

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **18th May 2011**

AGENDA
ITEM
NUMBER

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

TITLE: **SITE INSPECTION REPORT**

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

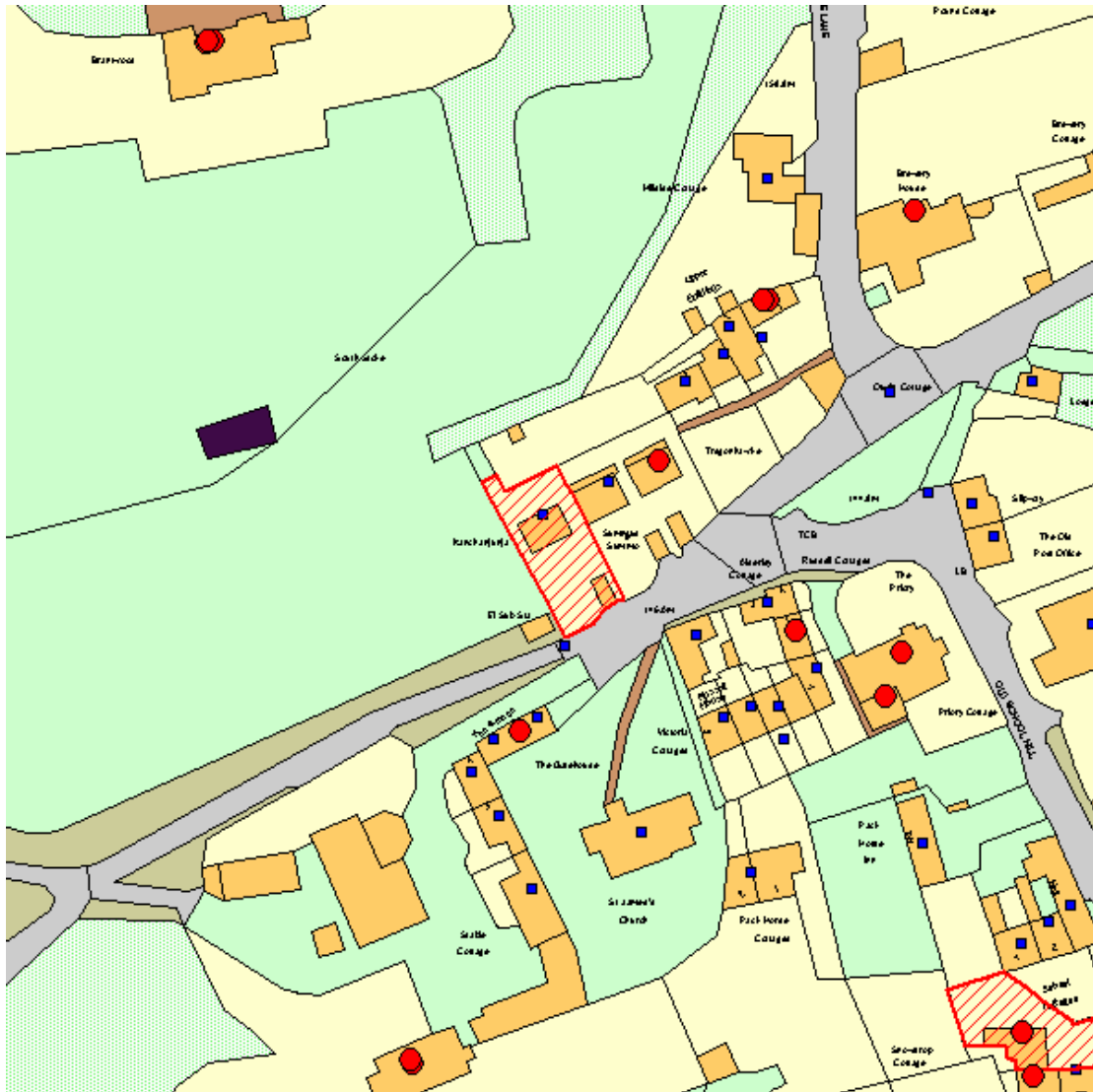
application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	10/04317/FUL 14 December 2010	Mr And Mrs Elms Church View, Packhorse Lane, South Stoke, Bath, BA2 7DW Erection of 2no gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of 2no. dormers to north elevation, provision of first floor window on west elevation and landscaping	Bathavon South	Victoria Griffin	PERMIT

Item No: 01 **Application No:** 10/04317/FUL
Site Location: Church View, Packhorse Lane, South Stoke, Bath



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 2no gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of 2no. dormers to north elevation, provision of first floor window on west elevation and landscaping

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,

Applicant: Mr And Mrs Elms

Expiry Date: 14th December 2010

Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application was deferred from 13 April 2011 Committee to allow Members to visit the site. This application has been called to Committee by Councillor Butters following the Parish Council's objections. After discussions with the Chair of the Committee it was agreed this application should be determined at Committee.

