

WARD: Cotham

SITE ADDRESS: Basement Flat 4 Elliston Road Bristol BS6 6QE

APPLICATION NO: 22/03645/F Full Planning

DETERMINATION DEADLINE: 1 August 2023

Detached single storey structure to the rear of the property for use as gym/home office, erection of a boundary wall to the rear, and bin storage.

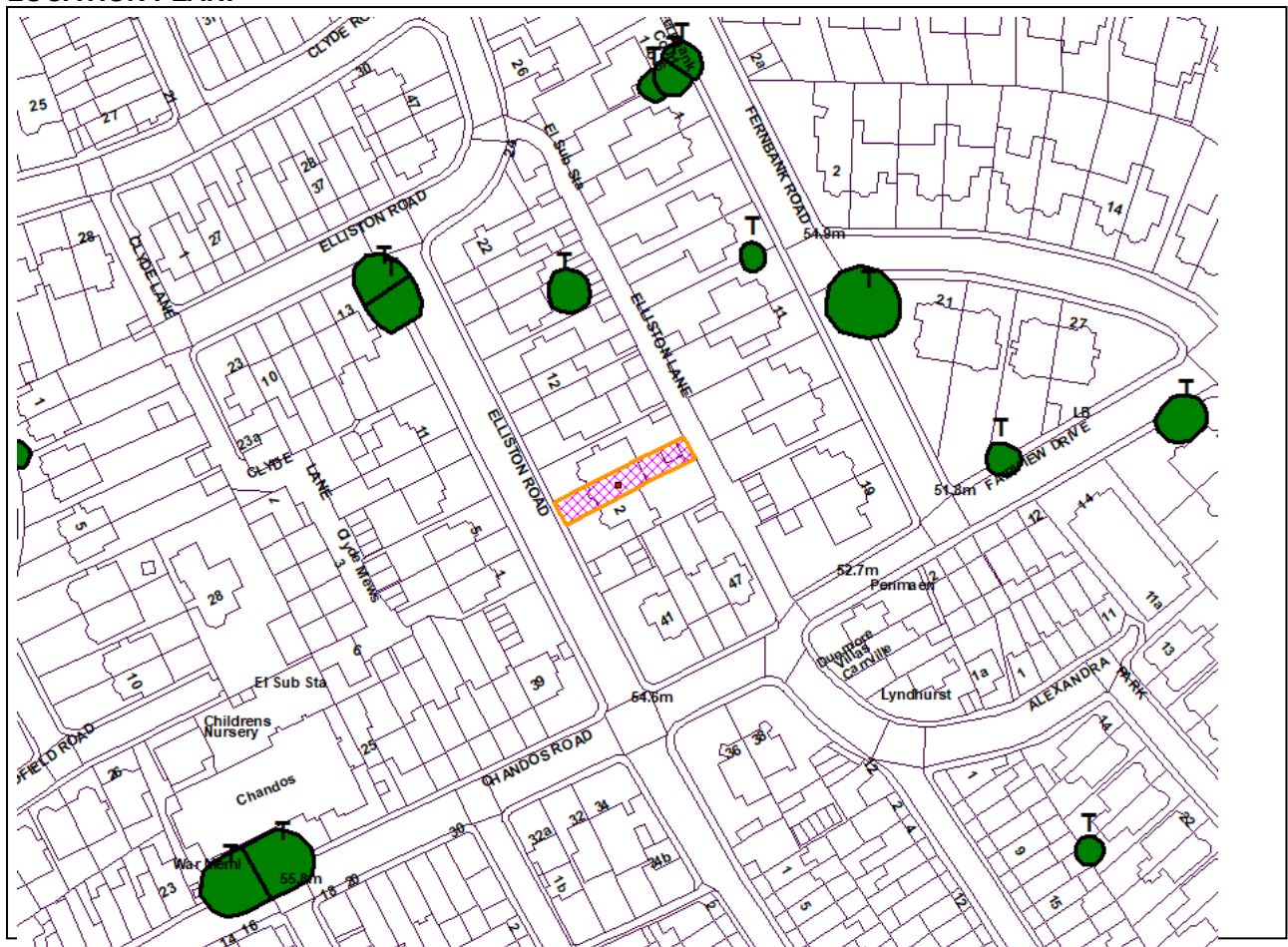
RECOMMENDATION: Grant subject to Condition(s)

