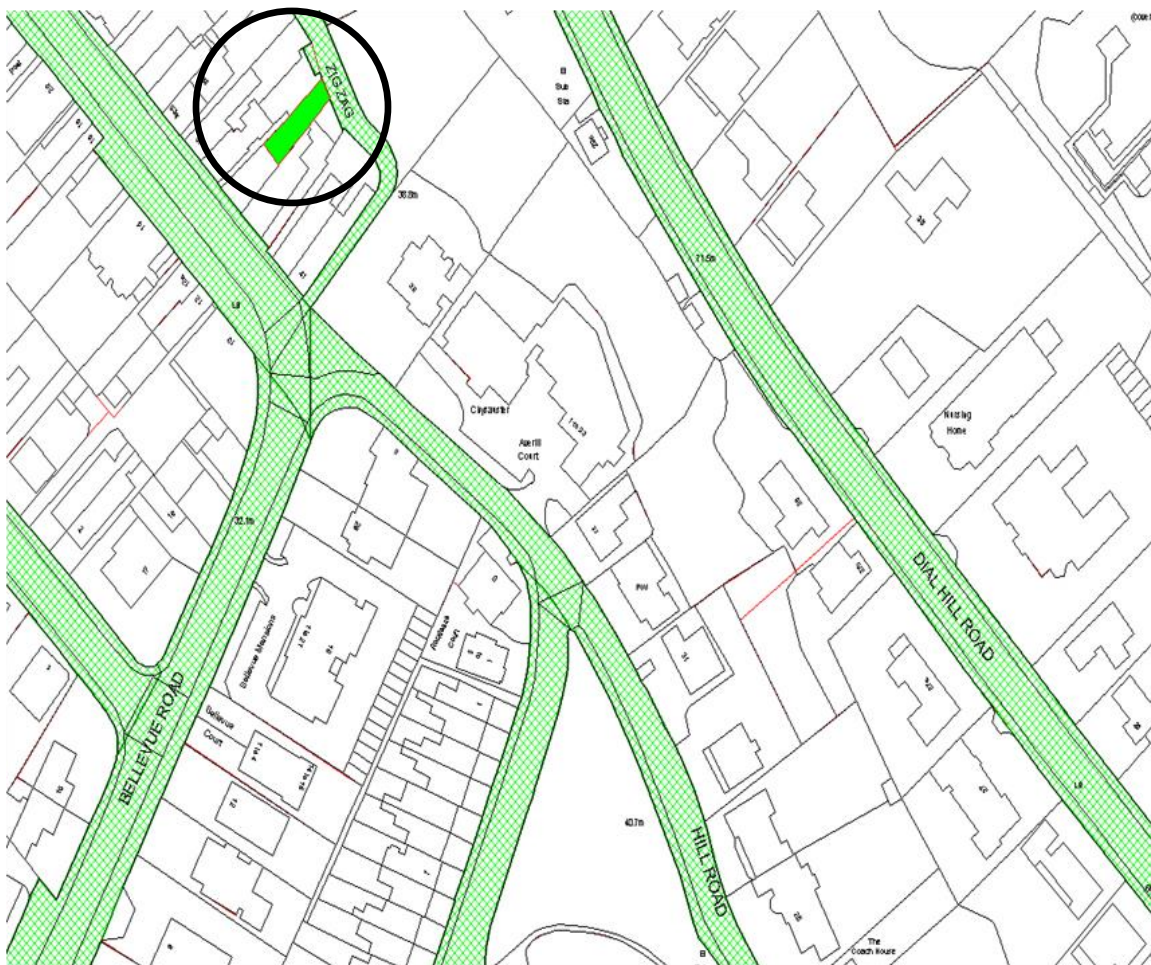


Planning and Regulatory Committee 14.12.16

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APPLICATION NO: 16/P/1701/F	CASE OFFICER: Raheel Mahmood
APPLICANT: Mr Simon Ferguson	Extended expiry date: 14 September 2016
PARISH/WARD: Clevedon/Clevedon Walton	TARGET DATE: 06 September 2016
WARD COUNCILLOR(S): Cllr C Hall	
SITE ADDRESS: 47B Hill Road, Clevedon, BS21 7PD	

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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6. **Section 2: 16/P/1701/F Retention of an outbuilding with terrace over and retention of bi-fold doors to rear of dwelling (Amendment to planning approval 14/P/2131/F) at 47B Hill Road, Clevedon, BS21 7PD**

REFERRED BY COUNCILLOR HALL

Background

The application was reported to the last meeting of the committee on the 9 November after a Committee site inspection on the 8 November. The committee resolved to approve the application subject to a condition for a privacy screen.

