

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **23rd August 2023**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/04498/FUL 10 July 2023	Mr Chris Miller The Cottage , Sutton Hill Road, Bishop Sutton, Bristol, Bath And North East Somerset Single Storey Front Extension (Resubmission)	Chew Valley	Angus Harris	REFUSE
02	23/01759/FUL 25 August 2023	Mr & Mrs Tim & Karen Kidd 8 Rennie Close, Bathwick, Bath, Bath And North East Somerset, BA2 4GZ Erection of a ground floor extension to the rear and installation of 1 no. roof light.	Widcombe And Lyncombe	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 22/04498/FUL
Site Location: The Cottage Sutton Hill Road Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor Anna Box Councillor Dave Harding
Application Type: Full Application
Proposal: Single Storey Front Extension (Resubmission)
Constraints: Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Referral Area, Policy CP9 Affordable Housing, Housing Development Boundary, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Chris Miller
Expiry Date: 10th July 2023
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT Reason for Reporting to Committee

Stowey Sutton Parish Council have supported the planning application (see full comments in the representations section below). This is contrary to the officer recommendation to refuse planning permission, therefore the application has been referred to the chair/vice chair of Planning Committee.

They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Duncan Hounsell : I note the detailed commentary of Stowey Sutton Parish Council and the assertion that the application complies with the local Neighbourhood Plan. The site is constrained and currently largely obscured. The committee might wish to consider the particular circumstances in this location, the styling and materials proposed, and the impact and stated purpose of the extension.

Vice Chair, Cllr. Ian Halsall: Given the Parish Council's support for the proposal and the circumstances of the site, it is considered that the application should be considered by committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Stowey Sutton Parish Council:

The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan. The application site is Inside the established housing development boundary, & outside the green belt & AONB.

Housing and Development Policy SSHP01 Housing Boundary:

The housing development boundary (HDB) for Bishop Sutton should be re-defined to strictly follow the existing HDB but with the addition of the strict boundary of the two already approved housing developments of Cappards and Oak Park which together total 76 houses. The property is inside the extended housing development boundary & so complies with the aims of SSHP01.

Housing and Development Policy SSHP02 Development Scale:

The Neighbourhood Plan will support infill housing, within the housing development boundary, this is likely to be small scale development and will be of an individual character in keeping with the Character Assessment, the exception to such development will be if it is deemed to be harmful to the Green Belt, or threaten the AONB which has the highest level of protection in the NPPF (National Planning Policy Framework).

Housing and Development Policy SSHP03 Development Character:

The Neighbourhood Plan will support future housing development which will reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB. For this application the considerations for SSHP02 & SSHP03 are largely the same & the responses for each are combined below.

The ground floor Lobby/home office adds significantly to the massing at the front of the building & uses an external timber cladding which will form a striking contemporary design with significant glazed areas in the walls together with three additional rooflights in this area close to the edge of the settlement.

The ground floor Lobby/home office broadly meets the aims of SSHP03 although the contemporary styling & materials palette are not characteristic of the predominant style for the area as identified in appendix E of the adopted Stowey Sutton Neighbourhood Plan.

Housing and Development Policy SSHP04 Property Size:

In accordance with the 2014 housing needs survey the Neighbourhood Plan supports infill development which proposes to build small (1 and 2 bedroom) low cost open market houses.

The application does not propose to alter the number of bedrooms & so SSHP04 does not apply.

Housing and Development Policy SSHP06 Lighting:

Where lighting is proposed, it should be designed to avoid intruding into areas where darkness is a characteristic of the village. Any lighting scheme must not impact negatively near woodland edges or near hedgerows used by bats for foraging.

The application makes no reference external artificial lighting therefore if B&NES are minded to approve the application it will be important to include a condition to minimize the effect of artificial lighting, through the use of window dressings such as blinds & curtains on the five roof lights as well as by considerate design for external lighting features.

As such the application does not demonstrate compliance with SSHP06 & a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights should be included in any permission granted.

