

## SECTION 2 – ITEM 7

**Application No:** 24/P/0206/FUH

**Proposal:** Proposed erection of a rear extension and creation of a first floor to match proposed footprint. Creation of a new rear terrace with external stairs and fenestration alterations to the North-West and South-West elevations including the installation, replacement and removal of windows and doors.

**Site address:** 22 Edward Road South, Clevedon, BS21 7HZ

**Applicant:** Mr N Lownds

**Target date:** 27.03.2024

**Extended date:** N/A

**Case officer:** Adedayo Adegbaju

**Parish/Ward:** Clevedon/Clevedon Walton

**Ward Councillors:** Councillor Michael Pryke

### **REFERRED BY COUNCILLOR MICHAEL PRYKE**

#### **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 on Edward Road South, within the residential area of Clevedon. The site contains a single storey dwelling and an ancillary garage. It borders a Public Right of Way to the north-east and is among a row of 1 storey and 1.5 storey dwelling houses.

#### **The Application**

Full permission is sought for:

- erection of a rear extension (3.5m deep)
- creation of a first floor to match proposed footprint.
- creation of a new rear terrace
- fenestration alterations

#### **Relevant Planning History**

The property is a bungalow built in the 1960's. There is no recent/relevant planning history for the site.

## **Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for Clevedon
- Within Bat Zone C

## **The Development Plan**

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

The following policies are particularly relevant to this proposal:

- CS11      Parking  
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:

- DM6      Archaeology  
DM25     Public rights of way, pedestrian and cycle access  
DM28     Parking standards  
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:

- SA2      Settlement boundaries and extension of residential curtilages

## **Other material policy guidance**

### National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

- 1      Introduction
- 2      Achieving Sustainable Development
- 4      Decision-making
- 5      Achieving well designed and beautiful places

### 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 2021)
- Biodiversity SPD (adopted January 2024)

- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

## **Consultations**

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

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

- Loss of privacy

**Clevedon Town Council:** "Supports the application".

## **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the development, (2) character and appearance, (3) living conditions of neighbours, (4) parking and highway safety, (5) archaeology and (6) protected species.

### **Issue 1: The principle of development**

Policy DM38 of the Sites and Policies Plan (Part 1) permits house extensions provided that they respect the massing, scale, proportions, materials and overall design and character of the existing property, do not harm the street scene or local area, would not prejudice the living conditions of occupiers of adjoining properties, retain adequate private amenity space and take account of the council's parking standards. These issues are considered in more detail below.

### **Issue 2: Character and appearance**

Policy CS12 of the Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1) require a high standard of design in all new developments, as does section 12 of the National Planning Policy Framework. 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, these policies require consideration to be given to such matters as 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. Policy DM38 permits extensions to dwellings provided that, amongst other things, they respect the massing, scale, proportions, materials and overall design and character of the existing property and do not harm the street scene or local area.

The existing dwelling is a modest bungalow with steeply pitched roof, with the gable facing the road. It is finished in cream render and buff facing bricks with white window frames and the roof is covered in profiled double Roman tiles. The proposal is to erect a rear extension and add a first floor over the entire dwelling, with a shallow pitched split-level/asymmetrical roof. It is also proposed to add a rear terrace and replace the windows. The proposed materials are black cladding, grey render, grey upvc windows and flat plain tiles. To achieve the first-floor accommodation, the eaves level of the dwelling will

be raised by 2.6metres. The roof will change from a steeply pitched apex to a shallow-pitched split-level design.

The dwelling is located on the south side of Edward Road South. Although there is a mix of house designs here, the majority of dwellings on this side of the street are single storey, some with front dormers, with relatively steep roof pitches and low eaves height. Whilst it is recognised that two storey dwellings exist on the opposite side of the road, it is considered that the extended dwelling will appear out of character with this part of the street. The form, shape, massing and overall design of the extended dwelling does not respect those of the existing building, as required by the above policies, and will appear out of keeping with dwellings on this side of the road, notably due to the height of the eaves, the shallowness of the roof pitch, and the split level/asymmetrical design. The height of the eaves and roof style will have a jarring effect when read alongside the neighbouring dwellings. With regards to roof design, the Residential Design Guide (Section 2 – Appearance and character of house extensions and alterations) states that ‘the roof is a key feature that helps define the shape and massing of a building. Any proposed extension should have a roof that reflects the style of the existing building.’ The proposed roof is not a reflection of the existing building style and is out of keeping with the more traditional roof shapes in the street.

Materials in the area are generally profiled brown tiles, white or cream render, buff facing brick and white window frames and therefore the black cladding, grey render, grey windows and plain roof tiles will not harmonise with the area and will only accentuate the inappropriate design of the development.

Given the above, it is considered that the proposal will be out of keeping with the characteristics of the existing building, neighbouring buildings and will be visually intrusive in the street scene. In this respect the proposal is contrary to policy CS12 of the Core Strategy, Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and to the Residential Design Guide SPD (Section 2 – Appearance and character of house extensions and alterations).

