

WARD: Westbury-on-Trym & Henleaze **CONTACT OFFICER:** Chris Horan

SITE ADDRESS: 12 Channels Hill Bristol BS9 3EU

APPLICATION NO: 18/06522/H **Full Planning (Householders)**

DETERMINATION 4 March 2019

DEADLINE:

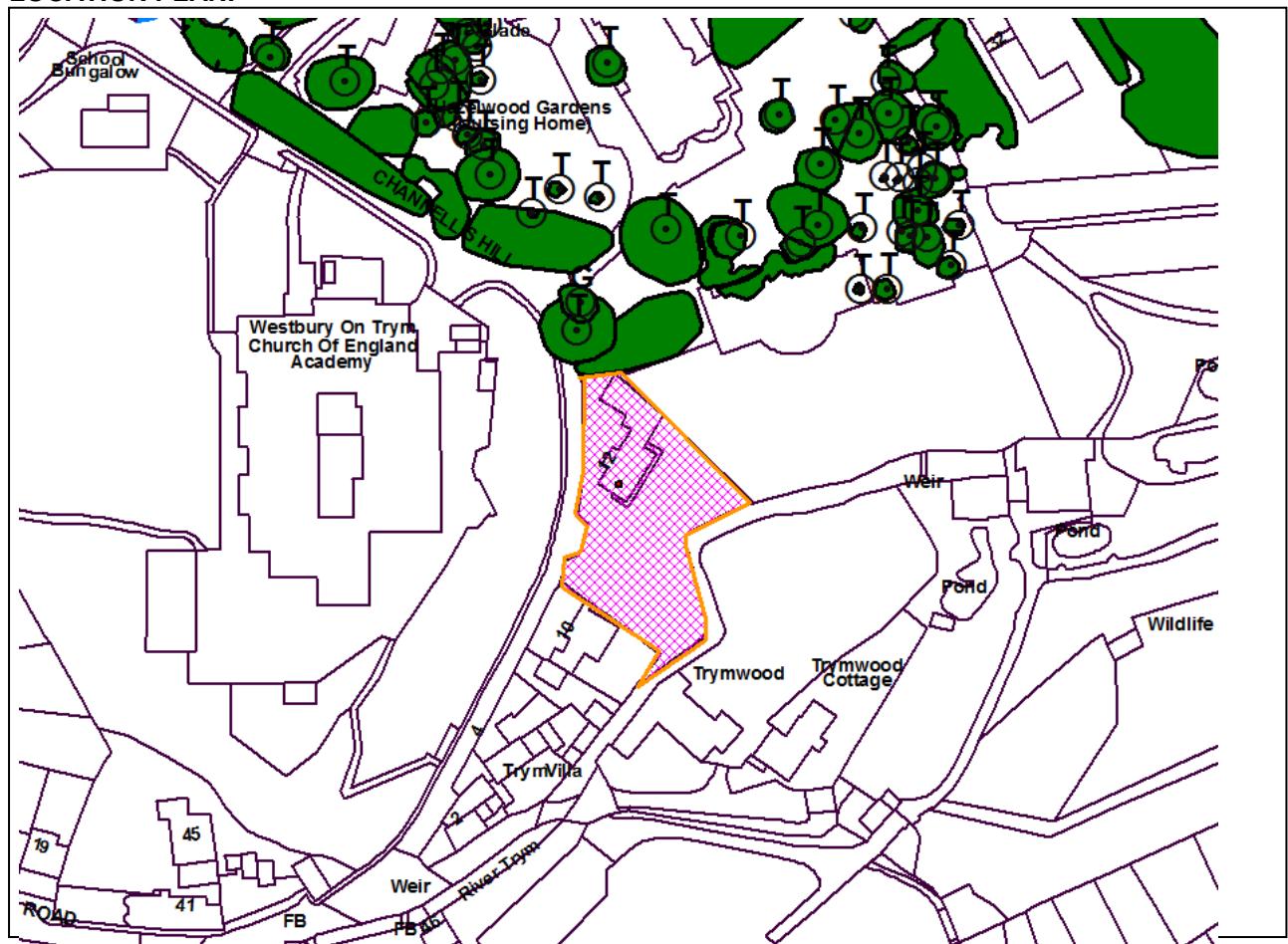
Installation of raised decking to garden outbuilding.

