

Bath & North East Somerset Council

MEETING: Development Control Committee

MEETING DATE: 13th April 2011

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: 10/02953/FUL
Location: Widcombe Lodge South Widcombe Hinton Blewett Bristol
Proposal: Conversion and rebuilding of existing barn to form self catering holiday accommodation (retrospective) (resubmission)
Decision: REFUSE
Decision Date: 27 August 2010
Decision Level: Delegated
Appeal Lodged: 21 February 2011

App. Ref: 10/03924/FUL
Location: Street Record The Oval Southdown Bath
Proposal: Erection of a 12.8m high monopole with ground based cabinets and ancillary development at highways land at the Oval between the junctions with Beech Grove and Hazel Grove
Decision: REFUSE
Decision Date: 26 November 2010
Decision Level: Planning Committee
Appeal Lodged: 22 February 2011

App. Ref: 10/02241/FUL
Location: Silver Birches Greyfield Road High Littleton Bristol
Proposal: Erection of new detached bungalow (Resubmission)
Decision: REFUSE
Decision Date: 7 September 2010
Decision Level: Planning Committee
Appeal Lodged: 24 February 2011

App. Ref: 10/01663/FUL
Location: Land Between Bramble House And 1 Church Lane Farmborough Bath
Proposal: Erection of 4no. 2-bedroom two-storey houses to land adjoining 1 Church Lane
Decision: REFUSE
Decision Date: 28 September 2010
Decision Level: Planning Committee
Appeal Lodged: 28 February 2011

Enf. Ref: 09/00435/UNDEV
Location: Parcel 4471 Butham Chew Magna BS40 8SA
Breach: Unauthorised change of use of land for the stationing of a mobile home without planning permission
Enforcement Notice Issued: 3 February 2011
Appeal Lodged: 9 March 2011

App. Ref: 10/04471/FUL
Location: 15 North View Close Twerton Bath BA2 1EH
Proposal: Erection of two storey side and rear extension and rear single storey garden room extension following demolition of existing garage.
Decision: REFUSE
Decision Date: 23 December 2010
Decision Level: Delegated
Appeal Lodged: 14 March 2011

App. Ref: 10/04730/FUL
Location: 19 Sutton Park Bishop Sutton Bristol BS39 5UQ
Proposal: Erection of a first floor rear extension over existing garage (Resubmission)
Decision: REFUSE
Decision Date: 23 December 2010
Decision Level: Delegated
Appeal Lodged: 15 March 2011

App. Ref: 10/05084/FUL
Location: 78 Ashgrove Peasedown St. John Bath BA2 8EG
Proposal: Erection of a detached dwelling with double garage on land to the rear of 'Stonewold' and a detached double garage for existing dwelling.
Decision: REFUSE
Decision Date: 31 January 2011
Decision Level: Delegated
Appeal Lodged: 17 March 2011

Enf. Ref: 09/00524/UNDEV
Location: Site Of Former Newnham Nurseries Stockwood Vale Keynsham BS31 2AL
Breach: Without planning permission, a change of use of the Land to use for the storage, repair, and refurbishment of caravans together with the erection of steel fence and gate around the "Land"
Enforcement Notice Issued: 31 January 2011
Appeal Lodged: 23 March 2011

APPEAL DECISIONS

Application no: 10/00471/OUT
Address: Land to the rear of 1 and 1a Englishcombe Rise, Bath
Details: Erection of a single dwelling and associated access (outline)
Date of Refusal: 13 September 2010
Decision Level: Delegated
Appeal Decision: **Allowed**

Summary

The layout of the site is such that it does not have a strong visual relationship with the Englishcombe Rise houses, so that a dwelling on the site would fit well with the general roadside pattern of development in the vicinity.

The proposed dwelling would be set into the hillside, and the indicative roof height would avoid undue prominence in views from Whiteway Road. In longer distance views it would be seen as part of a cluster of development centred on Englishcombe Rise, and against a well vegetated hillside backdrop. In this context it would not appear visually prominent, intrusive or incongruous

I conclude therefore that the site could accommodate a new dwelling of the scale indicated without material harm to the character and appearance of the area.

App. Ref: 10/02660/FUL
Location: 3 Rodney Road, Saltford, Bristol, BS31 3HR
Proposal: Erection of new dwellinghouse following demolition of existing dwellinghouse
Decision: Refused
Decision Date: 27th August 2010
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

The Council's reasons for refusal related to the overdevelopment of the site, being out of character with the established street scene and the overbearing, detrimental impact the proposed would have on the amenity of the adjoining properties – principally 1 Rodney Road.

The Inspector concluded that the design was out of character with the street and would not respect the proportionate arrangement of the neighbouring bungalows. In respect of residential amenity, the Inspector stated "*I consider that the extent and close proximity of the new flank wall would have a considerable and harmful visual impact in views from the windows of the living room and both bedrooms at No. 1, and from its garden; it would appear overbearing and somewhat oppressive, creating an uncomfortable sense of enclosure.*"

The Inspector agreed with the Council's reasons for refusal and dismissed the appeal.

