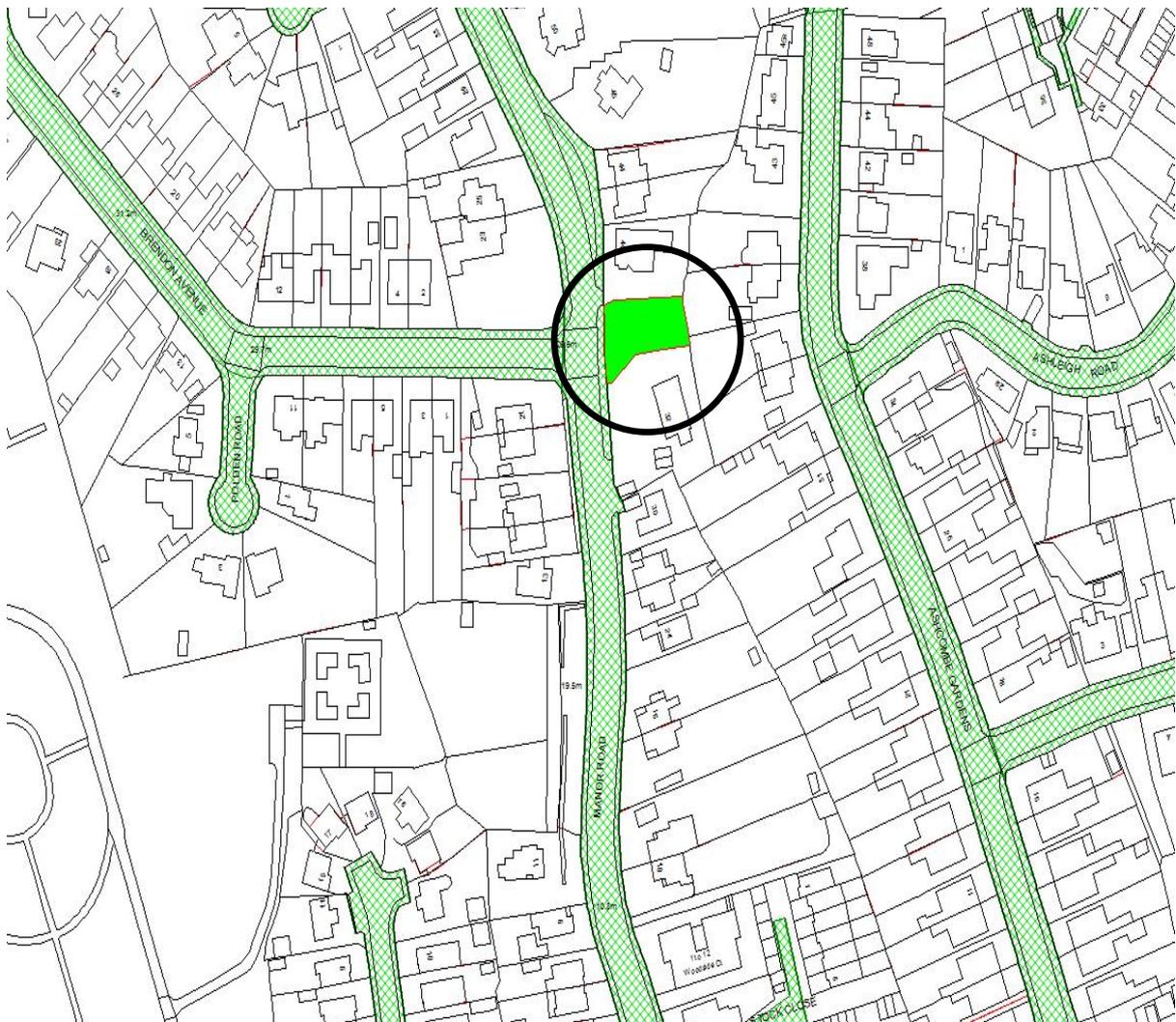


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<b>APPLICATION NO:</b> 16/P/0956/F	<b>CASE OFFICER:</b> Angela Norris
<b>APPLICANT:</b> Mr Sean Dauncey	<b>Extended expiry date:</b> 21 April 2017
<b>PARISH/WARD:</b> Weston-super-Mare/Weston-super-Mare Hillside <b>WARD COUNCILLOR(S):</b> Cllr J Crockford-Hawley Cllr M Canniford	<b>TARGET DATE:</b> 02 June 2016
<b>SITE ADDRESS:</b> 40 Manor Road, Weston-super-Mare, BS23 2SU	

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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9. Section 2 16/P/0956/F Erection of 1no. three bedroom dwelling at 40 Manor Road, Weston-super-Mare, BS23 2SU

**REFERRED BY COUNCILLORS CROCKFORD-HAWLEY & CANNIFORD**

**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 is located within a residential area of Weston-super-Mare on the east side of Manor Road, opposite the junction of Manor Road and Brendan Avenue. The site is the garden on south side of no. 40 Manor Road which contains a single domestic garage. Adjoining the site on the eastern boundary are residential properties in Ashcombe Gardens, and on the southern boundary a residential dwelling at 32 Manor Road.