RECOMMENDATION: Refuse

APPLICANT: Mr Peter Flach
12 Channels Hill
Westbury-on-Trym
Bristol
BS9 3EU

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



**Development Control Committee B – 24 April 2019
Application No. 18/06522/H : 12 Channels Hill Bristol BS9 3EU**

SUMMARY

The application is being presented to Committee at the request of Councillors Geoff Gollop, Liz Radford and Steve Smith.

This application relates to the addition of raised decking to the side of an existing outbuilding located within the garden of the application site. The outbuilding was subject of an enforcement investigation in 2018. However this investigation is now closed and the construction of the outbuilding is lawful. A Certificate of Lawfulness application was submitted to the Council in March 2018, this was subsequently issued as the proposal was considered to be permitted development (ref: 18/01237/CP).

This application relates to the addition of the raised decking only and not the outbuilding.

This application has received 12 objections. The application is recommended for refusal due to concerns about overlooking and loss of privacy and with harm to the Conservation Area.

SITE DESCRIPTION

The site contains a detached dwelling located on the east side of Channels Hill which is situated in the Westbury on Trym Conservation Area. The building is a render and stone clad gable ended dwelling which was built in the 1950s and extended in the 1970s and again in 2011-2013. The dwelling sits within a large garden which slopes from the road towards the River Trym.

An out building was erected in the southern corner of the site rear garden near the River Trym in 2018. The building is located near the boundary of 10 Channels Hill and the property of Trymwood (located to the south across the River Trym).

RELEVANT PLANNING HISTORY

Enforcement:

17/30583/EXT - Installation of building/structure within garden without planning permission.
Registered: 8.12.2017 - Case Close - Breach resolved.

Planning:

18/00104/CP - Erection of a detached building - Refused.

18/01237/CP - Certificate of Lawfulness for proposed use - Erection of an outbuilding. - Issued

THE APPLICATION

The proposal is to erect a raised decking around two sides of the out building that overlooks the river Trym and the side adjacent to 10 Channels Hill. The outbuilding was erected to provide a garden summerhouse and consists of a single room overlooking the river. The ground level slopes steeply down as the property backs onto the river. As a result of this change in ground level part of the outbuilding is already raised about the ground. The raised decking will also be elevated, at its highest point the floor level of the decking will be 1.25m above ground level. This highest elevation is at the point where the decking is nearest to the River Trym on the boundary with 10 Channels Hill and Trymwood house.

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The raised decking will be 1.5m wide and overall the structure covers 17.7m². By contrast the size of the outbuilding is 26m².

The structure is proposed to be constructed out of locally sourced larch timber, similar to the materials used in the construction of the associated building.

RESPONSE TO PUBLICITY AND CONSULTATION

The council has received responses from 12 parties relating to the application, all objecting to the development.

Councillor's Geoff Gollop, Liz Radford, Steve Smith have requested that this application be considered by this committee.

SUMMARY OF RESPONSES - Objections raised the following issues:

The development is out of character with the local area and will result in harm to the conservation area;

The development is overbearing and will result in loss of privacy to neighbouring properties;

That the development will increase risk of flooding;

That the development will have a harmful impact on local wildlife;

That the building is inappropriate in the conservation area

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

A) IS THE PROPOSAL ACCEPTABLE IN TERMS THE CHARACTER OF THE CONSERVATRION AREA?

Policy BCS21 states that new development should be of high quality, and should contribute positively to an area's character and identity.

Policy BCS22 states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including Conservation Areas

Policy DM31 sets out that development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting. For listed buildings development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

SPD2 states that extensions to dwellings should be subservient to the host dwelling and should respect its existing character and appearance.

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The site is located within the Westbury-on-Trym Conservation Area. The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character or appearance of the area.

The outbuilding sits in stark contrast to the local area and is built in a design and materials that are not in keeping with the area. However this structure has been constructed as permitted development and is lawful. This application can only assess the impact of the construction of the raised decking and the impact of this on the conservation area.

The development is located at the rear of the application site and is visible only to a small number of properties. The development cannot be seen from the highway of Channels Hill. However the development will be visible from the highway when viewed from Trym Road (in particular from the bridge on Trym Road looking up the River Trym). From this location the back of several properties can be seen and the existing outbuilding at 12 Channels Hill. As the existing outbuilding is setback from the river the view from Trym Road is not impacted significantly. However the proposed development will be set above the river and will be highly visible from this location.

As such the development would have a greater impact on the conservation area than the existing outbuilding by virtue of the structure projecting into a space that is more visible from the highway and out of keeping with the character of the surrounding area. As such the development fails to preserve the character and appearance of the conservation area and is contrary to Policies BCS21, BCS22, DM31 and SPD2.