DESCRIPTION OF SITE AND APPLICATION:

The bungalow is one of three detached properties situated in an elevated position located centrally within the village of South Stoke. It has a garage situated at road level and the property overlooks the historic core of the village including the Church which is located to the south.

The site is situated within the Green Belt, an Area of Outstanding Natural Beauty and Conservation Area. The applicant seeks to update the bungalow and includes:

- the erection of 2 no. gables to the front elevation,
- replacement windows including French doors opening onto a verandah and larger window opening with Juliet balcony to the front elevation
- re-siting of front door to the side elevation,
- the erection of a porch over a new doorway opening (porch canopy) to the side,
- provision of a window in the gable end of the west elevation,
- erection of 2 no. rear dormers and
- landscaping to the front garden areas.

A section of the front boundary wall and part of the garden that it retains has been removed to create a parking area. For clarification, this work is unauthorised and, whilst a planning application has been requested, it does not form part of the current proposal.

PLANNING HISTORY: No history located

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

BUILDING CONTROL - No comment received

SOUTHSTOKE PARISH COUNCIL - Objections received raising the following points:

PARISH COUNCIL COMMENTS 12/11/10

Objection for the following reasons (summarised):

- adverse impact on historic setting
- unlawful works
- adverse impact on the Conservation Area
- Conservation Area Appraisal refers to negative impact of these properties
- Gables are overbearing and intrusive, the ridge height should be reduced
- Very large domineering dormer on rear

PARISH COUNCIL COMMENTS 16/12/10 (summarised) following the submission of a revised proposal for two front dormers and other alterations:

Objection for the following reasons (summarised):

- build-ability issues with the drawings
- materials unclear in the Conservation Area
- veranda should be reduced in size
- welcome reduction in size of gables
- shallower pitch of dormers required to serve consistency of group appearance
- the rear extension should be shown
- the plan should show that the extension complies with the GPDO
- plans needed for BC
- subject to volume calculation
- judgement should be made of the whole of the site
- deterioration of rural character contrary to HG.15
- small bungalow being made into a substantial detached house with substantial parking
- unclear why level of parking is required for a two bedroom property
- the LPA should use powers regarding the loss of the boundary wall
- adverse impact on the historic setting (Church, Manor Farm and 15th century Tithe Barn)
- entire frontage lost to parking
- fails to respect street scene, views and roofscapes
- spoils existing symmetry of the three bungalows

PARISH COUNCIL COMMENTS RECEIVED 08/03/11 (summarised) following the submission of revised proposals including changes in the design of dormers:

- the changes proposed are very minor indeed
- the detailed comments made in our letter of objection of 16th December should still stand
- the proposed front gables will remain extremely overbearing particularly when viewed from the road below the property.
- Concern over the pitch of the dormers which has not been reduced and the impact on the appearance of these in such a crucial part of the Conservation Area
- damage that will be caused to the consistency of group appearance that currently exists here
- concerns expressed over the front veranda, which, with its wrought iron balustrade, at one point is shown as being 2.5 metres in width, considerably wider and more extensive than the one it replaces, and out of keeping with those of the other existing properties, again leading to concerns over consistency and group appearance.
- contrary to Conservation Area planning policy and contrary therefore to Local Plan policies BH.6 and BH.8

REPRESENTATIONS:

19 letters of objection received raising the following points (summarised):

- Development out of scale with neighbouring bungalows
- Property is in a sensitive elevated position in the village
- Engineering works underway require planning permission
- Unauthorised works to front access