Business and Employment Policy SSBE04 Homeworking:

Building alterations that support homeworking for residents will be supported in principle by this Neighbourhood Plan. The application design includes provision of a study/office space, as such the proposal does meet the aims of SSBE04

Conclusion - supported with comments

The ground floor Lobby/home office meets the aims of SSHP01,02 & 03 & SSBE04 is acceptable in principle subject to the inclusion of a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights the proposal broadly meets the aims of the adopted Stowey Sutton Neighbourhood Plan. With inclusion of a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights should be included in any permission granted, Stowey Sutton Parish Council have no objection to this planning application.

1 no. neighbour comment has been received:

We do not completely object to the proposed front single storey extension, but we do however object to some of the aspects concerning the proposed build.

The side elevation (south west face) is the side that will face our property. The description states (Drawing Reference BPB-21-022_DR016D) - "render to match main house". However the main house is stonework - see enclosed picture. As the other aspects of the front extension will be stonework, this side in our opinion should be in a similar material and match existing.

Also note that the south west border with The Cottage's front garden is currently an approximately eight foot masonry wall. The proposed ground floor plan (BPB-21-022_DR013D) plan outlines how the front extension will extend into the front garden and come close to abutting this boundary wall, with the space between the south west face and the boundary wall tapering. If this south west aspect is to be rendered, it would not be possible to complete it to a satisfactory aesthetic standard after the main block work construction due to access / space. This is another reason why this face should be, in our opinion, stonework.

The boundary wall is likely to be disturbed by any foundation digging and as shown by the photos attached is at risk of falling onto our land, damaging decking adjacent to this and flower beds. If the wall has to be replaced, then it will need to be an equivalent height to maintain current privacy for both houses, especially when considering that The Cottage is elevated with respect to our property.

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:

- B1: Bath Spatial Strategy
- CP5: Flood Risk Management
- 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
D5: Building design
D.6: Amenity
ST7: Transport requirements for managing development
NE3: Sites, Habitats and Species

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

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

DESIGN, 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 application seeks the erection of a single storey extension to the front of the dwelling. The Cottage is situated back from Sutton Hill Road, accessed via a shared driveway. Its front elevation faces north. The existing building is a detached residential cottage, of 2-storeys with a dual pitched roof and side facing gables. It sits adjacent to a neighbouring

building of similar form, however this building does not appear as a dwelling, does not have front facing doorway or a symmetrical arrangement of windows. The neighbouring building has single garage attached to the front which is situated on a lowered ground level, adjacent to the front garden and access for the application site.

The buildings utilise stonework to the front with render to the sides. White framed casement windows are set in a symmetrical arrangement, with the main entrance doorway set in the centre of the cottage's principal elevation.

The proposal seeks a single storey extension at the front. It will form a monopitched roof, measuring 2.4 meters in height at the eaves and 3.3 metres in height at the ridge. The extension seeks to project 4.4 metres to the front, with a width of 4.6 meters which covers more than half of the width of the principal elevation.

While the design of the front extension resembles that of the garage, with a mono-pitched roof and materials to match those of the main dwelling, the scale and positioning of the extension is still considered to be a particularly dominant addition for the front of the cottage, result in the loss of symmetry and the covering of the primary entrance way.

The garage itself is a prominent addition when viewing the buildings from the front which dominates the north east elevation of the neighbouring building.

It is noted that a recent refusal was issued for an application at this property, reference 22/01061/FUL. The refusal proposed additional elements of development which are not present within this current application, however it did seek permission for a front extension of a similar scale to that now being assessed. While the refused front extension was of a more contemporary design, it was similarly found to form a dominant addition to the principal elevation.

While the property itself is access via a shared driveway and screened by mature boundary vegetation, it is noted that the site is not within a conservation area and the trees are not protected by TPOs, meaning they can be removed and cleared without the need for planning approval.

The proposal by reason of its design, siting, scale, massing, layout and materials forms an overly dominant addition to the principal elevation and is considered to be harmful to the character of the cottage. The proposal is contrary to Policy CP6 of the Core Strategy, Policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 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.