AGENT: BRH Planning Consultants
47A Cotswold Road
Chipping Sodbury
Bristol
BS37 6DR

APPLICANT: Mr M McCarthy
4 Julian Close
Bristol
BS9 1JX

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

LOCATION PLAN:



Development Control Committee A – 5 July 2023**Application No. 22/03645/F : Basement Flat 4 Elliston Road Bristol BS6 6QE****SUMMARY**

This retrospective planning application was made following an Enforcement Inquiry after the home office/gym was constructed approximately 80cm deeper than proposed. The complaint suggested that the use of the home office/gym was that of a commercial office (Use Class E). Business signs had also been put up facing Elliston Lane without advertising consent.

Officers investigated to find that the garden building was indeed slightly larger than approved, but that the use was that of a home office/gym. The signage has since been removed.

The application was called in by the Ward Councillor over concerns parking and access to a commercial premises on a narrow lane and the larger than approved development.

This application is made following the Enforcement case to regularise permission for the home office/gym as built. The building is of a similar size and arrangement to many other garages/garden buildings fronting both sides of Elliston Lane and no permission is sought for a commercial change of use. Conditions on the previous consent and this recommendation are clear that the building is to be used solely for the enjoyment of occupiers of the garden flat and cannot be sold, sublet or used for any other purpose without planning permission being sought and granted.

The application does not include off street parking and once the approved bin storage has been put in place, there should not be sufficient space for a parked car. A condition requiring completion of the bin store within six months of a decision is also proposed.

Consequently the application is recommended for approval.

SITE DESCRIPTION

The application relates to the dwelling known as the Basement Flat at 4 Elliston Road within the Cotham ward of Bristol. The application site comprises a mid-terraced property, with a rendered facade and a pitched roof with interlocking concrete tiles. This application relates to the basement flat which includes the garden.

A double garage to the rear of the site has been recently demolished as part of the grant of planning permission for demolition and the erection of a single storey rear extension under application 20/06244/F. A garden building, proposed as a home office and gym was approved under planning application 21/03816/F on 25.02.2022.

The application site is situated within the Cotham and Redland Conservation Area.

RELEVANT PLANNING HISTORY

22/30133/BCN: Enforcement Enquiry. CASE CLOSED on 04.07.2022.

22/01555/COND: Application to approve details in relation to condition 2 and 3 of permission 21/03816/F Planning permission is sought for a detached single storey structure to the rear of the property for use as gym/ home office in relation to the Basement flat. Erection of rubblestone boundary wall to the rear of the garden structure and bin storage area set back from the lane. DECIDED on 10.05.2022.

21/03816/F: Planning permission is sought for a detached single storey structure to the rear of the property for use as gym/ home office in relation to the Basement flat. Erection of rubblestone boundary wall to the rear of the garden structure and bin storage area set back from the lane.

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GRANTED subject to conditions on 25.03.2022.

20/06244/F: Demolition of garage and erection of a single storey rear extension. GRANTED subject to conditions on 10.03.2021.

APPLICATION

Retrospective planning permission is sought for a detached single storey structure to the rear of the property for use as gym/home office, erection of a boundary wall to the rear, and bin storage. The application is similar to the recently approved proposal under application 21/03816/F, with slightly amended proportions. The application was submitted after an enforcement case (reference 22/30133/BCN) due to the larger proportions of the built out scheme and nature of use.

No change of use for the home office/gym has been included in the application. It is noted that during a recent Enforcement investigation, the layout of the building was confirmed to be as per the previous consent.

RESPONSE TO PUBLICITY AND CONSULTATION

Nine neighbouring properties were consulted by letter with a deadline to respond of 07.11.2022.

A site notice was posted and press advertisement published with expiry dates of 31.08.2022.

14 public representations were received including 13 objections.

