

SECTION 2 – ITEM 7

Application No: 20/P/2447/FUL

Proposal: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works

Site address: 234 Down Road Portishead Bristol BS20 8HU

Applicant: Margaret Rose Prince

Target date: 14.12.2020

Extended date: 24.03.2021

Case officer: Ellena Fletcher

Parish/Ward: Portishead/Portishead West

Ward Councillors: Councillor John Cato and Councillor Nicola Holland

REFERRED BY COUNCILLOR HOLLAND

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 the residential area of Portishead at Down Road. The site contains an existing single storey bungalow. The land falls from Down Road to the north. Adjoining sites at the north, east and western boundaries are residential properties.

The Application

- the erection of 2no. 4 bedroom dwellings
- The existing site is 820 sq. m and seeks two dwellings with the dimensions 6.8m (w) x 12.6m (d) x 6.7m (h) (from ground floor of front elevation).
- 3 off street car parking space would be provided for each house.

Relevant Planning History

Year: 1988

Reference: 3046/87

Proposal: Erection of porch and construction of rear extension to provide increased living accommodation.

Decision: Approve

Year: 1953

Reference: 20402

Proposal: Erection of bungalow and garage and provision of vehicular access thereto.

Decision: Approve

Policy Framework

The site is affected by the following constraints:

- Within the Portishead Settlement Boundary
- NS and Mendip Bats SAC Horseshoe Bat Zone C
- Landscape Character Area *Portishead*

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS2 Delivering sustainable design and construction
CS10 Transport and movement
CS11 Parking
CS12 Achieving high quality design and place making
CS13 Scale of new housing
CS14 Distribution of new housing
CS31 Clevedon, Nailsea and Portishead

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

The following policies are particularly relevant to this proposal:

DM24 Safety, traffic and provision of infrastructure etc associated with development
DM28 Parking standards
DM32 High quality design and place making
DM34 Housing type and mix
DM36 Residential densities
DM37 Residential development in existing residential areas

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) (February 2019)

The following sections are particularly relevant to this proposal:

1 Introduction

- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed 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 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

Third Parties: 28 letters of objection have been received. The principal planning points made are as follows:

- Plot too small for two dwellings and the size and scale is out of character with the area. Harms the openness of the street scene
- Increase in traffic volumes with inadequate parking and access
- Overlooking and loss of privacy to private rear gardens with overlooking from decking and Juliet balconies
- Overbearing impact on sitting out areas and rear gardens of neighbouring dwellings with loss of sunlight to adjoining dwellings

1 letter of support has been received. The principal planning points made are as follows:

- Proposal would provide an additional dwelling without harming the countryside

Portishead Town Council: *'Objection – the properties will be overbearing; it is overdevelopment of the site and there are highway safety concerns coming from a steep drive on to a busy point of Down Road.'*

Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) character and appearance, (3) living conditions of neighbour, (4) parking and highway safety, (5) protected species, (6) setting of listed building, (7) planning balance and (8) other matters.

Issue 1: The principle of residential development in this location

The site falls within the settlement boundary for Portishead where residential development is acceptable in principle in accordance with policy CS31 of the Core Strategy and policy SA2 of the Sites and Policies Plan Part 2 (Site Allocations Plan). Policy CS31 permits residential development in principle, provided it reflects the character of the local environment and does not cause any adverse impacts. Policy DM37 of the Sites and Policies Plan Part 1 (Development Management Policies) provides other criteria, such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space. These issues are considered in more detail below.

A similar scheme achieved planning permission on the neighbouring site at no.232 under 18/P/3072/FUL. The application sought the demolition of a bungalow and the erection of two 4-bedroom dwellings of a similar layout, scale and design in this application. That permission has now been implemented and now forms part of the street scene and context for the proposed site.

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. 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, landscaping, 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 proposed design of the dwelling offers a more contemporary style which would be in keeping with the adjoining site at no.232, where two 4-bedroom dwellings have recently been constructed. The proposal incorporates design features of existing dwellings in the road with a hip style roof and gable shaped windows on the front elevations. The proposed height would not exceed the ridge height of the adjoining dwellings at no.232 or tower above no.236.

There were concerns raised that the proposed site would not be able to comfortably accommodate two dwellings and would not reflect the existing surrounding pattern of development. However, the neighbouring site was granted planning permission for a very similar scale, design and layout under application 18/P/3072/FUL. The planning permission has been built out and now forms part of the street scene and needs to be taken into consideration.

Paragraph 38 of the UK Government's National Design Guide advises that the immediate context of a site should be taken into consideration. When considering the proposal within the existing context, the height, size and scale would reflect the surrounding pattern of development. Therefore, when considering the context of sites in the immediate street scene, the proposed plot sizes, design, size and scale of the proposed dwellings would not adversely contrast with the existing pattern of development or street scene.

It is therefore considered that the proposed dwellings will be in keeping with the character and appearance of the area and will comply with the requirements of policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

Issue 3: Living conditions of neighbours

Policy DM32 of the Sites and Policies Plan (Part 1) states that the design and layout of development should not prejudice the living conditions for the occupiers of the proposed development or that of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact. Policy DM37 also requires that the living conditions of the occupiers and adjoining properties are not prejudiced. A new dwelling should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms and the scheme should also be designed to provide adequate living conditions for the occupants of the proposed dwelling.

There were concerns the proposal would have an overbearing effect on the adjoining neighbours at no.236 and no.232a. The RDG1 applies a “45 degree test” to assess whether a proposal would have an adverse overbearing impact. The proposal would comply with the 45 degree test in terms of depth/width and height.