**The Application**

- Full permission is sought for the demolition of an existing detached garage and the sub-division of the site to create an additional dwelling.
- It includes the erection of one 3-bed detached dwelling that would be two-storeys in height.
- On-site parking places would be provided for 2 vehicles and there would be alterations to the existing vehicular access off Manor Road.
- The materials to be used for the dwelling would be stone on the front elevation and render on the side and rear walls. The roof tiles to be used would be double roman and the windows and doors would be UPVc.

This application is a re-submission of a proposal to erect a new dwelling on the site, (planning application ref: 15/P/2668/F) which was refused at the Planning and Regulatory Committee on 10 February 2016. Whilst there are similarities between the two schemes, there have been changes to the new proposal. These include the revised design of the rear and front elevations.

**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2016	15/P/2668/F	Erection of 1no. three-storey detached dwelling	Refused at P& R Committee meeting on 10/02/16
2011	10/P/2058/F	Conversion of first floor flat and unused attic space into 2no flats	Approved

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with dormer to front elevation,  
replacement windows and 5  
rooflights

1978 2698/78      Erection of a single detached      Refused  
dwelling

**Policy Framework**

The site is within the settlement boundary for Weston-super-Mare

**The Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS28	Weston super Mare

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

The following saved policies are 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
DM36	Residential densities
DM37	Residential development in existing residential areas

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### 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)
- Development contributions SPD (adopted January 2016)

### Consultations

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

**Third Parties:** 11 objections have been received. The principal planning points made are as follows:

- Would represent over development of very small garden
- Proposal represents garden grabbing
- Would still be over bearing as rear elevation would still represent 5-storeys given the slope over the 1930s dwellings at the rear.
- Would have adverse impacts on living conditions of adjoining residents by way of overlooking and loss of light
- There are already parking problems on this steep hill which would be exacerbated as no parking is being provided
- Concerned that the development could cause serious drainage, subsidence and flooding issues and damage boundary walls
- There would be loss of wildlife habitat from loss of garden

**Weston-super-Mare Town Council:** "No objection".

### Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) the character and appearance of the development,

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(3) the impact of the development on the living conditions of the neighbouring occupiers, (4) the impact of the development upon parking and highway safety, (5) setting of a listed building, and (6) other matters.

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

The site is within the settlement boundary for Weston-super-Mare. Policy CS28 of the Core Strategy defines Weston as the primary focus for development within North Somerset, where residential development of dwellings will be permitted. Saved policy H/7 of the NSRLP permits 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). Policy DM36 of the Sites and Policies Plan advises that residential development should optimise the potential of the site to accommodate residential development, provided that it protects and enhances the distinctive character of the area. Additionally, policy DM37 of the Sites and Policies Plan permits new dwellings on infill, backland plots, garden land or other sites within predominantly residential areas in principle provided that they do not adversely affect the character of the area.

This proposal is for a single dwelling in a garden gap between existing dwellings and therefore is acceptable in principle in accordance with policy CS28 of the North Somerset Core Strategy, saved policy H/7 of the North Somerset Replacement Local Plan and policies DM36 and DM37 of the adopted North Somerset Sites and Policies Plan – Part 1.

**Issue 2: The character and appearance of the development**

The proposed dwelling would be sited within the garden land, on the south side of no. 40 Manor Road and is bounded by Manor Road. It is considered to be an ample size plot of sufficient size to be sub-divided and can be accessed directly off the road. Concern has been raised by the local residents that it would be over development of the site and that it would be squeezing in an additional house. However, it is considered that the plot is of sufficient size to allow an additional dwelling to be accommodated without adversely impacting on the adjoining properties or the space between buildings.

Currently there is a modern single garage on the site. As the area is a mix of residential densities and styles, it is considered that a new dwelling of modern style would not be out of keeping with its character. The siting of the dwelling would respect the building line of the immediate neighbouring dwelling. With regard to height and scale, on the front elevation the dwelling would be two-storeys which is in keeping with the surrounding dwellings on the east side of Manor Road. However, because of the sloping ground, the dwelling would be higher at the rear but this would not unduly harm the street scene. The dwelling would be constructed in stone on the front elevation, which would be in keeping with the older properties in the area, and would be rendered at the sides and rear, which is similar to more modern properties in the area. Consequently it is considered an acceptable design.

