

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **31st August 2011**

AGENDA  
ITEM  
NUMBER

RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

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 Development Manager, Planning and Transport Development 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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**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT**  
**DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 11/02459/FUL  
**Site Location:** Barton House, The Barton, Corston, Bath



**Ward:** Farmborough

**Parish:** Corston

**LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of a single storey front and side extensions and a rear orangery.

**Constraints:** Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary,

**Applicant:** Mr B Houghton

**Expiry Date:** 8th August 2011

**Case Officer:** Tessa Hampden

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

Cllr Sally Davis - Requests that this application comes before Development Control Committee if the officer is minded to refuse and the Parish Council support it as there have recently been other applications in this area [The Barton] with varying outcomes there is the need to be consistent in our decisions.

### **DESCRIPTION OF SITE AND APPLICATION**

The application relates to a large detached cottage located at the end of the Barton in the village of Corston. The site is within the Corston Conservation Area and within the designated Green Belt. The site is also within the Housing Development Boundary of Corston. The dwelling has previously been extended by virtue of a two storey side extension and a kitchen porch area. There is also a large detached garage building within the application curtilage that would appear to be a more recent addition to the site.

The application seeks planning permission for the erection of a single storey front and side extensions and a rear orangery.

### **RELEVANT PLANNING HISTORY:**

WB11009/A Construction of kitchen porch permitted 6/4/84

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

Parish Council - No objections

### **POLICIES/LEGISLATION**

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007

The following polices are relevant in this case:

- GB.1 Control of development in the Green Belt
- GB.2 Visual amenities of the Green Belt
- BH.6 Development within or affecting Conservation Areas
- HG15 Dwelling extensions in the Green Belt
- D.2 General design and public realm considerations
- D.4 Townscape considerations
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

Bath and North East Somerset (including minerals and waste) October 2007

Policy HG.15 states:

"Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

- i) represent a disproportionate addition over and above the size of the original dwelling; or
- ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions."

Supplementary Planning Document - Existing Dwellings in the Green Belt adopted 2008.

PPG 2- Green Belts states that there is a general presumption against inappropriate development within Green Belts and that inappropriate development is, by definition, harmful to the Green Belt. It goes on that the construction of new buildings in the Green Belt is inappropriate development unless it is included in the listed exceptions one of which is for limited extension, alteration or replacement of existing dwellings. It advises that as long as it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

GB2, CP8, BH6, HG15, D2, D4, T24, T26

### **OFFICER ASSESSMENT**

**PRINCIPLE OF DEVELOPMENT:** Policy GB.1 of the adopted Local Plan follows the guidance in Planning Policy Guidance 2 and states that permission will not be given for development, inter alia, except for limited extensions provided it is in accordance with Policy HG.15. Policy HG.15 of the Local Plan further requires that in relation to existing dwellings permission will not normally be given for development other than limited extensions that do not result in a disproportionate addition over and above the size of the original dwelling or contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

In order to assess whether the proposed development does constitute inappropriate development and is therefore harmful by definition, it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15.

In order to guide consideration of what constitutes a disproportionate addition to the original building a calculation of its volume of the original building can be used. "Original" means how the building existed on the 1st July 1948 or if the building was built after this date, as originally built.

The dwelling has previously been extended by virtue of a two storey side extension and a kitchen porch extension. This represents approximately a 55% increase on the original dwelling. The property also benefits from a large double garage which would not appear to be original to the property. Although the agent believes this replaced an existing building, there does not appear to be evidence of this on the planning history maps.

The application seeks permission for further extensions, and these would represent approximately a further 20% increase over that of the original dwelling, meaning cumulatively the extensions would represent approximately a 70% increase. In volume terms, the development when assessed with previous extensions can therefore not be considered to be a proportionate addition.

The Supplementary Planning Document also makes it clear that when considering whether an extension is disproportionate, the character of the dwelling and its surroundings also need to be considered. The overall footprint of the dwelling would be expanded further into the site, and the extensions when considered with the previous extensions would have a materially greater impact visually on the site. The development when considered with the previous extensions is therefore considered to appear as a disproportionate addition to the original dwelling.