B) WOULD THE PROPOSAL BE ACCEPTABLE IN TERMS OF RESIDENTIAL AMENITY?

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design that safeguards the amenity of existing development.

Policy DM26 sets out that development should contribute positively to an area's character. In particular development will be expected to respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings; and reflect the predominant materials and landscape treatments in the area.

Policy DM30 in the Site Allocations and Development Management Policies (2014) also expresses that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers and extensions should not be overbearing or result in unacceptable overlooking or loss of privacy.

SPD2 states that extensions should not be overbearing, or result in unacceptable overlooking or loss of privacy. Particular reference is made to balconies not allowing direct overlooking into neighbouring properties or private gardens.

The development would result in a wide deck being erected around two sides of the outbuilding. The nature of a deck is that it would be used by persons to sit for extended periods of time. At its highest point the floor of the deck would be 1.25m about ground level. As a result persons standing or sitting on the structure would be elevated above the ground level of the neighboring properties.

The development would result in overlooking directly two properties. Across the river is the residential property of Trymwood. The decking would look into the rear garden of this property. This property does have a boundary wall that runs along the river and some that does offer some protection to privacy, however due to the elevated position of the deck there would still be some overlooking from the new development.

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The neighboring residential building at 10 Channelles Hill overlooks the river and the main living space is positioned close to the proposed development. While there is a high boundary wall between these two properties this follows the line of the land and drops away as it approaches the river. As such the decking would be positioned above the height of the fence when viewed from the 10 Channelles Hill. As such persons sitting on the deck would be able to view directly into the main living space house at 10 Channelles Hill.

As such it is considered that the development would create unacceptable overlooking and loss of privacy to neighboring properties, in particular 10 Channelles Hill.

RECOMMENDED REFUSE

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposed raised deck to be attached to the pre-existing building would by virtue of its design and prominent location fail to preserve the character and appearance of the conservation area due to its form and prominence from certain vantage points in the public realm, furthermore due to its elevated position and the nature of its use it would result in unacceptable overlooking and loss of privacy to neighbouring properties. The development is therefore contrary to Policies BCS21 and BCS22 of the Core Strategy (Adopted June 2011) and policies DM26, DM30 and DM31 of Site Allocations and Development Management Policies (Adopted July 2014).

Advice(s)

1. Refused Applications Deposited Plans/Documents

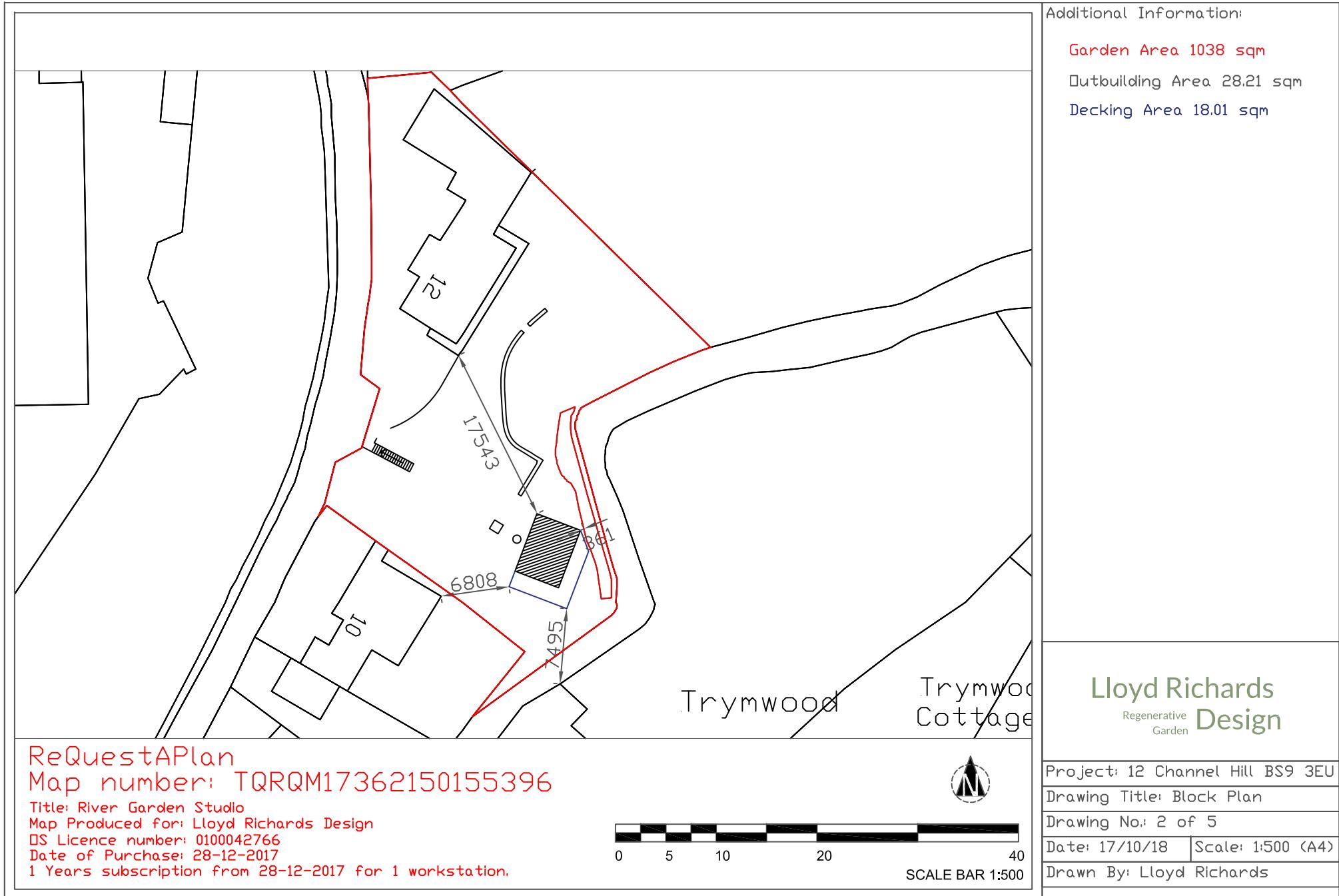
The plans that were formally considered as part of the above application are as follows:-

