

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING  
DATE: **5th June 2019**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

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 Head of Planning 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.

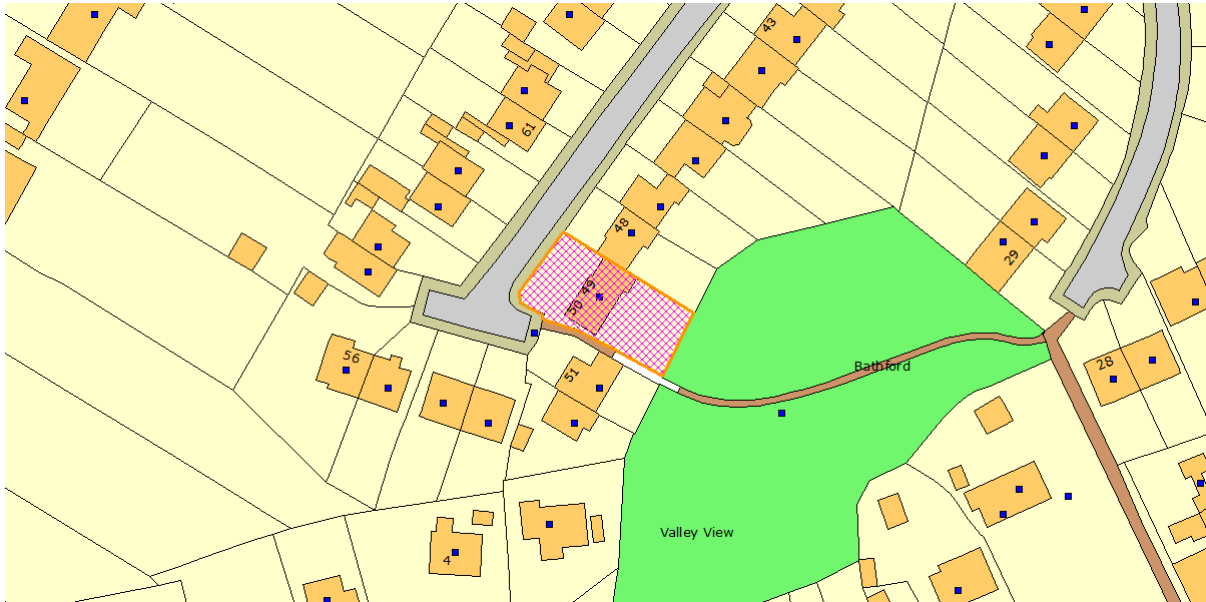
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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001	18/04535/FUL 26 April 2019	Mr Mujib Khan 49 - 50 Meadow Park, Bathford, Bath, Bath And North East Somerset, BA1 7PY Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).	Bathavon North	Martin Almond	PERMIT
002	18/05561/FUL 14 February 2019	Clementine and Stephanie Gent 31 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JZ Alterations and extension to bungalow.	Bathavon North	Dominic Battrick	PERMIT

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**Application No:** 18/04535/FUL  
**Site Location:** 49 - 50 Meadow Park Bathford Bath Bath And North East Somerset BA1 7PY



**Ward:** Bathavon North      **Parish:** Bathford      **LB Grade:** N/A

**Ward Members:** Councillor Kevin Guy      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).

**Constraints:** Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,

**Applicant:** Mr Mujib Khan

**Expiry Date:** 26th April 2019

**Case Officer:** Martin Almond

To view the case click on the link [here](#).

### **REPORT**

This application was deferred to this Development Management Committee to allow for a site visit by members of the committee to take place.

The application was referred to Development Management Committee due to the officer recommendation being contrary to the response received from Cllr Millar and Bathford Parish Council.

Retrospective planning permission is sought for the installation of new timber decking and paved areas at the rear of the property including the raising of certain sections of boundary fencing at 49-50 Meadow Park, Bathford.

The property is a large link detached two storey property set within a residential area. The gardens of all the properties step steeply down a slope to a wooded area to the rear of the gardens, the wooded open space is accessed by a path alongside the boundary of the property. The property is not located within the World Heritage Site or conservation area.

No relevant planning history.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr Millar - Application is retrospective, development will overlook green space to rear, represents over-development, harms residential amenity.

