

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **12th January 2022**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **Site Visit Agenda**

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.

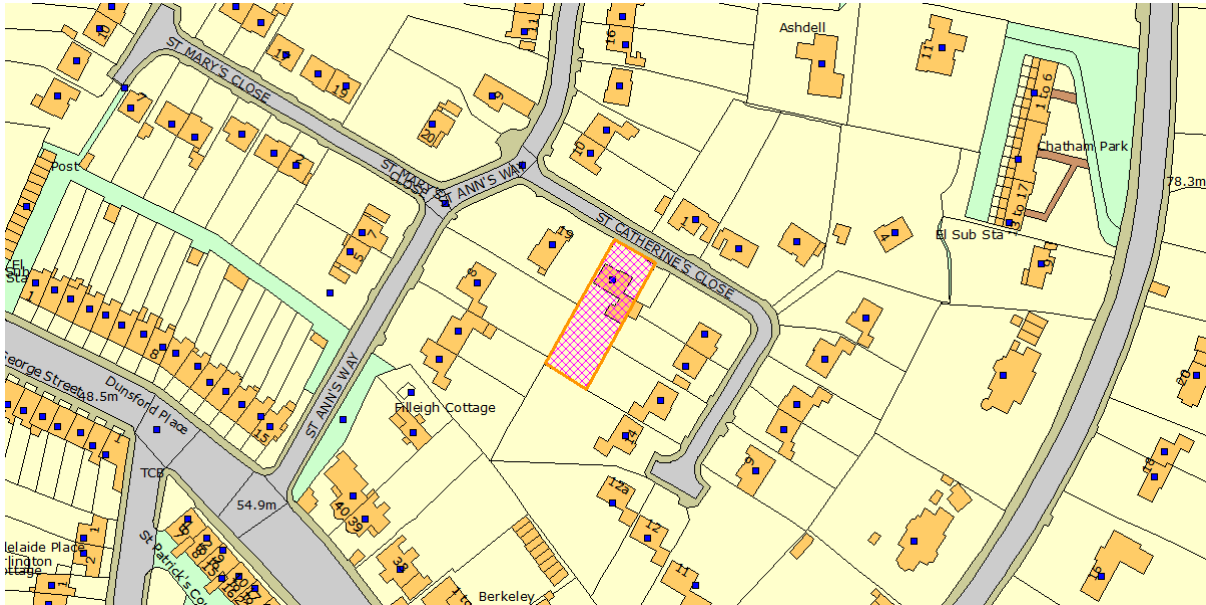
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/03981/FUL 17 December 2021	Mr And Mrs Bunn 18 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset, BA2 6BS Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.	Bathwick	Samantha Mason	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/03981/FUL
Site Location: 18 St Catherine's Close Bathwick Bath Bath And North East Somerset BA2 6BS



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Full Application
Proposal: Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs Bunn
Expiry Date: 17th December 2021
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllrs Manda Rigby and Yuktेशwar Kumar have called the application in to committee if the Council are minded to permit and the chair has decided to take the application for the following reason:

I have reviewed this application and note the comments and objections raised against it. Many of the issues have been resolved during the course of the officer's assessment but concerns remain on the size and character of the proposal. For this reason I recommend that it is debated at committee.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached dwelling located in the Bath World Heritage Site and conservation area.

The application seeks planning permission for the erection of a two-storey side and rear extension following the demolition of existing structures.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

Cllr Manda Rigby: Committee call in request.

I am writing as ward councillor and were you to be minded to approve this application, I request it comes to committee.

This is overdevelopment of a site, creating a loss of both residential amenity and privacy due to overlooking.

This area is particularly consistent in form, and a 2-storey extension, creating in excess of 75% more space is disproportionate.

Development in a conservation area has to 'preserve or enhance" this does neither, rather it is detrimental.

Whilst appreciating each application needs to be determined on its own merits, i would draw attention to a very nearby recent application which was in fact smaller than what is being proposed which the committee refused.

