

SECTION 2 – ITEM 10

Application No:	20/P/0079/FUH	Target date:	15.05.2020
Case officer:	Janet Jones	Extended date:	20.07.2020
Parish/Ward:	Weston-super-Mare Weston-super-Mare Hillside	Ward Councillors:	Councillor Mark Canniford Councillor John Crockford-Hawley
Applicant:	Mr Steven Rowbotham		
Proposal:	Part retrospective application for erection of garage.		
Site address:	Lower Flat, 21 Grove Park Road, Weston-super-Mare, BS23 2LW		

REFERRED BY COUNCILLOR CROCKFORD-HAWLEY

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 towards the top of Grove Park Road. The property is situated on the west side of Grove Park Road and is a detached two-storey dwelling which has been subdivided into a ground-floor and first-floor flat which are under separate private ownership. Adjoining the site to the north, south and western boundaries are residential properties.

The Application

- Full permission is sought for the construction of a detached garage in the rear garden of the existing dwelling.
- The application is part-retrospective. A steel frame has been erected, but works stopped.
The proposed garage would be:
 - 5.5 metres wide, 9.5 metres long and would be 2.5 metres to the eaves and 3.5 metres to the ridge.
 - It would have a natural stone frontage, rendered sides and rear and a tiled roof.

Relevant Planning History

No relevant planning history

Policy Framework

The site is affected by the following constraints:

- Within settlement boundary for Weston-super-Mare
- Within Great Weston Conservation Area
- Within Greater Horseshoe Bat Zone C

The Development Plan

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

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS5	Landscape and the historic environment
CS12	Achieving high quality design and place making

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

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA2	Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
12	Achieving well designed places
16	Conserving and enhancing the historic environment

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: 10 letters of objection have been received. The principal planning points made are as follows:

- Submitted plans do not reflect height of proposal as currently built
- Proposal, by way of its size and placement, will have overbearing impact on neighbouring residents when viewed from their back gardens and windows
- Proposal is too large for a domestic garage and could be used as business or be converted to residential property
- Proposal is out of keeping and harmful to the Conservation Area.
- Proposed use will cause noise nuisance and impact living conditions of neighbours
- Proposal will increase water runoff to 19 Grove Park Road
- Other unpermitted works have been carried out on site

Weston-super-Mare Town Council: "neutral".

Principal Planning Issues

The principal issues in this case are (1) character and appearance and impact on the conservation area and (2) impact on neighbours (3) Setting of the Listed Building and (4) other matters.

Issue 1: Character and appearance and impact on the Conservation Area

21 Grove Park Road is a large, detached dwelling which is constructed mainly of natural Weston stone with Bath stone details and is located within the Great Weston Conservation Area. The dwelling is set back and separated from the road by a traditional stone boundary wall and front garden which create a sense of enclosure and separation from the public realm. A large garden sits to the rear (west) of the dwelling which is accessed via a driveway to the side (south). The rear garden has been split into two halves with the ground floor flat (proposal site) using the east half of the garden and the first floor flat using the west half. Other dwellings located along Grove Park Road are generally of a similar size and design as the proposal dwelling and a generous amount of space is afforded between each detached dwelling, lending a sense of spaciousness to the area which is sometimes interrupted by single-storey extensions and outbuildings to the sides and rear of the properties.

The Planning (Listed Buildings and Conservation Areas) Act 1990 and policy DM3 require that a proposal within a Conservation Area should preserve or enhance the character of

the area. As such, development must not be harmful to the Conservation Area and must seek to enhance it where possible. Section 16 of the NPPF advises that when assessing the impact on a heritage asset, it should be considered whether the proposal would result in less than substantial harm. The impact of a development in a Conservation Area needs to be considered from public and not private views.

The proposal seeks to construct a garage to the rear garden of the ground floor flat. Concerns have been raised that the proposal is not in keeping with the character and appearance of the existing dwelling and the wider Conservation Area in terms of its size and materials.

