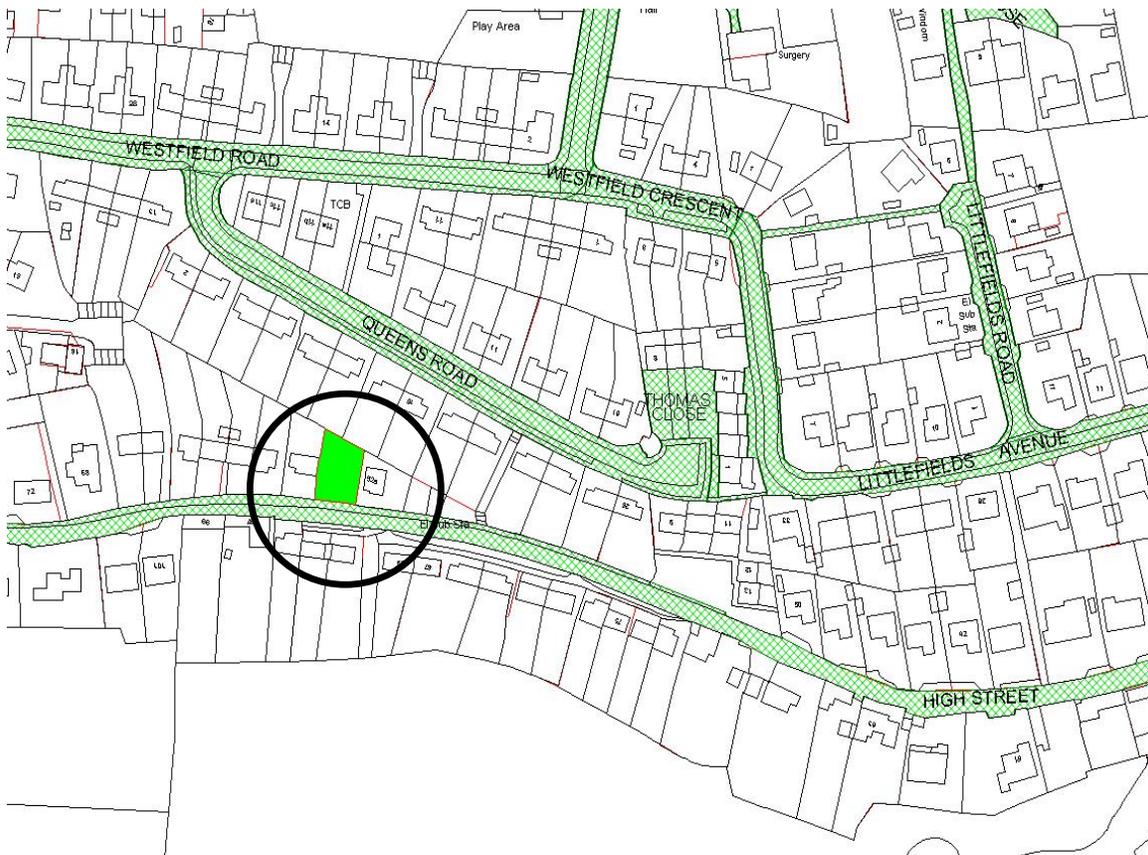


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<b>APPLICATION NO: 16/P/1485/F</b>	<b>CASE OFFICER: Dominic Battrick</b>
<b>APPLICANT: Mr David Jones</b>	<b>Extended expiry date:</b>
<b>PARISH/WARD: Banwell and Winscombe</b> <b>WARD COUNCILLOR(S):</b> Cllr J O'Brien Cllr Mrs A F Harley	<b>TARGET DATE: 16 August 2016</b>
<b>SITE ADDRESS: 52 High Street, Banwell, BS29 6AG</b>	

**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](http://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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12. **Section 2: 16/P/1485/F Erection of an attached 2no. bed dwelling with juliet balcony to the south elevation following the demolition of the existing single storey side extension and creation of a new stepped access. Part demolition of the stone wall to the off road parking bay to create vehicular access into the High Street at 52 High Street, Banwell, BS29 6AG**

**APPLICANT IS A RELATIVE OF A COUNCIL EMPLOYEE**

**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 Banwell. The site is on the north side of the High Street and is located on a moderately sloping site which falls down from the High Street frontage towards the rear. The site adjoins the other semi no. 54 to the west and is separated by a garden area from no. 52A to the east. No 52A is a detached two storey house which was built on part of the former east garden area of no.52 High Street.

