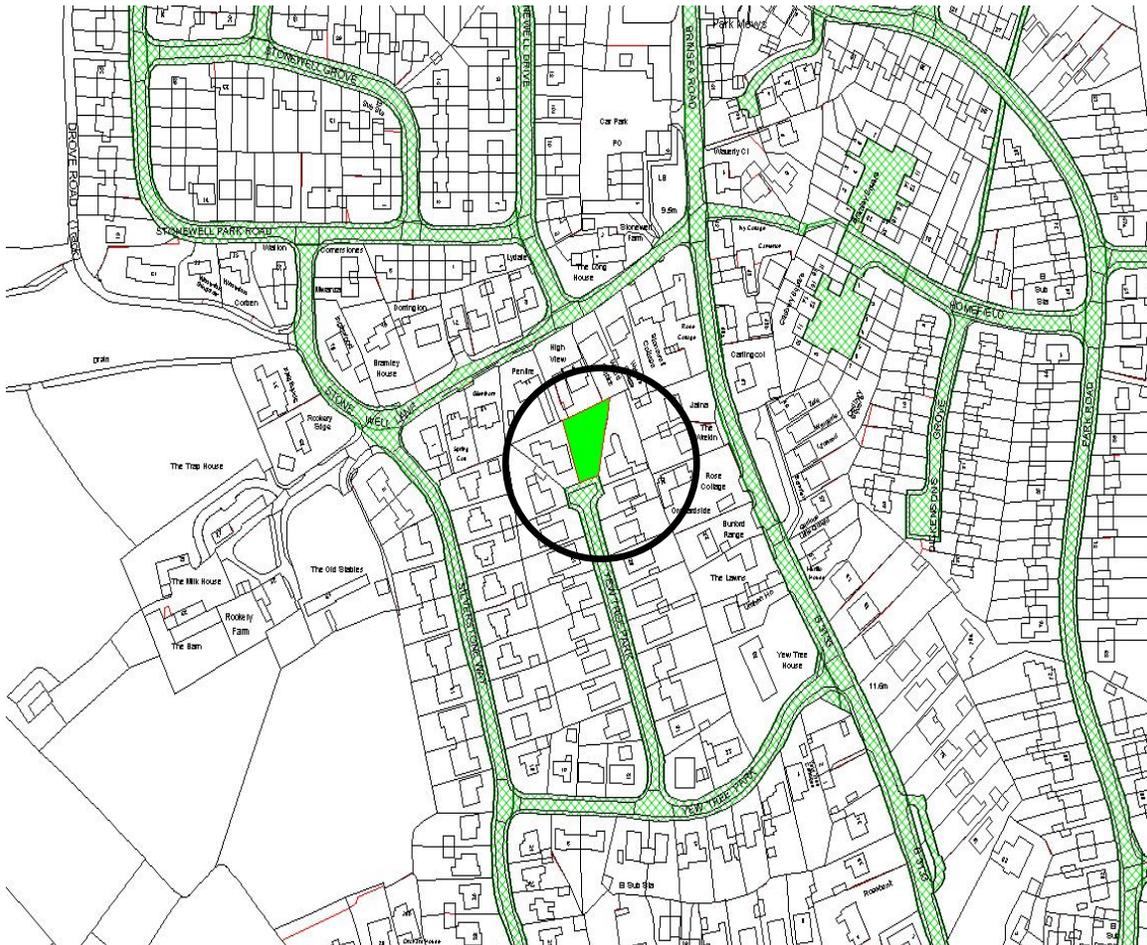


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APPLICATION NO: 16/P/0608/F	CASE OFFICER: Sam Watson
APPLICANT: Mr P Willis	
PARISH/WARD: Congresbury/Congresbury and Puxton	TARGET DATE: 02 May 2016
WARD COUNCILLOR(S): Cllr T C Leimdorfer	
SITE ADDRESS: 22 Yew Tree Park, Congresbury, BS49 5ER	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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7. **Section 2: 16/P/0608/F Roof extension to create additional first floor living space at 22 Yew Tree Park, Congresbury, BS49 5ER**

REFERRED BY COUNCILLOR LEIMDORFER

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The application site is located within a residential area of Congresbury at the end of Yew Tree Park which is a cul-de-sac. Adjoining the site at the south-east and west are residential properties with a residential property that includes a car maintenance, repairs and sales garage to the north.

The site contains a two-storey residential dwelling which fronts onto Yew Tree Park to the south.

The Application

Full permission is sought for:

- The erection of a first floor side extension on the east side above an existing ground floor extension.
- It will extend 4.4 metres from the existing building and will be 4.9 metres wide from the back wall towards the front.
- It will be 6 metres high up to the height of existing main ridgeline which is 1.5 metres higher than the existing ridge line of the side extension.
- On the front elevation one dormer window and one high level roof light are proposed and on the rear elevation two full sized windows are proposed.

Policy Framework

The site is affected by the following constraints:

- Within the settlement boundary for Congresbury
- Within a bat habitat.

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The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS12	Achieving high quality design and place making

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies took place on 22nd and 23rd June and the Inspector's report is awaited.

