CASE OFFICER'S REPORT

Application Reference:	PL/2024/00341
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	14 March 2024
Case officer:	Selina (Nina) Parker-Miles

Site Address:	6 Duffield Lane, Bradford on Avon, BA15 1FY.
Proposal:	Single Storey Rear Extension and First Floor Side Extension
Recommendation:	Approve with Conditions

Proposal and Site Description

This application relates to a detached dwelling, 6 Duffield Lane, located within a recently constructed residential area on the eastern side of Bradford on Avon. The host dwelling benefits from an attached double garage and off road parking to the side elevation. The surrounding properties consist of two storey dwellings all sharing a similar palette of materials. The application site lies within the Bath and Bradford on Avon Special Area of Conservation for bats.

This application is seeking permission for a single storey rear extension and a first floor extension over the existing single storey garage. The proposal has been revised from the original proposed scheme of a two storey rear extension, first floor extension over the garage and conversion of the garage to habitable accommodation. The revisions were submitted (20.02.2024) following neighbour objections to the proposed scheme that raised concerns over design and visual impacts, and neighbouring amenity and ecology impacts. The local ward member had called in the scheme to be decided by elected members however following liaison with the applicants and submission of the revised scheme the councillor withdrew their call in.

The works would facilitate extended living areas at ground floor and a study/bedroom, dressing room and bathroom at first floor. The ground floor of the garage would remain as existing.

Policies

National Context:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Local Context:

CP2 - Delivery Strategy

CP7 – Spatial Strategy for the Bradford on Avon Community Area

CP50 – Biodiversity and Geodiversity

CP57 - Ensuring High Quality Design and Place Shaping

CP60 – Sustainable Transport

CP61 – Transport and Development

CP64 – Demand Management

Bradford on Avon made Neighbourhood Plan 2017
Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)

Key Issues
Principle of Development
Design and Visual Impact
Neighbouring Amenity
Highways
Ecology
Other Matters

Consultation Responses
Bradford on Avon Town Council - Objection to original plans, no response was received following the submission of the revised plans
Wiltshire Council Highways - No objection following the submission of the revised plans.

Representations
Consultation consisted of advertisement by site notice and neighbour notification. Eleven objection letters were received prior to the submission of the revised plans. Following the submission of the revised plans six letters of objection have been received, the points raised will be appraised within the design and visual impact and neighbouring amenity sections below.

Planning Considerations and Assessment
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development
The proposed development comprises extensions to the host dwelling set within the settlement boundary of Bradford on Avon. The proposed development would be wholly within the residential curtilage associated with this dwelling and as such the principle of development is acceptable subject to the following considerations.

Design and Visual Impact
Core Policy 57 requires a high standard of design in all new developments, of particular relevance to householder extensions is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

The single storey rear extension would be positioned on the east elevation, extending over a footprint of 16m2 in the void of the L shaped plan. The extension would sit at a height of 3m with

the centrally positioned glass roof lantern sitting at a maximum height of 3.5m. Windows would be inserted on the east elevation and patio doors accessing the private residential amenity area inserted on the north elevation.

The first floor extension would extend over the existing footprint of the double garage on the east elevation. The proposal would maintain the existing hipped roof form and would sit at a maximum height of 7.3m, set down from the ridge height of the existing built form of the host dwelling. Rooflights would be inserted on the north elevation with windows inserted on the east and south elevations.

The applicant also proposes inserting a first floor window on the existing north elevation of the host dwelling, to serve a bathroom and port hole windows at ground floor on the north elevation to illuminate the existing living area.



Existing (left) and proposed (right) south side elevation



Existing (left) and proposed (right) east rear elevation

Interested parties have objected to the design of the first floor extension to the garage citing concerns that it would appear out of keeping with the existing properties on the estate and that it would disrupt the original 'design code' of the residential estate. The comments submitted are duly noted however officers are mindful that whilst the extension would raise the height of the garage building by some 2.5m the existing architectural features of the end facing gable and hipped end roof would remain, therefore the design and visual impact of the proposal would be similar to existing, albeit at a greater height. The applicant has also brought it to officers' attention that similar development already exists at Uncles Lane that sits within 60m north east of the application site, as illustrated below.



Therefore, it is considered that the additional built form would not appear out of context within the immediate area with similar first floor garage accommodation present within the residential estate. The use of matching materials (soft cream render under slate roof tiles) with matching white UPVC fenestration would ensure the proposal would integrate into the surrounding setting and existing street scene. It is considered that the extensions would by virtue of their height, scale and design constitute complementary additions to the host dwelling that would appear commensurate to the size of the property and plot. The development would therefore comply with Policy CP57 of the WCS.

