

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **6th May 2020**

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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2	19/05507/FUL 13 March 2020	Mr & Mrs Humphrey Old House, Northend, Batheaston, Bath, Bath And North East Somerset Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)	Bathavon North	Helen Ellison	REFUSE
3	19/04797/FUL 3 April 2020	Mr Simon Hunt 3 Scumbrum Lane, High Littleton, Bristol, Bath And North East Somerset, BS39 6JN Erection of a single and two story rear extension.	High Littleton	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 1
Application No: 19/05508/LBA
Site Location: Old House Northend Batheaston Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Listed Building Consent (Alts/exts)

Proposal: External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr & Mrs Humphrey

Expiry Date: 13th March 2020

Case Officer: Helen Ellison

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

REPORT

SITE DESCRIPTION

The Old House, Northend (formerly Oldhouse Farm) is a Grade II listed building dating from the early/mid C18, situated in open countryside within the indicative landscape setting of the City of Bath World Heritage site, green belt and Cotswold AONB. The house is built from Ashlar, has roof concealed behind parapet, casement windows with simply moulded mullions and centrally placed door under a flat stone hood on brackets. The site is located to the east side of a narrow lane that runs broadly north/south along the west side of St. Catherine's Valley. Going south the road leads into the Batheaston conservation area. The front elevation faces the rising hillside forming the western slope of the valley and the rear elevation is orientated east over the valley towards St. Catherines

Brook with long distance views across the AONB. Old House is set back from the lane. A centrally positioned pair of gate piers marks the 'formal' pedestrian entrance to the property and there are metal railings set either side of these piers on a low section of dressed rubble stone wall. The house has been extended to the north and south.

PROPOSAL

Listed building consent is sought for external alterations that comprise the erection of a parking area gate mechanism, boundary pier and replacement walling. Consent is sought to regularise works already undertaken and for approval of some remedial measures.

Planning application 19/05507/FUL is being dealt with concurrently and included on this Agenda.

The applications were reported to Committee on 11th March 2020 for 2 reasons; (1) at the request of Cllr Sarah Warren and (2) Batheaston Parish Council resolved not to oppose either application. The applications were deferred for a site visit.

The works that have been undertaken include; stone walling (with ashlar capping and quoins) to the front boundary, new side boundary wall in the same style, laying of hard surface (former concrete replaced with stone setts), solid vertical boarded timber gate edged with painted black metal frame on sliding mechanism and stone pier with ashlar cap.

The application proposes to replace the Ashlar coping with a cement roll, replace the stone quoins and terminate the walls with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, and introduce a brushed concrete finish and apron to the parking area.

Prior to the unauthorised works being undertaken the front boundary comprised of traditional rubble stone walling with 'cock and hen' capping detail. It is understood that a set of (unauthorised) inward opening white metal gates (for vehicular access) sat within a smaller opening and that the yard had a concrete surface.

The width of the original vehicular entrance (prior to the unauthorised works being undertaken) has been increased (following the unauthorised works being undertaken) and it is proposed to reduce the opening width slightly. The original width of vehicular entrance i.e. prior to works: 3.96m

Existing (following works): 5.7m and Proposed: 5m (reduced by 0.7m following vehicle tracking). Since confirming these widths, the applicant's agent observed (4th March) that given the original posts were inward of the actual wall opening the opening width would have been greater than the actual gate width. The applicant's agent highlights this because the actual increase in the proposed width of opening may be less than the 1m increase confirmed above.

Previous applications 19/01228/FUL and 19/01229/LBA proposed that a 5-bar gate design be applied to the front face of the solid gate. These applications were withdrawn due to concerns regarding the design and appearance of the walls, gate and yard surface.

PLANNING HISTORY

Extensive, most recent;

DC - 14/05250/FUL - PERMIT - 13 January 2015 - Erection of new outhouse following demolition of existing shed and provision of new vehicular access to/from highway.

DC - 14/05251/LBA - CON - 13 January 2015 - External alterations to include erection of new outhouse following the demolition of existing shed and provision of new vehicular access to/from highway.

DC - 16/03142/FUL - PERMIT - 23 January 2017 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 16/03143/LBA - CON - 17 August 2016 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 17/04374/NMA - APPRET - - Non-Material Amendment to 16/03142/FUL. (Alteration of the approved design for the garden room elevation forming battered stone arches to give a more robust and solid look to the undercroft.)

DC - 17/04399/NMA - APP - 10 October 2017 - Non Material Amendment attached to Application 16/03142/FUL (Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works)

DC - 17/04410/LBA - CON - 13 October 2017 - Internal and external works including realigning the new staircase and partition walls in the former cottage at the south end of the house. Inserting a privacy screen in the dressing room on the second floor. Forming a fire escape opening between the dressing room and office on the second floor. Alteration of the approved design for the garden room elevation forming battered stone arches.

DC - 19/01228/FUL - WD - 1 July 2019 - Construction of vehicle gate and boundary wall (Retrospective).

DC - 19/01229/LBA - WD - 1 July 2019 - Retention of vehicle gate and boundary wall.

DC - 19/05507/FUL - PCO - - Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

DC - 19/05508/LBA - PCO - - External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS

Batheaston Parish Council: Resolved not to oppose application

REPRESENTATIONS

1 representation received from Bath Preservation Trust (BPT), in summary;

- Unsupportive of the proposed retrospective works to the boundary walls.
- Use of traditional forms of stone walling such as rubble stone walling with a cock 'n' hen capping are particularly prevalent within Batheaston.

- The reconstruction of the wall with a "dressed ashlar coping" is therefore out of keeping with the conservation area and are incongruous with their setting.
- The stone is additionally visibly new, creates a jarring contrast with the existing weathered stonework.
- Appreciate proposed replacement of ashlar coping with a "cement roll capping" but would advise reinstatement of original cock 'n' hen capping to prevent the further deterioration of the rural, vernacular character of the conservation area, the setting of a Grade II agricultural building, and the built qualities of the AONB and Green Belt.
- Advise use of reclaimed rubble stone over artificial weathering for a more historically-authentic and congruous appearance.
- Application does not account for visible loss of boundary wall between original farmhouse building and later extension to the north of the site. Represents unlawful demolition of the ancillary fabric of a listed building.
- Application fails to provide sufficient information to make an assessment of the impact on the historic and aesthetic significance of the Old House's boundary walls.
- Based on BPT assessment and understanding of the site advise a more sympathetic treatment to ensure Batheaston's infrastructural character is maintained in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, and Policies B1, BD1, CP6, D1, D2, D3, and HE1 of the Core Strategy and Placemaking Plan.
- Advise LPA to investigate the unpermitted loss of the boundary wall between the main body of the building and its northern extension further, and implement enforcement action where necessary.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

B4 The World Heritage Site and its Setting
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:

CP2 Sustainable Construction
HE1 Historic Environment

Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

BaNES SPD 'The City of Bath World Heritage Site Setting' (2013)

Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) 'The Setting of Heritage Assets' (2017)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

LISTED BUILDING ASSESSMENT

The wall and gate are located within the curtilage of Old House, which is a grade II listed building. There is a duty, therefore, under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, 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 addition, the site is within the indicative City of Bath World Heritage Site setting.

