

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **23rd November 2011**

AGENDA
ITEM
NUMBER

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

TITLE: **NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF
FORTHCOMING HEARINGS/INQUIRIES**

WARD: ALL

BACKGROUND PAPERS: None

AN OPEN PUBLIC ITEM

APPEALS LODGED

App. Ref: 11/02409/FUL
Location: North Hill Farm Pagans Hill Upper Chew Stoke Bristol BS40 8UH
Proposal: Change of use of building No. 6 to provide ancillary bedroom
accommodation to the farmhouse. (Resubmission)
Decision: REFUSE
Decision Date: 21 July 2011
Decision Level: Delegated
Appeal Lodged: 13 October 2011

App. Ref: 11/03561/LBA
Location: 2 Northumberland Buildings Wood Street City Centre Bath
Proposal: External alterations for the display of 1 no. cut-out letters sign
Decision: REFUSE
Decision Date: 10 October 2011
Decision Level: Delegated
Appeal Lodged: 19 October 2011

App. Ref: 11/00005/FUL
Location: 1 Ivy Cottages Shaft Road Monkton Combe Bath Bath
Proposal: Erection of rear extensions (revised resubmission).
Decision: REFUSE
Decision Date: 16 June 2011
Decision Level: Delegated
Appeal Lodged: 26 October 2011

App. Ref: 11/00006/LBA
Location: 1 Ivy Cottages Shaft Road Monkton Combe Bath
Proposal: Internal and external alterations to include the erection of rear extensions and alterations to layout.
Decision: REFUSE
Decision Date: 10 June 2011
Decision Level: Chair Referral
Appeal Lodged: 26 October 2011

App. Ref: 11/03374/FUL
Location: Cosy Club 20 Southgate Place Bath BA1 1AP
Proposal: Installation of a new shopfront to Cosy Club Restaurant/Bar (retrospective) (resubmission).
Decision: REFUSE
Decision Date: 29 September 2011
Decision Level: Delegated
Appeal Lodged: 26 October 2011

App. Ref: 11/03195/FUL
Location: 28 Audley Grove Lower Weston Bath BA1 3BT
Proposal: Erection of two storey rear extension and bay window to side elevation
Decision: REFUSE
Decision Date: 16 September 2011
Decision Level: Delegated
Appeal Lodged: 27 October 2011

App. Ref: 11/01712/FUL
Location: 11 Lyndhurst Road Twerton Bath BA2 3JH
Proposal: Conversion and extension to garage to form new dwelling
Decision: REFUSE
Decision Date: 21 June 2011
Decision Level: Delegated
Appeal Lodged: 3 November 2011

App. Ref: 09/04350/FUL
Location: Land Between Old Coal Tips And The Firs Chapel Road Clandown Radstock
Proposal: Change of use of land to provide secondary peak time vehicle access to/from Tiger Works with provision of 5no. customer parking spaces and landscape moundings
Decision: Non-determination
Decision Date: 6 July 2011
Decision Level: Delegated
Appeal Lodged: 7 November 2011 (change in procedure to Hearing, previously lodged 6th July as Written Representations)

App. Ref: 11/02342/FUL
Location: 7 Kingsway Southdown Bath BA2 2NH
Proposal: Provision of 1no. rear dormer
Decision: REFUSE
Decision Date: 23 August 2011
Decision Level: Delegated
Appeal Lodged: 8 November 2011

APPEAL DECISIONS

App. Ref: 10/02405/FUL
Location: Thai by the Weir, 16 Argle Street, Bath
Proposal: Use of pavement in front of Thai by the Weir for the siting of 4no. tables and 10no. chairs.
Decision: **Refused**
Decision Date: **17/08/2010**
Decision Level: **Delegated**
Appeal Decision: **Dismiss**

Summary: The wide pavement adjoining the terrace is part of this special street scene, giving a sense of space and elegance, and enhancing the vista described above. While the seating would not take up the full width of it, the presence of furniture here would be intrusive, harming the character and appearance of the Conservation Area and adding to the clutter which already results from advertising boards set out along the pavement. The proposal does not accord with Planning Policy Statement 5's objective that new development should make a positive contribution to the character and local distinctiveness of the historic environment. Neither does it meet policies in the Local Plan (2007) which seek to conserve the setting of listed buildings and the character and appearance of Conservation Areas. More specifically, policy S.7 permits tables and chairs outside premises only where they would not adversely affect a Conservation Area and/or the setting of an individual group of listed buildings.

App. Ref: 10/05204/FUL
Location: 25 Bailbrook lane, Lower Swainswick, Bath
Proposal: Erection of new dwelling on parking area to rear of 25 Bailbrook Lane and associated car parking and landscaping.
Decision: **Recommend to Refuse**
Decision Date: **Non-determination**
Decision Level: **Delegated**
Appeal Decision: **Dismiss**

Summary: Although the design and materials would be contemporary, its scale and height would not be out of keeping with the streetscene, or several recently developed properties which are visible from the access lane. On balance, the proposal would maintain the character and appearance of the Conservation Area, in line with the statutory requirement and *Bath and North East Somerset Local Plan* (2007) (LP) policies D2, D4 and BH6. I consider that the design and

orientation of the proposed windows would not unduly harm the privacy of neighbouring occupiers. In relation to outlook and light, however, the small size of the plot, combined with proximity to neighbouring properties and the pronounced slope, means that even a modest dwelling would have a significant impact on the living conditions of some neighbouring occupiers, especially at a lower level. Conclude that the ingenuity of the appellant's design would not overcome the unacceptable impact of the mass and height of the proposal on such a small site, which would unacceptably harm the living conditions of the neighbouring occupiers by reason of visual dominance, loss of outlook and loss of natural light.

Appeal for costs: Dismissed

Consider that, from the balance of the evidence before me, the Council informed the appellant within the period required by paragraph B11 as to why it was unable to come to a decision within the allotted time. This has not resulted in unnecessary expense, as described in Circular 03/2009, and therefore an award of costs is not justified. I consider that the balance of probability is that the Council officers made their concerns clear from an early stage. I do not find, therefore, that the Council has acted unreasonably, either in its pre-application discussions or in coming to a final view, even if that final view did not accord with any initial indications given by the case officer.

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| App. Ref: | 10/03877/FUL |
| Location: | 1 Holly Court, High Street, Midsomer Norton |
| Proposal: | Change of use of Units 1 & 2 from retail (Use Class A1) to Use Class A3 |
| Decision: | Refuse |
| Decision Date: | 03/12/2010 |
| Decision Level: | Delegated |
| Appeal Decision: | Dismiss |

Summary: No empirical evidence has been provided to quantify the level of vacancies in the town centre but, based on my experience; it appeared to me that the level of vacancies was not unusual in comparison with other towns of a similar size.

The existing level of vacancies in the town does not warrant a departure from local policy. I understand the attraction to the appellant of providing a café/restaurant, but as I saw, and as many objectors pointed out, the centre is not short of such facilities. One of the main objectives of policy S.5 is to ensure that the town's shopping function is maintained by recognising and supporting a strong accessible shopping core. This proposal, if allowed, would weaken this function, contrary to policy. No other compelling arguments have been presented to justify a departure from the unequivocal provisions of LP policy S.5. Accordingly I conclude, since the proposal would harmfully dilute the principal function of the designated primary shopping frontage of the town.