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Concern has been raised by local residents that this re-submitted scheme is no different in design than that which was refused in 2016. They still consider that the height of the rear of the new dwelling, due to its elevated location, would make it too imposing and overbearing to properties at the rear. However, it is considered that the hipped roof on the rear would mean that this impact is not unacceptable. It is considered that this amendment would reduce the bulk and height of the rear elevation from the previous application which was for 3 storeys.

Whilst the proposed dwelling would be on higher ground it is considered that there is little difference with other houses in the locality, which rise to 3-storeys given the ground levels and steep slope of the land. This can be seen in the houses at the corner of Brendan Avenue and Manor Road, which are of a substantial height. As such it is considered that the proposed new dwelling would not be out of keeping with the character of the area.

Regarding the front elevation, it is considered that the new design with a ground floor bay window and stone would improve the character of the proposed new dwelling, adding more interest to the street scene. As the plans indicate that it would be fully constructed in stone, it is considered that this overcomes the previous objections to the character and appearance of the proposed new dwelling.

In conclusion, the proposed dwelling complies with the guidance contained in Section 7 of the National Planning Policy Framework, and with the local planning policies contained in policy CS12 of the Core Strategy, saved policy H/7 of the North Somerset Local Replacement Plan and policy DM37 of the North Somerset Sites and Policies Plan – Part 1.

**Issue 3: The impact of the development on the living conditions of the neighbouring occupiers**

The site is within an existing group of dwellings. The nearest dwellings would be the flats in the existing house at no.40, Manor Road, on the north side of the site. The building would be approximately 6 metres away from the proposed new dwelling. However, because it would be on lower ground and the ridge line of the roof would run parallel to the existing house, the sloping section of the roof would be closest to the dwellings and reduce the risk of overbearing impact. It would not unacceptably harm daylight or outlook. In addition, as there would be no windows in the north side elevation, there would be no overlooking or loss of privacy. Although one of the residents has objected to the proposal it is considered that it would not unacceptably impact upon the living conditions. Concern has been raised that there would be loss of a view but this cannot be given any significant weight in the planning assessment of the proposal.

On the south side of the site the nearest dwelling would be no. 32 Manor Road. This dwelling would be approximately 13 metres away, sited at an angle and on lower ground. In addition no windows are proposed in the south side elevation, other than two roof lights. Although some concern has been raised that the roof lights may create overlooking issues, it is considered that any views from such windows would be limited. It is considered that there would be no significant impact upon this

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property. Additionally, potential future windows facing southwards and potential for outbuildings with windows facing the dwelling, these can be overcome by conditions controlling windows and out buildings. Consequently, it is considered that there would be no significant impact upon this dwelling.

Regarding the dwellings on the east side of the site, the closest would be no.39 Ashcombe Park, which would be approximately 30 metres away, and no. 37 Ashcombe Park which would be 31 metres away from the rear elevation of the proposed new dwelling. Many of the residents in this road have expressed concern about the development of a new house on this site, as they consider that there would be substantially overlooking and loss of light. Their concern is that it would be on higher ground and they raised concern that bedroom windows would overlook the rear gardens and bedrooms of their properties. However, it is considered that the new design with no windows at second floor level, has reduced any potential overlooking issues as there is no balcony included in the new design. It is considered that this new design has overcome the concerns of the previous application.

In addition, it is considered that the distance from the rear of nos. 37 and 39 Ashcombe Park, and the alignment of the new dwelling so that the rear wall faces the gap between nos. 37 and 39 Ashcombe Park dwellings, would not significantly increase the potential for overlooking of the existing dwellings. Further, the ground levels within the area, result in existing dwellings being on higher elevated ground, an example of which is no. 32 Manor Road, which is on higher ground than the properties in Ashcombe Park. This existing property is closer to no. 35 Ashcombe Park, than the proposed new dwelling would be to no.39 Ashcombe Park. The existing distance is 25 metres. Therefore, it is considered that the increase in overlooking is not significant, given the current situation in the area.

It is considered that given the distance between the new dwelling and nos. 37 and 39 Ashcombe Park, there would be no significant loss of day light in habitable rooms. In addition, it is considered that the introduction of a hip roof would also lessen any impact on potential loss of sunlight in rear gardens. It is considered that this has overcome the concerns that there would be loss of sunlight in the evening as the new dwelling would be on the west side of the gardens. It is considered that any loss would be significantly less than the previous design.