The key reasons for objection are summarised as:

- The building is larger than approved.
- Does not include parking.
- Structure is a dull anthracite cladding material and an eyesore
- Building is being used as a commercial property for 'Clifton Grove Ltd'.
- Signage suggests that the rear access to the garden is also a business entrance.

The Redland and Cotham Amenities Society (RCAS) has commented as follows:

'The building has already been constructed (not in compliance with previously approved plans) and is significantly larger than the previous plans.

It is out of keeping with the context of the Conservation Area in terms of its size and orientation - adjacent properties have garages facing onto Elliston Lane. The parking area is incongruous and would not have been approved if shown on the plans.

The purpose of the building is described as being ancillary to the residential use of the main house but appears to be advertised as a commercial office. RCAS requests that planning permission be refused and that enforcement action be authorised to secure the removal of the existing structure.'

City Design Group has commented as follows:-

No objection

RELEVANT POLICIES

Cotham and Redland Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

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National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park 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 PRINCIPLE OF DEVELOPMENT ACCEPTABLE?**

The proposal is for a home office/gym garden building and is assessed as such. The area is residential in nature and many of the buildings along Elliston Road have garages or garden buildings with access onto Elliston Lane. As such, the principle of development is acceptable in this instance.

Objections refer to use of the new building as being used for commercial office purposes and suggest that it is currently used by a business. This would require a change of use of the building to Class E. The previous consent included a condition that the approved garden building 'shall be used only as an ancillary use incidental to the enjoyment of the property known as the Basement Flat, 4 Elliston Road and shall not at any time be let or rented out for any purpose; sublet, sold or severed in any way from the site which is the subject of this planning permission'.

Given the residential nature of the area, a change of use planning application to change the use of the garden shed to Class E (business use) would be required if the home office is to be converted or used as a business office. This has not been sought and would not be supported by the Local Planning Authority given the residential nature of the area and the quiet backlane nature of Elliston Lane.

It was noted that on an Officer site visit, commercial signs for a business called 'Clifton Grove Limited' were in situ. No advertising consent has been sought for this or given. The signage would require advertising consent which would not be supported given the residential nature of the development and the signage should be removed.

As such, the principle of development as applied for is acceptable. Any use beyond that set out in the application would require agreement from the local planning authority through a planning application for a change of use from Use Class C3 to Class E.

B. DESIGN AND HERITAGE

The dimensions of the garden room housing a home office and gym differ are slightly larger than as approved under the previous application (21/03816/F), however there are a number of garages backing onto Elliston Lane of varying size and roof arrangements and as such, the building does not appear out of character in terms of scale or massing. Similarly, there are a number of garages set back from the street with a paved area between Elliston Lane and the rear elevations, including the garages almost opposite to 17 Fernbank Road.

It is noted that the previous assessment set out that the proposed grey composite timber effect cladding building was considered acceptable in terms of design and arrangement subject to the addition of a rubblestone rear wall fronting Elliston Lane. Any alterations to the windows and addition of Velux roof windows would be allowed under permitted development.

Overall, whilst 0.8m deeper than consented under the previous scheme, the development is similar in

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terms of arrangement and garden space to other outbuildings within the immediate area and as such, the development is considered to preserve the special character of this part of the Conservation Area and is acceptable in terms of impact on the street scene.

C. TRANSPORT, MOVEMENT AND HIGHWAYS

This was assessed under the previous application and no concerns are raised. The space between the rear elevation and the street is not permitted as a parking space as parallel off-street parking spaces are not supported. It was apparent to officers on a site visit that several of the properties with garages and outhouses backing onto Elliston Lane have set back walls to provide space of deliveries, collections and short term stopping.

There are double yellow lines down both sides of the street to prevent parking on the street and any parking over the lines could result in parking enforcement action. This development provides a similar arrangement and it would not be considered consistent to warrant refusal of the application on that basis.

It is noted that the bin store approved under the previous consent has not yet been installed and a condition is attached to this application requiring completion prior to use of the building.

D. AMENITY

As per the recently consented scheme, 'the proposed garden office/gym will have two windows in the front elevation facing the rear of 4 Elliston Road. Given that the development forms part of the curtilage of the Basement Flat, no concerns are raised with regard to the proposed development which will be ancillary to the host dwelling.

