

Application Number	2023/2217/HSE
Case Officer	Jane Thomas
Site	10 Lewmond Avenue Wells Somerset BA5 2TS
Date Validated	16 November 2023
Applicant/ Organisation	Butt-Philip & Baron
Application Type	Householder Application
Proposal	Two-storey rear extension (retrospective)
Division	Wells Division
Parish	Wells City Council
Recommendation	Approval
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

Scheme of Delegation:

The applicants are related to an elected member, Councillor Theo Butt-Philip. The officer recommendation is for approval, and therefore in accordance with the scheme of delegation this application is referred to Planning Committee (East) for probity reasons in accordance with the published Scheme of Delegation.

Description of Site, Proposal and Constraints

This application concerns 10 Lewmond Avenue, Wells. Lewmond Avenue is a cul-de-sac located in a residential area to the north-west of Wells city centre. The proposal site lies outside the boundaries of both the Wells Conservation Area and the area of high archaeological potential associated with the city's heritage. There are no listed heritage assets in the vicinity.

10 Lewmond Avenue is a cream rendered semi-detached (with number 8) dwelling, with a detached garage accessed via a driveway that separates the house from 12 Lewmond Avenue. 10 Lewmond Avenue has a front garden and smaller back garden that backs onto Woodside, with 5 Woodside lying directly behind on the opposite side of that lane.

The only planning history for the property relates to planning application 2023/0528/HSE for the erection of a single-storey rear extension, which was approved on 07.06.2023.

This proposal is for retrospective consent for a two-storey extension to the rear of the property. The application form states that work commenced on this extension on 01.11.2023

Construction of the proposed two-storey extension to the rear of 10 Lewmond Avenue has already commenced although at the time of the site visit in January 2024 remained unfinished, with no windows installed, not rendered, and still with scaffolding in situ.

A site visit was conducted in the afternoon of 19.04.2023 as a part of the assessment of the earlier application, and a second visit made on the afternoon of 02.01.2024 as part of the assessment of this of this application. Photographs from both site visits can be viewed within the online record for this application.

As was the case with the previously approved single-storey extension the footprint of the proposed extension is relatively modest, replacing an existing, smaller, single-storey extension and adding a small amount of extra floor space, squaring off the back elevation of the house allowing internal alterations to reconfigure the layout of the ground floor of the house. This proposal adds a second storey across the whole of the new footprint allowing the reconfiguration of the first floor of the house, enhancing the bedroom accommodation and bathroom facilities.

10 Lewmond Avenue lies within the Somerset Levels and Moors SPA RAMSAR Catchment and SSSI Impact Risk Zone. As an existing residential dwelling the proposed development will have no additional impact upon these designations.

The property also lies within a consultation zone for the North Somerset Mendips Bats Special Area of Conservation. Consultation has been made to Somerset Ecology for any comment upon the impact of this proposal.

Summary of Consultation/Representations:

Wells City Council: The Planning and Environment Committee 'unanimously voted to abstain'

Divisional Member: No response received. Applicants are related to the Divisional Member.

Somerset Ecology Officer: No response received

Neighbours: Two comments received – 1. Neutral but concerned about neighbour amenity from overlooking from rear first floor windows and overshadowing, and 2. Objection on grounds of neighbour amenity due to overshadowing and overlooking of neighbouring properties, and extension of the built form/building line to the rear of the property. Please see relevant sections of the report for consideration of these issues. The matter of a possible restrictive covenant on extensions to properties on Lewmond Avenue is a civil matter and not a planning consideration in the assessment of this application.

The application states that applicants are related to an elected member, Councillor Theo Butt-Philip. In light of this the officer's recommendation is contained within this document but the application will, for probity reasons, be referred to Planning Board (East) in accordance with the published Scheme of Delegation.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- DP1 Local Identity and Distinctiveness
- DP7 Design and Amenity of New Development
- DP8 Environmental Protection

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (2023)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Household Extension Design Guide – Mendip District Council (1993)

Character, Appearance and Impact on the Street Scene

The position of 10 Lewmond Avenue, backing onto Woodside, gives the house a relatively open aspect, however the position of the existing garage means that the proposed rear extension will be visible in only glimpsed views from the front of the house. The new first-floor element of the extension is visible above the 2m high garden fence to the rear.

This proposal increases the extension approved under planning consent 2023/0528/HSE from a single storey to two-storeys. Whilst this does increase the built form of to the rear of

the dwelling this extension remains of a scale and form appropriate for a dwelling of this size at this location. The new pitched roof to the rear will be at a lower elevation than the main roof of the dwelling, maintaining a subservient appearance to the extension. The extension will be rendered and painted in a cream colour which will, along with other materials specified, match those of the finishes of the existing dwelling.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal is therefore considered to accord with the policies referred to above.

Residential Amenity

This proposal will create valuable additional space allowing some reconfiguration of both the ground and first floors of the house to create a modern living space. This will be of amenity benefit for both current and future occupants. Whilst the extension does increase the built form of to the rear of the dwelling the footprint remains the same as that approved under planning consent 2023/0528/HSE. An assessment of the impacts in terms of residential amenity is set out below.

- i. Given the site's orientation and the separation distance between it and the neighbouring properties, including number 12 Lewmond Avenue it is considered that any additional shadow cast by the proposed extension will be contained largely within the curtilage of 10 Lewmond Avenue for most of the year. However it is recognised that during summer months there would be a small part of the rear garden close to the site boundary over and above the situation as exists at present.
- ii. It is important to consider the window openings proposed in the new extension and, in particular, any impact of the addition of a second storey contained within this application. The ground floor fenestration remains largely as that approved previously. The one new window faces onto the boundary fence/garage wall of the neighbouring property raising no risk of overlooking either into or from the new window beyond that which may exist with the existing/previous situation. The first floor of the proposed extension includes no windows to the side elevation. Two windows are proposed to the rear elevation, but these are of similar dimensions to those of the previous rear elevation, albeit nearer to the rear boundary of the property. Therefore, on balance, it is considered that the first-floor fenestration of the proposed extension will create no greater risk of overlooking either into or from the rear of 10 Lewmond Avenue over that which exists at present/existed previously

On balance therefore, it is considered that, given the design, scale, massing, and siting of the proposed development, the proposal would not cause significant harm to the

amenities of any occupiers or adjacent occupiers through overshadowing, overbearing impact, loss of privacy, noise, or other disturbance. The proposal is therefore considered to accord with the policies referred to above.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approve

Conditions

1. Retrospective Permission (Compliance)

Notwithstanding the time limit given to implement planning permissions prescribed by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004), this permission, being a retrospective permission as prescribed by Section 63 of the 1990 Act, shall have been deemed to have been implemented on the 1st November 2023.

2. Plans List (Compliance)

This decision relates to the following drawings:

H6716/001 Existing Plans and Elevations

H6716/002 Existing Site and Location Plan

H6716/101A Proposed Site and location Plan

H6716/200F Proposed Plans and Elevations

Reason: To define the terms and extent of the permission.

Informatives

1. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme

is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

3. **Building Regulations Approval**

Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website: <https://buildingcontrol.somerset.gov.uk/>