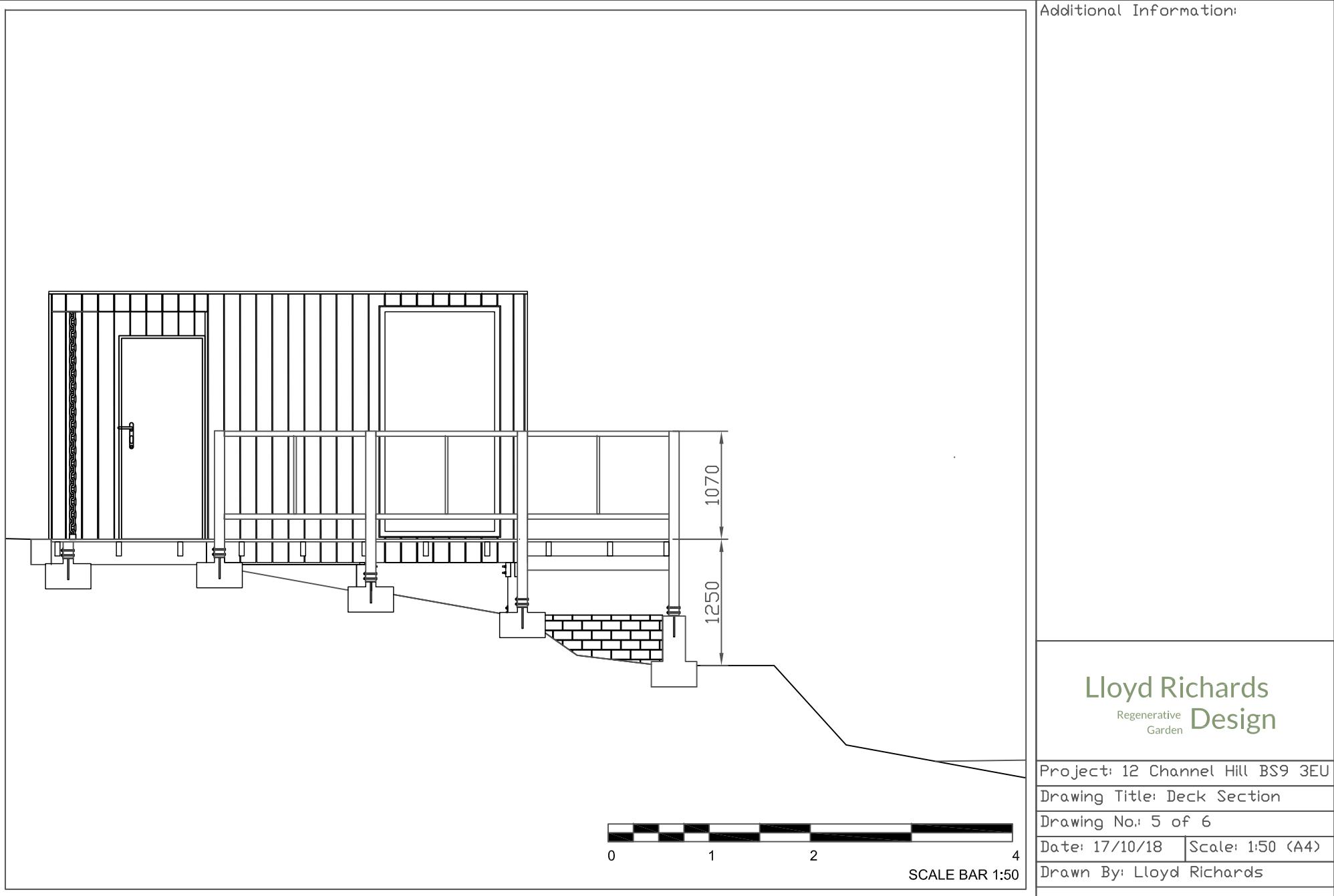
Block plan, received 7 January 2019
Deck section, received 7 January 2019
South east elevation, received 7 January 2019
Footing plan, received 7 January 2019
Section, received 7 January 2019