To conclude, it is considered that the proposed new dwelling complies with all the relevant tests that are contained within the adopted Residential Design Guide. As such it is considered that the proposal would not have a significantly adverse impact upon the living conditions of the neighbouring residents and in this respect, the proposal is in compliance with the guidance contained in Section 7 of the National Planning Policy Framework, and with the local planning policies contained in policy CS12 of the Core Strategy, saved policy H/7 of the North Somerset Local Replacement Plan and policy DM37 of the North Somerset Sites and Policies Plan – Part 1.

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**Issue 4: The impact of the development upon parking and highway safety**

The proposal is for the demolition of a domestic garage and the erection of a 3 bedroom detached dwelling. The dwelling would utilise the existing driveway for parking. Therefore, the proposal would result in the potential loss of garage and driveway parking for the existing residents of no. 40 Manor Road. However, it is unlikely that the garage and driveway has been used by the residents. In 2010, permission was granted for a third flat in the main house, and it was accepted that on-street parking in this locality was acceptable. It was considered that provision of off-road parking for the additional flat was not essential, so was not a requirement of that permission. In addition the length and width of the existing driveway and garage is insufficient to provide parking space for more than one car. Consequently, it is unlikely that the garage or driveway have been used for parking of vehicles by the residents of no. 40 Manor Road. Therefore their loss of use by the residents of no. 40 Manor Road, is not considered a significant matter.

The proposed new dwelling would have a separate access from the existing house at no. 40 Manor Road. In addition it would improve the access and widen the existing driveway to accommodate 2 cars. As the dwelling would be a 3 bed dwelling, the provision of 2 car parking spaces is in line with parking standards set out in the adopted North Somerset Parking Standards SPD.

The proposal is therefore complies with policies CS10 and CS11 of the Core Strategy, policies T/6 and T/10 of the Replacement Local Plan and policy DM24 of the Sites & Policies Plan – Part 1.

**Issue 5: Setting of Listed Building**

The proposal does not affect the setting of any listed buildings.

**Issue 6: Other matters**

Concern has been raised about the stability of the ground during the course of development. However, it is the responsibility of the applicant to ensure land stability and that the development is constructed safely and does not damage other properties. The ground works would be dealt with under the building regulations that are required for all such developments.

Other matters have been raised by consultees, namely loss of view, noise, disturbance and inconvenience during the construction stage and financial gain. However such matters carry very little weight in the determination of planning applications.

**Natural Environment and Rural Communities (NERC) Act 2006**

The site is an urban garden so proposed development will not have a material detrimental impact upon bio-diversity.

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**The Crime and Disorder Act 1998**

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

**Local Financial Considerations**

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 is expected to 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**

The proposed new dwelling would be sited within Weston, so its location complies with national guidance on residential development and accords with the local plan policies on housing which allow new dwellings within settlement boundaries. Therefore it is acceptable in principle. As there would be minimal adverse impacts upon the character of the area, no overriding harm to the living conditions of surrounding occupiers, and no highway safety issues, it is considered that the proposed development is acceptable and is recommended for approval.

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

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. 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.

3. The external walling and roofing materials to be used in the building works for the new dwelling hereby permitted shall be in strict accordance with the approved plans. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure the works harmonise as closely as possible with the surrounding dwellings, in order to maintain the character of the

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surrounding area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites & Policies Plan - Part 1.

4. The height of the roof ridge on the new dwelling shall not exceed that shown on the approved drawings and the new dwelling shall be built in strict accordance with the approved plans in terms of levels. Thereafter, the development shall not take place except in accordance with the approved details.

Reason: To ensure that the roof ridge is not built higher than approved in the interests of the impact upon the living conditions of neighbours in accordance with Section 7 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy, saved policy H/7 of the North Somerset Replacement Local Plan and policy DM32 of the North Somerset Sites & Policies Plan - Part 1.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no additional windows, roof lights or dormers shall be inserted in the north, south and east elevations without the prior written consent of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policy DM32 of the North Somerset Sites & Policies Plan - Part 1.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no outbuildings shall be erected, constructed or placed on any part of the application site, unless first agreed in writing with the local planning authority.

Reason: The ground levels within the site in the rear garden, would mean that there could be potential overlooking of neighbouring properties from windows so causing loss of privacy from such buildings in the interests of protecting the living conditions of the occupiers of the neighbouring dwellings and in accordance with policy CS12 of the North Somerset Core Strategy, saved policy H/7 of the North Somerset Replacement Local Plan and policy DM32 of the North Somerset Sites & Policies Plan - Part 1.

7. The development hereby approved shall not be occupied until the parking area has been laid out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the dwelling hereby approved.

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Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites & Policies Plan - Part 1.

8. The dwelling hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

9. The dwelling shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

10. No development shall be commenced until surface water drainage details together with a programme of implementation have been submitted to and approved, in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of foul and surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework with planning policy guidance and policy CS/3 of the North Somerset Core Strategy.