Cllr Ward - I visited this site and was most surprised by the scale of the timber structure that has been created at the rear of this property. It appears to cover the whole of the rear garden area and certainly can not be described as replacing what previously existed by way of decking and steps. It now is a dominating elevated structure which badly affects to enjoyment of adjacent property gardens and its new elevated height causes overlooking of adjacent properties. It adversely impacts and affects the natural landscape and character of the rear gardens. The creation of considerable storage space with enclosed undercrofts create considerable storage and risk of fire compounded by the nature of the timber structure. Land permeability and drainage will be impacted given the need to create weather proofing to storage areas. All in all the work should not have been started on this scale before the application was determined.

Bathford PC - Development will have unacceptable intrusive impact upon neighbouring properties, timber construction could be a fire risk.

7 objections and two comments received summarised as follows:

- Application is retrospective
- Trees and vegetation have been damaged
- Decking will result in overlooking and loss of privacy
- Proposed infill and fence by footpath will be overbearing
- No drainage details are shown
- Possible ground stability issues
- Proposal is not in keeping with existing character and appearance.
- Insufficient details provided for garden room.

One further representation (objection) has been received since the application was last heard at Development Management Committee:

- Revised plans still fail to address issues including:
- Proposals are out of character with area and gardens adjoining the green,
- Over development of rear garden,

- Proposed fencing cannot be implemented due to fence ownership,
- The proposed fence will block out afternoon sun and directly effect a terrace,
- The number of lights have a detrimental and cumulative effect on the character of the area and highlight the elevated nature of the proposals,
- Light pollution to the Green,
- Existing plans show a greater area of hardstanding than previously existed,
- Drainage details are insufficient,
- No building regulations have been submitted for the retaining wall or works around a public sewer,
- Only 20% of the works can be considered a replacement,
- Detailed drawings are required for any proposed fencing solution.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- 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:

CP6: Environmental quality

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:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D5: Building design
- D6: Amenity
- ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework and National Planning Practice Guidance.

## **OFFICER ASSESSMENT**

Work to the rear garden of 49-50 Meadow Park has been substantially completed to replace an old timber deck which has resulted in an increase in height of the finished decking and the enlargement of a lower patio area with elevated timber deck. Access to

the various levels is afforded by either timber or stone steps. Retaining walls have been re-constructed and enhanced. Lighting has been installed into the decking surface.

## CHARACTER AND APPEARANCE AND AMENITY

The works to the rear garden are not considered to unacceptably harm the residential character of the property or the area. The use of the rear garden will remain as domestic outside space and the current work has replaced an old timber deck. Whilst the improved access to the space and the increase in size of the space may lead to an increased use of the external space such use would not be out of character with the residential use of the property. The works are not visible from public vantage points.

The submitted application proposes to raise the height of the boundary fence between 48 Meadow Park and 49-50 Meadow Park at certain points in an attempt to mitigate the potential impact on levels of residential amenity caused by providing the raised, enlarged and new surfaces.

Revised plans have been received which propose to use three wooden planters to prevent access to the last 1.5m of the raised decking platform on the lower terrace and show that the additional fencing will be of a close-boarded type and not trellis. The sections of raised fencing will provide a two metre high fence along the boundary between the properties.

The rear gardens of 49-50 and 48 Meadow Park are both terraced down the slope away from the properties. The dwelling at 48 Meadow Park is set slightly above 49-50 Meadow Park and has a different arrangement of terraces. The boundary treatment between the two properties is currently a high close boarded timber fence which steps down the slope.

Due to the layout and topographical conditions of the surrounding area, the rear of the properties along this section of Meadow Park have a close relationship with one another and there is an existing level of overlooking of the private amenity spaces and of the rear of the properties from both the properties and gardens. This close relationship between the two gardens has to some extent been controlled by the boundary fence.

The new decking adjacent to the rear of the dwelling at 49-50 Meadow Park has been raised and extends slightly further than the previous surface and therefore there is an increased potential for overlooking. The submission shows that the existing fence in this location will be raised which is considered adequate to prevent direct overlooking into the garden of 48 Meadow Park and is considered to provide sufficient protection of existing levels of residential amenity.

The presence of occupants of 49-50 Meadow Park on the lower decking due to its enlargement may be more obvious to residents of the adjoining property and the reformed terraced areas may be used more frequently however this does not mean that significant harm will be caused. The useable area of the lower decking that can be accessed by residents of 49-50 Meadow Park has been reduced and this, coupled with the modest increase in fence height is considered to decrease intervisibility between the properties that may currently be experienced due to these changes not yet being instigated.