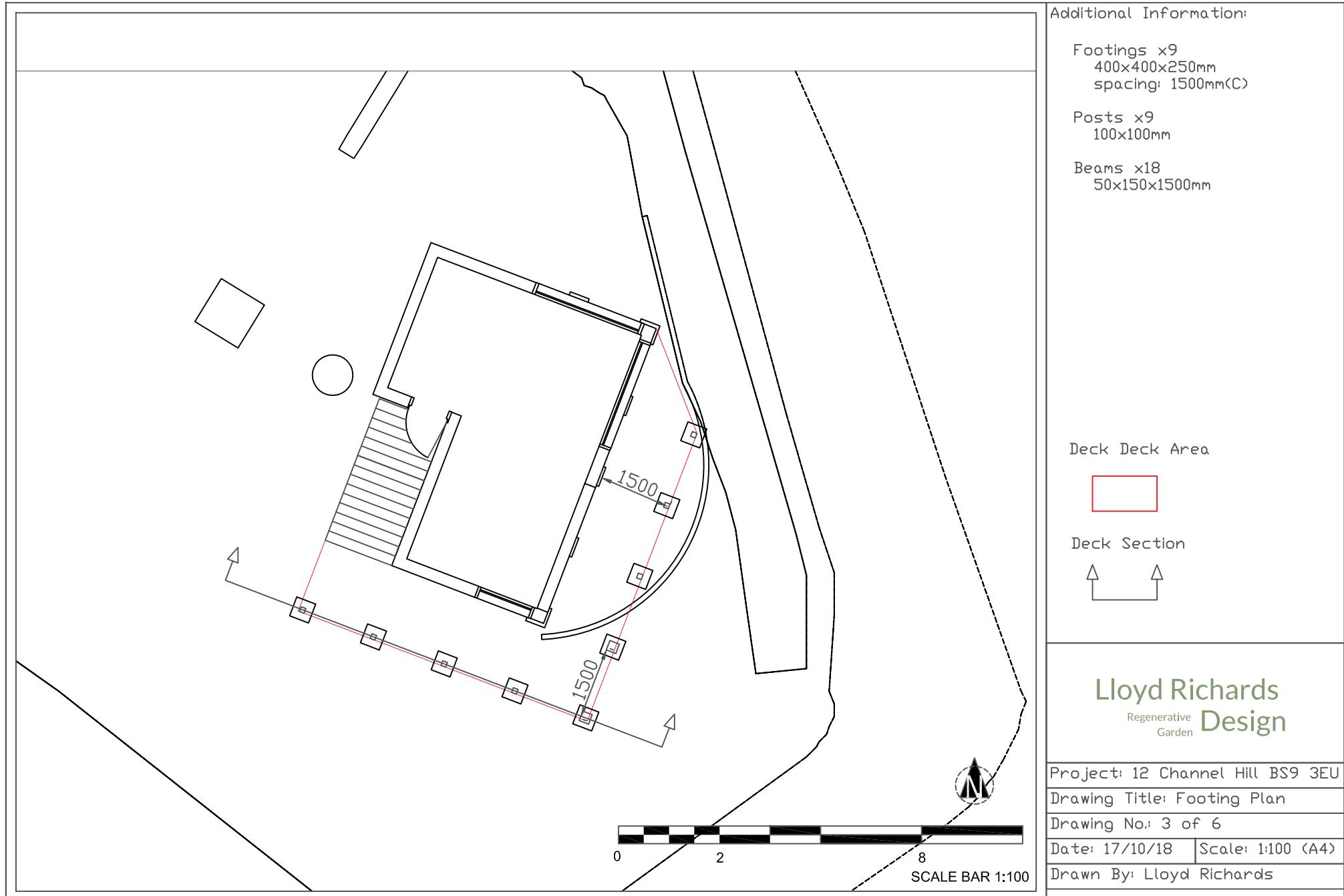
Supporting Documents

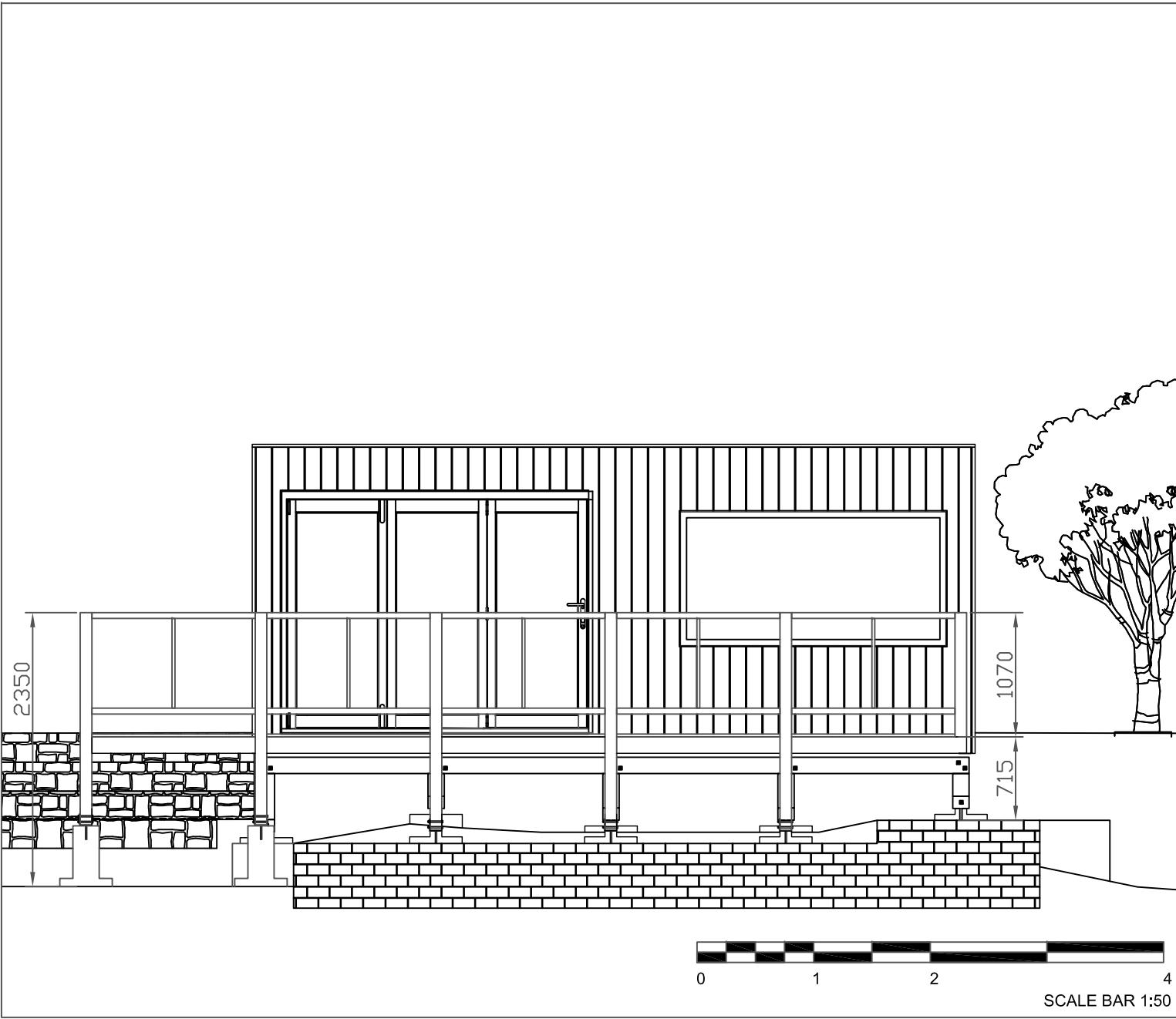
2. 12 Channelis Hill, Bristol, BS9 3EU

1. Block Plan
2. Deck Section
3. Footing Plan
4. South East Elevation
5. Studio Deck Location Plan
6. Photographs of site and surrounds









