

Bath & North East Somerset Council

MEETING: Development Control Committee

MEETING DATE: 8th June 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: 10/05204/FUL
Location: 25 Bailbrook Lane Lower Swainswick Bath BA1 7AN
Proposal: Erection of new dwelling on parking area to rear of 25 Bailbrook Lane and associated car parking and landscaping
Decision: Non-determination
Decision Date: 14 April 2011
Decision Level: Delegated
Appeal Lodged: 14 April 2011

App. Ref: 10/03722/FUL
Location: Land At Rear Of Thornbank Place Thornbank Gardens Westmoreland Bath
Proposal: Erection of single 3 bedroom dwelling (Resubmission)
Decision: REFUSE
Decision Date: 28 February 2011
Decision Level: Planning Committee
Appeal Lodged: 26 April 2011

App. Ref: 10/05276/FUL
Location: Martin McColls 33 Bathwick Street Bathwick Bath BA2 6NZ
Proposal: Installation of ATM
Decision: REFUSE
Decision Date: 24 March 2011
Decision Level: Delegated
Appeal Lodged: 26 April 2011

App. Ref: 10/03812/FUL
Location: Braysdown Bungalow Woodborough Hill Peasedown St. John Bath
Proposal: Erection of detached two storey building for office and storage use
Decision: REFUSE
Decision Date: 17 November 2010
Decision Level: Chair Referral
Appeal Lodged: 27 April 2011

App. Ref: 11/00531/AR
Location: Pizza Express 8 Southgate Place Bath BA1 1AP
Proposal: Display of 1no non-illuminated projecting sign (Retrospective) (Resubmission)
Decision: REFUSE
Decision Date: 28 March 2011
Decision Level: Delegated
Appeal Lodged: 9 May 2011

App. Ref: 11/00364/FUL
Location: Plot Between Dymboro Villa And 17 Providence Place Midsomer Norton BA3 2LD
Proposal: Erection of a detached one bedroom coach house style live/work unit.
Decision: REFUSE
Decision Date: 11 April 2011
Decision Level: Delegated
Appeal Lodged: 13 May 2011

APPEAL DECISIONS

App. Ref: 10/00843/LBA & 10/00846/FUL
Location: 277 Kelston Road, Newbridge, Bath, BA1 9AB
Proposal: Erection of new dwelling and provision of vehicular access
Decision: REFUSE
Decision Date: 21st May 2010
Decision Level: Delegated
Appeal Decision: **DISMISSED**

Summary:

The appellant applied for the erection of a new dwelling and provision of vehicular access (10/00843/LBA & 10/00846/FUL) and it was refused as the proposed dwelling would represent inappropriate development in the Green Belt and the siting of the proposed dwelling would be prominent in the landscape, which would be harmful to the openness of the Green Belt. The proposed dwelling would also detract from the siting of the listed building and be harmful to this part of the World Heritage Site and the site is partly within an SNCI and the development would detract from the value of this.

The Inspector noted that the dwelling would be the largest structure in the dwelling and would be visible from across the valley. As the dwelling has been designed to provide views across the

valley, it would be unlikely that future occupiers would allow dense vegetation that would screen the dwelling to obstruct the views.

The terracing to the east and the immediate front of the house form the only part of the garden and landscape setting, and the proposed house and its curtilage would reduce the setting of the house further. This would result in the main dwelling no longer being seen as an isolated object in the landscape and the original design intention would be seriously undermined. The development would also degrade the contribution the property makes to the AONB and the World Heritage Site.

She noted that as openness in Green Belt terms means freedom from development. As well as the visual impact on Green Belt for the reasons given above, the proposed house would considerably increase the amount of built form on the site, which would erode the openness of the Green Belt.

The Inspector took the view that the dwelling represented inappropriate development in the Green Belt and that no Very Special Circumstances existed to outweigh the harm caused by this development. The appellant contended that the proposal represented an enabling development to pay for the stabilisation works required to the garden pavilion and walls. The Inspector took the view that, the harm caused to the Green Belt would be permanent, whilst the financial situation may only be short term until the appellants financial situation improves or the property is sold at a price that reflects the work required.

She concluded that conditions could be imposed on the permission that would protect and supplement the planting in the SNCI. However, as this amounted to a lack of harm and does not outweigh the harm caused.

The appeal was dismissed.

App. Ref: 10/02112/FUL
Location: 11 Partis Way, Lower Weston, Bath, BA1 3QG
Proposal: Erection of a detached dwelling
Decision: REFUSE
Decision Date: 7th September 2010
Decision Level: Committee
Appeal Decision: **DISMISSED**

Summary:

The appellant applied for the erection of a detached dwelling (10/02112/FUL) and it was refused because it would represent overdevelopment of the site, which would be detrimental to the character of Partis Way, it would significantly harm neighbouring amenity and have an adverse impact on highway safety.

The Inspector noted that the revisions to PPS3 meant that the site no longer falls within that category of land to which development priority is attached and this alters the weight to be given to the factors considered. He considered that the dwelling would represent a new and incongruous element in the street scene, which would disrupt the rhythm of the street frontage,

He noted that the introduction of the dwelling would close the existing gap between 10 and 11 Partis Way but this would not fundamentally alter the relationship between the rear elevations of Partis Way and Penn Lea Road, and that this distance would be well within what could normally be considered as acceptable. He considered that the proposed dwelling would not have a sufficient material harm to breach the requirements of Local Plan Policy D.2.

The Inspector noted that there was a good deal of on street parking in Partis Way, which may increase the risk to highway safety. He was not convinced that the construction of a single dwelling with dedicated off-street parking would sufficiently exacerbate the problems to result in a significant adverse impact on highway safety.

The appeal was dismissed.

App. Ref: 09/02416/FUL
Location: Oxleaze, Nempnett Thrubwell
Proposal: Replacement dormer bungalow
Decision: Approved subject to conditions
Decision Date: 6 December 2010
Decision Level: Committee
Appeal Decision: **Allowed**

Summary:

The application was for a replacement bungalow, which was approved by Committee subject to a number of conditions including two dealing with contaminated land, as requested by the Council's Contaminated Land team. The appeal was against the imposition of those two conditions.

The Inspector noted that a quarry had existed adjacent to the site and that the Council were right to be concerned about possible contamination arising from the infilling of the quarry. However, the appellants submitted additional evidence with the appeal showing that the quarry was backfilled in September 1984 with soil, clay sub-soil and bedrock. The Inspector felt that in the circumstances it was very unlikely that any contaminated or otherwise harmful material was deposited in the former quarry. On the basis of this additional material, he considered that the two conditions were unnecessary and allowed the appeal, granting planning permission without them.

FORTHCOMING APPEAL HEARING

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
Date of Hearing: 28 June 2011
Venue: Fry Club, Somerdale, Keynsham