It is not considered that an increase in fence height would have an unacceptable impact upon the residential amenity of 48 Meadow Park and due to the short sections required will not appear overbearing. Taking into account the existing situation between properties and the works proposed to the fence and planters, the works undertaken in the rear garden are not considered to cause significant harm to the residential amenity of the adjoining property.

The area below the raised decking area is proposed to be used for storage by the occupants of 49-50 Meadow Park. Currently this area is shown as having open sides, whilst there is potential for this area to be enclosed and used as enclosed storage it is not considered that this would have any detrimental impact.

A number of surface level and recessed lights (49) have been installed within the decking and garden. The lighting is understood to be controllable in different sets. The installation of lighting within a domestic garden would normally be permitted development however since the as-built structure is unauthorised consideration should be given to any impacts that the lighting will have.

The rear of the property already has some external lighting installed to the rear elevation. Any additional increase in light levels to the rear of the properties is considered to be limited due to the type, wattage and position of the lighting. Whilst the garden is set against the backdrop of the tree lined boundary, due to the position, arrangement and overall light output, the lighting is not considered to be out of keeping with a residential garden or the residential character of the area.

The raising of the fence on the boundary with the footpath whilst higher than previously in place is not considered to be overbearing and does not unacceptably harm the character of the area.

Areas of the rear garden remain permeable (such as the terraced areas for planting) and sufficient space exists within the garden to control surface water. Clarification has been provided that the decking and patio areas drain into the three terraced planter areas or to the gravel area at the bottom of the garden.

The application is recommended for approval subject to a conditions.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Boundary Fencing (Bespoke)**

Within 3 months of the date of the decision the additional boundary fencing and planters shown on drawing MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed and thereafter permanently retained.

Reason: In the interests of residential amenity.

### **2 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:**

This decision relates to drawings MPB1000 dated as received 10th October 2018, MPB49/100 Rev B dated as received 28th November 2018 and drawings MPB49/101A and MPB49 102A dated as received 20th March 2019.

## **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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

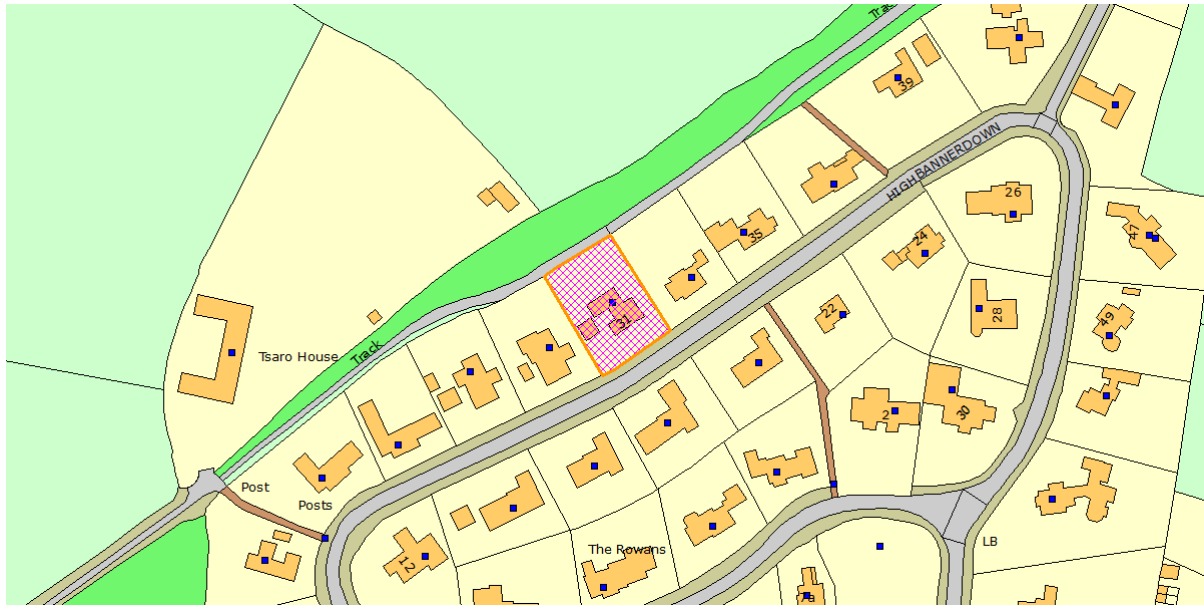
## **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)



In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

**Item No:** 002  
**Application No:** 18/05561/FUL  
**Site Location:** 31 High Bannerdown Batheaston Bath Bath And North East Somerset BA1 7JZ



**Ward:** Bathavon North      **Parish:** Batheaston      **LB Grade:** N/A

**Ward Members:** Councillor Kevin Guy      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Alterations and extension to bungalow.