The proposed garage would measure 5.5 metres wide, 9.5 metres long and would be 2.5 metres to the eaves and 3.4 metres to the ridge. This would give the garage an overall height of 3.4 m and floor area of 52.25 sqm. Whilst the proposed garage is larger than a standard domestic garage in terms of its floor space, it is considered that the garage is proportionate to the size of the large detached dwellinghouse (169sqm) and to the size of the substantial rear garden (731sqm). The proposal will be set 14m back from the rear of the dwelling house, and 38m back from the front boundary wall which adjoins the public highway. Given the substantial distance which would be afforded between the public highway and the proposal its impact on views from the public realm and Conservation Area will be small, and not to a degree which is harmful to the Conservation Area. This impact is further mitigated by the bulk of the dwelling which partially blocks the proposal in views from the road.

When considering household planning applications, the Residential Design Guide Section 2 is given significant weight in decision making. The RDG2 outlines design principles a proposal must comply with to be considered acceptable. When viewing the proposal in context with the street scene and existing property, the proposal would comply with section 3.1.3 of principle 2 which states that "*new buildings, such as garages should not be overly large so that they dominate either the original house or street scene*". It is therefore considered not disproportionate to the existing dwelling and rear garden and is unlikely to have a harmful impact on the character of the area or the Conservation Area.

The front elevation of the garage would be faced in natural Weston stone to match the dwelling house. Wood cladding was originally proposed to the side and rear elevations, however, concerns were expressed by the Conservation Officer and third parties that such materials were not in-keeping with the dwelling and Conservation Area. These elevations have been amended and will be rendered and painted to match the colour of the house. The reclaimed roof tiles will match those of the main dwellinghouse roof. These materials are sympathetic and in-keeping with existing property and wider conservation area and are considered to comply with policies DM32 and DM38 of the Sites and Policies Plan (Part 1) which state that new development should respect the materials of the existing property and surrounding area.

The council's Conservation Officer has assessed the application and determined that while the garage is large, views in towards the site are limited and that that the materials which face the road are in keeping with Conservation Area. She concluded that the proposal will cause less than substantial harm to the Conservation Area, but that this harm would be at the very lower end of less than substantial harm as public views into the site are very limited.

In conclusion, the proposal will be constructed of materials matching and sympathetic to the main dwelling house, it is proportionate to the sizes of the garden and dwellinghouse and will be set substantially back and partially blocked from public views. It is therefore considered that the proposal will not cause substantial or less than substantial harm to the Conservation Area, or the character and appearance of the site and wider area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of development preserving or enhancing the character or appearance of a Conservation Area. It is considered that the proposal will preserve the character and appearance of the Conservation Area and therefore meets the requirements of section 72(1).

The proposal is therefore in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990, policies CS5 and CS12 of the Core Strategy, policies DM3, DM32 and DM38 of the Sites and Policies Plan Part 1 and the guidance in the Residential Design Guide Section 2.

Issue 2: Neighbour impacts

The application site adjoins 19 Grove Park Road to the south and 23 Grove Park Road to the north. The land slopes downhill from north to south, so 21 Grove Park Road is slightly higher (0.9 metres) than 19 Grove Park Road. Both properties benefit from large, spacious rear gardens, as do the other properties located along the street.

To assess whether a development would have an unacceptable impact on adjoining neighbours, the guidance provided in the Residential Design Guide Section 1 (RDG1) must be considered. Section 2 of the RDG1 states that "*if a development is likely to significantly reduce the amount of daylight or sunlight to a habitable room or result in a significant overbearing impact on a neighbouring house, then the planning application is likely to be refused*". Given this, there are two key issues which must be considered, firstly whether the proposed garage will impact daylight or sunlight afforded to the habitable rooms of no. 19 and secondly whether it will have a significant overbearing impact on their property.

As the proposed garage is set well back from the rear elevations of both no. 19 (10 metres) and no. 21 (14 metres), the LPA considers that there will not be an unacceptable loss of light to the habitable room windows of no. 19. Sunlight to the rear garden and windows of no. 19 will not be hindered by the proposal as it will be based to the north of the garden, while the sun rises in the east, moving southwards, and sets in the west.