App. Ref: 10/02081/FUL
Location: Aldermead, Broadmoor Lane, Upper Weston, Bath
Proposal: Erection of a summer house.
Decision: Refused
Decision Date: 28.07.2010
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

The summerhouse would be located within a large grassed area which in appearance is very similar to the adjoining countryside. Despite its use of materials typical in garden buildings, this large summerhouse would appear isolated and incongruous in this otherwise undeveloped area. The proposal would amount to inappropriate development in the Green Belt, would detract from the openness of this part of the Green Belt and would also harm the rural character and appearance of the AONB. None of the matters raised by the appellant, taken either individually or together, would outweigh this harm. Consequently, conclusion is that no very special circumstances exist to justify permitting this inappropriate development. It would therefore conflict with policy GB.1 of the Local Plan.

App. Ref: 10/01775/FUL
Location: 17 Purlewent Drive, Upper Weston, Bath
Proposal: Erection of first floor rear and side extension
Decision: Refused
Decision Date: 29.06.2010
Decision Level: Delegated
Appeal Decision: **Dismissed**
Appeal for costs: **Dismissed**

Summary:

It appears that the proposal stems from a decision to simply extend upwards from what is there, rather than giving serious thought to the design quality of the relationship between a new upper storey extension and the existing house. The extension as proposed would not respect or complement the existing building and that it takes little account of the locally distinctive pattern of development. It would further undermine the harmonious relationship of buildings, to the detriment of the quality of the neighbourhood. The proposal would have no unacceptable impact on the living conditions of neighbours. There is no objection in principle to extending this house

and it could clearly be done without harm to the living conditions of neighbours. However, the location and spatial arrangement of this proposed extension, poorly related to its host building and the neighbourhood, would be so inappropriate in its context that it should not be permitted.

Costs summary: Consider that the wording of the reasons stands up to scrutiny and that they are sufficiently complete, precise and specific. See no justification for cost claim. Therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and that an award of costs is not justified

App. Ref: 09/03202/FUL
Location: Land adjacent to The Poplars, Redlynch Lane, Queen Charlton
Proposal: Change of use of land as a site to a private gypsy and traveller caravan site.
Decision: Refused
Decision Date: 29 October 2009
Decision Level: Committee
Appeal Decision: **Dismissed**

Summary:

The Inspector agreed that the proposal amounted to inappropriate development in the Green Belt, which is harmful by definition. He said that he must give substantial weight to the harm caused by reason of inappropriateness.

He felt that the impact on the openness of the Green Belt would be greater than that identified by the Inspector in the 2003 appeal, which was then found to be significant. He considered that the combination of caravans and bunding result in the site being readily identifiable as an unattractive feature, bringing about material harm to the local rural landscape. He noted that the site could be seen from within the Queen Charlton Conservation Area and felt that the proposal would result in limited harm to the Conservation Area.

The Inspector did not consider that landscaping would overcome the harm he had identified. Indigenous trees would take a long time to grow to any size, whilst bunding and fast growing evergreens would appear as alien features in the landscape.

The Inspector was satisfied that the Council was pro-actively progressing the DPD to allocate gypsy sites. This and the limited demand for such accommodation in this Council area reduced the weight to be attached to the outstanding need for such sites, but it still formed a consideration in favour of the proposal.

He considered the personal circumstances put forward by the appellant but did not feel that any of them demonstrated a need for her and her family to be on the appeal site, although he did give some weight to the fact that their access to health and education facilities would suffer if they were unable to live on a settled site.

He concluded on the application for a permanent permission that the factors in favour of the appeal proposal did not clearly outweigh the substantial harm that the proposal would cause. He considered whether a temporary permission should be granted. He said he was satisfied that the sites will be brought forward through the Council's DPD in the next two to three years.

However, he felt that the proposal harmed the Green Belt and local landscape and that such harm should not be tolerated, even for a temporary period of two to three years.

He considered Human Rights issues but concluded that interfering with the appellant's human rights were in this case proportionate and necessary. He concluded that the appeal should be dismissed.

App. Ref: 10/02166/FUL
Location: Land Between 85 and Squirrel's Tale, London Road West, Lower Swainswick, Bath
Proposal: Erection of a detached dwelling
Decision: REFUSE
Decision Date: 17TH August 2010
Decision Level: Delegated
Appeal Decision: **DISMISSED**

Summary:

The appellant applied for the erection of a detached dwelling, that would be a car free development (10/2166/FUL) and it was refused as the design and materials did not respect the character of the Conservation Area and the lack of car-parking facilities would lead to a demand for on-street parking, thus being detrimental to highway safety.

The Inspector considered that a well designed modern dwelling could enhance the character of the Conservation Area and, whilst acknowledging the sites prominence, noted it was well screened by vegetation. He therefore considered that this and the area not having a strongly defined character, the proposed dwelling would not be harmful to the Conservation Area.

With regards to the highway issues, the Inspector noted that, due to the size of the dwelling, it would be unlikely that the potential owners would be unable to afford a car or that they could easily carry out their full range of domestic duties without a car. He considered that the proposed dwelling would result in an increase for demand in on-street parking and whilst this may be a small increase, it would have a significant increased risk to highway safety.

FORTHCOMING APPEAL HEARINGS

App. Ref: 10/04458/FUL
Location: Manor Farm Chewton Road Chewton Keynsham Keynsham Bristol BS31 2SU
Proposal: Provision of a mobile home for occupation in association with Equine Livery and Breeding Enterprise.
Decision: Refused
Decision Date: 05.01.2011
Decision Level: Delegated
Date of Hearing: 10 May 2011
Venue: Lewis House, Manvers Street, Bath