

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **15th November 2017**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management 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	17/03041/FUL 16 November 2017	Mr Jason Kean 28 Meadlands, Corston, Bath, Bath And North East Somerset, BA2 9AS Erection of single storey rear extension.	Farmboroug h	Nikki Honan	PERMIT

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 17/03041/FUL
Site Location: 28 Meadlands Corston Bath Bath And North East Somerset BA2 9AS



Ward: Farmborough **Parish:** Corston **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application

Proposal:	Erection of single storey rear extension.
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr Jason Kean
Expiry Date:	16th November 2017
Case Officer:	Nikki Honan

REPORT

This application has been referred to the Development Management Committee due to the objection received from Corston Parish Council which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

The application was considered by the Planning Committee on 18th October when it was resolved to defer the application for a site visit.

The application site is an end of terrace house on a corner plot. The site is within the green belt.

Planning permission is sought for a single storey rear extension at 28 Meadlands, Corston. Revised plans have been submitted showing amendments to the positioning of the extension to allow it to sit perpendicular to the host dwelling. Revised plans were subject to a second round of consultation. A third and final set of plans has been submitted showing the extension moved away from the boundary line to try to address party line concerns raised by the adjoining neighbours.

Planning History:

No relevant planning history

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

FIRST CONSULTATION

Objections received from the occupants of one neighbouring property are summarized below:

- Encroachment of this proposed development over and across my boundary line
 - Significantly harmful impact on rear living room window through loss of light and overbearing impact. This is the only source of light on the rear aspect of our main living room.
 - Plans are misleading as they fail to show my rear living room window and the levels differences between properties
 - 28 Meadlands is approximately 2.5 feet higher than the ground level at my property Number 27 Meadlands, which increases the height of the proposed extension by at least 2.5 feet from our perspective
 - The roof height differentials on the existing buildings are not accurately shown.
 - Applicant has failed to show the large fir tree clearly located near the boundary line
- Proposed development would be clearly visible from the public footpath - not mentioned on application form.

- Concerns ventilation from kitchen not shown on plans. Concern fumes/cooking smells could be drawn in through regularly used window on my property. The proposed windowless bathroom would require mechanical air extraction into this confined space.
- The proposed development is far too large and out of character with the existing dwellings

Corston Parish Council:

Objection

The Council considered the proposed rear extension by reason of its size, positioning, the location of a proposed side wall directly on the boundary of the neighbouring property and also the adverse contour of the land. The Council concluded that by extending the building as shown in the application it will significantly overshadow and cause loss of light to the occupants of 27 Meadlands.

The combination of a sloped and flat roof together with the almost featureless external faces of the sidewalls make the proposed design potentially an uncomfortable visual addition to the surrounding locality.

It is considered that work on an adjacent tree will probably be unavoidable despite a statement to the contrary in the application form.

SECOND CONSULTATION

Objections received from the occupants of one neighbouring property are summarized below:

- Significant concern with loss of light to rear living room window, as well as overbearing impact from rear living room window
- Significant concern the proposed development is located outside the red line and within the neighbouring site
- Loss of trees is desired by applicant and not a compromise from applicant to appease neighbours. Although support loss of these fir trees, this does not impact on the development hereby proposed - loss of light to main living room not affected by the trees.
- Applicant has still failed to show the large fir tree near the boundary line.
- 27 (neighbour) is higher than 28 (application site). Plans do not show this level drop. This level difference will add greater height and impact on the neighbours at 28.
- The proposed extension is too large and out of character with the other dwellings in the area.
- The roof height differentials on the existing buildings are also not accurately shown
- The proposed development would be clearly visible from the public footpath, which is not mentioned in the planning submission
- Request case officer site visit

Corston Parish Council:

Objection

When considering the proposed rear extension positioning and the location of a proposed side wall directly on the boundary of the neighbouring property, by reason of its height taken together with the adverse contour of the land, it is considered that extending the building as shown in the revised application, although an improvement over the original intention, the extension will still overshadow and cause loss of light to the occupants of 27 Meadlands.

The almost featureless external faces of the sidewalls make the proposed design potentially an uncomfortable visual addition to the surrounding locality.