The NPPF Glossary defines setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'

Historic England guidance on the 'Setting of Heritage Assets' (GPAP Note 3) advises that a thorough assessment of the impact on setting needs to take into account, and be

proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The 'Statement of Significance & Heritage Statement' submitted with previous applications at the site (16/03142/FUL and 16/03143/LBA) sets out clearly and succinctly the significance of the listed building and its setting thus;

'Old House' formed the principal building within one of a row of small farms which had been established along St. Catherine's Valley between the late C17 and mid C18. The presence of these farms collectively contributes to the historic significance of their setting within the valley.

The house is prominent in views along and across St. Catherine's Valley and its prominent setting means that the house makes a significant contribution to its setting. Particularly important are views towards the house from the footpath running along the brook, where the house is seen against the backdrop of the network of pasture fields on the upper slope of the valley and in the context of more open meadows to the west, and the juxtaposition of these farms within their agricultural setting makes an important contribution to the character and quality of this part of the AONB.

In addition, and of particular relevance to this application is that the area is defined, in part, by rubble stone walling which is an important vernacular feature that sits comfortably within the rural landscape. The front boundary wall demolished comprised a traditional rubble stone wall with 'cock and hen' capping.

The unauthorised works have resulted in loss of historic fabric; this is due to the demolition of the front boundary wall and part of a side wall. Historic fabric is an important part of the asset's significance and retention of as much historic fabric as possible represents conservation practice. Even when essential repair is necessary a wall can be re-built on a 'like for like' basis. Unfortunately, in this case the wall that has been built across the front boundary differs in appearance from that which was demolished; in particular the introduction of dressed ashlar coping and quoins gives the wall a much more formal appearance that appears out of place in this rural landscape and consequently has a negative impact on the setting of the listed building, which is notable, in part for its strong rural character. Although the application proposes to replace the ashlar coping with cement roll and the quoins with rounded rubble ends these alterations would not in themselves overcome the negative impacts of the development as a whole. If the coping were to be replaced the most appropriate detail would clearly be reinstatement of the original detail i.e. 'cock and hen' capping as per that removed; discussions with applicant and agent mean that they are aware of this advice.

A section of side wall that divided the front garden and yard was demolished and has not been replaced; this too represents unauthorised work. Furthermore, the new section of wall that has been added to the north side boundary appears as an urbanising feature and introduces built form where previously there would appear (from photographs and drawings) to have been an established hedge.

The opening to the yard is believed to have been widened at the time the current works were undertaken and the sliding gate installed in place of a set of, it is believed, also unauthorised inward opening gates. The sliding gate comprises of solid vertical timber boards edged with a black metal frame and is overtly urban in character and appears

incongruous and alien within this countryside location as well as being unsympathetic to the important rural setting of the listed building. Although the application proposes to apply Oak cladding and boarding to the sliding gate, form central meeting stiles and reduce the current access width (by a limited degree) these alterations would not in themselves overcome the negative impacts of the development taken as a whole. The most appropriate gate for the situation would be a traditional 5-bar field gate; being mindful of the constraints of the yard it was suggested to applicant and agent that a tri-/bi fold 5-bar field gate folding inwards would offer a practical and eminently more appropriate alternative.

A further urbanising feature of the development is the introduction of stone setts across the parking yard and at the entrance apron. Again, this appears as a formal urbanising feature that stands out against the rural backdrop. Although the application proposes to re-introduce a brushed concrete finish and apron to the parking yard//area this would not in itself overcome the negative impacts of the development as a whole.

Although a number of 'remedial' measures are proposed in an effort to overcome concerns raised they would not overcome the negative impacts identified above. In summary, the remedial works would; replace the ashlar coping with cement roll, quoins with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, reduce the current access (by a limited amount) and re-introduce a brushed concrete finish and apron to the parking area.

As set out above the most appropriate capping would be to reinstate the 'cock and hen' detail and for the gate to be a traditional 5 bar field gate; in recognition of the constraints of the yard it was suggested to the applicant and agent that a tri-/bi-fold 5 bar field gate folding inwards would offer a practical alternative to an inward opening set of gates and the current sliding gate.

The site and listed building have established over time an important historic relationship with the surrounding landscape. The works that have already been undertaken as well as the proposed amendments are overtly urban in character, appear alien and incongruous towards the rural surroundings and as a result are unsympathetic and inappropriate to the setting of listed building. In turn this harms the significance of the listed building as designated heritage asset.

Proposals to alter hard landscaping features such as walls and gates are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building's relationship with its setting. Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this must be considered in the context of the site (situated as it is on a country lane) and also to retain a sense of perspective; Highway observations recorded under a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. Highways DC have reviewed these observations in the light of these current applications and notes that highway observations made in respect of the 2014 application did consider traffic speeds on the single-track road and concluded that speeds were likely to be low and the risk of collision also low. Highway Development Control (HDC) officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views. Further appraisal of Highways issues is included in the Highways section of this report.

Concerns have been raised by Bath Preservation Trust (BPT) who consider that reconstruction of the wall with a dressed ashlar coping is out of keeping; that as the stone is visibly new it creates a jarring contrast with the existing weathered stonework and advises reinstatement of the original cock and hen capping to prevent further deterioration of the rural, vernacular character of the area, the setting of the building and the built qualities of the AONB and green belt. BPT also make reference to the visible loss of the boundary wall between the original farmhouse building and the later addition to the north side of the farmhouse and refer to it as unlawful demolition. In summary, BPT advise a more sympathetic treatment to ensure Batheaston's infrastructural character is maintained in accordance with Legislation, Local Policy and the NPPF. These concerns are shared by the case officer as set out in this section of the report.