Additional Information:

Lloyd Richards
Regenerative
Garden

Project: 12 Channel Hill BS9 3EU

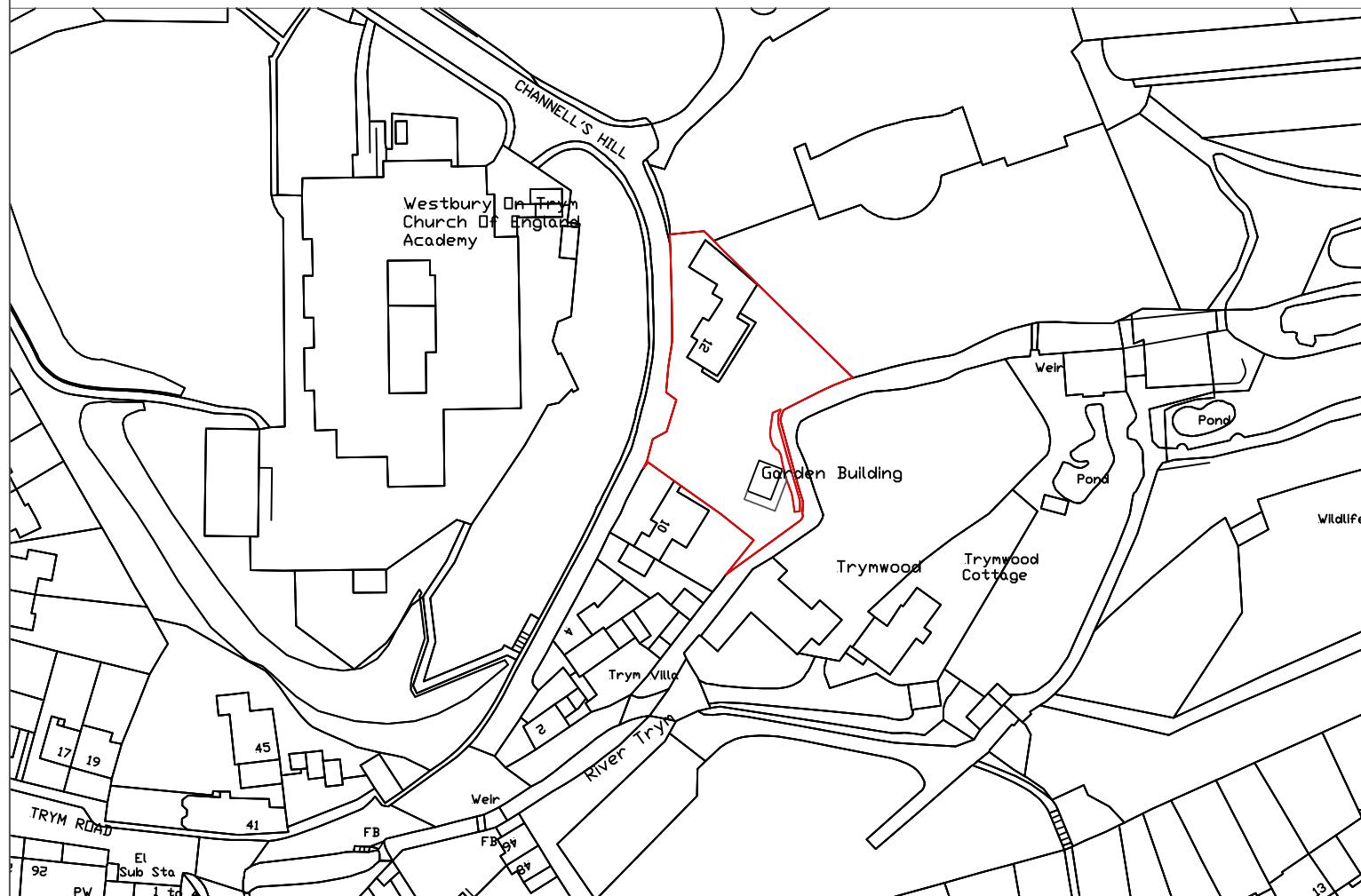
Drawing Title: Elevation (SE)