Cllr Yukteshwar Kumar:

Should the officers be inclined to grant approval for this application, as a ward councillor, I would humbly request that this (18-St. Catherine's Close- 21/03981/FUL) may please be discussed in the development and planning committee meeting:

1. Intrusive overdevelopment, Inappropriate Character and Appearance in the Conservation Area

2. Loss of privacy and residential amenity to the neighbours.
3. No precedence of these sort of development in the area.

Third party comments: 11 objection comments received. The main points being;

- o Overdevelopment
- o Impact openness and amenity for neighbours
- o Loss of outlook
- o Omission of the side elevation
- o Overbearing
- o Foliage won't obscure the view
- o Loss of light
- o Terrace will create over-looking and over-shadowing for no.19.
- o Design is out-of-keeping with the property.
- o Inconsistency between the figures in the design and access statement and the submitted plans.
- o The levels of the land are not accurately reflected in the plans.
- o Side extension will see the removal of the driveway and will take away the majority of the front garden, replacing it with a parking area and this will result in loss of outlook for neighbouring dwellings.
- o Revised plans don't overcome the concerns- the window on the side has increased to 2.4metres and the bedroom has got larger- privacy concerns.
- o The ground floor kitchen has increased by 200mm.
- o The rear roof extension could not be built as per the plans.

POLICIES/LEGISLATION

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

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

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 District Wide Spatial Strategy

CP7 Green Infrastructure
CP6 Environmental Quality
CP2 Sustainable construction
B4 World Heritage Site

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
HE1: Historic environment
ST1: Promoting Sustainable travel
ST7: Transport requirements for managing development

National Policy:

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

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

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

The main issues to consider are:

- Principle;
- Character and appearance;
- Residential amenity;
- Highways;
- Other matters

PRINCIPLE OF DEVELOPMENT:

The application site is located within the built-up residential area of Bath and therefore the principle of the proposal is considered acceptable subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

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

The scheme proposes a two-storey side and rear extension over the existing single storey side element and a single storey rear extension. The extension will copy the hipped roof of the existing dwelling to the side and a rear two storey gable end extension is also proposed, along with a flat roof single storey rear extension. The proposal will utilise roof tiles to match and wooden cladding to the front and rear two storey and single storey element with stone coloured render to the side elevation. Whilst the stone-coloured render to the side elevation and the wooden cladding to the rear is acceptable, it was considered that the front elevation should be stone to match the existing dwelling and revised plans were received to show this.

Whilst comments have been received to explain that the design is out-of-keeping with the property and streetscene, the scheme utilises a hipped roof to the side and the rear projection, whilst large, is considered acceptable considering the size of the host dwelling.

Objection comments have been received to explain that the scheme represents overdevelopment of the site. However, whilst the extensions are large, they are considered to be proportionate to the size and design of the main dwelling and a sufficient amount of outdoor amenity space will remain.

Objection comments have also gone on to explain that there is an omission of a proposed side elevation. However, the proposed plans show all elevations, and the plans are considered satisfactory.

Objection comments have been submitted to explain that the proposed extension creates 75% more space. However, the applicant has confirmed that the volume increase is 38.5% over the existing volume and a 33% increase in Gross Internal Area (GIA). However, it must be noted that the building is not in the green belt and as such there is nothing written in the council's policies prescribing how large an extension should be mathematically.

The proposal by reason 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 paragraph 17 and part 7 of the NPPF.

CONSERVATION AREA:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. The setting of the conservation area in this location is defined by residential development of various design. Now that the front elevation materials has been amended it is considered that the proposal will embed within the conservation area, resulting in a neutral impact.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Objection comments received have explained that the scheme will impact openness and create a loss of outlook and light and will be overbearing for neighbours. However, whilst the extension is considered to be large and will extend closer to the residential curtilage, the distances between the dwellings (approx. 21 metres separating the site from the closest elevation of no.17 and approx. 16 metres from no.19) is such that there is not considered to be any significant negative loss of openness, light, outlook or an overbearing impact. This is a built-up residential area, and an extension of this scale is considered acceptable in such areas. Comments have also been submitted to explain that the foliage will not obscure the wall and whilst it is agreed that this is true, it is not considered that this is a requirement to make the extension acceptable. The extension is acceptable without foliage to cover the wall.