- Highway safety implications created by the lay by works to the front of the property
- Significant adverse impacts on the appearance and character of the Conservation Area
- Adverse visual impact on the area
- Design of double gable ends plus small windows below the eaves on the front are totally out of keeping with the neighbouring properties.
- Design of the proposed cantilevered porch over the front door is totally out of keeping with the neighbouring properties
- The new larger window to the side of the front door is totally out of keeping with the neighbouring properties
- The proposed veranda is much larger than the neighbouring properties and is out of keeping
- The partially constructed car parking area is in total contradiction with the statements in the Application Form, items 6 (no new or altered vehicle access) and 8 (existing car parking arrangements are not affected)
- Existing character will be destroyed
- Size and volume is excessive and obtrusive
- Adverse affect on PROW that runs alongside the site
- Ruins the setting of weddings to the church below
- Removal of the boundary wall an original feature which has been lost
- Sets a precedent
- Fails to preserve or enhance the setting
- Creation of a large car park centrally
- Changes in building lines and heights
- Part of uniformity of setting
- Contrary to BH6 and BH7
- Overbearing
- Overlooking caused by increase in size of decking/balcony
- Refer to planning committee
- Other similar dormers refused for poor design
- Visible from East and West
- Extensions when viewed in their context would be disproportionate and overbearing
- Discrepancies in the drawings not showing rear extension and car parking to the front
- Are Building Control aware of the works underway
- Concern over the lack of further consultation on the revised drawings
- Loss of amenity caused by increased size of veranda
- Concern over views having not been taken into account
- Calculation misleading

Full objections and comments received can be viewed on the Council's website.

POLICIES/LEGISLATION

POLICY CONTEXT:

BATH & NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 18th October 2007, the Bath and North East Somerset Local Plan, including minerals and waste policies was adopted. The following policies are relevant material considerations:

BH.6 - Development within or affecting Conservation Areas
BH.8 - Improvement work in Conservation Areas
D.2 - Considers design issues and residential amenity.
D.4 - Considers design issues.
GB.1 - Control of development in the Green Belt
GB.2 - Visual amenities of the Green Belt
HG.15 - Dwelling extensions in the Green Belt
NE.2 - Areas of Outstanding Natural Beauty

Supplementary Planning Document - Extensions to existing dwellings in the Green Belt - Adopted October 2008

Planning Policy Statement 2 - Green Belts
Planning Policy Statement 7 - Rural Areas

PLANNING ISSUES: The key issues in the consideration of the proposal relate to the impact of the extensions on the character and appearance of the Conservation Area, Green Belt and the AONB.

Revised drawings have been received that have reduced the size of the dormers and reverted back to the proposed front double gable design included within the original submission. This is in line with officer advice as it is considered that the proposed gables are less contrived than the proposed dormers to the front.

IMPACT ON THE GREEN BELT: In order to assess whether the proposed development does constitute inappropriate development and is therefore harmful by definition it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15. In drafting this advice consideration was given to the wording of Policy HG15.

Policy HG.15 states:

Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

- i) represent a disproportionate addition over and above the size of the original dwelling; or
- ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

Policy HG.15 would suggest that the cumulative impact of extensions can only be taken into account under point ii) of the policy when assessing whether rural character is harmed. It should be noted that whilst this is the adopted policy of the Council, this is not strictly in line with the advice contained in PPG.2 as this interpretation means that whilst a single large extension may conflict with point i) of the policy, a proposal for a relatively small extension, that came after other extensions, would meet the requirements of point i) and would not conflict at all with the policy unless it also harmed rural character under point ii. Not all Green Belt areas fall within rural areas and furthermore this would allow for infinite small additions to a dwelling to take place as long as rural character remained

unharmful. The current SPD guidance on the basis that cumulative impact can be considered under Policy HG.15 because it is also necessary to consider Policy GB.1 which has been drafted with PPG.2 in mind.

The SPD on existing dwellings in the Green Belt notes that in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling is likely to be acceptable.

For the purposes of the Green Belt calculation, the garage appears on the historic plotting sheet and is considered to have a functional link with the dwellinghouse. It is therefore included within this calculation.

Your officers' have calculated that the original dwelling, including the existing access steps, undercroft and garage to be approximately 318m³. These elements are all considered to be development requiring planning permission and have therefore been included in the volume calculation. The revised drawing (date received 09/02/11) has reduced the dormers to the rear, the proposed balcony has been reduced in size and the front gables have been re-introduced, upon advice from your officers'.

It is estimated the existing dwelling has a volume of approx. 318m³. The proposed volume increase is estimated to be 28%.

In September 2010 it was confirmed that a single storey rear extension could be added to the property under permitted development rights. The extension is estimated to have added approx. 72m³. The extension is now in-situ and for the purposes of this calculation can be considered. This is estimated to represent an increase of approx. 22% over the original dwelling. The cumulative impact therefore of extensions to the dwelling is estimated to be approx. 50%.