Drawing No.: 4 of 6

Date: 17/10/18 Scale: 1:50 (A4)

Drawn By: Lloyd Richards

Additional Information:



ReQuestAPlan

Map number: TQRQM18002223120552

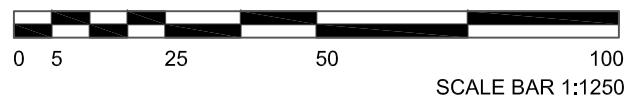
Title: BS9 3EU

Map Produced for: Lloyd Richards Design

OS Licence number: 0100042766

Date of Purchase: 02-01-2018

1 Years subscription from 02-01-2018 for 1 workstation.



Lloyd Richards
Regenerative
Garden
Design

Project: 12 Channel Hill BS9 3EU

Drawing Title: Location Plan

Drawing No.: 1 of 5

Date: 17/103/18 Scale: 1:1250(A4)

Drawn By: Lloyd Richards

Photographs of 12 Channels Hill





View of outbuilding from 12 Channels Hill



View of outbuilding from River looking towards 10 Channels Hill



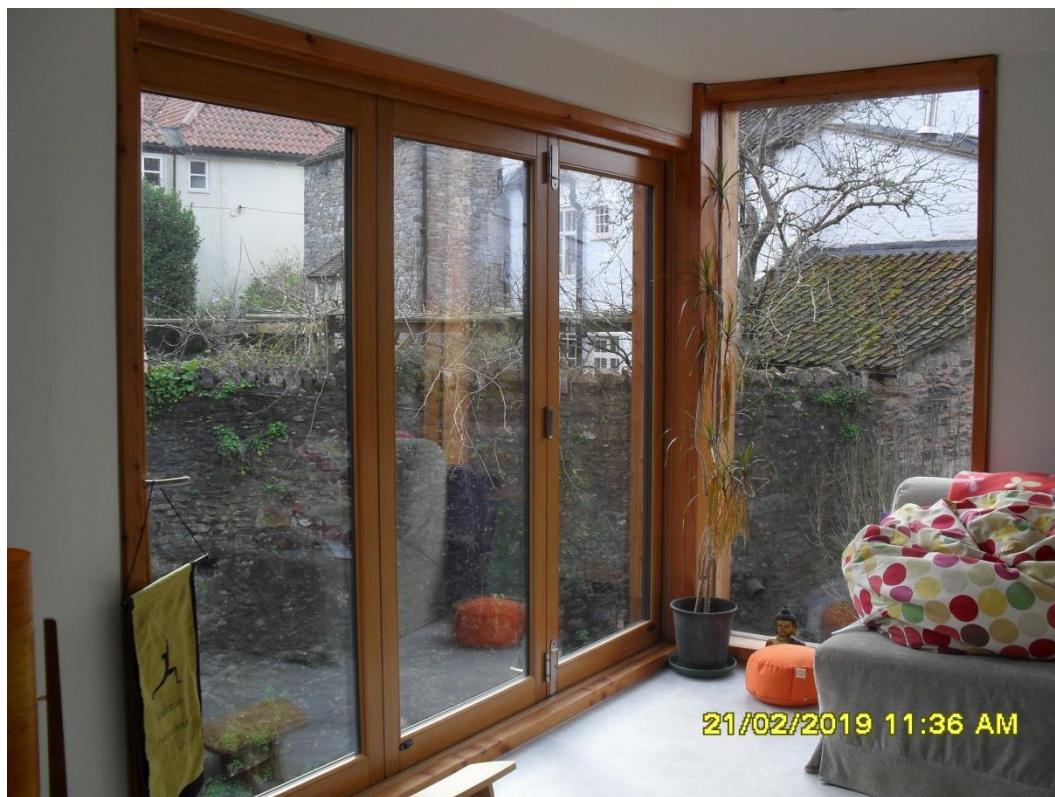
View from Trymwood (10 Channels Hill in view to left of outbuilding)



View from Garden of 10 Channels Hill



View from inside outbuilding looking towards Trymwood



View from inside outbuilding looking towards Trymwood



View from adj to outbuilding looking towards 10 Channelles Hill (taken from existing ground level)



View from rear garden of Trymwood



View from Trymwood garden adj to boundary wall



View from living space 10 Channels Hill



View from Trym Road looking up River Trym