**Constraints:** Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Clementine and Stephanie Gent

**Expiry Date:** 14th February 2019

**Case Officer:** Dominic Battrick

To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application was deferred to this Development Management Committee to allow for a site visit by members of the committee to take place.

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr. Geoff Ward, ward councillor for Bathavon North, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by the ward councillor and Batheaston Parish Council in objection to the application, contrary to officer recommendation. The Chair has considered the application and decided that the application will be determined by the Development Management Committee.

The application was discussed at the Committee meeting on Wednesday 24 April 2019, where it was decided that the application be deferred for a site visit. A site visit was made by members of the Committee on Tuesday 28 May 2019.

#### DESCRIPTION OF SITE AND APPLICATION:

31 High Bannerdown is residential property consisting of a bungalow and detached garage within a residential estate in the village of Batheaston. The site is within the Housing Development Boundary for Batheaston, with the rear boundary of the curtilage of the property adjoining the boundary of this designation. The rear boundary adjoins the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty and a public right of way.

Planning permission is sought for the infill of the entrance courtyard between the bungalow and the garage of the property, with a first floor extension above the centre of the bungalow, converting the dwelling to a two storey house.

#### RELEVANT PLANNING HISTORY:

No recent/relevant planning history.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS** CONSULTATIONS AND REPRESENTATIONS:

##### Batheaston Parish Council - OBJECTION:

Batheaston Parish Council maintains its objection to the application, having considered the revised scheme. The Parish Council's comments (6th March 2019) are summarised as follows:

- o The development is out of character with the High Bannerdown area.
- o The proposals set a precedent for a bungalow to be converted to a two storey house. Bungalows are an important part of the housing stock, providing for the elderly and disabled, and there are not many bungalows in Batheaston.

#### OTHER REPRESENTATIONS / THIRD PARTIES:

Third party representations were received from residents of 21 properties at High Bannerdown. 1 neighbour supports the application; neighbours at the remaining 20 properties object to the application, as revised.

The comments made in objection are summarised as follows:

- o The development will set a precedent within the estate for bungalows becoming two storey dwellings. This form of development has previously been refused within the street. This would encourage developers to propose similar development elsewhere within the estate.
- o Bungalows are in demand and important within the housing stock, particularly for the benefit of the elderly. More single storey dwellings are needed.
- o The development is large and disproportionate for the plot and street scene, with a loss of green space contributing to the character of the area.
- o The development is out of keeping with the Cotswold character and design of properties in the street, despite removal of extension above the garage.
- o Extensive number of large windows are out of keeping.
- o The estate was built on a hillside and the mixture of single and two storey dwellings was designed to reflect the topography.
- o Previous applications to extend the roof height of single storey dwellings at 20 and 29 were refused due to harm to character and appearance.
- o The previous extension at no. 25 is a gable extension with a slightly raised roof to provide a loft conversion and is not a full two storey extension.
- o The proposed roof pitch is too low and the roof form is out of proportion with existing building.
- o The proposed materials are out of keeping.
- o Loss of privacy to properties adjacent to the site, opposite the road and lower down the hillside, resulting from the two storey height and extensive fenestration.
- o The rear garden of no. 33 is currently not overlooked.
- o The size and design of the extension will dominate neighbouring properties to the detriment of amenity, including the rear gable, which is larger than the previous extension over the garage.
- o Details on external materials and lighting should be agreed if the application is approved.
- o A further planning application could be submitted at a later date applying for an extension above the garage.
- o Single storey dwellings in the estate have been extended without the need to add a two storey element.
- o A replacement chimney for the previously proposed flue has not been proposed.
- o Boundary trees which were previously providing screening have been removed without consultation. Concern is raised over potential further loss of trees and vegetation.
- o Loss of views to woodland beyond to the north.
- o There should be no construction work outside usual working hours.

The comments made in support are summarised as follows:

- o The property is in need of modernising.
- o Location of development should not impede on neighbours.
- o Several large dwellings already located on this side of High Bannerdown.
- o Development will allow families to move to the area.