There are concerns regarding the terrace/balcony area to the rear and side and the impact that this will have on neighbouring dwellings and it was considered that this element should be removed, and revised plans were received to reflect this. It is considered necessary that a condition shall be attached to the permission to ensure that the flat roof is not used as a terrace in the future to comply with policy D6. Whilst comments have been submitted regarding the new glass doors in the two-storey side extension and the loss of privacy for no.19, there is a window on the existing side elevation of the main dwelling and as such this element is considered acceptable and any over-looking as a result would be considered normal for built-up residential areas such as this. However, a terrace/balcony area here was considered to exacerbate the over-looking and loss of privacy impact and would create a significant impact for neighbouring dwellings.

Objection comments have been submitted to explain that the drawings of the proposed side-facing kitchen extension don't accurately reflect the levels of the land and hedge between the kitchen extension windows and no.19. The boundary hedge is lower than shown, by around 1.4m and the proposed side-facing windows would be over 2m closer to no.19. Whilst the gradient of the land does get higher from no.19 to no.18 and the proposed single storey element with side windows comes closer to the boundary with no.19, as there are windows in the existing single storey element there are not considered to be any significant negative over-looking impacts for no.19 over and above the existing situation. Whilst the balcony area was considered to create significant over-looking impacts, as there are windows in the side elevation of the existing dwelling and many other windows on numbers 16 and 17 also currently overlook no.18 and 19, the glass doors in the two-storey side element aren't considered to create any more of an impact than the existing situation. The loss of privacy as a result of the scheme is considered acceptable and indeed normal for built-up residential areas such as this.

Objection comments received explain that the side extension will see the removal of the driveway and will take away the majority of the front garden, replacing it with a parking area and this will result in loss of outlook for neighbouring dwellings. However, whilst some of the garden area will be turned into a parking area, there is still some front garden and the front hedge is proposed to remain. As such the scheme is not considered to have any significant negative loss of outlook impacts for neighbouring occupiers and will be in-keeping with the streetscene.

Objection comments received have explained that the revised plans don't overcome the concerns and the increase in the window on the side to 2.4metres and the larger bedroom has privacy impacts. However, further revisions were submitted showing a reduction in the amount of glazing in the first-floor side element and as the balcony has been removed and this is a built-up residential area where there is already some over-looking, this level of glazing in the proposed first floor side element is not considered to have any more a significant impact than the existing situation.

Comments have been submitted to explain that the revised ground floor kitchen has increased by 200mm. However, this is considered acceptable and there aren't considered to any significant negative residential amenity impacts as a result considering the distances between the dwellings and that this is a built-up residential area.

Given the design, 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, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

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 4 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.

OTHER ISSUES:

Comments submitted have explained that there is an inconsistency between the information in the design and access statement (DAS) and the submitted plans. Whilst this may be so, the Council is not the author of the DAS and in anycase has assessed the submitted scaled plans only when reaching the decision.

Comment have been submitted to explain that the plans are misleading as they suggest the ridge height of the rear extension would be lower than it would be if it were to be built in conjunction with the main house. However, it is considered that the plans are accurate. The applicant is minded that they will need to get building regulations approval for the proposal and if there are any issues regarding the plans and these need to be revised, a further planning application will be necessary.

Revised plan reference 0140-3-340E shows an amendment to the rear elevation and this shows that ridge heights have not changed. The rear elevation has been amended circa 100mm in an easterly direction to reflect the front and side elevations.

CONCLUSION:

It is considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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.

PLANS LIST:

1 This decision relates to the following plans:

0136-3-301A, 0136-3-305A, 0136-3-310A, 0136-3-311A, 0136-3-312, 0136-3-320A, 0136-3-322, 0136-3-330A received 24th August 2021.

0140-3-350A received 4th October 2021.

0136-3-319D, 0136-3-318D and 0136-3-308D received 6th October 2021.

0140-3-340E received 11th November 2021.

2 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.

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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.