The applicant's agent has drawn the officer's attention to vertical boarded gates at Valley View, St Catherine Lane (located a mile or so north of Old House). The planning history confirms that the gates at Valley View were granted consent under 11/01860/FUL. However, the circumstances at Valley View differ from Old House as follows; Valley View is not a listed building whereas Old House is. The delegated report for Valley View notes that; (1) the parking area and gates will be screened from the wider valley by existing vegetation in the garden; (2) the existing parking for the property is on the public highway, outside the property; (3) the proposed parking area will result in an improvement in the existing situation as it will remove parking from the public highway. At Old House the parking area and gates are not screened from the wider valley - the application site is open and exposed. Old House has always had off street parking within the site and therefore such improvement would not result in this case. As such the example given is not considered comparable.

In accordance with paragraph 193 of the NPPF, 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the development, including securing the optimum viable use of the building. The works that have been carried out, as well as those proposed relate to works that comprise the re-landscaping of a parking yard, demolition and part re-building of the front boundary wall, erection of new side wall, part demolition of side wall and sliding gate access. The parking area is used by the site occupier and would be for their private gain. Although the sliding gate mechanism allows for vehicles to turn within the site so that forward facing egress is possible it is of limited public benefit, particularly given the fact that traffic speeds on the single-track road are likely to be low and the risk of collision also low. Consequently, there is insufficient public benefits to outweigh the considerable importance and weight given to the harm to the designated heritage asset. As such, the proposal would conflict with paragraph 196 of the NPPF.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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. Taking account of the above and in this instance the development in terms of its design, form, detail and materials is inappropriate and unsympathetic to the rural area, appearing as incongruous, alien and urbanising features and would fail to preserve the special interest of the listed building or its setting. As such the proposal would fail to meet this requirement.

Here it is considered that the development is not consistent with the aims and requirements of the primary legislation and planning policy and guidance and has an unacceptable impact on the special interest and setting of the listed building that does not preserve its significance as a designated heritage asset. The development does not therefore accord with policies B4 and CP6 of the adopted Core Strategy (2014) or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features that are harmful towards the significance of the designated heritage asset and the special interest of the listed building and its setting. There are no public benefits to the development sufficient to outweigh the identified harm. As such the development would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

PLANS LIST:

1 This decision relates to the following drawings;

Date: 20.12.2019 Drwg. title: Block plan

Date: 20.12.2019 Drwg. title: Site location plan

Date: 20.12.2019 Drwg. No. EE01 Drwg. title: Front elevation prior to works

Date: 20.12.2019 Drwg. No. PP01A Drwg. title: Front elevation as proposed

Date: 20.12.2019 Drwg. No. PP01B Drwg. title: Gate plan as proposed

Date: 02.03.2020 Drwg. No. EE02 Drwg. title: Front elevation as existing

Date: 02.03.2020 Drwg. No. EP02 Drwg. title: Plan as existing

Date: 02.03.2020 Drwg. No. PS01A Drwg. title: Section through existing gate

2 Community Infrastructure Levy

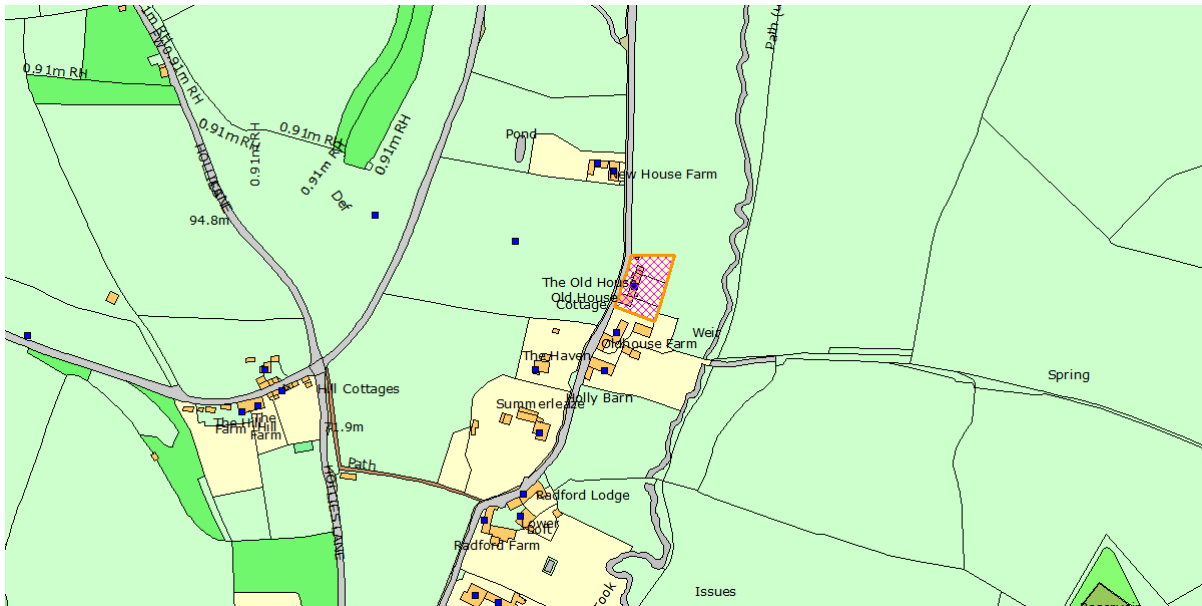
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

3 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

4 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 2
Application No: 19/05507/FUL
Site Location: Old House Northend Batheaston Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr & Mrs Humphrey

Expiry Date: 13th March 2020

Case Officer: Helen Ellison

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

REPORT

SITE DESCRIPTION

The Old House, Northend (formerly Oldhouse Farm) is a Grade II listed building dating from the early/mid C18, situated in open countryside within the indicative landscape setting of Bath's World Heritage site, green belt and Cotswold AONB. The house is built from Ashlar, has roof concealed behind parapet, casement windows with simply moulded mullions and centrally placed door under a flat stone hood on brackets. The site is located to the east side of a narrow lane that runs broadly north/south along the west side of St. Catherine's Valley. Going south the road leads into the Batheaston conservation area. The front elevation faces the rising hillside forming the western slope of the valley and the rear

elevation is orientated east over the valley towards St. Catherines Brook with long distance views across the AONB. Old House is set back from the lane. A centrally positioned pair of gate piers marks the 'formal' pedestrian entrance to the property and there are metal railings set either side of these piers on a low section of dressed rubble stone wall. The house has been extended to the north and south.