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
GDP/3	Promoting good design and sustainable construction
H/7	Residential development within settlement boundaries

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
7	Requiring good design

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Emerging Development Plan - The Sites and Policies Plan Part 1: Development Management Policies

The consultation on the proposed Main Modifications ended on 2 March 2016 and the Inspector’s final report was received on 26 April 2016. The council aims to adopt the Plan on 19 July 2016. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM32	High quality design and place making
DM38	Extensions to dwellings

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)

Consultations

Copies of representations received can be viewed on the council’s website. This report contains summaries only.

No letters of objection or support have been received.

Congresbury Parish Council:

“The Planning Committee on 21 March 2016 agreed unanimously to recommend approval of this application.”

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential extensions in this location, (2) character and appearance, (3) living conditions of neighbours and, (4) setting of Listed Buildings.

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Issue 1: The principle of residential extensions in this location

The site falls within the settlement boundary for Congresbury where residential development is acceptable in principle in accordance with policy CS32 of the Core Strategy, policy H/7 of the North Somerset Replacement Local Plan and policies DM32 and DM38 of the emerging North Somerset Sites and Policies Plan (Part 1).

Issue 2: Character and appearance

Policy CS12 of the Core Strategy and policy GDP/3 of the North Somerset Replacement Local Plan require a high standard of design in all new developments. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, consideration will be given to the siting, levels, density, form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing building and the surrounding area.

Yew Tree Park is characterised by two-storey dwellings which are orientated with their gable ends facing the street. The roofs begin above the ground floor with the first floor set within the roof itself. In the area there are a number of examples of side facing dormer windows including examples directly facing each other.

The proposal is for a first floor side extension which has a dormer window within the roof on the front of the dwelling. At the rear the roof is shallower and allows for a full height two-storey wall with standard windows. The rear two-storey wall is not visible from the street and so is not considered to affect the character of the street. The front elevation is considered to be in keeping and sympathetic to the street.

In conclusion the proposals would not adversely affect the character and appearance of Yew Tree Park and would not affect the appearance of the application site. It would therefore comply with policies CS12, GDP/3 and DM32 in regards to the character and appearance of the area.

Issue 3: Living conditions of neighbours

Policy GDP/3 (ii) of the North Somerset Replacement Local Plan and policies DM32 and DM38 of the emerging North Somerset Sites and Policies Plan Part 1 require that new development should have no significant adverse effects on adjacent areas through overlooking, overshadowing or overbearing impact. The North Somerset Residential Design Guide – Section 1: Protecting Living Conditions of Neighbours sets out a minimum distance between a proposed upper floor window and existing habitable room windows of 21 metres on the

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basis that this distance will usually be sufficient to protect the privacy of neighbours.

In this particular case it is considered that the proposal will adversely affect the living conditions of number 23 through overlooking. The proposed front facing dormer window will overlook a neighbour's dormer window which serves a bedroom. The two windows would be less than 10 metres apart at an angle of approximately 55 degrees. The angle is not considered to be acute enough to limit the presence or perception of overlooking between the windows.

There are a number of examples of windows which overlook neighbouring properties or directly facing opposing windows in the area. However, it would appear that these have been installed under permitted development and did not require planning permission. Therefore, these windows are not considered to set a precedent.

In conclusion the proposal for the front facing dormer window does not comply with the minimum distances set out in the Residential Design Guide for opposing habitable windows. The angle between the windows is not sufficient to limit or restrict overlooking or prevent a harmful loss of privacy to the dormer window in the adjoining property at No 23 and to the occupiers of that property. Therefore the proposal would not comply with the Residential Design Guide and policies H/7, GDP/3, DM32 or DM38 which seek to protect the living conditions and privacy of neighbours.

Officers have suggested to the applicant that if the proposed dormer window was removed and a high level velux roof light was inserted this would be acceptable. The applicant has not agreed to this suggestion or to amend the application.

Issue 4: Setting of Listed Building

The proposal does not affect the setting of any listed buildings. It would therefore comply with policies ECH/4 of the North Somerset Replacement Local Plan and DM4 of the emerging Sites and Policies Plan: Part 1.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

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Conclusion

In principle, proposals for householder extensions such as this are acceptable where they comply with all over relevant policies and advice. The proposal would however, not comply with the advice in the Residential Design Guide and policies that cover the living conditions of neighbours. The front facing dormer window is significantly closer than the distance set out in the Residential Design Guide, being less than 10 metres away from a habitable window and would adversely affect the privacy of the occupiers of No 23 Yew Tree Park. The proposal for the front facing dormer window would not be acceptable on these grounds and would not comply with policies H/7, GDP/3, DM32 and DM38 and the Residential Design Guide part 1 SPD.

However, the appearance of the proposed extension would be acceptable. The materials, style, massing and bulk of the proposal is in keeping with the surrounding area. The front facing dormer window, while unacceptable because it impacts on the adjoining occupier, is not considered to adversely affect the character or appearance of the surrounding area. It would therefore comply with the relevant sections of policies, CS12, GDP/3 and DM32.

The applicant has been advised that an alternative design would be acceptable but has not agreed to amend the application.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed development, by virtue of its front dormer window would have an adverse impact upon the living conditions of neighbouring residents at 23 Yew Tree Park by reason of a loss of privacy and overlooking to their dormer window. The proposal is therefore contrary to policies GDP/3 and H/7 of the North Somerset Replacement Local Plan, policies DM32 and DM38 of the emerging North Somerset Sites and Policies Plan: Part 1 Development Management Policies and the Residential Design Guide – Section 1 Supplementary Planning Document.