

# Planning Statement – 37 Sandholme Rd, Brislington, Bristol, BS4 3RP

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Job Number: 3M-409

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## 1 Introduction

- 1.1 This Planning Statement has been prepared by Three Magnets Planning on behalf of TMC1 limited. who are seeking full planning permission for Demolition of existing rear extension and erection of new rear extension and loft conversion to facilitate change of use to 2no residential flats (C3) at No 37 Sandholme Road, Brislington, Bristol, BS4
- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Bristol City Council consists of the Bristol Core Strategy (2011), Site Allocations and Development Management Policies Local Plan (2014) and other supplementary planning documents such as the Urban Living SPD (2018).
- 1.3 This statement describes the proposal, its context and planning history. This supporting statement should be read alongside the submitted application forms, proposed plans and energy strategy/sustainability statement. The remainder of this statement is structured as follows:
- **Site Context** – provides a description of the site context and relevant planning history;
  - **The Proposed Development** – describes the proposed development and the supporting evidence provided;
  - **Planning Context** – sets out the national and local planning policy framework against which the application is to be considered;
  - **Planning Assessment and Conclusion** – evaluates the application proposal in the context of relevant planning policy framework and other material considerations to reach an overall conclusion;

## 2 Site Context

- 2.1 The following section sets out details on the site surroundings, planning constraints, and planning history for the site

### *Site Surroundings and Constraints*

- 2.2 37 Sandholme Rd is a mid-terraced 2.5 storey dwelling fronting on to Sandholme
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Road. It is located North of Sandy Park Road and adjacent to other Victorian residential properties to the North, South, East and West.

- 2.3 An inspection of the Bristol City Council Policies Map confirms that the site is not allocated or safeguarded for a specific form of development. The proposed site is within the urban area where new housing including specialist housing is actively encouraged.
- 2.4 The site is situated within Flood Zone 1 and as such is not considered to be at risk of flooding. The site is not located within a Conservation Area and is not within close proximity to any Listed Buildings. There are no environmental designations impacting the site. The site is relatively unconstrained.

### ***Planning History***

- 2.5 The site has been subject to the following planning applications:
  - **24/00934/CP** – Application for a Lawful Development Certificate for a Proposed use or development - Loft conversion including dormer and extension to ground floor at the rear – Pending.
- 2.6 The proposed loft conversion and rear extension are considered permitted developments. The extension elements are included in this application to illustrate how the change of use which is the subject of this application will be facilitated.

## **3 The Proposal**

- 3.1 The proposal is for the subdivision of the existing dwelling to create two 2-bedroom flats in accordance with National Space Standards. It comprises of a ground floor two-bedroom property with a rear garden and a two bedroom first floor maisonette. Cycle storage and bin storage for both proposed dwellings is included at the front. No off street parking is provided, so the new dwelling (Net 1) will effectively be care free.
- 3.2 Please find enclosed the following supporting information:
  - Application Forms (duly completed)
  - Location Plan;
  - Existing and Proposed Site Layout
  - Existing Floorplans;
  - Existing Elevations;
  - Proposed Elevations
  - Proposed Floorplans;
  - Proposed Elevations; and
  - Energy Strategy and Sustainability Statement.

## **4 Planning Policy Context**

- 4.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Planning Applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, the relevant planning policies

and guidance relating to this site are contained within the following national planning guidance and local Development Plan documents:

- National Planning Policy Framework (NPPF) (February, 2019);
- Bristol Core Strategy (adopted 2011);
- Site Allocations and Development Management Policies (adopted 2014);
- Urban Living SPD (adopted November, 2018);

### **National Planning Policy Framework (NPPF)**

- 4.2 NPPF paragraph 60 states that, *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that then needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 4.3 NPPF para 119 states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*.
- 4.4 It goes on to state in para 120 that *“planning policies and decisions should:*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
  - d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”*.
- 4.5 NPPF para 124 states that *“Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
  - b) *local market conditions and viability;*
  - c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
  - d) *the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
  - e) *the importance of securing well-designed, attractive and healthy places”*

### **Five Year Land Supply**

- 4.6 It is noted that Bristol City Council can’t illustrate a five-year land supply and this triggers the presumption in favour of sustainable development as outlined at paragraph 11 of the National Planning Policy Framework (NPPF, 2021).

