

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date 15<sup>th</sup> January 2020**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	19/04462/FUL	4 - 5 Railway Place City Centre Bath Bath And North East Somerset BA1 1TH

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. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. This will not preserve nor enhance this part of the Bath Conservation Area and as such this proposal fails to meet this requirement.

There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. Furthermore, the increased height and massing of 4/5 Railway Place would reinforce and add to the harmful impact by having a dwarfing effect on the Royal Hotel which would end up being clasped between the two taller buildings. As such the scheme does not preserve the setting of the listed buildings and the scheme also fails to meet this requirement.

Members are reminded of the advice in Paragraph 193 of the NPPF which states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Members are advised that, when weighing the identified harm to the heritage assets against the public benefits of the proposal, considerable importance and weight must be given to the conservation of the heritage assets.

02	19/00772/FUL	Land at entrance to Manor Farm Bath Hill Wellow
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14 letters of objection have been received.

Additional issues raised are as follows:

Detailed plans have been submitted in respect of the housing development boundary indicating part of the development is outside the housing development boundary.

Further comments in respect of the level of the development and loss of privacy were also raised.

Concerns have been raised in respect of the notification of neighbours.

Officer comments

The issue of the housing development boundary has been addressed by the applicant's agent. A plan has been submitted indicating the location of the housing development boundary and the development.

Part of the dwelling as originally submitted did extend outside the development boundary and therefore, the footprint of the dwelling has been further amended to indicate the house footprint is within the housing development boundary. The amendment has reduced marginally the footprint of the proposed dwelling.

There are two minor elements of the development which fall outside the development boundary as shown on the additional plans submitted. The steps down to the entrance of the property and a small access strip in front of the car parking spaces are shown to be sited outside the housing development

boundary. These elements are considered to be minimal and the fact that these small elements are outside the housing development boundary is not considered to justify refusal of this application.

The impact of the development on neighbour's privacy and the levels of the site are addressed within the committee report.

However the amendments to the dwelling have resulted in the measurements stated in the report being marginally reduced. (See amendments to 'Impact on amenity' below).

Neighbour re-notifications were carried out when the design of the dwelling was amended. Further neighbour notifications would not be carried out in respect of these latest minor alterations as they seek to address the concerns raised and do not substantially impact on the nature of the development as proposed.

The following section within the committee report are amended to read as follows:

Impact on amenity-

The proposed built form will start 5m within the site, the dwelling elevation being 12m from the rear elevation of number 32 Manor Close, the proposed dwellings closest neighbour. The adjacent properties have garden areas that are 5m in depth. The built form closest to the properties in Manor Close will be a small amenity area on the south side of the dwelling set down below ground level. The roof form slopes away from the properties in Manor Close. The maximum height of the proposed dwelling will be approximately 5m high. Given that the dwelling is set down in the site the ridgeline of the proposed dwelling will be approximately 2m higher than the properties in Manor Close and the ridge line will be at a distance of 14m from these adjacent properties.

Therefore the largest element of the scheme will be located on the North side of the bungalows in Manor Close at a distance of 14m. The impact that this built form will have on the amenity of these properties it not considered to result in a loss of light or be excessively overbearing given the existing relationship between the properties. The existing hedge is to be retained along the southern boundary between the properties in Manor Close and the site. At present the boundary to the site is vegetated with a mature hedge.

The proposed dwelling will therefore be visible beyond the hedge but at a distance that is not considered to result in the development having an overbearing impact on the neighbours. The hedge to be retained retains a distance between the properties. The gardens of the properties in Manor

Close are relatively limited in size with a footpath running along the back of the properties and adjacent to the site boundary.

The lower floor of the proposed dwelling has been created below the existing ground level and as such the two storey element of the scheme will only be readily visible from the northern/north eastern (open countryside) side. The western end of the property is set down by 1.5m whilst the eastern end is set down by 900mm.

Given the limited size of the site and the need for parking provision the proposed dwelling has limited amenity space. However in the absence of standards in respect of amenity space and given the open outlook from the site to the North East and West this limited amenity space is not seen to be a matter that would warrant refusal of this application.

There are no windows in the southern elevation of the proposed dwelling at first floor level which would result in the overlooking of adjacent properties to the south. There is a small dormer and roof light on the northern roof slope and windows in both gable ends. The westerly facing windows looks down along the entrance track whilst the easterly facing window is to be glazed with obscure glass and non-opening. Given the distance to the adjacent property and the nature of the window in the eastern elevation loss of privacy is not considered to be an issue in respect of this window.

Whilst it is recognized that the proposed dwelling is in close proximity to the neighbours in Manor Close and given concerns that there will be a loss of privacy due to the garden level of the new dwelling it is considered that the hedge provides a barrier and as the land slopes marginally down towards Manor Close the two elements combine so that the level of lost privacy would be limited and therefore, it is not considered that loss of privacy would warrant refusal of this application.

The new dwelling is shown to be constructed of Dark Grey Rubble stone with a brown double roman tiled roof. These materials are considered appropriate in this location.

Therefore, given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, or other disturbance. The proposal is seen to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Other matters drainage/ecology/trees/Conservation Area.

The site is adjacent to the Conservation Area but not within it. Given the proximity of the Conservation Area it is necessary for the impact on the setting of the Conservation Area to be considered. In this location particularly given the nature of the development in Manor Close which is in close proximity to the site, the proposal as amended is seen by virtue of its design, scale, massing, position and materials to at least preserve the character and appearance of the setting of the Conservation Area. In this respect the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

The Plans list is amended as follows:

PL01 dated 24/02/2019 and PL02 Rev C, PL03 Rev E, PL04 Rev E, PL05 Rev E, PL07 Rev E, PL08 Rev D,

PL10 Rev Q and PL11 all dated 5/01/2020

Informative 5 is amended to read

The applicant is advised that it is an offence to drive a mechanically-propelled vehicle along a footpath without lawful authority.

Additional condition

15-**Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed window in the eastern elevation as indicated on the submitted plans shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.