PROPOSAL

Planning permission is sought for the erection of a parking area gate mechanism, boundary pier and replacement walling. Consent is sought on a Retrospective basis and for approval of some remedial measures.

Listed building application 19/05508/LBA is being dealt with concurrently and included on this Agenda.

The applications were reported to Committee on 11th March 2020 for 2 reasons; (1) at the request of Cllr Sarah Warren and (2) Batheaston Parish Council resolved not to oppose either application. The applications were deferred for a site visit.

The works that have been undertaken include; stone walling (with ashlar capping and quoins) to the front boundary, new side boundary wall in the same style, laying of hard surface (former concrete replaced with stone setts), solid vertical boarded timber gate edged with painted black metal frame on sliding mechanism and stone pier with ashlar cap.

The application proposes to replace the Ashlar coping with a cement roll, replace the stone quoins and terminate the walls with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, and introduce a brushed concrete finish and apron to the parking area.

Prior to the unauthorised works being undertaken the front boundary comprised of traditional rubble stone walling with 'cock and hen' capping detail. It is understood that a set of (unauthorised) inward opening white metal gates (for vehicular access) sat within a smaller opening and that the yard had a concrete surface.

The width of the original vehicular entrance (prior to the unauthorised works being undertaken) has been increased (following the unauthorised works being undertaken) and it is proposed to reduce the opening width slightly. The original width of vehicular entrance i.e. prior to works: 3.96m

Existing (following works): 5.7m and Proposed: 5m (reduced by 0.7m following vehicle tracking). Since confirming these widths, the applicant's agent observed (4th March) that given the original posts were inward of the actual wall opening the opening width would have been greater than the actual gate width. The applicant's agent highlights this because the actual increase in the proposed width of opening may be less than the 1m increase confirmed above.

Previous applications 19/01228/FUL and 19/01229/LBA proposed that a 5-bar gate design be applied to the front face of the solid gate. These applications were withdrawn due to concerns regarding the design and appearance of the walls, gate and yard surface.

PLANNING HISTORY

Extensive, most recent;

DC - 14/05250/FUL - PERMIT - 13 January 2015 - Erection of new outhouse following demolition of existing shed and provision of new vehicular access to/from highway.

DC - 14/05251/LBA - CON - 13 January 2015 - External alterations to include erection of new outhouse following the demolition of existing shed and provision of new vehicular access to/from highway.

DC - 16/03142/FUL - PERMIT - 23 January 2017 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 16/03143/LBA - CON - 17 August 2016 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 17/04374/NMA - APPRET - - Non-Material Amendment to 16/03142/FUL. (Alteration of the approved design for the garden room elevation forming battered stone arches to give a more robust and solid look to the undercroft.)

DC - 17/04399/NMA - APP - 10 October 2017 - Non Material Amendment attached to Application 16/03142/FUL (Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works)

DC - 17/04410/LBA - CON - 13 October 2017 - Internal and external works including realigning the new staircase and partition walls in the former cottage at the south end of the house. Inserting a privacy screen in the dressing room on the second floor. Forming a fire escape opening between the dressing room and office on the second floor. Alteration of the approved design for the garden room elevation forming battered stone arches.

DC - 19/01228/FUL - WD - 1 July 2019 - Construction of vehicle gate and boundary wall (Retrospective).

DC - 19/01229/LBA - WD - 1 July 2019 - Retention of vehicle gate and boundary wall.

DC - 19/05507/FUL - PCO - - Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

DC - 19/05508/LBA - PCO - - External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS

Batheaston Parish Council: Resolved not to oppose application.

Highways: No objection

REPRESENTATIONS

1 representation, in summary;

- Unsure why gate mechanism and support pillars are being objected to by planning department.
- Mechanism replaces a dangerous 'swing open' electric gate installed by previous owners @15 years ago which required complex manoeuvres on the part of cars entering and exiting onto this narrow bend.
 - New sliding gate installed is a great improvement and allows safe entry and exit.
 - At loss to understand why the walling, which is a natural continuation of what has existed for 160 years should be demolished and replaced by something more rough/artisanal in appearance.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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.

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:
 - 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)
- 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:

B4 The World Heritage Site and its Setting
 CP6 Environmental quality
 CP8 Green Belt

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:

CP2 Sustainable Construction
 D2 Local Character and Distinctiveness

D5 Building Design
D6 Amenity
GB1 Visual Amenities in the Green Belt
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
HE1 Historic Environment
ST7 Transport Requirements for Managing Development

Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)
BaNES SPD 'The City of Bath World Heritage Site Setting' (2013)
Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
'The Setting of Heritage Assets' (2017)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

CHARACTER & APPEARANCE

The application is situated in open countryside on the east side of a country lane and faces rising hillside that forms the western slope of St. Catherine's Brook valley. The valley is identified as one of the landform features associated with the character of the World Heritage Site. The site, hillside and valley forms part of the green setting to the city that enhances its character and is a prominent component of the landscape.

The development that has been undertaken and amendments proposed fail to contribute or respond either appropriately or sympathetically to the rural area and do not maintain the character or appearance of the surrounding area. This is due to the design, form, detail and materials of the various items used and proposed, and which appear as incongruous, alien and urbanising features.

The applicant's agent has drawn the officer's attention to vertical boarded gates at Valley View, St Catherine Lane (located a mile or so north of Old House). The planning history confirms that the gates at Valley View were granted consent under 11/01860/FUL. However, the circumstances at Valley View differ from Old House as follows; Valley View is not a listed building whereas Old House is. The delegated report for Valley View notes that; (1) the parking area and gates will be screened from the wider valley by existing vegetation in the garden; (2) the existing parking for the property is on the public highway,

outside the property; (3) the proposed parking area will result in an improvement in the existing situation as it will remove parking from the public highway. At Old House the parking area and gates are not screened from the wider valley - the application site is open and exposed. Old House has always had off street parking within the site and therefore such improvement would not result in this case. As such the example given is not considered comparable.

The development does not therefore accord with policy CP6 of the adopted Core Strategy (2014) or policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) or part 12 of the NPPF.

DESIGNATED HERITAGE ASSETS

The wall, gate and yard are located within the curtilage of Old House, which is a grade II listed building. There is a duty, therefore, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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 addition, the site is within the indicative City of Bath World Heritage Site setting. Therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site.