- 4.7 Paragraph 11(d) of the NPPF is therefore engaged and clearly states that *“For decision-taking this means... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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”*.
- 4.8 In our view granting permission for this proposal conforms with the adopted development plan irrespective of the 5-year land supply position, but we would note that the decision maker is now required to determine the application in light of the titled balance which requires permission to be granted unless the benefits of redevelopment are significantly and demonstrably outweighed by the negatives.

### **Bristol Core Strategy (2011)**

- 4.9 Key policies for the consideration of the proposal include:
- **Policy BCS5** - The Core Strategy aims to deliver new homes within the built-up area to contribute towards accommodating a growing number of people and households in the city. It sets a minimum target of 26,400 homes between 2006 and 2026.
  - **Policy BCS13** - Development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.
  - **Policy BCS18** - All new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.
  - **Policy BCS21 (Quality Urban Design)** - advocates that new development should deliver high quality urban design. With regards to amenity, it is outlined that new development is expected to safeguard the amenity of existing development. In particular, development should give consideration to matters of neighbouring privacy, outlook and natural lighting.

### **Site Allocations and Development Management Policies Local Plan (2014).**

- 4.10 The following key policies have been considered:
- **Policy DM1 (Presumption in Favour of Sustainable Development)**
  - **Policy DM21 (Development of Private Gardens)** – allows the development of private gardens where the proposal would represent a more efficient use of land at a location where higher densities are appropriate.
  - **Policy DM23: Transport Development Management** – ensures that development does not give rise to unacceptable traffic conditions, provides safe and adequate access for all sections of the community onto the highway network and provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the parking standards, the parking management regime and the level of accessibility by walking, cycling and public transport.

- **Policy DM26: Local Character and Distinctiveness** -the design of development proposals will be expected to contribute towards local character and distinctiveness.
- **Policy DM27: Layout and Form** – ensures continuity of development edge that encloses and clearly defines the public realm whilst physically securing the private realm.
- **Policy DM29: Design of New Buildings** – ensures that new buildings are designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm.
- **Policy DM32: Recycling and Refuse Provision in New Development** – ensures the sufficient provision of refuse and recycling equipment in a functional location.

## 5 Planning Assessment and Conclusion

5.1 The section seeks to set out the main planning issues and supporting evidence to illustrate the relative planning merits of the proposal compared with policy. It considers the following areas:

- Principle of Development:
- Permitted Development Extensions:
- Residential Amenity and Design
- Transport and Access: and
- Energy and Sustainability

5.2 **Principle of Development** – The proposal represents the addition of one new dwelling within the urban area where new development is encouraged and actively planned for.

5.3 **Permitted Development Extensions** – The proposal includes for the demolition of the existing rear extension and erection of a new rear extension and loft conversion. We believe that built elements of the proposal are permitted development.

5.4 The following paragraphs set out the relevant regulation for each element of the proposed built works.

### ***Class A – enlargement, improvement or other alteration of a dwellinghouse:***

5.5 The following section sets out the General Permitted Development Order Part 1 Class A – enlargement, improvement or other alteration of a dwellinghouse legislation (*in italics*) and sets out our consideration of the proposal compared to the criteria and conditions to confirm the proposed rear extension is permitted development.

### ***Permitted Development***

***A. The enlargement, improvement or other alteration of a dwellinghouse.***

### ***Development not permitted***

***A.1 Development is not permitted by Class A if–***

- a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);*

- a. Permission for the dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3.
- b) *as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- 5.6 I can confirm that the total area of ground covered by buildings within the curtilage of the dwellinghouse does not exceed 50% of the total site area.
- c) *the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;*
- 5.7 The height of the proposed rear extension is single storey and would not exceed the height of the highest part of the roof.
- d) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
- 5.8 The eaves height of the proposed rear extension would not exceed the height of the existing eaves.
- e) *the enlarged part of the dwellinghouse would extend beyond a wall which –  
forms the principal elevation of the original dwellinghouse; or  
fronts a highway and forms a side elevation of the original dwellinghouse;*
- 5.9 The extension is to the rear of the property and therefore does not extend beyond the principle elevation or front onto a highway.
- f) *subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –  
extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or  
exceed 4 metres in height;*
- 5.10 The proposed rear extension does not extend beyond 3 metres of the original dwelling house and does not exceed 4 metres in height..
- g) *until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –  
extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other*

*dwellinghouse, or  
exceed 4 metres in height;*

5.11 The proposed rear extension does not propose a larger rear extension and therefore is not subject to this criteria or conditions set out in paragraph A4 of Part 1 Class A.