The application site is a detached dwelling, positioned to the rear of the gardens of the detached properties fronting Sutton Hill Road. Given its siting, the proposed works to create the single storey front extension is not considered likely to result in an unacceptable increase in overshadowing.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposed works will retain the existing garage and the driveway spaces for the property. As such, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

It has been recommended that a condition is put in place to limit the external light spill from the proposal. The works seek to erect a front extension which will include 2no casement windows and 2no skylights. Given the scale of the proposal and the 2no rooflights with smaller openings, the proposal is not considered to result in a significant increase in light spill and as such, the recommended condition is not considered necessary.

OTHER MATTERS:

Concern is raised to the proximity of the extensions side (south) wall to the wall which forms the boundary with the adjacent neighbour. The walls are positioned within 0.2 meters of each other. Concern is raised to the ability of applying the render post-construction, and also to the potential for damage to the wall during the construction and digging of foundations. Any development requires consent from the building control team and is expected to comply with building regulations.

CONCLUSION:

The application is therefore recommended for refusal for the reasons outlined above.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

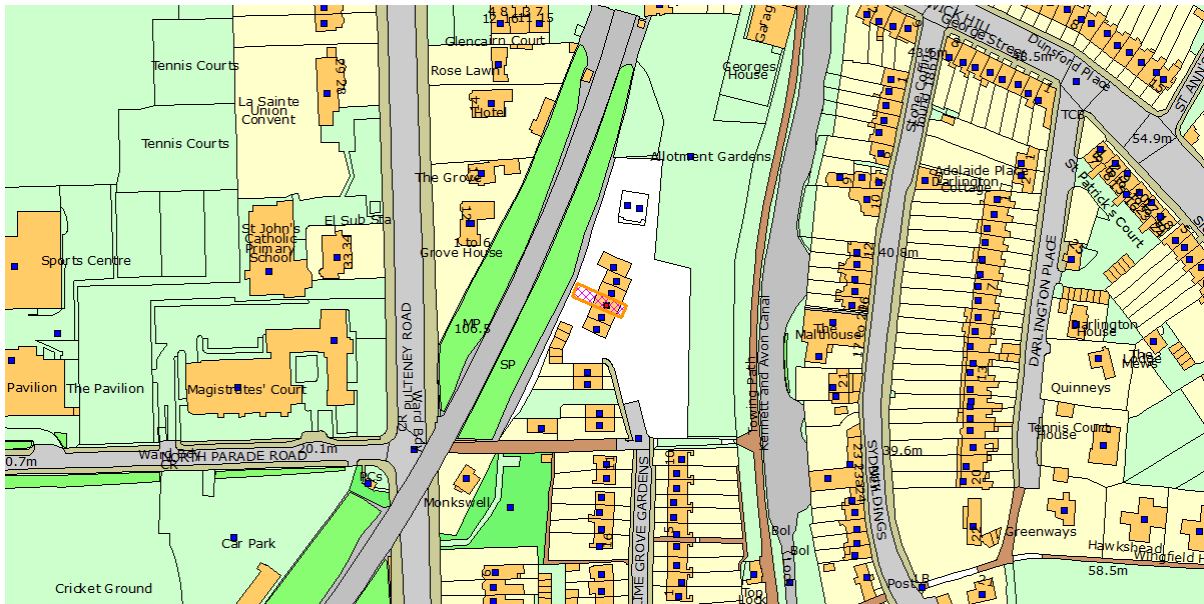
1 The proposal by reason of its design, siting, scale, massing, layout and materials forms an overly dominant addition to the principal elevation and is considered to be harmful to the character of the cottage. The proposal is contrary to Policy CP6 of the Core Strategy, Policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

Site location plan- 001
Existing block plan- 002
Existing site plan- 004A
Existing ground floor plan- 005
Existing first floor plan- 006A
Existing front and rear elevations- 007A
Existing side elevations- 008A
Proposed block plan- 010B
Proposed site plan- 11C
Proposed ground floor plan- 13D
Proposed first floor plan- 14D
Proposed front and rear elevations- 15D
Proposed side elevations- 16D

Item No: 02
Application No: 23/01759/FUL
Site Location: 8 Rennie Close Bathwick Bath And North East Somerset BA2 4GZ



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Erection of a ground floor extension to the rear and installation of 1 no. roof light.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Tim & Karen Kidd

Expiry Date: 25th August 2023

Case Officer: Christine Moorfield

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

REPORT

This application was called to committee by Cllrs Deborah Collins and Cllr Alison Born.

