

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **14th February 2018**

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.

Ward: Peasedown St John	Parish: Peasedown St John	LB
Grade: N/A		
Ward Members:	Councillor Sarah Bevan	Councillor Karen Walker
Application Type:	Full Application	
Proposal:	Erection of a two storey side extension (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs Camm	
Expiry Date:	18th January 2018	
Case Officer:	Chloe Buckingham	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Peasedown St John Parish Council have supported the application and Cllr Karen Walker has called the application in to committee. The chair of committee has agreed to take the application to committee for the following reason:

I have studied the application, noted Ward Cllr DMC request & PC support, statutory consultees have varying views & there is a third party support comment.

The report explains the changes made to the application from the previous submission and the officer has assessed the changes in line with planning policy, some are seen as improvements while others are felt to harm the visual impact of the area. The Parish Council know the area well and are still supporting the development.

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to an end-of-terrace cottage located outside of the settlement boundaries of Peasedown St John and Radstock. The site is within the Radstock Conservation Area and the row of terraced cottages are considered to be an undesignated heritage asset. The proposal is for a two storey side extension.

Relevant Planning History:

DC - 16/03715/FUL - RF - 20 October 2016 - Erection of two storey extension
DC - 17/00705/FUL - WD - 17 March 2017 - Erection of new dwelling at Land at 10 Woodborough Hill Cottages, Bath, BA2 8LN.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation:

Cllr Karen Walker: Support: Call in to committee request.

Peasedown St John Parish Council: Support

Highways: No objection.

Conservation: Not acceptable in current form.

Landscape: No objection.

Ecology: No objection subject to two conditions.

Third Party representations: 1 support comment has been received to explain:

100% support; looking forward to it being built.

POLICIES/LEGISLATION

POLICIES:

On 13th July 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:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o SV1 - Somer Valley Spatial Strategy

Relevant Placemaking Plan Policies:

D1 General urban design principles

D2 Local character and distinctiveness

D4 Streets and Spaces

D5 Building Design

D6 Amenity

ST1 Promoting sustainable travel

ST7 Transport Access and Development Management

NE2 Conserving and Enhancing the Landscape and Landscape Character

NE3 Sites, Species and Habitat

RE4 Essential Dwellings for Rural Workers

HE1 Historic Environment

NE6 Trees and Woodland Conservation

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The property lies in an area of open countryside, outside of a defined settlement boundary. Whilst the description of the development is stated as being for a two storey side extension on further inspection of the plans submitted they show that it is the existing dwelling that is to be used for an elderly relative and the proposed extension is to be used as the main family dwelling. Therefore, there is no doubt now that the proposed extension is to be a new dwelling and as it is to be situated outside of a housing development boundary the principle of the development is not accepted.

The applicant has made reference within the submitted information that the additional space is required for the family to look after the surrounding land. However, no information has been submitted regarding the essential need for a rural worker to live in the new dwelling and there has been no information submitted regarding business operations or indeed the financial viability of a business. Therefore the proposal is also contrary to policy RE4 of the Placemaking Plan (2017).

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

Whilst it is agreed that there have been improvements made to the design from the originally refused application, the scheme has not gone far enough to create a subservient extension in-keeping with the character and design of the host building and the terrace it is associated with.

The host dwelling is a two-bed traditional ex-miners cottage with a pitched clay-tiled roof, stone walls and timber doors and sash windows. The change in the materials and design of the two storey extension showing a more traditional pitched roof with matching stone walls and roof tiles is welcomed. However, the two storey extension is still considered overly large and out-of-proportion with the main dwelling. The host property is approximately 6m in length and the extension is a further 5m in length and the continuation of the roofline further emphasises the overly-developed nature of the extension.

Furthermore, the two storey extension includes a kitchen, lounge and dining room on the ground floor and two bedrooms and a bathroom on the first floor. Whilst there is a door on the ground floor for connection between the extension and the main building, the size of the extension combined with the inclusion of all primary living accommodation is considered to be tantamount to a separate unit of accommodation. The extension also has a door to the rear which would allow entrance to the house without needing to enter through the main dwelling, which further emphasises the independent nature of the extension. Therefore, due to the size and design of the side extension it is not considered to respect the proportions of the main dwelling and terrace as it reads as a separate planning unit rather than a subservient extension.

It is noted that the amount of glazing on the South elevation has been reduced and is now considered to be acceptable. However, the flat-roof two storey and single storey parts to the rear of the property is considered to be poor design and incongruous with the character and appearance of the host building whilst also having a detrimental impact on the character and appearance of the undesignated heritage asset and this part of the Radstock Conservation Area.

