

Bath & North East Somerset Council

MEETING: Development Control Committee

MEETING DATE: 20th November 2013

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: 13/02227/VAR
Location: Gibbs Mews Walcot Street Bath
Proposal: Variation of condition 3 of application 08/00591/FUL (Erection of 4 houses
(resubmission of application no 05/04017/FUL))
Decision:
Decision Date:
Decision Level:
Appeal Lodged: 8 October 2013

App. Ref: 13/02398/FUL
Location: 89 North Road Midsomer Norton Radstock Bath BA3 2QN
Proposal: Erection of 2 two storey side extensions and a two storey rear extension.
Decision: REFUSE
Decision Date: 1 August 2013
Decision Level: Delegated
Appeal Lodged: 16 October 2013

App. Ref: 13/02594/FUL
Location: 28 Hill View Farrington Gurney Bristol BS39 6UJ
Proposal: Erection of extension above garage, single storey rear extension and
subdivision of house into two dwellings (Resubmission)
Decision: REFUSE
Decision Date: 14 August 2013
Decision Level: Chair Referral
Appeal Lodged: 17 October 2013

App. Ref: 13/01238/FUL
Location: Greenleigh Farm Wells Road Chew Magna Bristol
Proposal: Reconstruction of existing agricultural barn
Decision: REFUSE
Decision Date: 19 September 2013
Decision Level: Chair Referral
Appeal Lodged: 18 October 2013

App. Ref: 13/02020/FUL
Location: 97 Penn Hill Road Lower Weston Bath
Proposal: Enlargement of driveway to front of property with dropped kerb.
Decision: REFUSE
Decision Date: 4 July 2013
Decision Level: Delegated
Appeal Lodged: 21 October 2013

App. Ref: 13/02826/AR
Location: Grasmere Court Hotel 22 - 24 Bath Road Keynsham Bristol
Proposal: Display of 5no. banner signs (Retrospective).
Decision: REFUSE
Decision Date: 18 September 2013
Decision Level: Delegated
Appeal Lodged: 21 October 2013

App. Ref: 13/03040/FUL
Location: 23 Trafalgar Road Upper Weston Bath BA1 4EW
Proposal: Erection of a new dwelling and extension to existing property following the demolition of a flat roof extension. (Revised proposal)
Decision: REFUSE
Decision Date: 24 September 2013
Decision Level: Delegated
Appeal Lodged: 23 October 2013

App. Ref: 13/02112/FUL
Location: 4 Lime Grove Bathwick Bath Bath And North East Somerset BA2 4HF
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).
Decision: REFUSE
Decision Date: 5 September 2013
Decision Level: Planning Committee
Appeal Lodged: 25 October 2013

App. Ref: 13/01989/OUT
Location: Homelands Camerton Hill Camerton Bath
Proposal: Outline planning application for the erection of 1 no. dwelling
Decision: REFUSE
Decision Date: 4 July 2013
Decision Level: Delegated
Appeal Lodged: 30 October 2013

APPEAL DECISIONS

App. Ref: 12/00926/FUL
Location: High Gables, The Barton, Corston
Proposal: Erection of a dwelling with triple garage following demolition of existing dwelling, garages and outbuildings.
Decision: Refuse
Decision Date: 20/04/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector agreed that the proposed dwelling would be materially larger than the existing dwelling. The proposed development constitutes inappropriate development in the Green Belt for the purposes of national policy and development plan policy. The inspector agreed with the council that the proposed development would result in harm to the openness of the surrounding Green Belt, even allowing for the limited public views of the site, since Green Belt policies apply in all cases and not just where development would be highly visible.

The inspector agreed with the council that in view of the increase in height and the number of windows, many of which serve habitable rooms, the degree of overlooking would be significantly increased. The proposed dwelling, by reason of its size and bulk, would also have an adverse overbearing effect on the outlook from the neighbouring property.

App. Ref: 12/02056/FUL
Location: Box Bush, Bromley Road, Stanton Drew
Proposal: Restoration, alteration and extension of existing house following removal of existing extensions and garages
Decision: Refuse
Decision Date: 17/07/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector disagreed with the council that the proposed extension would be a disproportionate addition to the host dwelling and would be harmful to openness.

The inspector agreed with the council that quantity of extension that is proposed would appear excessive. The proposed extensions would overwhelm the appearance of the existing dwelling.

The quantity of glazing proposed would be at odds with the traditional rural character of the original building. The proposal would be unacceptably harmful to the character and appearance of the host dwelling and the visual amenity of the Green Belt.