The NPPF Glossary defines setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'

Historic England guidance on the 'Setting of Heritage Assets' (GPAP Note 3) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The 'Statement of Significance & Heritage Statement' submitted with previous applications at the site (16/03142/FUL and 16/03143/LBA) sets out clearly and succinctly the significance of the listed building and its setting thus;

'Old House' formed the principal building within one of a row of small farms which had been established along St. Catherine's Valley between the late C17 and mid C18. The presence of these farms collectively contributes to the historic significance of their setting within the valley. The house is prominent in views along and across St. Catherine's Valley and its prominent setting means that the house makes a significant contribution to its setting. Particularly important are views towards the house from the footpath running along the brook, where the house is seen against the backdrop of the network of pasture fields on the upper slope of the valley and in the context of more open meadows to the west, and the juxtaposition of these farms within their agricultural setting makes an important contribution to the character and quality of this part of the AONB.

In addition, and of particular relevance to this application is that the area is defined, in part, by rubble stone walling which is an important vernacular feature that sits comfortably within the rural landscape. The front boundary wall demolished comprised a traditional rubble stone wall with 'cock and hen' capping.

The unauthorised works have resulted in loss of historic fabric; this is due to the demolition of the front boundary wall and part of a side wall. Historic fabric is an important part of the asset's significance and retention of as much historic fabric as possible represents conservation practice. Even when essential repair is necessary a wall can be re-built on a 'like for like' basis. Unfortunately, in this case the wall that has been built across the front boundary differs in appearance from that which was demolished; in particular the introduction of dressed ashlar coping and quoins gives the wall a much more formal appearance that appears out of place in this rural landscape and consequently has a negative impact on the setting of the listed building, which is notable, in part for its strong rural character. Although the application proposes to replace the ashlar coping with cement roll and the quoins with rounded rubble ends these alterations would not in themselves overcome the negative impacts of the development as a whole. If the coping were to be replaced the most appropriate detail would clearly be reinstatement of the original detail i.e. 'cock and hen' capping as per that removed; discussions with applicant and agent mean that they are aware of this advice.

A section of side wall that divided the front garden and yard was demolished and has not been replaced; this too represents unauthorised work. Furthermore, the new section of wall that has been added to the north side boundary appears as an urbanising feature and introduces built form where previously there would appear (from photographs and drawings) to have been an established hedge.

The opening to the yard is believed to have been widened at the time the current works were undertaken and the sliding gate installed in place of a set of, it is believed, also unauthorised inward opening gates. The sliding gate comprises of solid vertical timber boards edged with a black metal frame and is overtly urban in character and appears incongruous and alien within this countryside location as well as being unsympathetic to the important rural setting of the listed building. Although the application proposes to apply Oak cladding and boarding to the sliding gate, form central meeting stiles and reduce the current access width (by a limited degree) these alterations would not in themselves overcome the negative impacts of the development taken as a whole. The most appropriate gate for the situation would be a traditional 5-bar field gate; being mindful of the constraints of the yard it was suggested to applicant and agent that a tr-/bi fold 5-bar field gate folding inwards would offer a practical and eminently more appropriate alternative.

A further urbanising feature of the development is the introduction of stone setts across the parking yard and at the entrance apron. Again, this appears as a formal urbanising feature that stands out against the rural backdrop. Although the application proposes to re-introduce a brushed concrete finish and apron to the parking yard//area this would not in itself overcome the negative impacts of the development as a whole.

Although a number of 'remedial' measures are proposed in an effort to overcome concerns raised they would not overcome the negative impacts identified above. In summary, the remedial works would; replace the ashlar coping with cement roll, quoins with rounded rubble ends, apply Oak cladding and boarding to the gate and form central

meeting stiles, reduce the current access (by a limited amount) and re-introduce a brushed concrete finish and apron to the parking area.

As set out above the most appropriate capping would be to reinstate the 'cock and hen' detail and for the gate to be a traditional 5 bar field gate; in recognition of the constraints of the yard it was suggested to the applicant and agent that a tri/bi-fold 5 bar field gate folding inwards would offer a practical alternative to an inward opening set of gates and the current sliding gate.

The site and listed building have established over time an important historic relationship with the surrounding landscape. The works that have already been undertaken as well as the proposed amendments are overtly urban in character, appear alien and incongruous towards the rural surroundings and as a result are unsympathetic and inappropriate to the setting of listed building. In turn this harms the significance of the listed building as designated heritage asset.

Proposals to alter hard landscaping features such as walls and gates are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building's relationship with its setting. Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this must be considered in the context of the site (situated as it is on a country lane) and also to retain a sense of perspective; Highway observations recorded under a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. Highways DC have reviewed these observations in the light of these current applications and notes that highway observations made in respect of the 2014 application did consider traffic speeds on the single-track road and concluded that speeds were likely to be low and the risk of collision also low. Highway Development Control (HDC) officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views. Further appraisal of Highways issues is included in the Highways section of this report.

In accordance with paragraph 193 of the NPPF, 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the development, including securing the optimum viable use of the building. The works that have been carried out, as well as those proposed relate to works that comprise the re-landscaping of a parking yard, demolition and part re-building of the front boundary wall, erection of new side wall, part demolition of side wall and sliding gate access. The parking area is used by the site occupier and would be for their private gain. Although the sliding gate mechanism allows for vehicles to turn within the site so that forward facing egress is possible it is of limited public benefit, particularly given the fact that traffic speeds on the single-track road are likely to be low and the risk of collision also low. Consequently, there is insufficient public benefits to outweigh the considerable importance and weight given to the harm to the

designated heritage asset. As such, the proposal would conflict with paragraph 196 of the NPPF.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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. Taking account of the above and in this instance the development in terms of its design, form, detail and materials is inappropriate and unsympathetic to the rural area, appearing as incongruous, alien and urbanising features and would fail to preserve the special interest of the listed building. As such the proposal would fail to meet this requirement.

Here it is considered that the development is not consistent with the aims and requirements of the primary legislation and planning policy and guidance and has an unacceptable impact on the special interest and setting of the listed building that does not preserve its significance as a designated heritage asset. In addition, the development would result in harm to the setting of the wider World Heritage Site. The development does not therefore accord with policies B4 and CP6 of the adopted Core Strategy (2014) or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF.