Cllr Ward's concerns with the application (as amended) are as follows:

- o Loss of amenity to neighbouring properties.
- o Overdevelopment.
- o Out of character with the layout and design of the estate.
- o Development of the bungalow to a two storey house will set a precedent within the street.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o 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:

CP6: Environmental Quality

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:

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D3: Urban Fabric

D5: Building Design

D6: Amenity

ST7: Transport requirements for managing development

## **NPPF:**

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 12: Achieving well-designed places

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

## **OFFICER ASSESSMENT**

### **PLANNING ISSUES:**

The main issues to consider are:

- The principle of development
- Character and appearance
- Residential amenity
- Parking and highway safety

### **OFFICER'S ASSESSMENT:**

The principle of development:

31 High Bannerdown is a detached bungalow with a detached garage within a 1950s housing estate consisting of a mixture of bungalows and two storey houses. The site and wider estate is within the Housing Development Boundary for Batheaston.

Representations received state that the estate was designed to provide a housing mix of single and two storey dwellings, providing suitable homes for the elderly and disabled that bungalows make an important contribution to the housing stock. It is acknowledged that this housing mix is essential for new residential development, particularly for larger development schemes. However, the conversion of a single bungalow to a two storey house will have a modest impact on overall housing stock. More importantly, there are no adopted policies requiring the explicit retention of bungalows as single storey dwellings.

It is acknowledged that the development will set a precedent within the estate for a bungalow to be converted to a two storey dwelling. However, as above, there are no planning policies restricting this in principle and any future proposals elsewhere within the estate must similarly be assessed on their own merit in relation to design and any other material considerations relevant to the proposal.

Householder development in this location (outside the Green Belt) is acceptable in principle, subject to matters of design, which are considered separately below.

Character and appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported where, amongst other criteria, they contribute positively to and do not harm local character and distinctiveness. Development is expected to respond to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions should respect and complement their host building.

High Bannerdown is a 1950s estate consisting of a mixture of bungalows and two storey houses. The properties towards the top of the hill adjacent to the woodland to the north and east are predominantly two storey; the properties downhill consisting of single storey bungalows. The properties to the northeast of 31 High Bannerdown - including the adjacent 33 High Bannerdown - are two storey houses. It is considered that the host dwelling could be converted to a two storey house without appearing incongruous within

the street scene, integrating with the existing row of houses. The topography of the area would not render the site inappropriate for a two storey dwelling given this context.

Attention has been drawn to 25 Bannerdown Road, which has previously undergone extensions and alterations to provide a first floor above the garage of the bungalow. However, the development involved the raising of the garage roof to match the main bungalow height, and a front gable to increase the volume of the roof, providing a loft conversion. The development at 25 High Bannerdown does not set a design precedent for the raising of a bungalow roof to provide a full height two storey house.

Various alterations were requested following public consultation and consideration of the initially submitted scheme. These include: replacing the external materials that are out of keeping with the street scene, such as timber clad walls and a single ply membrane roof, with a tiled roof and rendered walls; the removal of an extension above the garage, reducing the two storey width and bulk from the front of the property; increasing the pitch of the roof; and removing the proposed flue on the front elevation.

The external materials and gabled roofs are considered to be the prevailing character within the street, in addition to the lawn gardens and landscaped boundaries. The alterations to the scheme address the characteristics of the development that were out of keeping with the character of the street.

Regarding fenestration, it is recognised that there will be a notable increase in the coverage of windows at ground and first floor level within the dwelling. However, several properties within the street have undergone similarly substantial alterations to front elevation windows, including full height windows and balconies, and the styling of fenestration is considered to be sufficiently varied that the proposals will not be harmful to character.

The concerns that the development will be overdevelopment of the plot and will result in a loss of green space are unfounded. The development infills the existing enclosed and paved courtyard between the bungalow and garage, otherwise extending upwards. It is partly the motivation of retaining the existing garden and spacing between dwellings that the applicant has sought a two storey extension instead of extending outwards at single storey level.

Overall, while the development will notably alter the appearance and increase the height and bulk of the existing dwelling, transforming the dwelling from a modest bungalow to a two storey house, the resulting dwelling will not appear out of place in the street scene given the context of adjacent houses uphill to the northeast. The proposals will not harm the character and appearance of a dwelling that would benefit from modernisation.