It is noted that other than a marginally deeper footprint and taller windows in the front elevation, the materials, height and colour of the building are as per the consented scheme. It is noted that there were no objections received for that application.

In this instance, two windows have been added to the side elevation either side of the door to the home office/gym. Given that these face a tall boundary wall, no additional overlooking or loss of privacy would result from these windows.

As per the previous determination, any use of the development as an independent unit would require further planning permission and a condition to ensure that the development is not severed, subdivided from the host property or sublet independently of the unit has been included.

CONCLUSION

The proposal would preserve or enhance the special character of this part of the Cotham and Redland Conservation Area and consequently is recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

No other amenity concerns are identified.

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EQUALITY ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Post occupation management

2. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on Approved Plans

The refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans shall be installed within six months of the date of this decision.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

3. Annex Condition

The development hereby approved and set out as a gym/home office in relation to the Basement Flat shall be used only as an ancillary use incidental to the enjoyment of the property known as the Basement Flat, 4 Elliston Road and shall not at any time be severed, let or rented out for any purpose; sublet, sold or severed in any way from the site which is the subject of this planning permission.

Reason: Any other use requires further assessment as it has the potential to cause harm to the character and amenity of the surrounding area which could conflict with the adopted Bristol Development Framework 2011 and the Bristol Site Allocations and Development Management Policies 2014.

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List of approved plans

4. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Site Location Plan, received 28 July 2022

4125 SPB Existing Block Plan, received 28 July 2022

4125 P1 C Proposed Floor Plan & Elevations, received 28 July 2022

4125 CP A Proposed Wall Detail, received 28 July 2022

Reason: For the avoidance of doubt.

Advices

- 1 Application for advertisement consent needed: You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