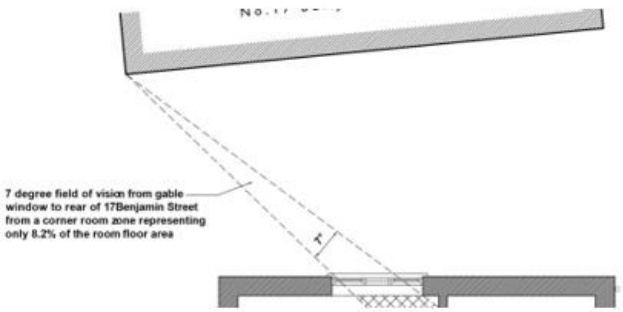
Impact on Neighbouring Amenity

Core Policy 57 of The WCS states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

All windows proposed on the single storey extension, and the port hole windows on the existing north elevation, would look out over the applicant's private gardens to the rear, replicating the existing arrangement of the host dwelling. Given the single storey nature of the rear extension, set within the built envelope of the host dwelling, with extended separation distances to any neighbouring occupiers, officers raise no objections in relation to adverse overlooking, overshadowing or overbearing.

The windows proposed on the first-floor extension positioned on the south elevation which would overlook the public highway and open space area to the south of the residential estate. The neighbour at No.10 Duffield Lane has objected to the proposal citing concerns of potential overlooking from the roof lights on the northern roof scape. However the roof lights would be positioned at a height to negate any adverse overlooking to the neighbours to the north. The applicants seek to insert a first floor window on the north elevation of the host dwelling that would serve a bathroom and a condition would be added to ensure this would be obscure glazed to negate any overlooking to the neighbours to the north.

Interested parties also raised objections to the proposed window to be inserted on the east elevation of the proposed first floor extension which could introduce some overlooking to the adjacent neighbour at No.17 Benjamin Street, and this is duly noted. Given the position of the window, with the restricted degree of vision to the north east, and the orientation of the buildings (as illustrated in the plan inserts below) any overlooking would be nominal, however, following liaison with the applicant it was agreed (14.03.2024) that the window would be obscured glazed. In the event of any approval a condition would be added to ensure that the window would be obscure glaze in perpetuity, in the interest of private residential amenity.





The adjacent neighbour and the neighbour to the north have objected to the first floor extension on the grounds that the additional mass would be overbearing and also introduce adverse overshadowing. It is acknowledged that the proposal would introduce an additional mass at first floor adjacent to the neighbour at No.17 Benjamin Street, however officers acknowledge that the proposed extension would extend over the existing footprint of the ground floor garage and would be limited to any additional height of 2.5m, maintaining the hipped end roof which would further reduce the built development closest to the adjacent neighbour. It is also acknowledged that the extended form would sit adjacent to the gable end side elevation of 17 Benjamin Street that is devoid of any openings, as illustrated in the site visit photo below.



The applicant has submitted supporting suncast information which would illustrate the extent of any overshadowing that would be introduced, and officers have also undertaken an evaluation of the proposed impacts in relation to potential overshadowing. The additional form of the first-floor extension would be located on the east elevation of the host dwelling therefore due to the orientation of the dwellings, with the sun rising in the east and setting in the west, any adverse overshadowing,