The Chair and Vice Chair of the Planning Committee both agreed the application should be considered by Committee.

The Chair, Cllr Hounsell noted the concerns of neighbours and the ward councillors whom raise material planning considerations. Although these matters are addressed by the case-officer, to be transparent and fair to all parties all the relevant planning issues should be debated in public and determined at the committee.

This application is for the erection of a ground floor extension to the rear and installation of 1 no. roof light.

The site is within the Conservation Area and the Bath World Heritage Sites.

PLANNING HISTORY

- o DC - 11/02928/FUL - RF - 19 October 2011 - Erection of 18no. dwellings with associated parking and landscaping following demolition of existing school buildings
- o DC - 11/02929/CA - CON - 15 September 2011 - Demolition of existing school buildings
- o DC - 12/00980/FUL - PERMIT - 14 June 2012 - Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).
- o DC - 12/02900/COND - SPLIT - 26 September 2012 - Discharge of conditions 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11,12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of application 12/00980/FUL (Erection of 13no.dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission))
- o DC - 12/04846/COND - SPLIT - 28 January 2013 - Discharge of conditions 12, 13 and 19 of application12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).
- o DC - 12/04945/COND - RF - 4 February 2013 - Discharge of conditions 7 and 15 of application 12/00980/FUL (Erection of 13 no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission)
- o DC - 13/01039/COND - DISCHG - 1 May 2013 - Discharge of conditions 6, 7, 12 and 15 of application 12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission))
- o DC - 13/01971/COND - DISCHG - 17 June 2013 - Discharge of condition 11 of application number 12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Deborah Collins & Alison Born Councillors for Widcombe & Lyncombe Ward:

As ward councillors, we object to this planning application and request that, if planning officers are minded to

approve it, that the application should be referred to Planning Committee.

Although this is hard to judge from the plans, the extension's height and depth would have an overbearing impact

on the neighbours' properties which seems to constitute over development, especially as the extension appears to

extend to the party wall on both sides. We are also concerned about the over shadowing and loss to light to no 9

Rennie Close. We consider that a site visit is needed to assess this application properly.

In addition, we have concerns about the practicality of using the remaining very small garden as a soakaway.

4 letters of objection have been received, the main issues raised are as follows:

- o Size of the proposed extension is too large in this terrace.
- o The proposal by reason of its design, siting, scale, massing and layout is unacceptable as it fails to contribute and respond to the local context neither does it maintain the character and appearance of the surrounding area.
- o The proposed extension will have an overbearing impact on the residents of number 7 and number 9 resulting in loss of view and sunlight.
- o The footprint, design and bulk are considered too big and harmful to the character of the host dwelling, in this part of the World Heritage Site (WHS) and conservation area (CA).
- o Drainage- there is no indication as to where it will discharge its water, there are no surface water drains running at the back of the houses. Is there space left in the remaining garden for a sufficiently large soakaway.
- o A SVP 'chased into the party wall' between 8 and 9. there may be a SVP next to number 7. The sound insulation must be acceptable.
- o Foundations-The building of the extension will involve considerable excavation. The land may be contaminated.
- o User/Parking-Converting what is a small four-bedroom house into a larger property may attract holiday letting with all the potential disruption that comes with that.
- o Inevitably the significant increase in size/potential occupancy of the property will lead to an increase in vehicles on an estate where there is limited parking.
- o Additional parking may create a highway safety issue.
- o The site should be visited.
- o The proposal fails to comply with policy CP6 of the adopted Core Strategy (2014) and policies B4, HE1, 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

HIGHWAYS

No highway comments are made in respect of this proposal.