### **Issue 3: Living conditions of neighbours**

Policy DM38 permits extensions to dwellings provided that, amongst other things, they would not prejudice the living conditions of neighbours.

An objection has been received on the grounds that the proposal includes a first-floor bedroom window on the northern elevation of the extended dwelling that will look directly into windows of the adjoining property at number 24a, notably a kitchen/diner (which is classed as a habitable room). As there is only a distance of approximately 10 metres between these windows, this will cause an unacceptable loss of privacy. The neighbour opposite has also objected on grounds of loss of privacy, however, that dwelling is approximately 29 metres away, so well in excess of the 21-metre test set out in the Residential Design Guide (Section 1). The windows concerned are also on the front of the house, where public views are obtained (the 21-metre test relates primarily to rear/private views). The proposal includes a rear raised terrace which has potential to cause overlooking. However, the submitted plans show 1.8m privacy screens either side of the terrace, which will address this concern and could be conditioned.

The proposal will result in a two-storey wall facing windows in the neighbouring property to the north and therefore it is necessary to consider whether the proposal results in an unacceptable overbearing impact or loss of light. The Residential Design Guide - Section 1 (Protecting living conditions of neighbours) states that where a development would result in a two-storey side wall of a building being too close to a main elevation of a dwelling with windows, it will normally cause a significant loss of light or overbearing impact for the occupants of that dwelling. Therefore, a distance of at least 12 metres should be maintained. The proposed two storey elevation would be situated approximately 10 metres from the windows in the neighbouring dwelling. However, this is a side elevation and not a 'main' elevation and the primary habitable room window serving a kitchen/diner is a secondary window where alternative means of light and outlook are obtained. On balance, therefore, it is not considered that the proposal will result in a significant adverse impact in terms of loss of light or overbearing impact.

Based on these considerations, it is concluded that the proposal would cause harm to the living conditions of adjoining neighbours to the north due to loss of privacy, contrary to policy DM38 of the North Somerset Sites and Policies Plan (Part 1) and the Residential Design Guide SPD - Section 1 (Protecting living conditions of neighbours).

#### **Issue 4: Parking and highway safety**

The proposal will increase the number of bed spaces, giving rise to greater demand for parking, but it is considered that on-site parking provision would be adequate, in compliance with the standards set out in the North Somerset Parking Standards SPD. In this respect, the proposal is in accordance policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1).

#### **Issue 5: Archaeology**

There are several known archaeological resources in the vicinity of the site and the council's archaeologist has requested that a condition is attached to any approval to secure a programme of archaeological monitoring and recording during groundworks, in line with Policy DM6 of the North Somerset Sites and Policies Plan (Part 1) and paragraph 211 of the NPPF.

#### **Issue 6: Protected species**

Although the site falls within a bat zone, this is a residential area with street lighting and the dwelling itself is well maintained with no obvious entry points for bats. On balance, it is considered unlikely that the proposal will affect bats, however as a precaution, an advice note could be added to any approval warning the applicant of the requirements should bats be encountered during the development works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity SPD.

#### **Setting of Listed Building**

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

## **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](http://www.n-somerset.gov.uk/cil).

The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL. A formal list (known as the "Regulation 123 List") has been published on the above webpage setting out which infrastructure will be funded through the CIL, and which will remain the subject of S106 planning obligations.

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

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

## **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.

## **Equalities assessment**

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

## **Conclusion**

Due to the design, height and shape of the resulting building and the materials proposed, the addition of a first floor to this dwelling will be out of keeping with the existing dwelling and visually intrusive in the street scene. The proposal also includes a first-floor bedroom window within 10 metres of the neighbour's side elevation which includes windows. This will result in unacceptable overlooking. The proposal is therefore contrary to policy CS12 of the North Somerset Core Strategy, policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Sections 1 and 2).

Parking provision is adequate and other matters such as archaeology and legal duties regarding protected species could be controlled by conditions and advice notes. In these respects, the proposal would be in accordance with policies CS4, CS5 and CS11 of the

North Somerset Core Strategy and policies DM6, DM8 and DM28 of the North Somerset Sites and Policies Plan (Part 1)

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

1. The proposed development, by reason of its design, height, form, scale, massing and materials will be out of keeping with the existing property and neighbouring properties and will result in a visually intrusive feature in the street scene. The proposal is therefore contrary to policy CS12 of the North Somerset Core Strategy, policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 2: Appearance and Character of house extensions and alterations).
2. The proposed development, by virtue of its proximity to the site's boundary and the position of the proposed first floor bedroom window in relation to windows in the adjoining dwelling at 24a Edward Road South would have an adverse impact upon the living conditions of neighbouring residents by reason of loss of privacy. The proposal is therefore contrary to policy DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).