The external materials proposed under the revised scheme are acceptable in principle, but a condition is recommended to secure details on their specification to ensure they are sympathetic to the host building and the surrounding street scene.

The proposals are considered to be in accordance with the policy CP6 of the Core Strategy, policies D1, D2, D3 and D5 of the Placemaking Plan and section 12 of the NPPF.

## Residential amenity:

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

The extension above the garage, initially proposed, was removed from the scheme to address the overbearing impact on the adjacent 29 High Bannerdown. 29 High Bannerdown is downhill of the site and has a fully glazed conservatory adjacent to the garage of the application site. The conservatory provides the only light source to the kitchen of 29 High Bannerdown, and the applicant was advised that an extension above the garage would not be supported.

In lieu of this, the first floor design has been reconfigured to provide a deeper extension within the centre of the property with a rear projecting gable. Whilst it is recognised that this rear first floor addition will be materially larger than the extension over the garage, its impact will be significantly reduced. The extension is located centrally within the site, at a reasonable distance away from the adjacent side boundaries (approximately 6 metres from the boundary of 33 High Bannerdown and 7.5 metres from the boundary of 29 High Bannerdown), and will not result significant overbearing impacts or loss of light to the adjacent gardens, rear elevations or side windows facing the site.

The moving of the rear elevation wall further back will also further reduce overlooking, particularly towards 29 High Bannerdown, due to the oblique angles of windows towards adjacent gardens. The rear elevation windows will not result in intrusive overlooking overall due to the viewing angles they will provide.

Regarding the overlooking of front elevation windows to number 20 directly opposite, it is recognised that this elevation is not currently overlooked by any windows. However, the two storey elevation will be sited approximately 26 metres away from the opposing front gable projection, and at a greater distance from the rest of the opposing front elevation of 20 High Bannerdown. Given that this is a front elevation, with an intervening highway, the level of privacy afforded to the windows on this elevation is already reduced. The overlooking and its impacts on privacy and overall amenity will be no greater than the impacts resulting from the existing two storey houses on properties opposite.

No side elevation windows are proposed above ground floor level. The variation in ground levels between properties is not so great that overlooking at ground floor level cannot be mitigated by boundary treatment, if necessary. Ground floor side elevation windows may also be installed through permitted development rights. Had the applicant explored alternatives for a single storey extension to the rear, it is likely that side elevation windows would be inevitable.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

## Highways Safety and Parking:

Policy ST7 requires that development avoids an increase in demand for on-street parking in the vicinity of the site which would detract from highway safety and/or residential amenity.

The proposed development will maintain the existing parking and access provision, which is considered adequate for the proposed development. The development will not compromise highway safety, in accordance with policy ST7 of the Placemaking Plan.

#### Other Matters:

Both the applicant and neighbours have referred to previous applications for two storey extensions approved or refused within High Bannerdown. Upon review of the street's planning history, approved development appear to mostly relate to existing two storey dwellings, while two storey extensions to bungalows have been refused. However, the applications will have been assessed on their own merits, based on the design impacts of the proposals and the circumstances of the site and extant policy at the time. As stated above, the planning history within the street does not dictate that a two storey extension to a bungalow cannot be acceptable.

The potential for future planning applications for extensions does not carry significant weight and a proposal for such would be assessed on its own merits if an application arose. Similarly, any proposals to provide a flue or chimney would also have be considered on their own design merits.

The loss of private views to the woodland beyond the site carries very little weight in the assessment of this application and could not be refused on these grounds.

#### CONCLUSION:

Overall, whilst it is recognised that there is local objection to the principle of converting the bungalow to a two storey house, there are no planning policy grounds to restrict this. The proposals must be assessed on their design merits, and it is concluded that a two storey house in this location would not be out of keeping within the street scene. The design of the proposals, as revised, is considered acceptable overall, giving regard to its impacts on the character and appearance of the site and its surroundings, and residential amenity.

It is recommended that the application is permitted.

#### **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 - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **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:**

This decision relates to the following plans:

Survey Ground Floor Plan - 720 S 02, Survey Roof Plan - 720 S 03, Survey Elevations - 720 S 04, all received 20/12/2018; Location and Site Plan - 720 P 01B, Ground Floor Plan - 720 P 02A, First Floor Plan and Section AA - 720 P 03A, Roof Plan - 720 P 04A, Elevations - 720 P 05B, Elevations - 720 P 06A, all received 22/02/2019.

#### **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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

### **Protected Species**

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

### **Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.