The day after the committee meeting a complaint was received that the plans which were approved were not accurate and did not show the building as built. This was investigated it was found that the plans were inaccurate. As a result the applicant has submitted amended plans which accurately show the outbuilding as built and the decision notice was not issued. The amended plans now show the outbuilding as built and have included a privacy screen as requested by members.

Since the decision notice has not been issued and amended plans have been submitted which have been subject to reconsultation, the application has been referred back to the Committee for reconsideration. The report below sets out the issues as previously considered at the last meeting.

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site comprises a two storey property situated to the rear of 47 Hill Road in Clevedon. The property is bounded to the rear by 'zig zag' an access leading to properties on elevated land between Hill Road and Dial Hill Road. Residential properties are situated to the north and south of the site. The application site is situated within the Conservation Area.

The Application

Planning permission is sought for the retention of an outbuilding to the rear of the property to form a store. The outbuilding measures 4 metres in width and 3.2 metres in depth. The building is 2.5m in height. A terraced area has been formed on the roof of the outbuilding (as per the previous application) with stairs leading

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up to it. The outbuilding is no higher than previously approved, however it has a larger floor area and has not been attached to the rear boundary wall as was previously approved.

The application also proposes a different design to the windows and doors on the rear of the approved single storey extension. A 2 metre high privacy screen of bamboo is proposed along the front (south west side) of the terrace.

Relevant Planning History

Year	Reference	Proposal	Decision
2014	14/P/2131/F	Erection of a two storey and single storey rear extension and an outbuilding with terrace over	Approve with conditions

Policy Framework

The site is affected by the following constraints:

- Within the Clevedon settlement boundary
- Within the Clevedon Conservation Area

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 has taken place and the Inspector's Report has been received.

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

The following saved policies are particularly relevant to this proposal:

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:

Policy	Policy heading
DM3	Conservation Areas
DM32	High quality design and place making
DM38	Extensions to dwellings

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

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)

Consultations

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

Third Parties: 5 letters of objection were received to the original application and 1 letter on behalf of two adjoining owners to the amended plans. The principal planning points made are as follows:

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- Overlooking from the balcony.
- Terrace is inappropriate in the conservation area
- Outbuilding is being used as residential accommodation
- Built too close to the ZigZag to the rear which can cause destabilisation to the highway.
- Increase in damp caused to adjoining property.
- Contrary to the residential Design Guide, Section 1
- Contrary to National Policy
- Coverage now exceeds 50% of the original courtyard

A resident has requested that the Committee should be made aware of the objections and a complaint to the Local Authority Ombudsman

Officer's comments: On the last matter, the objector has been advised that information submitted by them would not be circulated to Members of the Committee and it is a matter for them to circulate such information. As far as the complaint is concerned, this will be dealt with in accordance with the Council's complaints procedure and does not affect the consideration of the planning application which must be considered on its planning merits and in accordance with planning policies and advice.

Clevedon Town Council: Original comments: "Recommend refusal - consider the built dwelling to be inappropriate development on this site which affects the amenity and overlooks the courtyard of neighbouring properties. The dwelling that has been built is not in accordance with approved application 14/P/2131/F which was for a bicycle/garden store. The dwelling is used as a third bedroom with en-suite shower room it has a larger footprint and is attached to the adjacent Coach House of the neighbouring property."

Other Comments Received:

Clevedon Civic Society:

Original comments: Express concern that the building is used for habitable accommodation. The proposal has an adverse impact on the neighbouring property. Ask that the application be refused.

Principal Planning Issues

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

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Issue 1: The principle of residential extensions in this location

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

Issue 2: Living conditions of neighbours

Policies DM32 and DM38 of the 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 Residential Design Guide section 1 (RDG 1) SPD – “Protecting living conditions of neighbours” is the main guide concerning the assessment of such impacts.

Paragraph 2 of the RDG1 refers to overbearing and loss of light. This paragraph also refers in paragraph 2.1 to the 45% test. The 45% test relates to the impact of development on adjoining windows. In this particular case, it is considered that the outbuilding due to its size and position does not cause any significant overshadowing, loss of light or overbearing impact to any neighbours windows.

Objections refer to the 45 degree test. This is not applicable in this case because the test relates to overbearing and loss of light to windows and not overlooking and the loss of privacy which is dealt with in paragraph 3 of the Guide and from balconies or terraces in paragraph 3.3.

Paragraph 3 of the RDG1 addresses privacy and overlooking and paragraph 3.3 refers specifically to overlooking from balconies and raised platforms. Paragraph 3.3 refers to the increased opportunities of overlooking and the risk of increased noise and disturbance. It indicates that use of screens can in some circumstances help to overcome problems of overlooking and but do little to prevent problems of excessive noise and disturbance.