In addition, the large roof light to the rear as well as the overly elongated window on the first floor rear elevation are considered to look particularly awkward and out-of-keeping with the main dwellings and wider terrace.

There is some contradiction between the landscape officer and the conservation officer comments in that landscape officer has explained that the ridge and eaves line as well as the west façade should remain in line with the existing building whereas, the conservation officer has explained that the ridge and eaves should be set down to respect the proportions of the main dwelling. However, on balance it is considered that the continuation of the ridge and eaves line has a significant negative impact on the local characteristics and distinctiveness in that the two storey extension reads as an end-terrace separate planning unit and not as a subservient extension. Furthermore, the two storey and single storey rear elements do not respect the local characteristics in terms of architectural styles and are considered to be incongruous with the pattern, rhythm and theme of the terraces which are considered to be an undesignated heritage asset. On balance the suggested changes would have a significantly more positive impact on the setting of the undesignated heritage asset and wider conservation area than it would have a negative impact on the wider landscape. However, the suggested changes were not accepted by the applicant.

Overall, due to the size and design of the extension it is not considered to be in-keeping with the proportions and design of the host dwelling and wider terrace. The proposal is

contrary to policies D2, D4, D5 and HE1 of the Placemaking Plan (2017) and is recommended for refusal.

It must be noted here that the applicant was informed of the issues with the design and given the opportunity to submit revised plans but no plans were received.

IMPACT ON RESIDENTIAL AMENITY:

Due to the positioning of the extension to the side of the end-of-terrace property and as the other terraced dwellings are situated at a sufficient distance away from the proposed extension, it is not considered that the proposal would cause any significant negative residential amenity impacts for any surrounding occupiers. The proposed extension is large but it is noted that the garden to the side of the dwelling is also substantial and so the amount of private amenity space leftover after the development would be sufficient for the host dwelling.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst it is noted that the first floor of the extension is labelled a 'study' this room could be used as a bedroom in the future and so will be treated as such. Furthermore, it is considered by the Council that the extension will be used as an independent dwellinghouse and as policy ST7 requires 2 parking spaces per 2/3 bed dwelling and this has not been clearly shown in the submitted plans this represents a further reason for refusal.

ECOLOGY:

There are no objections to the scheme subject to two conditions regarding bat mitigation and sensitive lighting. However, due to the significant negative impacts in terms of character and appearance such conditions are not considered necessary.

CONCLUSION:

The proposed development is considered to amount to a separate planning unit and as the site is located in an unsustainable location outside of a defined settlement boundary the principle of residential development is not accepted. No information has been submitted regarding the essential need for a rural worker to live in the dwelling or the financial viability of any business operating at the site. Therefore, the proposal is contrary to policies DW1 and ST1 of the Bath and North East Somerset Core Strategy (2013) and Policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

Due to the size, scale and design of the extension, the proposal is not considered to be in-keeping with the host dwelling or the other properties in the terrace and would have a significant detrimental impact on this part of the Radstock Conservation Area. Therefore, the proposal is not in accordance with Policies D2, D4, D5 and HE1 of the Placemaking Plan (2017).

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that the proposal would

be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable development in this location.

Whilst it is considered that the proposal causes harm to the character and appearance of this part of the Conservation Area this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. It is not considered that the proposal results in any benefits to the public and therefore it is recommended that this application is refused permission for the reasons as outlined on the decision notice.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is considered to amount to a separate planning unit and as the site is located in an unsustainable location outside of a defined settlement boundary the principle of residential development is not accepted. No information has been submitted regarding the essential need for a rural worker to live in the dwelling or the financial viability of any business operating at the site. Therefore, the proposal is contrary to policies DW1 and ST1 of the Bath and North East Somerset Core Strategy (2013) and Policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

2 The proposed development would have demonstrable harm to the visual amenity of the locality and to the appearance of this row of terraced dwellings. As a result the proposal would detract from the character and appearance of this part of the Radstock Conservation Area and is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2012)

PLANS LIST:

This decision relates to the Site Location Plan (S03E), Block Plan (S04E), Existing Plans and Elevations (S02D), Existing Site Plan (S01D), Proposed Elevations and Sections (P05E), Proposed Elevations (P04E), Proposed First Floor and Roof Plan (P03E), Proposed Ground Floor Plan (P02E) and Proposed Site Plan (P01E) received 13th October 2017.

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 was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.