GREEN BELT

Policy GB1 of the PMP states that development within or conspicuous from the green belt should not prejudice but seek to enhance the visual amenities of the green belt by reason of its siting, design or materials used for its construction.

As set out in the preceding section of this report the development has imposed (and proposes) inappropriate and unsympathetic built form that causes harm to the visual amenity of the green belt appearing incongruous and alien in the rural landscape by reason of design, form, detail and materials.

The development would not enhance the visual amenities of the green belt and therefore conflict with policy CP8 of the adopted Core Strategy and policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

AONB

Policy NE2 of the PMP seeks to conserve or enhance local landscape character, landscape features and local distinctiveness. Similarly, Policy NE2A of the PMP also seeks to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

As set out above the development has imposed (and proposes) inappropriate and unsympathetic built form that is harmful to the rural area, incongruous, alien and urbanising in character.

For these reasons the development due to its design, form, detail and materials would adversely affect the natural beauty of the landscape of the designated AONB and would conflict with policies NE2 and NE2A of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

HIGHWAYS

Highway Development Control (HDC) officers note that the site was the subject of the previous planning application: 19/01228/FUL which sought retrospective permission for the construction of a vehicle gate and boundary wall. HDC were consulted and raised no highway objection and the application was subsequently withdrawn.

The applicant has widened the existing vehicular access to make it easier to exit and enter the adopted public highway which is acceptable. They have also replaced the previous manually operated gates with a remote-controlled sliding gate in the same location which will reduce the time a vehicle is stationary on the adopted public highway whilst waiting for the gate to be opened.

HDC notes that the existing parking area has been constructed from a bound, compacted material, therefore HDC raises no objection.

The application has been reported to Committee at the request of Cllr Sarah Warren; the reason for requesting that the application be referred to committee is on highway safety grounds because of:

- The dangers of vehicles manoeuvring with difficulty in and out of the swinging gates proposed by planning officers, as opposed to the sliding gate installed by the applicant;
- The risk of speeding vehicles skidding on the corner of the lane adjacent to the gates due to occasional flooding at that spot;
- On parking grounds because if swinging gates are erected instead of a sliding gate, vehicles will no longer fit in the drive and have to be parked on the narrow lane.

Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this should be considered in context; Highway observations recorded at the time of a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. For information purposes HDC have been asked to comment on the 2014 observations in the light of these current applications and their response is as follows;

'HDC note the observations made in respect of the 2014 application did consider traffic speeds on the single track road and concluded that speeds were likely to be low and the risk of collision also low. HDC officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views, which HDC stand by.

Councillor Warren notes the dangers of vehicles manoeuvring with difficulty in and out of the swinging gates proposed by planning officers as opposed to the sliding gates installed by the applicant. HDC observations were made having reviewed submitted plan reference

PP01 Revision B - Gate Plan as Proposed - which indicates a sliding gate which allows unobstructed access for a minimum of two vehicles. There does not appear to be a later revision of this plan, however, if the applicant is now proposing to provide swinging gates, HDC officers would welcome the opportunity to review initial observations.

Councillor Warren advises of the risk of speeding vehicles skidding on the corner of the lane adjacent to the gates due to occasional flooding at that spot. As previously observed, HDC officers have no reason to doubt that speeds on the road remain low, as described in 2014, with the resulting risk of a collision also being low. HDC have reviewed data held by 'CrashMap' which indicates that there have not been any Personal Injury Collisions (PICs) recorded on Northend during the previous 60-months. However it is acknowledged that the database does not include information relating to 'damage only' collisions or near misses. HDC requested collision data for the previous 60-months from colleagues in traffic management who confirmed that there have been no recorded Personal Injury Collisions (PICs) on Northend in the last 60-months. As with CrashMap, the authority's collision database does not include information relating to 'damage only' collisions or near misses. .

With regards to Councillor Warren's final point, HDC observations were made on the assumption that the applicant had installed sliding gates as indicated by submitted plan reference PP01 Revision B. As mentioned, HDC would welcome the opportunity to review comments should the applicant now be proposing swinging gates; HDC would need a plan indicating the 'path' of any swinging gates in order to assess the impact on access to and egress from the off-street car parking area.'

Taking account of the above the means of access and parking arrangements are considered acceptable and expected to maintain highway safety standards. In terms of impact on the highway the proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

RESIDENTIAL AMENITY

The works that have already been undertaken, as well as those proposed, are not expected to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. This is due to the location of the development relative to neighbouring properties and also taking account of its nature and extent. In terms of amenity the development accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

CONCLUSION

In terms of impact on the highway and neighbour amenity the development is not expected to result in harm.

However, as regards impact on the designated heritage assets, character and appearance of the area, AONB and green belt the development results in harm due to the design, form, detail and materials of the various items installed (and proposed), which appear as incongruous, alien and urbanising features that are inappropriate and unsympathetic towards the rural character of the area and significance of the listed building.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features that are harmful towards the significance of the designated heritage assets, the special interest of the listed building and its setting and the setting of the wider City of Bath World Heritage Site. There are no public benefits to the development sufficient to outweigh the identified harm. As such the development would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies B4 and CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

2 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features. As such the development would fail to maintain or enhance the local character, distinctiveness, visual amenity or landscape. The development is therefore contrary to Policies CP6 and CP8 of the adopted Core Strategy (2014), Policies D2, D5, GB1, NE2, NE2A and of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

PLANS LIST:

This decision relates to the following drawings;