FINAL PLANS

Following the formal close of the consultation period, a revised plan was submitted showing the extension moved away from the boundary. Although no further formal consultation process was opened, final comments from the neighbour were received, as summarized below:

- Revised plans address the differences that we have over the boundary between our properties.
- Still significant concern with loss of light to our main living room
- Concern regarding height difference in the 2 properties
- The proposed extension is too large and out of character with the other dwelling in the area.

POLICIES/LEGISLATION

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

*Core Strategy (July 2014)

*Placemaking Plan (July 2017)

*B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites

*Joint Waste Core Strategy

*Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP2: Sustainable Construction

CP.6: Environmental Quality

CP8: Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

D.3: Urban Fabric

D.4: Streets and Spaces

D.5: Building Design

D.6: Amenity

GB1: Visual Amenities in the Green Belt

GB2: Development in Green Belt Villages

GB3: Extensions and Alterations to Buildings in the Green Belt

NE6: Trees and woodland conservation

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

OFFICER ASSESSMENT

Character and Appearance

The proposed development has been reduced in rear projection and repositioned so that it sits perpendicular to the house and off the boundary. Although visible from the street scene in this corner plot, the proposed single storey extension is subservient to the host dwelling and finished in render to match and allow the extension to integrate with the host dwelling.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Residential Amenity

The adjoining property has a two storey rear extension (permitted under application ref: 02/02007/FUL). This extension is set off the boundary, with a narrow window on the rear elevation serving the rear of the living room. The living room includes 1no. window on the front elevation. The narrow rear window allows some natural light, although this is restricted by the 2 storey rear extension to the rear as well as boundary fencing. The fencing is understood to be 5ft in height, built on top of the neighbour's wall which is used for a patio on the application site due to the levels difference. The site slopes down to the east resulting in number 27 sitting below number 28 (application site).

Significant concerns have been raised by the occupants of number 27 in terms of loss of light and overbearing impact of the proposed development. There is concern that the height of the single storey extension would result in further harm due to the levels differences. Although the applicant is not required to show the fenestration of the neighbouring property, this relationship has been understood by the case officer after visiting the application site and the neighbouring property. It is noted the living room of the neighbouring property at number 27 is served by a window on the front elevation. The original fenestration on the rear elevation of number 27 has been amended to make way for the two storey extension on the rear elevation, and a narrow window is now in place on the rear. This window is obscured in terms of outlook and light by the existing two storey extension and boundary fencing. The main issue for concern is whether the proposed single storey rear extension would be significantly harmful to the amenity of the neighbouring occupants in terms of loss of light and overbearing impact over and above the existing situation. Having visited the site, it is confirmed that the rear window does allow some natural light to enter the room and limited outlook. However, the reduction in light as a result of the proposed development is not considered significantly harmful above the existing situation to warrant refusal of the application. Similarly some increased development above the existing fence position is not considered significantly harmful in terms of overbearing impact to warrant refusal to the application.

It is noted the applicants have amended the plans to reduce the rear projection and move away from the boundary line. Although this is not to the satisfaction of the neighbouring occupants, and the relationship of the existing 2 storey rear extension at number 27 and

the proposed single storey rear extension at number 28 are not ideal, the development as proposed is not considered significantly harmful such as to recommend refusal of the application.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Green Belt

The proposed extension represents a volume increase of 77m³ equivalent to an increase of 27.9% over and above the original building volume of 276m³. The proposed development does not represent inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Trees

The applicant has confirmed the loss of a fir tree in the back garden on the boundary with number 27. The site is not within a conservation area and no trees within the site are protected by TPO's. The loss of the fir tree is not considered harmful to public amenity value.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 11 of the NPPF.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission

2 Materials (Compliance)

All external walling materials to be used shall match those of the host dwelling 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 in accordance with Policies D1 and D2 of The Placemaking Plan for Bath and North East

Somerset Council (2017) and Policy CP6 of the Bath and North East Somerset Core Strategy (2014).

3 Plans List (Compliance)

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 The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

02, 01 - received 27.06.17

17/013 03 REV B - received 11.09.17

2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability

Notice which you will receive shortly. Further details are available here:
www.bathnes.gov.uk/cil

4 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.