is likely to negatively impact on the setting of the group of similar small neighbouring dwellings as well as being detrimental to the visual amenity of the street scene and visually intrusive and harmful to the long views out to, and in from the green belt. Before any permission is granted, the history and provenance of this building should be thoroughly investigated as this building and its site are considered to be locally important.

28 objection comments (it is noted that additional comments above this number have been received from the same household). These can be summarised as follows:

- Loss of single storey character
- Impact upon World Heritage Site
- Inappropriate design, size, scale of extensions
- Impact upon character of neighbouring dwellings including overlooking/sense of overlooking, loss of light, overbearing impact
- Inaccurate description of development - replacement rather than extension
- Impact upon neighbouring occupiers
- Impact upon ground conditions around the site/general stability issues
- Overdevelopment of the site
- Loss of small dwelling, demands for this type of accommodation
- lack of consultation prior to application
- Good example of arts and crafts house, which would be lost as part of this proposal
- It would not be possible to source matching materials
- Conditions to obscurely glaze windows would not meet necessary tests
- Use of private access road

5 supporting comments have been received. These can be summarised as follows:

- Carefully considered application
- Additional family home
- Enhance the character of the building
- More useable internal space
- Compliments surrounding development

## **POLICIES/LEGISLATION**

### Policy

Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007

BH1 World Heritage Site and its setting

D.2: General design and public realm considerations

D.4: Townscape considerations

NE5 Forest of Avon

ES14 Unstable land

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

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.

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

## **OFFICER ASSESSMENT**

### Character and appearance

The building originated as a small office comprising two rooms, located at the access to the original former quarry. The submission cites that the use of the building changed to a dwelling, with an extension constructed in 1932. There are some disagreements within third party comments and the submission with regards to the date that this building was erected/extended. The LPA understand however that no buildings are shown on this plot on the 1901-05 OS maps, but buildings are shown on the 1920-33 OS map. Therefore it would appear that the building was constructed in the interwar years.

It is recognised that the application property is a good example of the Arts and Crafts style and movement. The Conservation Officer considers that the building is not suitable to be included on the statutory list it is of local historic and architectural interest but can be regarded as a heritage asset. It is considered by this officer that as the Arts and Crafts architectural style and period is not well represented in Bath, this increases the building's local significance. It is also evident that it has group value with adjacent buildings of the same or similar period and style and the use of local materials contributes to the sense of place and its importance within the street scene.

However, it is the Case Officers view that the building has been substantially altered in the past, by virtue of the extensions and the alterations to the fenestration. To the rear of the building, the dwelling has lost its original fenestration which has been replaced by modern units and there are a series of new wide openings with modern double doors. This has had a negative impact on the building's architectural interest. It is also recognised that the roof of the building is in a very poor condition.

As the building is not listed, and the site is not within the Conservation Area, consent would not be required if the applicant wished to demolish the building. Whilst a prior notification application would be required, the Local Planning Authority would only be able to assess the method of demolition. The agent cites that it is not the applicant's intention to demolish the building but highlights that it would seem illogical to refuse an extension to the property citing the effect on the buildings character if the whole building can lawfully be removed.

Whilst this dwelling can be seen to form part of a group, its extension need not necessarily result in a dwelling that is contrary to the prevailing character of this set of buildings. Within this group of buildings, two are two storey in height and therefore the additional two storey form would not conflict with the existing character. Furthermore, South Stoke Road predominately comprises two storey dwellings, and as such the erection of a first storey to the host building would not, in principle result in a property that was out of keeping with the prevailing character of the area.

The materials on the existing building and the neighbouring dwellings contribute positively to their character, and identify them as part of a group. The application proposes to construct the extensions from coursed rubble stone with stone quoins and window dressings. The existing stone tiles are to be reused on the development with the addition of reclaimed tiles to match. This is considered to be an appropriate approach respecting the vernacular and fenestration detail of the existing dwelling. This will ensure that this building remains recognisable as part of this group. Third parties have raised concerns that the applicant will not be able to source matching materials. However, the use of matching materials can be secured through the inclusion of a condition on any planning permission.

The revised plans introduced a hipped roof replacing the south gable end roof, and marginally reduced the ridge height of the main roof to sit below that of the projection. This aids in reducing the visual bulk of the roof form. The dwelling is set back within its plot, behind the building line of the neighbouring dwellings which reduces the prominence of the resultant dwelling in the main street scene. It is recognised that the extension and the garage will significantly increase the amount of built form within the site. However, this is not considered to result in the overdevelopment of the site. The scale of the built form is proportionate to the size of the plot.

Overall therefore, it is not considered that the proposed development would significantly harm the character and appearance of this property, the visual amenities of the area, or the setting of the wider World Heritage Site. The comments of the third party and consultees are noted, but this is not considered to outweigh the conclusions reached above.