There is no harmful overlooking from windows of the building into the windows of adjoining properties. The amended design to the doors and windows to the rear of the main property also results in no additional harm to the neighbouring residents over that which was previously approved. However the raised terrace and staircase to it could allow at an angle, overlooking of a small part of the adjoining occupiers yard area at no.45 Hill Road. A 2 metre high bamboo privacy screen is however proposed along the front (south west side) of the terrace and it is considered that this would not result in a significant and unacceptable loss of privacy to the adjoining occupier’s yard area at no.45 Hill Road.

As far as noise and disturbance is concerned, planning permission 14/P/2131/F had previously been granted albeit for a smaller terrace and the terrace covers the previous yard area. As such it is considered that the use of the terrace would

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not result in a significant and unacceptable increase in excessive noise and disturbance.

The objections have referred to the 7 metre guideline in paragraph 3 of the RDG. However in this case this is not applicable because the test relates to loss of loss of privacy from proposed windows and there is no such overlooking in this case. The objections have also indicated that the outbuilding, and in particular the terrace above it, causes overlooking into the neighbouring courtyard at no.45 Hill Road. The balcony is however set back behind the neighbouring wall at no.45, which provides some screening to the courtyard of the adjacent property and the 2 metre high privacy screen is now proposed. Therefore it is not considered the terrace area causes any significant and unacceptable overlooking into the neighbouring property and it is considered that this complies with paragraph 3.3 of the RDG 1.

The applicant has confirmed that the outbuilding is not being used for storage and is not being used as a bedroom and this has been confirmed.

In conclusion the development is not considered to cause significant harmful impact on the living conditions of neighbours through overlooking, loss of privacy, overbearing impact or overshadowing. It is therefore considered that the development complies with the Residential Design Guide and policies DM32, DM38 of the Sites and Policies Plan, H/7 and the Residential Design Guide section 1 (RDG 1) SPD which seek to protect the living conditions and privacy of neighbours.

Issue 3: Character and appearance

Policy CS12 of the Core Strategy requires 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.

The outbuilding is situated to the rear of the property and behind a high wall backing onto Zig-Zag. It is not visible from Hill Road and is not readily visible from public viewpoints. For these reasons the development would not adversely affect the character and appearance of the application site nor would it affect the character of the wider area.

Although the building will only leave a small area of the external courtyard available it is considered that the terrace area will ensure that sufficient external space is provided for the property.

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It would therefore comply with policies CS12 and DM32 in regards to the character and appearance of the area.

Issue 4: Conservation area

Concerns have been raised that the outbuilding and its terrace has a harmful impact on the conservation area. As previously pointed out, the outbuilding is not visible from Hill Road to the front and is also not visible from the ZigZag to the rear as it is set below the level of the road. The development is not visually prominent in the conservation area and does not adversely affect its character or appearance. Therefore the proposal complies with policy CS5 of the Core Strategy and DM3 of the Sites and Policies Plan Part 1.

Other Matters

A dispute has arisen between the owners of 45 Hill Road and 47B Hill Road regarding the ownership of the wall against which the new outbuilding sits. An objection has been received that the correct notice of the application has not been served on them and certificate submitted with the application are not correct. This has been investigated and the applicant has confirmed that the current ownership certificate has been submitted with the application.

An objection has also been received that the outbuilding is causing a damp problem to the adjacent building however this is matter which is dealt with by other legislation.

Private issues between neighbours such as land and boundary disputes, and damage to property are not material planning considerations that can be taken into account in reaching a decision on the planning application and these matters are covered by other legislation. These are matters which should be resolved between the applicant and the neighbour.

An objection has also been have also been received over the structural impact of the outbuilding on the Zigzag to the rear. The outbuilding does not connect to the rear boundary wall and for this reason it is not considered that the outbuilding results in any structural damage to it.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

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

The application has been reported back to Committee as it has become apparent since the last meeting that the application plans did not accurately reflect the structure as built. The applicant has therefore submitted amended plans which accurately show the outbuilding as built.

As reported at the previous meeting, it is considered that the proposals do not cause unacceptable effects on neighbours in terms of overlooking, overbearing and overshadowing. A condition requiring a privacy screen is recommended in accordance with the Committee's comments at its last meeting. The development therefore comply with polices H/7, DM32 and DM38 and the Residential Design Guide SPD which seeks to protect the living conditions and privacy of neighbours.

The proposals would not adversely affect the character of the conservation area and would not affect the character of the application site. The size and height of the outbuilding is not out of character with the area, and the amendments to the doors and windows at ground floor level to the rear are considered acceptable. The proposals therefore comply with policies DM3, CS12 and DM32 in regards to the character and appearance of the area.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The privacy screen shown on drawing PL03 Proposed Elevations and Plans hereby approved shall be erected within 28 days of this decision notice and it shall thereafter be permanently retained as such.

Reason: To protect the privacy of neighbouring properties in accordance with Policy DM32 of the Sites & Policies Plan Part 1.