Date: 20.12.2019 Drwg. title: Block plan

Date: 20.12.2019 Drwg. title: Site location plan

Date: 20.12.2019 Drwg. No. EE01 Drwg. title: Front elevation prior to works

Date: 20.12.2019 Drwg. No. PP01A Drwg. title: Front elevation as proposed

Date: 20.12.2019 Drwg. No. PP01B Drwg. title: Gate plan as proposed

Date: 02.03.2020 Drwg. No. EE02 Drwg. title: Front elevation as existing

Date: 02.03.2020 Drwg. No. EP02 Drwg. title: Plan as existing

Date: 02.03.2020 Drwg. No. PS01A Drwg. title: Section through existing gate

Community Infrastructure Levy

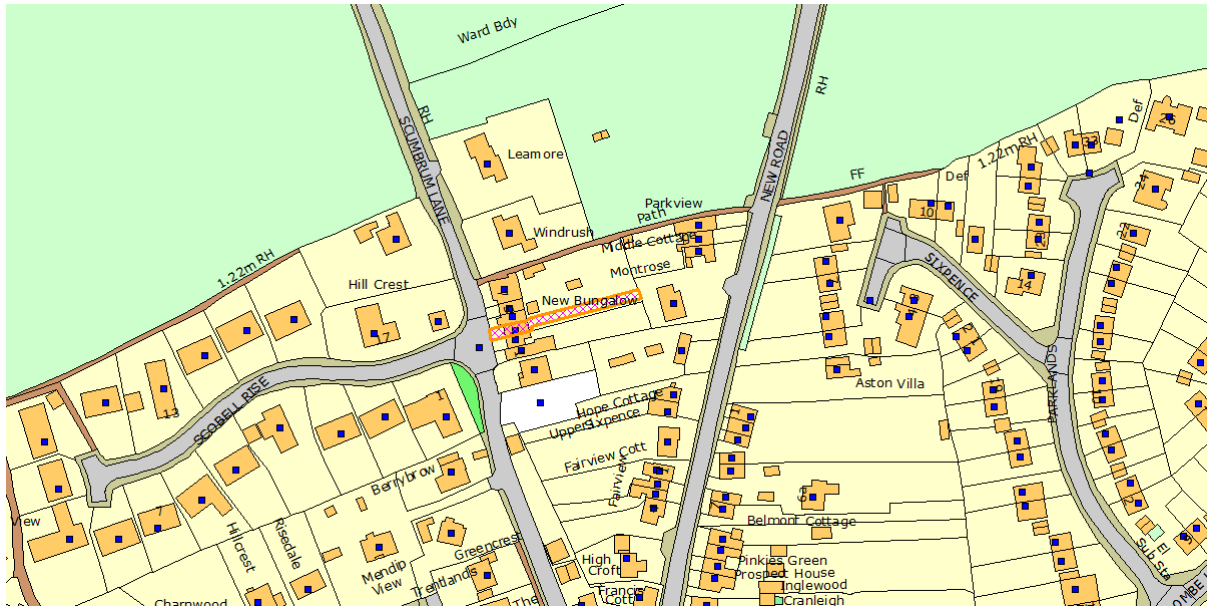
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 3
Application No: 19/04797/FUL
Site Location: 3 Scumbrum Lane High Littleton Bristol Bath And North East Somerset BS39 6JN



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A

Ward Members: Councillor Ryan Wills

Application Type: Full Application

Proposal: Erection of a single and two story rear extension.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Simon Hunt

Expiry Date: 3rd April 2020

Case Officer: Christine Moorfield

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

REPORT

The Chair has called the application to committee stating the following:

I have looked at this application and the concerns expressed by the ward councillor and parish council, and consider the issues of amenity, character and appearance, and highways should be further considered at committee.

The Vice Chair was content for the decision to be delegated to officers stating the following:

I have studied the application & note the objection comments from HLPC, third party consultees & Ward Cllr including a request for a referral to the planning committee. However the application has been amended as it has progressed through the planning

process as the report explains reducing its size & therefore impact on neighbouring properties. The application, as it now stands, has been assessed against relevant planning policy which it does not contravene therefore I recommend the application be delegated to Officers for decision.

Cllr Ryan Wills requested that this application be presented to committee, his reasons for the request being to consider the following:

- o Impact on amenity
- o Lack of car parking
- o Design
- o Obstruction of right of way

The application is for a two storey and single storey rear extension to this terraced property. 3 Scumbrum Lane, High Littleton runs in a north south direction with 3 Scumbrum Lane located on the eastern side approximately 150m from the junction of Scumbrum Lane with New Road (A39). The street consists of a mix of two storey dwellings and single storey dwellings. Number 3 is located within a terrace of 7 dwellings a couple of these terraced dwellings have been extended at the rear.

There is a right of way across the back of the properties for use by residents.

The plans as originally submitted indicated a larger two storey element with a single storey element, however following discussions with officers the extension has been reduced in size.

The site is located within the Housing Development Boundary for High Littleton.

PLANNING HISTORY:

98/02028/FUL - PER - 20 February 1998 - First floor rear extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Ryan Wills- Committee request in respect of original submission.

Reason for objection and requesting application is referred to committee if officers are minded to permit -

- Harm to amenity of neighbouring properties due to the overbearing presence this extension will have, also resulting in a loss of light.
- Lack of room for more on street parking on Scumbrum Lane
- Out of keeping with local character - extension would result in this house becoming a 3 bedroom house in a terrace of 2 bedroom houses
- Harm to amenity of neighbouring properties due to significant alteration of common access path

PARISH COUNCIL: Objection

1. The plans as submitted reduce the accessibility to No1 and No2 Scumbrum Lane by introducing 4 right angled turns into the rear access path and increasing its length. This

materially reduces the amenity of those properties and is therefore contrary to adopted policy D6.

2 The plans as submitted reduce the accessibility to No1 Scumbrum where the occupant has mobility issues. This would be contrary to adopted policy H7.

3. The proposal would (as per the submitted Design and Access statement) increase the number of bedrooms from 2 to 3. There is no parking provision at the property, therefore this is contrary to the BaNES Parking Policy for residential properties outside of Bath.

4. As the applicant has stated in correspondence, the access rights of No.2 and No.1 are a Civil matter, however at the time of consultation and of the application no approach has been made to those householders. As no agreement on access rights has been agreed the drawings submitted showing a new path within the curtilage of No.2 are at best speculative. The loss of rear garden to create that path along the curtilage of No.2 would materially impact the amenity of an already narrow garden and therefore is contrary to policy D6

5. The proposed extension would block the light from the south to No.4 contrary to policy D6

6. The proposal would overbearing on No.2 as it already shaded and enclosed by the existing elevations at No.1 therefore the proposal is contrary to policy D6

7. The proposed extension would block the light to No.2 contrary to policy D6

8. The proposed extension (including timber decked patio which is elevated) would overlook the gardens of No.4. and No.2 therefore reducing their privacy and amenity value contrary to policy D6

9. The plans as submitted reduce the accessibility to No1 and No2 Scumbrum Lane by introducing 4 right angled turns into the rear access path and increasing its length. This means that it may no longer be practicable for the occupiers to store their recycling and rubbish containers at the rear of the property contrary to policy D6 (d) and risks further harm to the streetscape if they are stored at the front of the property

10. Even if the occupiers of No.2 are prepared to construct a new path within their curtilage they have no duty to grant access to the occupiers of No.1 who only have access rights along the path at the rear of No.2, as such, the supplied drawings which infer such access are erroneous. In the absence of any agreement an outcome of this proposal would be to stop any access to the rear of No.1 Scumbrum and therefore contrary to policy D6 and H7.