## Residential amenity

Concerns were initially raised by the Case Officer with regards to the impact of the development upon the residential amenity of the neighbouring occupiers. Revised plans were however submitted to overcome the concerns raised relating to this issue.

The internal layout has been amended which results in the upper landing/hallway rather than bedrooms now being served by two of the rear windows. This allows for the windows to be obscurely glazed. This is considered to remove the issue previously raised which related to the overlooking and loss of privacy for the neighbouring occupiers, in particular for the occupiers of Denmede. It is noted that one non-obscurely glazed window will remain on the rear. However, given the siting of this in relation to the neighbouring properties and private amenity areas, it is not considered that this would result in any significant loss of privacy or overlooking. The agent has cited that the obscure glazed windows will be only opened with a restrictor for ventilation. All four separate windows will be hinged on the right (looking from the inside). It is considered that this would be acceptable subject to the level of opening being restricted to a degree that would ensure that there was no overlooking. Details have not been provided on these opening but this could be secured through a condition on any planning permission.

Within a third party comment it is stated that a condition to ensure the windows remained obscurely glazed is not appropriate. However, this is a commonly used condition that is considered to meet the tests as laid out in paragraph 206 of the National Planning Policy Framework. Whilst it is accepted that the applicant could apply to vary this condition, this would not be granted if harm was identified. The representation also states that this condition is not enforceable as this would relate to windows on the rear. However, if a complaint was received that this condition was not being complied with, the LPA would be able to take any necessary enforcement action if it was considered expedient to do so.

The roof adjoining No. 17 Southstoke Road has been hipped and this is considered to reduce the impact upon the amenity of the residents of this property. The extensions will adjoin the boundary of this property which has a recently constructed conservatory which provides light to the main living area. Further a roof light provides light to the kitchen. Whilst it is accepted that the development may result in a degree of harm, any loss of light or overbearing impact would not be at a level to warrant a refusal. The proposed development is therefore not considered to result in a significant loss of light or overbearing impact to the other adjacent neighbouring properties.

The revised plans are considered to satisfactorily address the concerns raised by the Case Officer, and it is considered that on balance, overall the proposed development is not considered to result in any significant harm to the residential amenity of the neighbouring occupiers. The development is not considered to result in a significant level of overlooking, loss of light or have an overbearing impact upon the neighbouring occupiers.

## Land stability

The pre-ambles to policy ES14 of the Local Plan states that the onus is on the developers to carry out investigative work to assess whether the proposed development would be affected by land stability and to carry out any land stabilisation measures.

A trial pit survey has been undertaken on behalf of the applicant, in order to ascertain the ground conditions of the application site. This concludes that the ground conditions from this trial hole would indicate that the construction of a first floor extension and or single storey extension on this site would be acceptable.

This application has been discussed with Building Control who have confirmed that this matter would be fully considered at building control stage. There is nothing to suggest that the development would not be possible in this location. Given the ground conditions, particular types of foundations may be required, but this would be a matter for consideration at the Building Control stage.

It is noted that the third parties have requested that a further survey is undertaken by the applicant. Whilst it is recognised that this site falls within a former mining/quarry area, this constraint covers a large portion of the district and these surveys are not generally requested as part of the planning application unless there is a specific known risk. In this instance, the survey submitted is considered to be acceptable. The report relating to the collapse of an old Wessex Water pumping station is also noted, but the conclusion of this report does not alter the conclusion reached above.

## Highway safety

The development is not considered to result in any adverse harm to highway safety. Whilst the comments of the third party have been noted with regards to the use of the private access road, this is a civil matter. It would not be considered reasonable to restrict the use of this access through a planning condition. It has been highlighted that the applicant only has certain rights with regards to this access road and may not be able to use this for the construction process. However, this is a civil matter and not one that would prevent planning permission being granted. If this is the case, the construction of the development could take place from the front of the site. This is not considered to cause any significant issues with regards to highway safety.

## Other issues

Whilst the comments of the third parties are noted, no other significant issues have arisen as a result of this planning application. Given the significant alterations that have previously taken place to the building, the fact that this building could be demolished, coupled with the fact that the development is considered to be acceptable in terms of the scale, siting and design, there is no objection to this proposal. The application is therefore recommended for approval.

## **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 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

3 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 development and the character and appearance of this part of the Conservation Area.

4 The proposed windows on the rear elevation illustrated as serving a hallway shall be glazed with obscure glass and permanently retained as such. Details relating to their opening, and how this will be restricted, shall be submitted to and approved in writing prior to the commencement of the development hereby approved. The development shall thereafter to be completed in accordance with these approved details and permanently retained as such.

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:**

Plans: 001, 002, 003, 004 date stamped 17th May 2013 and 005 REV. A, 006 REV. A, 007 REV. A, 008 REV. A , 009, 010 REV. A date stamped 26th July 2013

### **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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.