App. Ref: 12/00926/FUL
Location: High Gables, The Barton, Corston
Proposal: Erection of a dwelling with triple garage following demolition of existing dwelling, garages and outbuildings.
Decision: Refuse
Decision Date: 20/04/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector agreed that the proposed dwelling would be materially larger than the existing dwelling. The proposed development constitutes inappropriate development in the Green Belt for the purposes of national policy and development plan policy. The inspector agreed with the council that the proposed development would result in harm to the openness of the surrounding Green Belt, even allowing for the limited public views of the site, since Green Belt policies apply in all cases and not just where development would be highly visible.

The inspector agreed with the council that in view of the increase in height and the number of windows, many of which serve habitable rooms, the degree of overlooking would be significantly increased. The proposed dwelling, by reason of its size and bulk, would also have an adverse overbearing effect on the outlook from the neighbouring property.

App. Ref: 12/02165/OUT
Location: Fairash Poultry Farm, Compton Martin Road, West Harptree
Proposal: Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).
Decision: Refuse
Decision Date: 06/08/2012
Decision Level: Committee
Appeal Decision: Dismissed

Summary:

The inspector agreed with the council that the proposed dwellings would have a significantly adverse and incongruous impact upon the predominantly agricultural character and appearance of the AONB.

The inspector agreed that whilst the council cannot demonstrate a five year land supply the proposed dwelling would occupy an isolated position which is not consistent with the NPPF which seeks to protect the intrinsic character and beauty of the open countryside and require sustainable development. Agricultural land is not considered to be previously developed land and the replacement of the existing structures with three dwellings is not appropriate to the surroundings.

The lack of footpaths along the A368 would dissuade residents from walking along this road. The relative infrequency of bus services would not dissuade residents on the appeal site from relying upon the use of their private vehicles to access local facilities and employment opportunities. The development would result in the reliance on the private car and would not constitute sustainable development.

App. Ref: 12/05279/FUL
Location: Wick Road, Bishops Sutton
Proposal: Erection of 41 No. two, three, four and five bedroom dwellings including 14 No. affordable housing units along with provision of informal public open space, vehicular access from the A368, landscaping and drainage.
Decision: Refused
Decision Date: 11 April 2013
Decision Level: Committee
Appeal Decision: **Allowed**

Summary:

The Inspector noted that the Council cannot demonstrate the required 5 year supply of housing land and that paragraph 49 of the *National Planning Policy Framework* is therefore triggered. Consequently the Council's housing policies in the adopted Local Plan have to be considered as out of date, including the settlement boundaries, and an in principle objection to development outside the development boundary cannot be maintained. He considered that *"there is a pressing need for housing given the Council's failure by a significant degree to provide for its objectively judged housing need"* and concluded that *"although a number of houses have been permitted at Cappards Road, there is no in principle policy objection to the development of the appeal site for housing."*

The Inspector considered that, *"whilst the houses would be at a higher level than the road, and would include gabled roofs and some taller dwellings, I do not consider that they would be unduly bulky or prominent in the street scene due to the proposed set back from the road and the screening that would be provided by the trees and vegetation."* He noted that the village had already assimilated a large amount of modern development over the years. He considered that this had added to the village's character, as would the appeal proposal.

He felt that the revised plans submitted to the inquiry prevented any unacceptable problems in relation to the living conditions of the occupiers of Highland Villas.

He noted that the works proposed by the appellants would make the existing flooding problems less severe and that concerns over highway safety would not justify dismissing the appeal.

He accordingly allowed the appeal.

App. Ref: 12/00707/FUL
Location: Castle Farm Barn, Midford Road, Midford, Bath
Proposal: Erection of a temporary agricultural dwelling and an extension to cattle shed.
Decision: Refused
Decision Date: 1st May 2012
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

The appeal site lies within the Bristol/Bath Green Belt (GB) and the Cotswold Hills Area of Outstanding Natural Beauty (AONB). The application was refused on the basis that the development would be inappropriate within the green belt and would harm its openness and encroach into the countryside, would be harmful to the AONB and setting of the South Stoke Conservation area, would cause a highway hazard and had not demonstrated ecology would not be harmed.

During the hearing discussions it was agreed that the highway and ecology matters could be addressed through the provision of amended plans/ conditions.

In allowing the appeal the Inspector considered that the development whilst inappropriate would have little effect on openness, or encroachment into the green belt and that the agricultural justification made did represent very special circumstances in this case. It was also assessed that heritage assets, the South Stoke Conservation Area and the AONB would not be affected to any great extent. The proposed dwelling was allowed on a temporary basis to provide the appellant an opportunity to demonstrate the financial soundness of the enterprise, and with an agricultural tie.