The site contains the existing house, 52 High Street, which is a two-storey semi-detached 3 bedroomed house with a single storey side extension and garden area. The plot for the proposed dwelling would be 6.4 metres wide and between 18 and 20 metres deep.

**The Application**

Full permission is sought for:

- The erection of a 2-bed semi-detached two-storey dwelling following the demolition of an existing single storey side lean-to extension.
- The proposed house would be 5.4metres wide, 6.5metres deep and 7.2 metres high.
- The proposed house would be built on the same building line at the front as the existing house no. 52, it would be built to the same height and have a matching roof as no. 52.
- The extension would extend 1 metre back from the back wall of no.52 and have a gable roof at the rear.
- A section of the natural stone highway wall to be removed and the vehicular access widened to allow 3 cars to park side-by-side within the existing raised parking area adjacent to the highway.

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**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2000	00/P/1094/F	Erection of a detached dwelling	Approved with conditions

This house was built and is no. 52A.

**Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for Banwell

**The Development Plan**

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

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS2	Delivering sustainable design and construction
CS11	Parking
CS12	Achieving high quality design and place making
CS32	Service Villages

**\* 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 is currently taking place.

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

The following saved policy is particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
H/7	Residential development within settlement boundaries

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM37	Residential development in existing residential areas
DM42	Accessible and adaptable housing and housing space standards

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
6	Delivering a wide choice of high quality homes
7	Requiring good design

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)

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**Consultations**

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

**Third Parties:** 5 letters of objection have been received. The principal planning points made are as follows:

- Overdevelopment of the site, considering the size of the plot and the previously approved and constructed infill dwelling at 52A.
- Out of character with the density of existing properties.
- Inadequate street parking in the area for the existing properties due to the lack of available on-site parking for many properties. Proposal would result in further loss of street parking and increase the demand.
- Insufficient on-site parking for the proposed development based on the North Somerset Parking Standards SPD.
- Removal of stone wall would harm the character of the street.
- Overbearing impact and loss of light to 52A High Street.
- Loss of privacy due to overlooking from the Juliet balcony and side elevation window to the side window (serving an office) and rear garden of 52A High Street.
- Loss of privacy due to overlooking of the properties to the rear of the site, due to the variation in natural ground levels.
- Inadequate bin storage on-site, which would result in highway problems with bins being kept by the road.
- Concern that the loft-space would consequently be converted in the existing and proposed property. Permitted development rights should be removed to prevent this if the application is approved.
- Street parking issues cause problems for emergency vehicles.

**Banwell Parish Council:** "Supports this application"

**Other Comments Received:**

None.

**Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development, (2) impact on the character and appearance of the area, (3) impact on the occupiers of adjoining dwellings, (4) parking and highway safety.

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**Issue 1: The principle of residential development in this location**

The site is within the settlement boundary for Banwell. Policy CS32 defines Banwell as a service village, where proposals for residential development are permitted in principle. Policies H/7 and DM37 permit the construction of new dwellings in settlement boundaries provided that other criteria are met (such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space).

This proposal is for a single dwelling is acceptable in principle in accordance with policy CS32. The design details, impact on living conditions and amount of amenity space are all considered under Issues 2 and 3 below.

**Issue 2: Impact upon the character and appearance of the surrounding area**

Policy DM37 states that new dwellings on infill plots within predominantly residential areas will only be permitted if they do not adversely affect the character of the area. Particular consideration is given to whether: the siting of the building on the new plot and its layout respects the existing street scene; the plot sizes of both the new and existing property are in keeping with nearby properties; the gardens are of an appropriate size for the new and existing dwelling; the design, form, scale and building materials are in keeping with the area; and there is an impact on characteristic boundary features, trees and landscaping which may adversely affect the street scene.

The appearance of proposed development and its impact on character the surrounding area and street scene are also material considerations under policies DM32 and CS12 concerning good design.