There were also concerns the proposal would result in an unacceptable loss of light to the adjoining occupiers. No.232a has side windows which would serve non-habitable rooms. Therefore, the proposal would not result in an unacceptable loss of sunlight to the neighbour at no.232a. The dwelling at no.236 has two side windows serving a kitchen. Whilst a kitchen is considered a habitable room, RDG1 advises that *‘secondary windows to habitable rooms at neighbouring properties are not normally given the same protection as the main window.’* One of the kitchen windows on no.236 is high level. The kitchen is also served by a window and French double doors on the rear elevation which allows in uninterrupted sunlight. The existing bungalow already minimises sunlight to the side windows at no.236. Although, the proposal would be increased in height, it would be set further off the boundary. Therefore, the proposal is unlikely to result in an unacceptable loss of sunlight to the neighbouring dwelling. There were also concerns the proposed height of the dwelling would be overbearing on the outdoor decking area of no.236. However, the outdoor decking area would be uninterrupted by development to the rear and the change in ground level would also somewhat mitigate against the impact. Overall, the proposed siting of the dwelling would be unlikely to have an adverse overbearing impact on the users of the outdoor decking area at no.236.

There were also concerns the proposal would result in a loss of privacy to the rear gardens of the adjoining neighbours due to the proposed first floor Juliet balconies and decking. However, the first floor Juliet balconies are unlikely to cause any further loss of privacy than the existing overlooking from the surrounding dwellings. The proposed Juliet balconies are angled to face directly north which would reduce any direct overlooking. The plans indicate the proposed decking would be at ground level and show the proposed boundary treatment would screen any unacceptable overlooking. The proposal is therefore, unlikely to result in any unacceptable loss of privacy.

Therefore, as the proposal would comply with the relevant tests contained in the RDG1, the proposal complies with policies DM32 and DM37 of the Sites and Policies Plan Part 1 and the Residential Design Guide 1 – Section 1: Protecting Living Conditions of Neighbours.

Issue 4: Parking and highway safety

Plans show a proposed shared access in the centre of the site measuring approximately 6 metres wide. This is a sufficient width to allow two vehicles to pass. Due to the access being directly adjacent to the existing access, an adequate level of visibility will be achievable. The applicant has also provided tracking to demonstrate that vehicles would be able to turn and egress the site in a forward gear. This is considered acceptable and in line with Policy DM24 (Highway Safety) of the Sites and Policies (Part 1).

The visibility splays at both sides of the access need to be kept free of obstruction to visibility in excess of 600mm). This can be conditioned.

The plan P05 shows the proposed profile of the driveway. The longitudinal grade of the access way should not be too steep as to present a hazard for vehicles entering or exiting the site, particularly in frosty or snowy conditions. In order to overcome this the first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). This can be conditioned.

Local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, specifying 3 car parking spaces for a property with 4 bedrooms. Plans show provision for 3 parking spaces for each dwelling on the proposed driveways. As these meet the dimensions of 2.4 x 4.8 metres, this would meet the parking standard and be considered acceptable.

The applicant has provided information regarding cycle parking (cycle store) provision. This meets the required standard and is acceptable.

Issue 5: Protected species

The submitted ecology report advises that the proposal is unlikely to adversely affect bats. However, the ecologist does make recommendations to safeguard any bats species using the site. A bat house is also recommended to enhance the use of the site by bats. A condition is advised to ensure the recommendations set out in the ecology report is followed. 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 and Trees SPD.

Issue 6: Setting of Listed Building

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

Issue 7: Planning balance

The council is currently unable to demonstrate a 5-year land supply for housing, with the most recently tested position concluding that supply stands at around 4 years. Paragraph 11 of the NPPF advises where relevant policies are considered out of date because of a lack of housing supply, development should be approved without delay unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The proposal would provide an additional dwelling to the housing supply in North Somerset in a sustainable location. The proposal would comply with the requirements of the neighbour impact tests set out in the RDG1. The proposed plot would be able to comfortably accommodate two dwellings and would be in keeping with the immediate context of the site. Highway concerns have been overcome subject to conditions. Therefore, on balance, the council would not be able to demonstrate the adverse impacts of the scheme outweigh the benefits. In the absence of significant and demonstrable harm, the proposal is therefore considered sustainable development.

Issue 8: Other matters

All other matters raised by the consultees have been taken into account, including loss of views but none is of such significance as to outweigh the considerations that led the recommendation below.

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.

Conclusion

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 in accordance with policy CS12 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1).

4. The development hereby approved shall not be occupied until the access and parking area have been constructed 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 development hereby approved.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy and Policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1.

5. No structure, erection or planting exceeding 600mm in height above the adjoining carriageway level shall be placed within the sight lines shown on the approved plans PO1 Proposed Site Layout Plan.

Reason: To preserve sight lines in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

6. Prior to the occupation of the dwellings details of the gradient of the driveway shall be built in accordance with the approved plan P05. The first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). The gradient of the driveway shall not be subsequently altered without the express permission of the Local Planning Authority.

To ensure safe egress onto the highway in all weather conditions and in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

7. 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), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the side elevations.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and DM37; 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).

8. The dwellings 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 finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.

Reason: In order to ensure that the height of the development is appropriate in the interests of the character and appearance of the area, and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

10. No dwellings shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with the approved plans and specifications. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the dwellings.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

11. The development shall not take place except in strict accordance with the measures outlined in section 5 of the Bat Survey dated 07.09.2020. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

For advice on discharging this condition, please refer to: www.n-somerset.gov.uk/batroostconditions

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) wheel washing facilities
- (e) measures to control noise from works on the site
- (f) measures to keep access roads clear of vehicles
- (g) routing restrictions

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.