11. Contrary to section 7 of BaNES Drawing Standards - Planning Application guidance - plans and Drawings, no full Floor plan of the existing dwelling has been provided, consequently it is not possible to determine if the proposal is an Overdevelopment.

12. Contrary to section 5 of BaNES Drawing Standards - Planning Application guidance - plans and Drawings, no Site Layout plan has been provided showing the proposed development in relation with adjoining buildings. The site plan fails to acknowledge the line of the existing rights of way from No7 Scumbrum Lane past all properties to No 1 Scumbrum Lane. The full impact of this proposal on neighbouring properties is therefore understated.

4 people have raised objections:

The main issues raised being as follows:

- o Loss of light for adjacent neighbours, overbearing impact and creation of a sense of enclosure.
- o Contrary to the objectives of the BANES Placemaking Plan Policy D6 on Amenity.

- o Impact on the value of adjacent properties.
- o Out of character with the host dwelling and terrace in general.
- o It will significantly break up the broadly uniform rear elevation appearance of the terrace.
- o The proposed extension will not positively contribute to the local character and distinctiveness, including the site context and layout, as required by BANES Placemaking Policy D2.
- o There is a 'Right of way in Common', access shared between the community of Scumbrum Terrace across the back of the properties and this will be impeded.
- o Increasing No.3 from 2 to 3 bedrooms raises major concerns about the inadequate provision of off-street parking.
- o The modification assumes the surrender of neighbours land to accommodate the new proposed walkway, thereby impacting on privacy and preventing unconstrained use of the neighbours patio area.
- o Overdevelopment of the site

POLICIES/LEGISLATION

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:

CP2: Sustainable Construction

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

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
D.3: Urban fabric
D.5: Building design
D.6: Amenity
ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Number 3 is a two storey terraced property located within the housing development boundary of High Littleton. This proposal is for a two storey and single storey extension. The two storey element protrudes by 1050mm from the existing rear elevation of the property. This element of the proposal extends beyond the two storey rear elevation of number 2 Scumbrum Lane by 200mm.

The single storey element of the proposed extension extends by 3m from the rear elevation of the existing terraced property. The width of the proposed single storey element is 3250mm.

From a site visit it is evident that there is a shared access path across the rear of the terraced properties and should any owner wish to extend their property and thereby impact on this access it is recognised that they must ensure that they have a legal right to do this. The applicant has been advised of this matter and have been advised to seek legal advice in this respect of this civil matter between the owners and residents who own the shared access. Such matters are not something that can be resolved through the planning system.

Due to the unusual garden/boundary layout for these dwellings the extension has been set in to reflect the boundary of the site belonging to number 3. The plans have been amended and all the development has been shown to be located within the land associated with number 3.

Character and Appearance

The extensions as proposed are modest in their scale and mass and bulk. The single storey extension extends 3m from the rear elevation of the existing dwelling. The neighbour to the south extends beyond the rear elevation of number 3 and the property at number 1 extends to a greater extent than the proposals now being considered. The extensions are shown to be constructed using tiles to match those on the host dwelling and smooth render is proposed on the walls. Timber window and door frames are proposed.

A small timber decked area is proposed outside the rear doors with timber ballustrading around with steps down to the garden area.

The proposal has two feature windows at first floor level on the rear elevation. Although these are an unusual feature they are appropriate in terms of their location scale and form and are considered acceptable on this rear elevation.

The mass and bulk of the proposals are not seen to have a detrimental impact on the character and appearance of the host dwelling. Concerns have been raised in respect of the change that this proposal will have on the appearance of this terrace of cottages however, it is noted that there are existing extensions which have been constructed and therefore a modest extension on the eastern side (rear) of this terraced dwelling is not considered to have a harmful impact on the appearance of this terrace of properties in terms of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Residential Amenity

The extensions are located at the rear of the property on the eastern elevation. Number 1 is located to the south of number 3 and number 1 benefits from a substantial rear elevation which has a total length of 8m, which is substantially larger than the extension now being considered in relation to number 3. Number 2 extends beyond the existing rear elevation of number 3 but only by a small amount (200mm).

The neighbours at number 2 are at present shaded by the two storey extension to number 1 which is located on the south side of their property thereby impacting on the light they enjoy.

The modest two storey extension proposed to number 3 only extends by 200mm beyond the rear elevation of number 2. The single storey element has a pitched roof and the two elements of the proposal extend a total of 3m. Whilst it is recognised that there will be an element of enclosure for the rear garden area of number 2 and the property the impact as a result of the proposals the subject of this application are considered to be minimal given the height of the proposal its size and its orientation on the northern side of number 2. With regard to number 4 the property on the north side of number 3 it is recognised that development at the rear of number 3 will have an impact on the light that this property at present enjoys. However given the scale of the extension to number 1 and the fact that the proposed extension has a maximum depth of 3m with only 1050mm of the scheme being two storey the impact is considered to be minimal and it would not be justifiable to refuse this proposal on the basis of the impact on these adjacent residents.

In particular the loss of privacy from the small rear terrace area has been raised as a concern. This small area is limited in its scale extending 1.1m and given the topography of the site the terrace sits marginally above ground level however, its limited scale and the existence of windows and patio doors on the rear elevation it is not considered that this element of the scheme would significantly impact on the amenity of the neighbours.

As previously stated the impact that this proposal may have on access rights across the back of this site is a civil matter between adjoining land owners and not something that can be resolved through the planning process. The onus will be on the applicant to ensure that any development can be carried out on this land.

Given the design, modest scale, massing and siting of the proposed development the proposal would not 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 accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways

The proposal results in the property having a third bedroom. At present the property benefits relies on street parking as do some of the other properties in the terrace. There is unrestricted on street parking within the locality of the property. This proposal does not include any alterations to the parking arrangements in association with this property. It should be noted that this property is within the housing development boundary of High Littleton.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Low Carbon and Sustainable Credentials:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

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 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.

3 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of type, colour, finish, type, size and profile.

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.

PLANS LIST:

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

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

This permission does not convey or imply any civil or legal consents required to undertake the works.

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.