

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **9th February 2022**

AGENDA  
ITEM  
NUMBER

--

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.

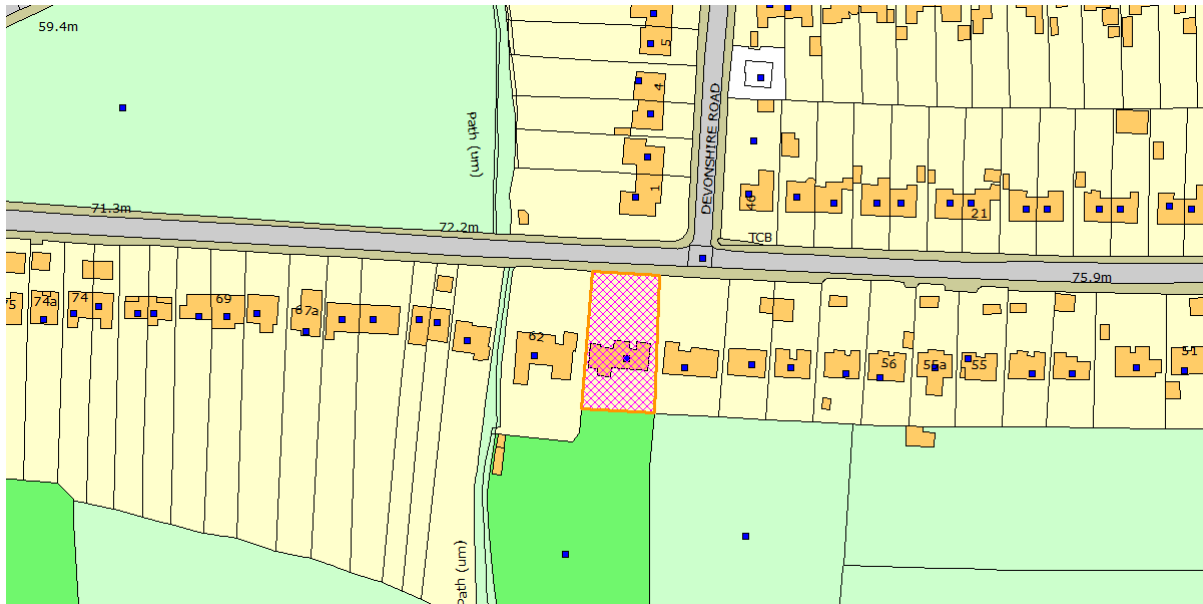
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	21/03907/FUL 14 January 2022	Mr & Mrs Bye 61 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RX Installation of roof extension with lift to provide first floor accommodation.	Bathavon North	Isabel Daone	PERMIT

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**Application No:** 21/03907/FUL  
**Site Location:** 61 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RX



**Ward:** Bathavon North      **Parish:** Bathampton      **LB Grade:** N/A  
**Ward Members:** Councillor Kevin Guy      Councillor Sarah Warren  
**Application Type:** Full Application  
**Proposal:** Installation of roof extension with lift to provide first floor accommodation.  
**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs Bye  
**Expiry Date:** 14th January 2022  
**Case Officer:** Isabel Daone  
To view the case click on the link [here](#).

### **REPORT**

The application refers to a detached bungalow located within the Bathampton Housing Development Boundary.

Planning permission is sought for a roof extension and other external alterations.

The application was referred to the Chair and Vice Chair of the Planning Committee as the officer's recommendation is contrary to the comments of the Parish Council. Their comments are as follows:

#### CHAIR: COMMITTEE

I have reviewed this application and note the objections from Bathampton Parish Council and third parties.

Given the contrast in design from the existing and proposed property, and the potential impact on the residential amenity of the neighbouring property, I believe that this proposal would benefit from being debated in a public forum at committee.

#### VICE CHAIR: COMMITTEE

I have looked at this application noting the BPC & third-party objection comments, issues raised have been addressed as the application has been assessed against relevant policies, the Design & Access Statement was helpful in justifying the proposal & conditions identified to overcome some concerns.

The impact on the character & appearance on the street scene in particular remains a concern, as was the case with No. 57 which has been referred to in comments, therefore I recommend the application be considered by the planning committee so this issue can be debated in the public arena.

#### Relevant Planning History:

12/01732/FUL

REFUSED - 25 June 2012

Erection of side extension to the current bungalow to create ancillary accommodation for the property and erection of detached garage

12/04348/FUL

PERMIT - 26 November 2012

Erection of single storey side extension to create ancillary accommodation following removal of integrated single garage and erection of detached single garage with associated works (Resubmission)

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

#### BATHAMPTON PARISH COUNCIL:

Bathampton Parish Council has no objection in principle to the application, but we do feel that the finished works will not be in keeping with the original streetscape of the Warminster Road. We note that this streetscape has already been compromised by the approved works at No. 57. Does the Local Plan Policy D2 requiring proposals to contribute positively to and not harm local character and distinctiveness not apply here?

Representations Received :

#### THIRD PARTY REPRESENTATIONS:

One objection has been received as follows -

We live next door in the bungalow at 62 Warminster Road.

We object to the application for the following three reasons:

We are concerned that the proposed walkway leading from the first floor to halfway up the garden will reduce our privacy by allowing the applicants to overlook our back garden, and also to see into the window of the bathroom on the eastern side of our bungalow.