It should be noted that the depth of the existing plot narrows in an easterly direction, meaning that the infill dwelling would have a smaller plot than the remaining plot of 52. Both plots would appear notably more cramped than the surrounding properties, to the detriment of the character of the street. The proposed outdoor amenity space would be particularly small at the proposed property, in part due to the rear boundary angling inwards to within 7 metres of the rear elevation wall, but also because of the narrower width of the plot and the increased depth of the rear elevation of the proposed dwelling relative to the adjacent dwellings. The front of the curtilage would mostly consist of the parking area for the two dwellings. As a result, there is an unacceptably limited area of outdoor amenity space.

The proposal would also contribute to a terracing effect with 52 High Street, due to a two storey dwelling erected adjoining the existing semi-detached house and in close proximity to 52A. The development would be detrimental to the open

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spacing between buildings present in the street scene, resulting in a cramped appearance.

While there is little landscaping of note at the existing site, the natural stone boundary wall is a characteristic of the street. A parking area for 3 cars has already been constructed, with one car width of highway boundary wall still in place. The application proposes to remove this section of wall to allow improved access to the parking area. Due to the drop in natural ground levels to the north away from the highway, a further widened access would increase the visual prominence of the parking area to the detriment of the rural residential character of the street. The addition of bin stores in a prominent roadside location alongside this parking area will further erode the character of the area.

While the design, form, scale, and building materials of the proposed dwelling are largely in keeping, this is outweighed by the harm to the character of the area and the insufficient amenity space as a result of overdevelopment of a plot which has already previously been divided to allow an infill dwelling at 52A. As a result, the proposed development is considered contrary to policy CS12 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites & Policies Plan Part 1.

As set out above, the proposed dwelling will have a very small rear garden, measuring 6.2m deep at the western side and tapering to only 4m deep at the eastern side. This will provide an inadequate amount of amenity space for future occupants of the dwelling and will provide a poor outlook, with habitable windows being in such close proximity to the rear boundary. This conflicts with policy DM37 which requires that 'gardens are an appropriate size for both the proposed new and existing dwelling' and that 'the living conditions of the occupiers and adjoining properties would not be prejudiced'. The proposal also conflicts with policy DM32, which has similar criteria. An appeal for a similar proposal at Clevedon has recently been dismissed under policies H/7 and DM37, where the Inspector noted that 'the proposal would result in an inadequate amount of rear garden ...that would significantly harm the living conditions of the occupiers of that dwelling' (15/P/2003/0).

Policy DM42 of the Sites and Policies Plan states that "where practical and viable, the Council expects all new build market and affordable housing (across all tenures) to comply with the DCLG's 'Technical housing standards – nationally described space standard'". The proposed dwelling falls short of these standards. For example, the gross internal floor space standard for a 2-bed, two-storey house for 3 or 4 persons is 70-79 square metres. This proposal measures 50 square metres. The proposal also fails other standards, such as minimum double bedroom sizes.

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Given the above, it is concluded that, due to the small size of the dwelling and garden, the proposal will not provide satisfactory living conditions for future occupants, contrary to policies DM32, DM37 and DM42 of the Sites and Policies Plan (Part 1).

**Issue 3: Impact upon the occupiers of adjoining dwellings**

Policies DM32 and DM37 require that development does not prejudice the living conditions of occupiers of adjoining properties through overbearing, loss of light or overlooking. This is assessed against the tests contained within the North Somerset Residential Design Guide (Section 1: Living conditions of neighbours).

Due to the angle of the rear boundary and the rear of the proposed dwelling projecting forward by 1 metre relative to 52 High Street, the proposal would fall short of the Design Guide's 7 metre minimum distance of a rear elevation to an opposing boundary, with a distance of approximately 5.5 metres at the closest point of the rear bedroom window. The rear bathroom window is within 5 metres.

This test is to prevent excessively intrusive views from upper floor windows to private gardens. The RDG states under paragraph 3.2 that significant changes in ground levels may result in these distances having to be increased, and that existing intervening vegetation may not normally be sufficient on its own to make a proposal acceptable.

The proposed dwelling is raised in relation to the dwellings beyond the rear boundary to the north, and, while there is some vegetation, the resulting views are considered to be unacceptably intrusive. The changes in levels, coupled with the proximity of the proposed dwelling to the rear boundary will also result in an overbearing impact when viewed from the property at the rear (14 Queens Road).