The extensions are single storey, appearing as subservient additions to the existing dwelling, and as such they do not have a significant impact upon rural character and the openness of the Green Belt. However as the extension is considered to be a disproportionate addition to the dwelling in both its volume and appearance, it is considered to be inappropriate development within the Green Belt.

The Agent has stated that there is the need for the development due to the requirements of the applicant to have an elderly relative live with them. A supporting letter from this elderly relative's doctor, confirming this need has been submitted by the Agent. However, whilst this need is recognised, as 'The Planning System: General Principles' points out, arguments relating to the personal circumstances of an occupier will seldom outweigh the more general planning considerations.

The agent has put forward further very special circumstances to demonstrate that the application should be granted planning approval. It is stated that as Barton House lies within the Housing Development Boundary, given its generous plot size, it is perfectly feasible and in line with Local Plan Policy, to sub-divide the property into two single dwellings. The Agent considers that on balance permission would be likely to be approved as the plot size is generous enough to incorporate the necessary parking, on site turning of vehicles and adequate residential amenity land for the proposed new dwellings. Planning permission has also recently been granted for a new dwelling house in the grounds of Lower Meadow, which lies to the west of the subject property, and Highways' recommendations at that time would indicate that the provision of an additional dwelling at Barton House would be acceptable.

The Agent continues to argue that if two separate dwellings were formed on the site, these could then individually be extended by 30-35% increase in volume, as this percentage would be in addition to the original volume of the property, i.e. once they had been created under planning approval. The Agent cites that the size of any potential extension under this scheme would be far in excess of the size of the proposals currently under consideration. The Agent considers these facts to be exceptional circumstances, which should be given material consideration under the current application.

Whilst the comments of the agent are duly noted, they do not outweigh the harm identified above. They are not deemed to represent very special circumstances as they could be repeated in a number of instances for properties that lie within the Housing Development Boundary and the Green Belt. Also, it is not certain that planning permission would be granted for the subdivision of this dwelling and any future extensions on any newly created dwelling would be judged on their own merits and again planning permission would not necessarily be granted for extensions if they were deemed to conflict with the reasons for including land within the Green Belt. It is also possible that if planning

permission were granted to subdivide the building permitted development rights could be removed by a condition of the permission.

On balance therefore, the development as proposed is considered to represent inappropriate development within the Green Belt.

**CHARACTER AND APPEARANCE:** The original character of the cottage has been lost by virtue of the erection of the two storey extension which has effectively tuned the modest size cottage into a relatively generously sized dwelling. The extensions proposed would, due to their single storey nature, appear as subservient additions to the host dwelling. Their acceptable design and use of materials ensures that the development would integrate successfully with the existing dwelling.

Overall therefore the proposed dwelling is considered to preserve the character and appearance of the property, and this part of the Conservation Area.

**RESIDENTIAL AMENITY:** The proposed extensions are set a sufficient distance away from the neighbouring properties and are of an appropriate scale, as to ensure that there will be no detrimental impact upon the residential amenity currently enjoyed by the neighbouring occupiers.

**CONCLUSION:** The proposed development, due to the design, size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling. This represents inappropriate development within the Green Belt which is, by definition harmful. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. It is therefore recommended that this application is refused.

## **RECOMMENDATION**

REFUSE for the following reasons

## **REASON(S) FOR REFUSAL**

1 The proposed development, due to the design, size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling. This represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policies GB.1, GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

**PLANS LIST:** 001 to 006 date stamped 10th June 2011

**Item No:** 02  
**Application No:** 11/02635/FUL  
**Site Location:** 96 Entry Hill, Combe Down, Bath, Bath And North East Somerset



**Ward:** Lyncombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Katie Hall                      Councillor D F Bellotti  
**Application Type:** Full Application  
**Proposal:** Provision of loft conversion with rear dormer  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Water Source Areas, World Heritage Site,  
**Applicant:** Mr Daniel Richards  
**Expiry Date:** 19th August 2011  
**Case Officer:** Jonathan Fletcher



## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

A request has been submitted from Councillor David Bellotti for the application to be considered by the Committee if officers are minded to recommend refusal as he considers that the proposal would have an acceptable impact on the visual amenity of the area.