It has been considered whether the proposal will have a significant overbearing impact on the garden of no. 19. The boundary which is shared by no.19 and no. 21 is 43m long when measured from the rear elevation of the dwellings to the rear boundaries of the gardens, and the garage, which would run parallel to this boundary, is 9.5m long. It is considered that this garage would not occupy a large enough proportion of the shared boundary to create a significant sense of enclosure or overbearing impact to the garden of no 19. It is noted that the garden of no. 21 is 0.9metres higher than the garden of no.19 which would increase the sense of height of the garage when viewed from no. 19. However, as the eaves (2.45m) would sit just above the existing boundary fence, while the roof, which will add another 0.9m to the overall height of the garage, would be shallow at a 20 degree pitch, and would slope away from the shared boundary, it is considered that this change in ground levels and the height of the garage is not sufficient to create a significant and

unacceptable overbearing impact on the rear garden of no. 19. The garage would be sited on the northern side of the boundary and so sunlight and daylight from the south would not be significantly affected to the garden of no. 19.

The gardens and shared boundary are large enough that if the proposal were built, a substantial sense of spaciousness and openness would still be afforded to the rear of no. 19. It is therefore considered that although the garage does constitute a change to the openness which no. 19 currently benefits from, this change is not so significant that it would have an unacceptable impact on their living conditions when using their garden and property.

Concerns have been expressed that the proposal will cause increased surface water run-off onto no.19's garden. A condition to prevent surface water run-off to neighbouring properties is considered necessary to mitigate against this and the proposed plans demonstrate that gutters will be used to collect surface water run-off from the proposal.

Concerns have been raised that the proposal may cause noise nuisance if it is used for the applicant's classic car hobby. The LPA consider that the domestic use of a garage for the enjoyment of the applicant will not create noise to an extent which would unacceptably impact the living conditions of neighbouring residents. Concern has also been expressed that the proposal may be used for commercial or business purposes which could cause noise nuisance or that it could be converted for use as residential accommodation in the future. The LPA would not wish to see the building used for commercial, industrial or residential accommodation purposes and would therefore recommend conditions restricting the use and conversion of the proposed garage.

In conclusion, the proposed development will not have a significant overbearing or unacceptable impact on the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM38 of the Sites and Policies Plan (Part 1) and the guidance provided in the Residential Design Guide Section 1 (RDG1).

Issue 3: Setting of Listed Building

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

Issue 4: Other matters

Unauthorised works on the site have been investigated and will be dealt with separately by the submission of a separate planning application. The unauthorised works should be given no weight in the determination of this application.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at www.n-somerset.gov.uk/cil.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

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

Conclusion

The main issues relating to this application are how the proposal will impact upon the appearance and character of the Conservation Area and adjoining neighbours. These issues have been addressed and considered in accordance with planning policies and advice.

The proposal would not unacceptably harm the characteristics of the existing dwelling or the character of its surroundings. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM38 of the Sites and Policies Plan (Part 1) and the advice in the Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014). It will also not be harmful to the Conservation Area and preserves the character of the Conservation Area and is not contrary to part II section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and policy DM3.

The proposal complies with the guidance provided in the Residential Design Guide section 1 and would not result in a significant overbearing impact or unacceptable impact on the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM38 of the Sites and Policies Plan (Part 1).

Other relevant planning issues have been reviewed in terms of unauthorised works and setting of a listed building and are either considered not relevant to the decision of this application.

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 materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area and the Conservation Area, and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy, policies DM3, DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no times be used for any commercial or business purposes whatsoever and shall be used solely by the occupants of the existing dwelling in connection with their enjoyment of the residence.

Reason: In the interests of the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), the car port hereby permitted shall not be externally altered, extended or converted to living accommodation without the prior written permission of the Local Planning Authority.

Reason: The Local Planning Authority wishes to retain control over the matters referred in order to maintain the integrity and appearance of this development and in the interests of securing sustainable patterns of development, and in accordance with policies CS1, CS12 and CS28 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

6. There shall be no surface water run-off from the building hereby permitted onto the adjoining land to the south at number 3 Underhill Drive.

Reason: In order to reduce the risk of flooding and in the interests of the living conditions of the neighbouring residents and in accordance with policies DM1 and DM38 of the North Somerset Sites and Policies Plan (Part 1).