Regarding the overlooking to the side habitable room window of 52A facing the site, and the rear garden of this property, the proposed window is positioned in a manner that would allow views at an acute angle only. However, as the window serves a landing only, the overlooking and perception of overlooking could be addressed with obscured glazing.

As the neighbouring study window is slightly forward of the south-facing front elevation of the proposed dwelling, the overbearing and loss of light impacts is considered to be limited. As the rear of the dwelling would extend only 1 metre beyond the rear of 52 and 52A, the impacts to the rear of these properties is considered acceptably minimal.

The proposal would not result in material increased adverse impacts on the dwellings opposite to the south.

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However, due to the differing land levels and the close proximity to the rear boundary adjoining a private rear garden, the proposal would unacceptably overlook the rear of 14 Queens Road and cause an overbearing impact and is contrary to policies DM32 and DM37 of the North Somerset Sites & Policies Plan Part 1 and the Residential Design Guide Section 1.

**Issue 4: Parking and Highway Safety**

Policy CS11 and policy DM28 require all proposals for development to have regard for the North Somerset Parking Standards SPD, where the development would increase the demand for parking or reduce available parking provision.

The existing dwelling at 52 High Street contains 3 bedrooms, normally requiring 2 on-site parking spaces. The proposal would result in an additional dwelling containing 2 bedrooms, which requires 2 additional parking spaces.

The proposal includes the removal of a section of wall to allow for 3 cars to park independently on the site for both properties, leaving an under-provision of 1 parking space. This shortfall is not considered to be sufficient to warrant refusal of the application in its own right on highway safety grounds, but is indicative of the cramped nature of the proposal.

While the removal of a section of the wall to allow 3 cars to park side-by-side would have an impact on the street parking availability, this is considered to be a limited impact as the section of wall to be removed is roughly the width of a parking bay and would not allow a full car length. The lack of available on-site parking for many properties is noted, but the priority is given to safe on-site parking where available, and in this instance, the loss of street parking is not significant.

Based on the above, the proposed development is assessed to be in accordance with policy CS11 of the North Somerset Core Strategy and DM28 of the North Somerset Sites & Policies Plan Part 1.

With regards to the widened access, this is not likely to result in an adverse impact on highway safety and is in accordance with policy DM24 of the North Somerset Sites & Policies Plan Part 1.

**The Crime and Disorder Act 1998**

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

**Local Financial Considerations**

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The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development would generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

### **Conclusion**

Whilst this is a location where new residential development is acceptable in principle in accordance with policy CS32 and the design of the dwelling respects the characteristics of the adjoining dwelling, the proposal will result in a cramped form of development, with a terracing effect and loss of spaciousness in the street scene, a frontage dominated by parking and bin storage and a very small dwelling and rear garden. This will harm the character of the area and provide an inadequate standard of living accommodation for future occupants. The proximity of the dwelling to the rear boundary will also have an adverse impact on neighbours to the rear through overlooking and overbearing impact. The proposal therefore conflicts with the detailed criteria set out in policy CS12 of the Core Strategy, policies DM32, DM37 and DM42 of the Sites & Policies Plan (Part 1) and the Residential Design Guide (Section 1).

With regards to parking, although the proposal results in an under-provision of 1 parking space, this shortfall is not considered to be sufficient to warrant refusal of the application on highway safety grounds, although it is indicative of the cramped nature of the proposal.

### **RECOMMENDATION: REFUSE for the following reasons:**

1. The proposed development, by reason of its scale, position and proximity to the site's boundaries will constitute a cramped form of development that results in a terracing effect and loss of spaciousness in the street scene, a frontage dominated by bin storage and parking (despite falling short of the council's parking standards), and an inadequately sized new dwelling and garden. The proposal will, therefore, harm the character of the area and provide an unsatisfactory standard of living accommodation and amenity space for future occupants. The proposal is therefore contrary to policy CS12 of the North Somerset Core Strategy and policies DM32, DM37 and DM42 of the North Somerset Sites & Policies Plan (Part 1).
2. The proposed development, by reason of its scale, position, height and close proximity to the northern site boundary will have an unacceptable

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impact on the living conditions of the occupants of the property to the rear (14 Queens Road) through overlooking and overbearing impact. The proposal is therefore contrary to policies DM32 and DM37 of the North Somerset Sites & Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD - Section 1: Protecting living conditions of neighbours.