### **DESCRIPTION OF SITE AND APPLICATION**

The application relates to a mid terrace dwelling located within the Bath World Heritage Site. The prevailing character of the surrounding area is residential however there is a building supplies outlet located to the rear boundary of the application site.

The application seeks planning permission for the erection of a dormer window to the rear elevation to accommodate a proposed loft conversion. The dormer window is designed with a flat felt covered roof and would be finished with brown tile hanging to the vertical planes.

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

Councillor David Bellotti advises that the proposal is considered to have an acceptable impact on the visual amenity of the area. He notes that there are other dormer windows in the area and that there are no objections to the proposal.

A public consultation exercise has been undertaken however no other responses have been received.

### **RELEVANT PLANNING HISTORY**

10/03568/FUL - Refused - 6 October 2010 - Provision of rear dormer window for loft conversion

10/04585/FUL - Refused - 29 December 2010 - Provision of rear dormer window for loft conversion (Resubmission)

### **POLICIES/LEGISLATION**

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

The following policies are relevant in this case:

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting.

Consideration has also been given to the following policies in the Bath & North East Somerset Draft Core Strategy December 2010 however only limited weight can be attached to this document until it is formally adopted. The policies above have been saved indefinitely until they are replaced through the Local Development Framework.

CP6: Environmental quality

## **OFFICER ASSESSMENT**

**INTRODUCTION:** The primary issues to consider when determining this application relate to the visual impact of the development and residential amenity of adjoining occupiers. The application is a resubmission of a previous scheme which was refused due to the impact on the character and appearance of the host building and the streetscene. The previous scheme was submitted in two identical applications which were both refused for the same reasons. The current application presents a reduction in the width of the dormer window of approximately 400 mm. This would bring the structure away from the north boundary.

**VISUAL IMPACT:** The host building is a mid terrace property located within the Bath World Heritage Site. The roofscape of this collection of terraced properties has remained largely undeveloped with the exception of a small dormer window to number 92 which may have been implemented under permitted development rights. A private lane runs to the south of the application site allowing access to properties on Entry Hill, Hawthorn Road and a building supplies outlet which is located to the rear boundary.

The proposal is for a large dormer window which would be sited in an off-centre position within the roof of the host building. The development would be visible from the east in light of the open aspect created by the access lane to the rear. The scale and width of the dormer window would be disproportionate to the size of the main roof which would have an adverse impact on the character and appearance of the host building and the streetscene. This would be exacerbated by the fenestration details which would create an asymmetrical appearance to the dormer which would fail to integrate the structure with the windows to the rear elevation of the host building. It appears that an alternative internal arrangement would allow a loft conversion to be achieved with a smaller dormer window which could be sited centrally to the roof of the host building. Although a reduction in the size of the dormer window is welcomed, the change to the width of the structure in the current application serves to emphasize the off-centre position of the development.

Whilst there is considered to be clear harm to the character and appearance of the host building and the streetscene, the proposal would not affect the qualities which justified Bath's inscription as a World Heritage Site. Therefore, no objection is raised to the proposal on this basis.

**RESIDENTIAL AMENITY:** There are no properties located to the rear boundary of the application site. Although the proposal would create an additional outlook from the attic bedroom this would not significantly increase the level of overlooking to the adjacent properties. Therefore, no objection is raised to the proposal on the basis of the residential amenity of adjoining occupiers.

**CONCLUSION:** The design of the proposed dormer window would have an adverse impact on the character and appearance of the host building and the surrounding area. The proposal is therefore contrary to policies D.2 and D.4 of the Local Plan.