DRAINAGE

No objection - drainage to comply with Building Regulations Approved Document Part H

POLICIES/LEGISLATION

Planning policies, legislation & other information relevant to your proposal

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its setting
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
D4: Streets and spaces
D5: Building design
D6: Amenity

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District wide spatial strategy
D8: Lighting
NE3: Sites, species, and habitats
NE3a: Biodiversity net gain
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021) is also relevant in the determination of this planning application.

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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 in respect of these proposals are as follows:

- The principle of the development
- The Design and Impact on the Conservation Area and the Bath World Heritage Site.
- Impact on amenity
- Highways

Other matters.

The principle of the development

The property is within a terrace of properties. The site is within the built up area of Bath where, in principle, extensions and alterations to residential properties within their curtilage is considered acceptable subject to other development plan policies.

The Design and Impact on the Conservation Area and the Bath World Heritage Site.

The flat roofed extension at the back of the house is modest in its proportions extending 3.8m from the rear wall adjacent to number 7. The roof is flat with a roof light adjacent to the rear elevation of the property. There are bi-fold doors into the garden. Adjacent to the boundary with number 9 the extension extends by 2.7m and has a glazed element that has been angled at 45 degrees to reduce the impact of the extension on the adjoining property to the north (number 9). Number 7, the property to the south, has an extension which is smaller than the one proposed by this application. This proposal extends out by 1.2m further into the garden than the extension to number 7.

The height of the extension has been kept low due to it having a flat roof the maximum height is 3.09m.

The proposed development is all shown to be constructed within the applicant's site. The extension will be constructed of Bath stone to match the main house.

A roof light is proposed to be located within the roof; this is a relatively small element and is considered to have a minimal impact on the appearance of the dwelling.

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 proposals by reason of their design, siting, scale, massing, layout and materials are considered acceptable and to contribute and respond to the local context and maintain the character and appearance of the surrounding area. The proposal accords with policy CP6

of the Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

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. 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. The rear extension and roof light by virtue of their design, scale, massing, position and external materials are considered to at least preserve the character and appearance of this part of the Conservation Area and its setting. The extension and roof light accord with Policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites. In this instance, due to the size, location and appearance of the proposed rear extension and roof light, it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with Policy B4 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

Impact on Amenity

Policy D6 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.

As stated above the single storey flat roofed extension is modest in its scale. It is recognised that this terrace of properties have relatively small gardens but this in itself would not justify refusal of this application.

As stated above the flat roofed extension extends by 3.8m from the rear wall adjacent to number 7 thereby extending 1.2m further into the garden than the existing extension to number 7. The extension is on the north side of number 7 and therefore the impact on light is considered minimal. Adjacent to the boundary with number 9 the extension extends by 2.7m and has a glazed element that has been angled at 45 degrees and then extends to the 3.8m. The 45 degree angle has been designed to reduce the impact of the extension on the adjoining property to the north (number 9).

The height of the extension has been kept low due to it having a flat roof the maximum height is 3.09m.

Internal alterations and the location of soil pipes are a matter for building regulations.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

Highways

No objection or comment has been made by the Highway Engineer in respect of these modest proposals.

The means of access and parking arrangements remain as existing and are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

Drainage

No objection to the proposal has been raised by the drainage engineer but an advice with regard to compliance with Building Regulations is considered necessary.

Contamination

Residents have raised concerns re the land which they think is made up so there may be contamination. An advice note in respect of taking any precautions if necessary is considered appropriate.

Trees

There are some trees at a distance from the site on the railway embankment. Given the distance the proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Local Plan Partial Update and part 15 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.

PLANS LIST:

1 0.001, 2, 3, 4, 5, 6, 7, 8, 9 and 010, 011 and 1.002.

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 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 have 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

4 Civil or legal consents

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.

6 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.

7 Inform the applicant that this area may be made up ground/contaminated land and therefore, the necessary pre development site investigation needs to be completed to ensure satisfactory/safe development can be carried out.

8 The applicant is advised that all drainage must comply with Building Regulations Approved Document Part H