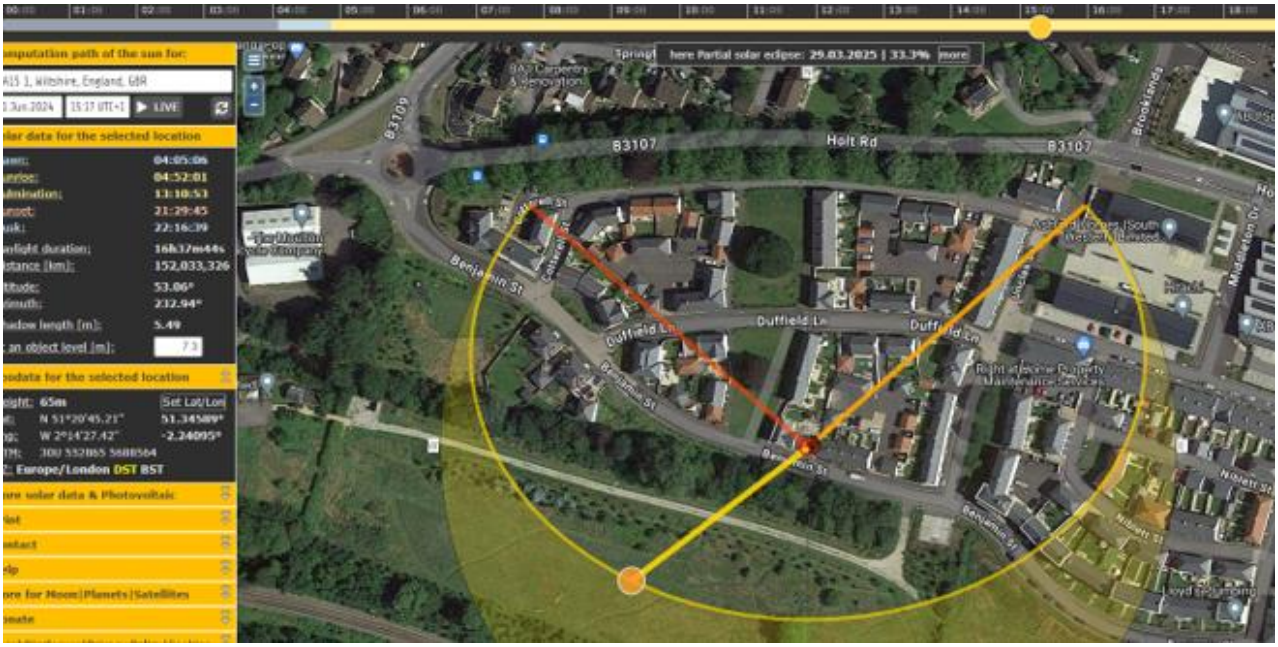
over and above that already experienced by the existing architectural arrangement, would be nominal, however officers have appended their own Suncalc inserts to illustrate the impacts.

It is acknowledged that the proposed development would result in a degree of overshadowing. The proposed extension would cast a shadow across the property at No.17 Benjamin Street at certain times of the day and year (depending on the sun's orbit position and angle). The case officer has tested the likely shadow to be cast by the proposed 7.3m high extension by inputting the application site and proposal details into the 'SunCalc' website tool which can be interrogated by adjusting the time of any day of the year to appreciate when and to what extent a shadow may be cast. It is however imperative that as part of this appraisal, due cognisance is given to the existing built development on a site and within the immediate environs since these will cast a shadow of their own and in terms of this application.

However, as illustrated by the example SunCalc snip inserts below the extension would create a degree of overshadowing for a limited part of the day, but crucially, the impact would be limited and would not be substantive to justify a refusal of planning permission. This is illustrated by two extracts reproduced below which are produced from the 'SunCalc' website – which is considered a useful tool in terms of appreciating the potential impacts of a development. It is however important not to rely solely on the web tool site, but instead to impart some planning judgement based on the specific site circumstances and appraising the existing neighbouring area as part of a holistic planning assessment.

For the avoidance of any doubt, the extracts are represented by a red circle positioned at the side of No.6 Duffield Lane where the proposed extension would be constructed with the approximate height of the extension identified as the object of the shadow cast test. Each extract can be manipulated online to reveal the effects at different times of the day and throughout each day of the year. Two extracts have been included in this report to reveal the solstice periods when the sun is in its highest and lowest orbit.

The extract below for the summer solstice reveals (depicted by the black line extending beyond the red circle) that no overshadowing would occur to the neighbouring gardens given the height of the sun within its orbit.



The extract below for the winter solstice reveals that around 3pm, there would be a degree of overshadowing across to the furthest end of the garden of No. 17 (depicted by the black line extending beyond the red circle). As the day passes into late afternoon the direction of the sun's shadow moves further north-east then eastwards and the effect on No. 17 decreases with every minute/hour. Officers are satisfied that the effect of the development on the neighbouring property at No.17 would be nominal and acceptable.



In relation to the private residential amenity to the rear of the property at No.10 Duffield Lane (that is located 22m to the north of the garage) the occupiers would experience some overshadowing during the winter solstice period during the hours of 12.30pm until 1.30pm, as illustrated in the Suncalc snip below.



However, officers are mindful that the property already experiences a degree of overshadowing in the mid-winter around 2pm, as illustrated by the image insert below, therefore any impacts over and above the existing overshadowing would be limited. Officers are therefore satisfied that the effect of the development on the adjacent property at No.10 would be nominal and acceptable.



Objections have also been made in relation to the increase in height of the garage, given that it would impact on surrounding neighbour's views across the estate to the valley below. However officers are mindful that the right to a view is not a material planning consideration, so this matter will not be appraised within this assessment.