## **RECOMMENDATION**

**REFUSE** for the following reasons:

## **REASON(S) FOR REFUSAL**

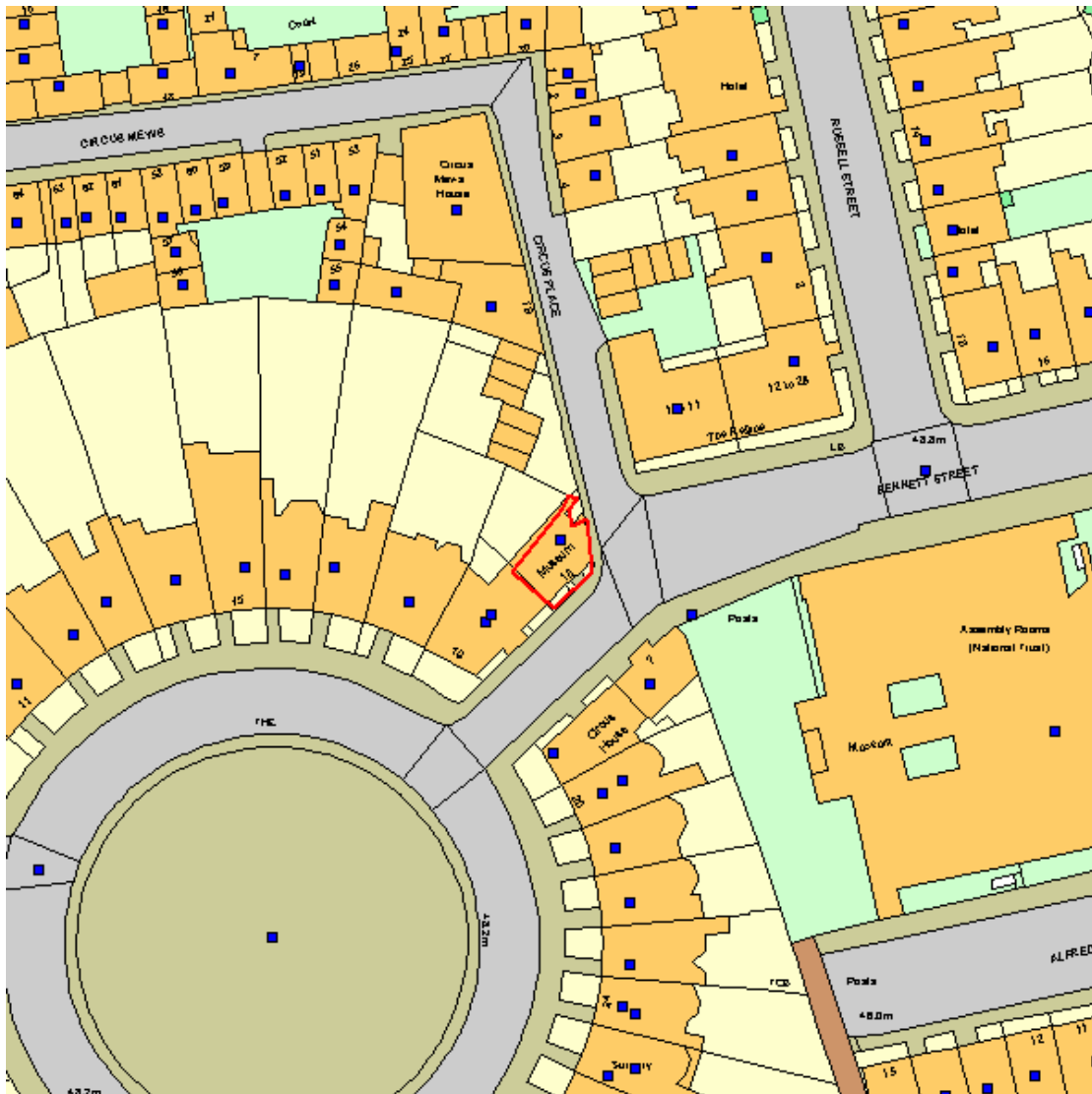
1 The proposed dormer window, by reason of its scale, position, width, fenestration details and the siting of the development in a location which is visible from the surrounding area, would have a detrimental impact on the character and appearance of the host building and the streetscene contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

## **PLANS LIST:**

1a received 23 June 2011.