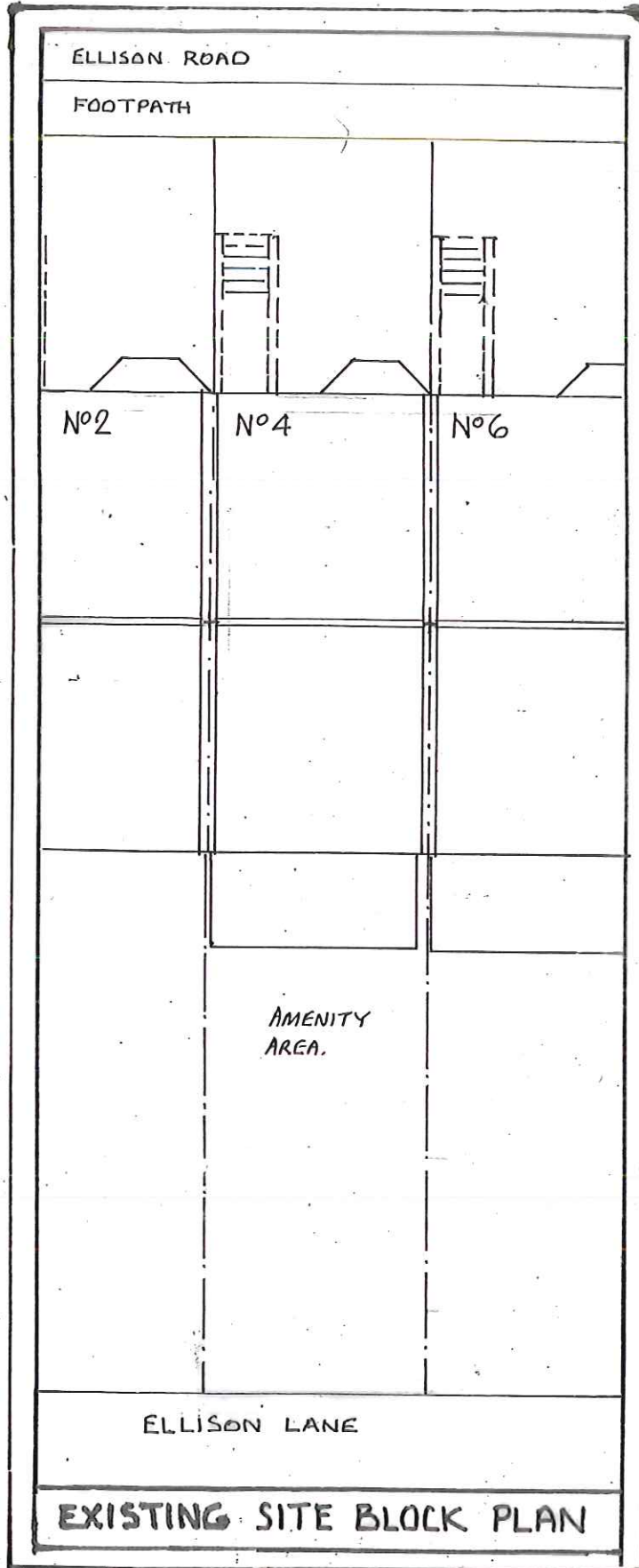
Supporting Documents

3. Basement Flat, 4 Elliston Road, Bristol, BS6 6QE.

1. Block Plan After Garage Demolition
2. Proposed Block Plans, Plans and Elevations
3. Site Photos

SITE ADDRESS:

4 ELLISTON RD BRISTOL BS66QE



B R H PLANNING CONSULTANT

brucer.hosie@btinternet.com

07764255096

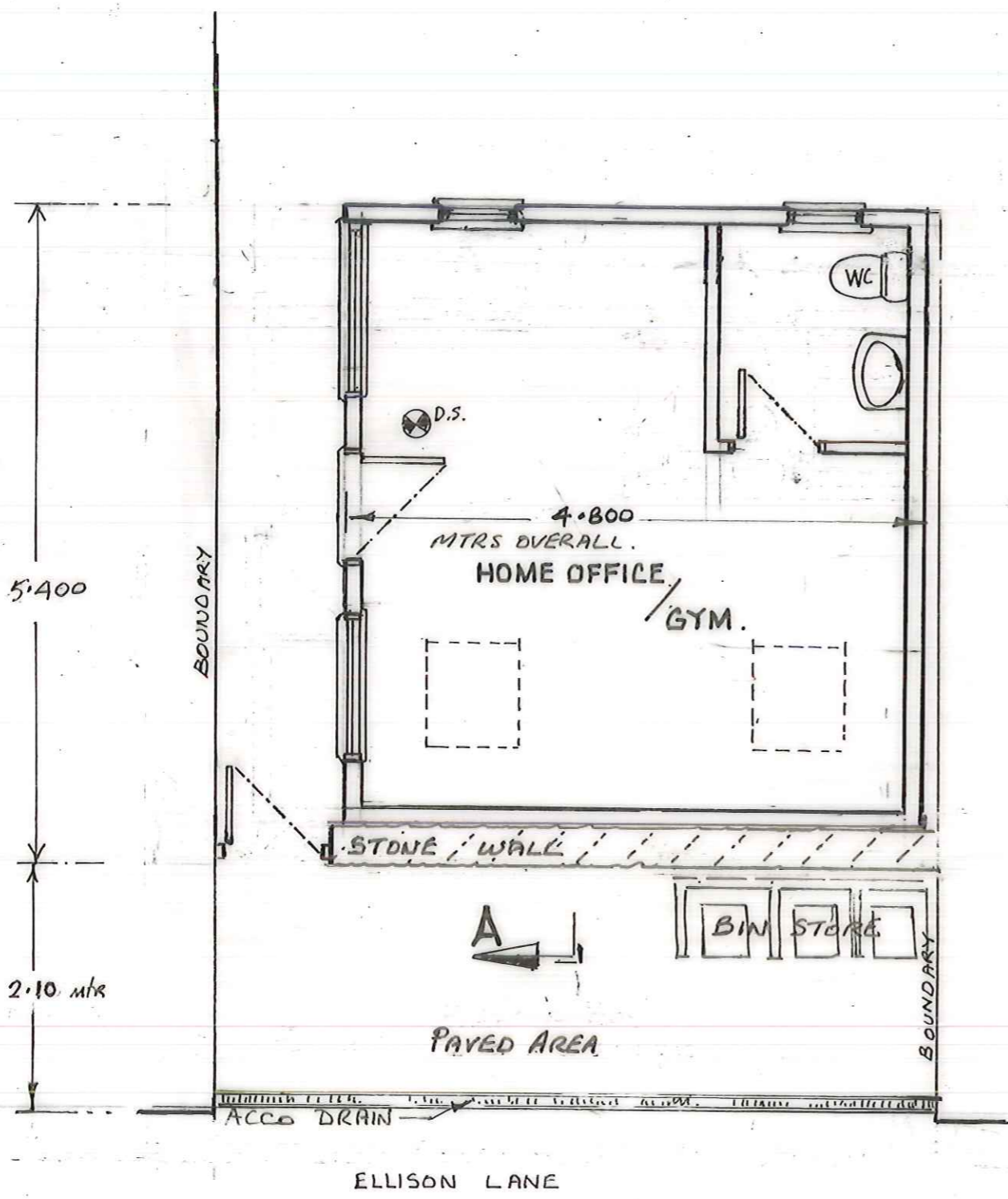
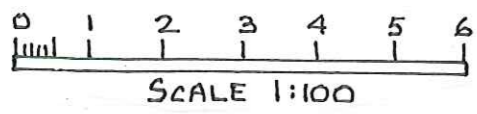
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DATE: 21/07/01