We feel that the proposed windows at the rear of the first floor, and also the walkway mentioned above will reduce our privacy by allowing the occupants to overlook the field behind the house that forms part of our garden. Indeed, the applicant mentioned to me that this was part of the reason for the plans.

We also feel that raising the height of the existing roof will have an impact on the amount of light coming into our bungalow, in particular to the bathroom mentioned above.

## **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:

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

D3: Urban fabric

D5: Building design

## D6: Amenity

### 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).

### 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**

#### 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.

### CHARACTER AND APPEARANCE

The existing site comprises a bungalow with a hipped roof and hipped projections. It follows a fairly traditional material palette including stone and a tiled roof. The character of the dwellinghouses along this part of Warminster Road is mixed. There is a mix of dwelling heights, with bungalows and two-storey dwellings prevalent. The material palette is also mixed and there are examples of stone, timber and render in the locality.

The application seeks permission to add an additional storey to the dwelling. This will be achieved by raising the height of the roof and adding dormers to both the front and rear elevations. Bathampton Parish Council have objected to the scheme on the basis that the proposed works would not be in keeping with the street scape, contrary to Policy D2.

Officers have no objection to the raising of the roof height to accommodate an additional storey. The resultant dwelling will appear inherently modern, in stark contrast to the existing traditional building. The materials included will be timber for the walls, fibre cement slate across the roof and cementitious boarding in black to the dormers. Given the contrasting design from the existing dwelling, the case officer requested that justification for the design be submitted. In response, a Design and Access Statement has been provided.

Following a visit to the site, it was noted that there is another modern development located at no.58 Warminster Road within the vicinity. It is considered that the concept of a modern

dwelling is therefore acceptable in principle and the proposed modern dwelling would not be considered contrary to the character of the locality in this regard. The proposed dwelling will be located away from the edge of the road and the existing building line maintained at the frontage. Timber and slate both appear within the locality and the material palette is therefore considered to respond to the local context. Notwithstanding this, a condition securing a full schedule of materials is recommended.

It is considered that given the mix of surrounding developments in regard to their character and appearance, that the inclusion of a modern dwelling in this context would not cause harm to the locality in this regard. Policy D2 states that development should respond well to the local context. Given the modern development at no.58 and the mix of its surroundings the development is considered to achieve this.

#### RESIDENTIAL AMENITY:

A neighbouring resident has raised that the proposed walkway would result in unacceptable levels of overlooking into the neighbouring property. The rear of the site is unusual. The existing patio area is located at the same level of the existing back door. However, there is also a lawned area which slopes very steeply towards the rear boundary. The height of this slope already allows for views into the neighbouring properties gardens. The proposed walkway seeks to connect the new first floor to the steep lawned area. It is not proposed to be any higher than the existing slope and as such, is not considered to create a significant additional impact to the neighbouring residents. The walkway is located in the middle of the property and away from the boundary. The nature of the walkway means that movement along it would be transient. The level of overlooking from this element of the scheme is therefore not considered to be significant to a point which would warrant a refusal on this basis.

There is a balcony element to the walkway which would allow for views into no.60. Notwithstanding the submitted drawings, a privacy screen would be requested through condition to be located on the eastern boundary of the balcony element to ensure privacy is maintained. An obscure glazed 1.8m high screen is an example of what may be acceptable.

A local resident has also raised concerns regarding overshadowing and loss of light, particularly to the bathroom window on the adjacent property. The rear elevations of these properties face south and as such, there will be some additional overshadowing during the first part of the day as the sun moves from east to west. As the neighbouring bungalow window is at ground floor level, this may result in a reduction of light to this. However, there is some separation between the two dwellings and a bathroom is not considered to be primary living accommodation. The maximum height of the existing dwelling is 4.4m. The height of the proposed dormer element which will project back and have the most impact on the neighbouring occupiers is approximately 5.5m. It is therefore accepted that the increase in height and depth will cause some additional impact to the neighbouring occupiers. However, given the orientation of the properties and the fact they are physically separated, it is not considered that the impacts will be significant and a refusal on this basis would, again, not be substantiated.

#### CONCLUSION:

It is therefore 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 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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.

### **3 Privacy Screen Design (Bespoke Trigger)**

Notwithstanding the approved drawings, details of a privacy screen to be located on the eastern side elevation of the balcony (not walkway) shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to the first use of the balcony and shall be permanently retained for the lifetime of the development.

Reason: To protect the privacy of the neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

### **4 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:

18 Aug 2021	A17 21 19 P01	PROPOSED BLOCK PLAN
18 Aug 2021	A17 21 19 P02	PROPOSED GROUND FLOOR PLAN
18 Aug 2021	A17 21 19 P03	PROPOSED FIRST FLOOR PLAN
18 Aug 2021	A17 21 19 P04	PROPOSED ROOF PLAN
18 Aug 2021	A17 21 19 P05	PROPOSED ELEVATIONS - SHEET 1
18 Aug 2021	A17 21 19 P06	PROPOSED ELEVATIONS - SHEET 2
18 Aug 2021	A17 21 19 S01	LOCATION PLAN

## **2 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.

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto: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.