2a, 3, 4a, 5, 6a received 13 June 2011.

**Item No:** 03  
**Application No:** 11/02371/LBA  
**Site Location:** 12 Bennett Street, City Centre, Bath, Bath And North East Somerset



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor B J Webber      Councillor Manda Rigby  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal alterations to replace existing carpet with floating Bamboo flooring in galleries  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,  
**Applicant:** Mr Thomas Parkinson  
**Expiry Date:** 29th July 2011  
**Case Officer:** Caroline Waldron

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

This repeat application is put before the Development Control Committee at the request of Councillor B Webber.

### **DESCRIPTION OF SITE AND APPLICATION**

12 Bennett Street is a grade II listed building currently used as the Museum of East Asian Art. The exhibitions are laid out in rooms on the ground, first and second floor of the building.

The application relates to lifting the carpet throughout the exhibition rooms (ground, first and second floors) and laying bamboo laminate flooring over the existing floorboards/ply. A small gap would be left between the edge of the laminate and the skirting and the gap would then be concealed by adding a flat fillet to the face of the existing skirting board. Where necessary the new floor would be scribed around the moulded architraves of the doors and the fireplaces.

The submitted Design and Access Statement makes the following points;

- "Bamboo" is both authentic and durable.
- The carpet is worn and the bamboo will give the museum a themed look.
- The harder surface will help stabilize display cases when they have large groups of visitors.
- Contractors have advised them not to alter structures.
- All work will be overseen.

### **PLANNING HISTORY**

Prior to the application being submitted the museum were advised that consent was unlikely to be granted to cover the original floorboards with laminate flooring.

A previous application reference 11/00340/LBA for identical work has already been refused on the grounds that;

Concealing the traditional floorboards beneath modern laminate flooring would look incongruous and be out of character with the context of an 18th century townhouse, and would fail to preserve the special architectural and historic interest of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5 (Planning for the Historic Environment).

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

Parish Council: NA

English Heritage: NA

Other representations: None received

### **POLICIES/LEGISLATION**

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act 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.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Planning Policy Statement 5: Planning for the Historic Environment sets out government advice concerning alterations to listed buildings, development in conservation areas and world heritage sites.

If the Council is minded to grant consent there is not a requirement to notify the Secretary of State before a decision is issued.

### **OFFICER ASSESSMENT**

The historic floorboards are an integral part of the character and fabric of this 18th century building. The interior of this building is of heritage significance in its own right.

It is accepted that the laminate could be laid in a way that is technically reversible and that this process is unlikely to cause any direct damage to the floorboards. However laying laminate flooring over the boards would materially change the appearance of the listed building and look incongruous in the context of an 18th century interior.

On balance it is felt that laying a laminate floor with its new generally uniform appearance throughout most of the interior of the building would fail to preserve the special architectural and historic interest of the listed building and is accordingly recommended for refusal.

The applicant has been advised that laying a new carpet as an alternative falls outside the control of the legislation.

This report has had regard for all other matters raised by the applicant but these are not of such significance to outweigh the considerations that have led to my conclusions on the main issues.

### **RECOMMENDATION**

REFUSE for the following reason:

### **REASON(S) FOR REFUSAL**

1 Concealing the traditional floorboards beneath modern laminate flooring would look incongruous and be out of character in the context of an 18th century townhouse, and would fail to preserve the special architectural and historic interest of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5 (Planning for the Historic Environment).

### **PLANS LIST:**

Drawings site location plan, block plan, survey photographs, proposed ground floor, proposed first floor, proposed second floor, proposed basement, section of proposed floor, Design and Access Statement date stamped: 3rd June 2011