As the extension has been erected during the determination of this application it can be considered. Nevertheless the fallback position on the extension is that because it meets the permitted development criteria, as with many householder extensions in the Green Belt, could have been constructed after the completion of the application proposal.

The Supplementary Planning Document makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. The property occupies a linear plot with the dwelling situated at its most northern end. The plot has a large garden to the front that is stepped down towards the road. Due to the elevated position of the property the principal elevation and gardens is prominent in this part of the village. The front gables would be visible and whilst they would increase the massing of the roof it is not considered to be overly intrusive on the front elevation. The existing property has a single gable and the proposed gables would not form an incongruous feature of the host building. The extensions would be viewed against the backdrop of existing development to the east and from the south. Furthermore the rear proposal is not uncharacteristic of the area as neighbouring bungalows have similar rear extensions and dormers.

As referred to above, the interpretation of PPG.2 means that whilst a single large extension may conflict with point i) of the policy (HG15), a proposal for a relatively small

extension, that came after other extensions, would meet the requirements of point i) and would not conflict at all with the policy unless it also harmed rural character under point ii.

In this regard, it is concluded that whilst the extension, is over the third guideline it takes into account an extension allowed under permitted development, and when the character of the dwelling and the surroundings are taken into account it is not considered that this proposal would represent a disproportionate addition to the dwellinghouse and is therefore not inappropriate development.

On balance and in consideration of all the issues raised it is considered that the proposal would not be harmful to the rural character or openness of the Green Belt to warrant a refusal on this basis.

IMPACT ON THE CONSERVATION AREA: The rear extension would not be visible from the wider historic setting. The principal elevation is visible and seen within the setting of the Church and Manor Farm. The property is referred to in the Conservation Area Appraisal for South Stoke which states that the village has a dramatic south facing position. When viewed in this context the bungalow roofscapes are visible and it is evident that other gable ends exist, which add to the character and appearance of the existing built environment. The proposed front gables are not considered to harm or significantly unbalance the existing harmonious environment. It is considered that the proposal would preserve the character and appearance of the Conservation Area.

IMPACT ON THE AONB: Due to the siting and scale of the proposal it is not considered to adversely affect the natural beauty of the landscape in this part of the AONB.

LANDSCAPING: The front of the property is proposed to be remodelled to accommodate a larger veranda with planting. The existing front gardens have a terracing effect which is enhanced by tiered planting that contributes to the rural character of the area. The proposal also includes the retention of planting and landscaping to the front garden areas.

IMPACT ON RESIDENTIAL AMENITY: The existing situation has been considered in relation to significant harm to residential amenity. The side steps leading to the property are shared with the neighbouring property, Summus Summo, which due to the topography of the site are well above road level.

The main amenity areas for the bungalows are to the front where there is a high degree of open aspect and views across the village. When stood on the existing garden areas there is an opportunity to look over into and beyond neighbouring land and property caused by the elevated position of these properties. In this respect it is not considered that the proposed veranda, which is set in from the side building line by approx. 2.7m, and the subsequent reprofiling of the land to the front of the dwelling would cause significant harm to residential amenity to warrant a refusal on this basis.

OFFICER ASSESSMENT

On balance, the proposed increase of the dwelling is not considered to represent inappropriate development in the Green Belt. Furthermore by reason of its siting, design and position it would not harm the openness or rural character of the Green Belt or the natural landscape beauty of the AONB. In addition, officers' agree that due to the design and size of the proposed works they would preserve the character and appearance of the

Conservation Area. The proposal would therefore accord with Local Plan policies BH6, BH8, D2, D4, GB1, GB2, HG.15 and NE.2 of the Bath and North East Somerset Local Plan (Adopted October 2007).

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 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 the Conservation Area.

3 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: Section A-A date received 09/02/11, Location plan date received 07/10/10, Proposed plans & elevations date received 09/02/11, Existing plans & elevations date received 07/10/10

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. This does not affect the character of the Conservation Area.

2. The proposed development is not inappropriate development within the Green Belt and would not harm the openness or rural character of the area.

3. Due to the siting and scale of the proposal it is not considered to adversely affect the Area of Outstanding Natural Beauty.

4. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

BH6, BH8, D2, D4, GB1, GB2, HG15 and NE2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.