Representations were received raising concerns regarding the construction hours and noise and highway safety impact of the proposal on neighbouring properties. Whilst it is acknowledged that

there will likely be some level of noise and disturbance arising from construction activities, this will be temporary in nature and relatively short in duration. Given the limited construction a single domestic extension would introduce, this matter is considered not to result in significant material harm to adjacent occupiers to warrant refusal of the application. Notwithstanding this, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and retain highway safety during the construction phase it is considered pertinent to add a condition for the submission of a construction management statement prior to the commencement of any development to address the hours of operation, hours of deliveries, location of parking for construction site operatives and deliveries and the loading and unloading of materials and equipment.

Given the scale of the development proposal, it is considered that the proposed extensions would not result in unacceptable loss of light, overlooking, overshadowing and would not have an overbearing impact upon neighbouring properties. For these reasons, the development proposals would comply with Policy CP57 of the adopted Wiltshire Core Strategy

Highways

Impact on parking provision – Core Policy 64 (Demand Management) seeks to manage the demand for vehicle parking and confirms that residential parking standards are to be based on minimum parking standards. In order to comply with the Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015) three on-site car parking spaces would be required for a 4+ bed dwelling (standard min. size 2.4m x 4.8m).

The Local Authority Highways officer objected to the original scheme that sought to convert the garage to habitable accommodation, given that this would remove two allocated parking spaces for the host dwelling which could result adverse highways impacts. However, the revised scheme does not seek to alter the existing off road parking arrangement and the garage would remain as existing, therefore no highway objections are raised.

The plans indicate that the applicant proposes inserting wooden gates to the front of the existing driveway area to increase security within the application site. The adjacent neighbour has raised concerns in relation to the proximity of the gate to their property however the plans clearly indicate that the gates would consist of timber bi-folding panels that would open inwards. The installation raises no concerns in relation to highway safety and a condition would be attached to ensure that the gates would open inwards only.

The proposal retains the existing access and would not give rise to significant harm in terms of highway safety. As such the proposal accords with policies CP60, CP61 and CP64 of the Wiltshire Core Strategy and Paragraph 115 of the NPPF and would comply with the Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)

Ecology

The application site sits within the Bath and Bradford on Avon Special Area of Conservation for bats and as this application involves disturbance to the existing garage roof due consideration has to be given to the potential disturbance of any bats because of the proposed development. Residents have raised concerns that the ecology team were not consulted on the proposal given that the increase in height of the garage could adversely impact the flight paths of the bat population. However given this proposed scheme relates to minor development to a single urban dwelling only,

it does not trigger a consultation exercise with the Local Authority Ecology team. As a precautionary measure an informative would be added to any decision that in event any evidence of bat activity is detected that the applicant should follow the advice of a professional ecologist or contact Natural England.

Other Matters
Interested parties have raised concerns that whilst the local ward member visited the application site to evaluate the initial objections, they did not liaise with the neighbouring occupiers as part of their visit. However it is not imperative that the local councillor liaises with the neighbouring occupiers unless they have received a request to do so. It is also worthy of note that any proposed scheme is part of an independent professional judgement and it is ultimately appraised and determined by the case officer given that the call-in to the Committee has been removed by the Councillor.

In response to queries over the extent of neighbour notifications on the proposed scheme, the council records show that all surrounding neighbours were notified and this can be evidenced by accessing the documents published on the Council's planning pages.

RECOMMENDATION: Approve with conditions

Conditions: (6)

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Location Plan - Received 15.01.2024
Existing North and East Elevations DWG No 2318-06 - Received 15.01.2024
Existing Ground Floor Plan DWG No 2318-03 - Received 15.01.2024
Existing South and West Elevations DWG No 2318-05 - Received 15.01.2024
Existing First Floor and Roof Plan DWG No 2318-04 - Received 15.01.2024
Proposed Block Plan - Received 15.01.2024
Proposed Ground Floor Plan DWG No 2318-07 B - Received 20.02.2024
Proposed First Floor and Roof Plan DWG No 2318-08 C - Received 20.02.2024
Proposed South and West Elevations DWG No 2318-09 B - Received 20.02.2024
Proposed North and East Elevations DWG No 2318-10 B Received 20.02.2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Before the development hereby permitted is first occupied the first floor window on the east elevation of the garage extension shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4 Before the development hereby permitted is first occupied the first floor window in the north elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the window shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

5 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
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) measures to control the emission of dust and dirt during construction;
e) hours of construction and deliveries including specific reference to the hours of power tool use;
f) details of waste removal
has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and dangers to highway safety, during the construction phase.

6 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

Informatives: (1)

7 If bats or evidence of bats are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Bat Line through the internet.