

Bath & North East Somerset Council

MEETING:	Planning Committee – Site Visit Agenda	AGENDA ITEM NUMBER	
MEETING DATE:	3rd June 2020		
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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	19/04797/FUL 8 May 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: 001
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:	8th May 2020
Case Officer:	Christine Moorfield
To view the case click on the link here .	

REPORT

This application was considered by the Development Management Committee on the 6th May 2020.

The Planning Committee members deferred the application in order that a site visit could be carried out. The committee wished to understand fully the existing access arrangements to the rear of this terrace of properties and to assess the implications that the proposed extension would have on access for residents, particularly those with disabilities.

Site description and the proposal

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.

5 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

HIGHWAYS

No objection raised.

The 'Planning Statement' submitted in support of the application confirms that the existing dwelling is two-bedroomed and Highway Development Control (HDC) officers acknowledge that the property does not benefit from any existing off-street, car parking provision. This represents a shortfall of two spaces when applying the current adopted car parking standards, which are a minimum for C3 residential use.

The addition of a third bedroom does not increase the number of off-street, car parking spaces required by the authority's adopted parking standards meaning that the existing shortfall of two spaces will not be made any worse.

Interrogation of the 'CrashMap' database reveals that there have been no reported Personal Injury Collisions (PICs) on Scumbrum Lane during the previous 60-months which suggests that the existing and continued shortfall of two off-street, car parking spaces is not detrimental to highway safety.

During the 'virtual' Planning Committee held on Wednesday 6th May 2020, concern was expressed with regards to the effect the proposed works would have on the path to the rear of number 3 Scumbrum Lane, records do not indicate the path to be adopted public highway.

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: Amenities

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).

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).

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.

Pedestrian Access

The proposed plans have indicated that a right of way is maintained through the garden of this site to allow access for adjacent residents. This access is shown to be 800m wide and runs around the north and east sides of the extension. This results in the access path arriving at the rear of number 2 Scumbrum 4m from the rear elevation of number 2. The path cannot continue along the rear of number 1 Scumbrum due to the large extension at the rear of this property. Therefore the access provides access for the residents of number 2 to their property all be it not directly at the rear of their property.

As a result of the virtual site visit the committee members have been able to see the site and are informed about the particular potential impact on the disabled as a result of the development and its claimed interference to the access; that needs to be given weight as appropriate, balanced against the applicant's right to develop land under his control.

As this potential PSED issue has been considered any dispute remaining is a private one between interested parties and the granting of planning permission and its possible implementation relies on the applicant ensuring that the building does not interfere with the private rights of neighbours to pass and repass over the access. Should the neighbours object to the development then they will have to consider taking a private law action against the applicant for legal remedy.

Highways

The proposal results in the property having a third bedroom. This increase in bedrooms would not require an additional car parking space in order that the proposal complies with the councils car parking standards. At present the property relies on 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 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.

4 Materials - Sample of Render (Bespoke Trigger)

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

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:

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. **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

3 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.

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

5 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.