NO: 4125-S.PB

DRN: BHM

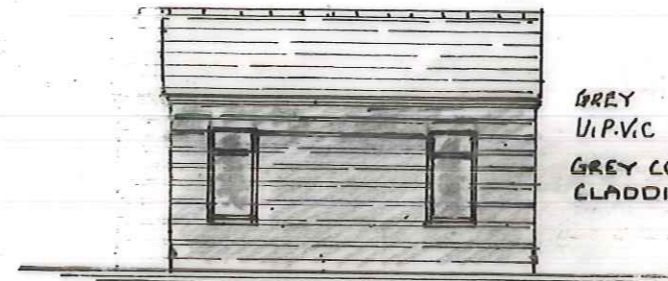
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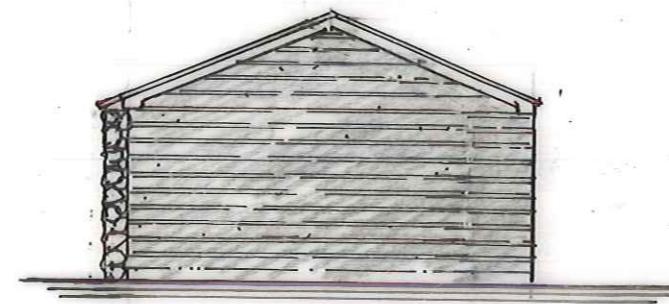
PROPOSED FLOOR PLAN 1:50



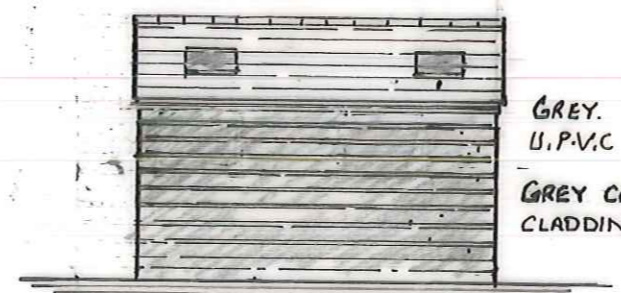
SIDE ELEVATION



REAR ELEVATION



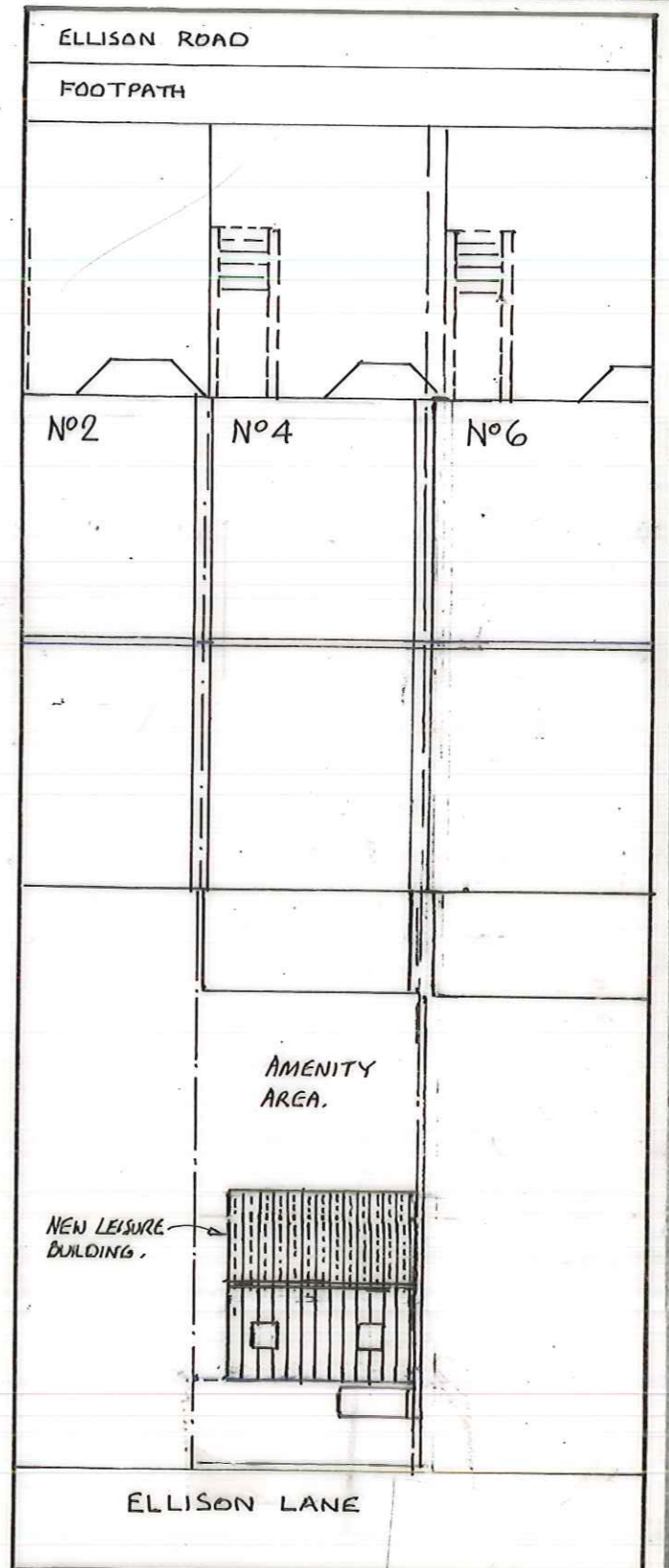
SIDE ELEVATION



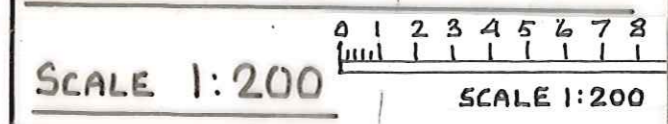
FRONT ELEVATION (STONE WALL NOT SHOWN)

GREY
U.P.V.C WINDOWS
GREY COMPOSITE
CLADDING.

GREY.
U.P.V.C WINDOWS
GREY COMPOSITE
CLADDING.



PROPOSED SITE BLOCK PLAN



C JULY 22 SIZE CORRECTED WITH FENSTRATION *BRH*
B. FEB. 22. NEW REAR WALL IN STONE ADDED. *BRH*

SEE SEPARATE WALL
DETAIL.

B R H
— Tel : 07764 255096 —

PROJECT PROPOSED LWR GRD FLR. FLAT ANNEX AT:-
LWR GRD FLR FLAT 4 ELLISTON ROAD
REDLAND BRISTOL BSG 6QE

CLIENT:
M. McARTHY
07716 235 811

DATE JULY 2021	NUMBER 4125
DRAWN <i>BRH</i>	PI /PI
SCALE 1:50 1:100 1:200	A/B/C