*h) the enlarged part of the dwellinghouse would have more than a single storey and—  
extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or  
be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite  
the rear wall of the dwellinghouse;*

b. The proposed rear extension is single storey.

*the enlarged part of the dwellinghouse would be within 2 metres of the boundary of  
the curtilage of the dwellinghouse, and the height of the eaves of the enlarged  
part would exceed 3 metres;*

5.12 The proposed rear extension is within 2 metres of the boundary and the eaves height would not exceed 3 metres.

*i) the enlarged part of the dwellinghouse would extend beyond a wall forming a side  
elevation of the original dwellinghouse, and would—  
(i) exceed 4 metres in height,  
(ii) have more than a single storey, or  
(iii) have a width greater than half the width of the original dwellinghouse; or*

5.13 The proposal is for a rear extension.

*j) it would consist of or include—  
the construction or provision of a verandah, balcony or raised platform,  
the installation, alteration or replacement of a microwave antenna,  
the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or  
an alteration to any part of the roof of the dwellinghouse.*

5.14 The proposal does not consist or include any of the above building operations.

**A.2** *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—*

*a) it would consist of or include the cladding of any part of the exterior of the  
dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*

5.15 The existing dwelling house is not on article 2(3) land.

*b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*

5.16 The proposed rear extension does not extend beyond the side wall of the original dwellinghouse.

*c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.*

5.17 The proposed rear extension is single storey.

**Conditions**

**A.3** *Development is permitted by Class A subject to the following conditions –*

*a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

5.18 The proposed materials will match the existing rear elevation.

*b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –*

*obscure-glazed, and*

*non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*

5.19 The proposed rear extension is single storey.

*c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

5.20 The proposed rear extension is single storey.



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### **Conclusion For Small Rear Extension**

- 5.21 In conclusion, the proposed rear extension is accords with the criterion and conditions of Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### ***Class B – additions etc to the roof of a dwellinghouse:***

- 5.22 The following section sets out the General Permitted Development Order Part 1 Class B – additions etc to the roof of a dwellinghouse legislation (in italics) and sets out our consideration of the proposal compared to the criteria and conditions to confirm the proposed loft conversion is permitted development.

### **Permitted development**

***B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.***

### **Development not permitted**

***B.1 Development is not permitted by Class B if–***

*permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);*

- 5.23 The dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of the GPDO.

*any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*

- 5.24 The height of the roof does not exceed the height of the highest part of the main roof.

*any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;*

- 5.25 The roof does not extend beyond the plan of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

*the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than–*

*k) 40 cubic metres in the case of a terrace house, or*

*l) 50 cubic metres in any other case;*

- 5.26 The volume of the resulting roof space would exceed the cubic content of the original roof space by 39.3 cubic metres (see accompanying volume calculation).

*it would consist of or include–*

- m) the construction or provision of a verandah, balcony or raised platform, or*
- n) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;*

5.27 The loft conversion does not involve the either of the above.

*the dwellinghouse is on article 2(3) land;*

5.28 The dwellinghouse is not on article 2(3) land

*the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or*

5.29 The dwellinghouse was not built under part 20 of the GPDO.

*the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).*

5.30 The dwellinghouse has not been enlarged under Class AA of the GPDO.

### **Conditions**

**B.2** *Development is permitted by Class B subject to the following conditions—*

*the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

5.31 The materials match the existing dwelling as constructed.

*the enlargement must be constructed so that—*

*other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—*

*(aa) the eaves of the original roof are maintained or reinstated; and*

*(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and*

*other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and*

5.32 The eaves of the original roof are maintained and the enlargement does not extend beyond the outside face of any external wall.

*any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—*

*obscure-glazed, and*

*non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.*

5.33 The proposed side window is obscure glazed and non-opening.

#### **Loft Conversion PD Conclusion**

5.34 In conclusion, the proposed loft conversion is accords with the criterion and conditions of Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.35 **Residential Amenity and Design** – Policy BCS21 provides a set of criteria for the assessment of design in new development. Proposals are expected to safeguard the amenity of existing development and deliver a high-quality environment for future occupiers. The proposal is the conversion of an existing residential dwelling, therefore the situation regarding residential amenity remains largely unchanged. The proposal is considered in accordance with Policy DM27.

5.36 The proposed extensions are both permitted development subject to a separate pending Lawful Development Certificate application (24/00934/CP). The design of the property will be relatively unchanged following permission with only the loft dormer on the front elevation. The material proposed are considered to be high quality using a traditional palette of material to reflect the local character and be in conformity with Policy DM30 regarding the design.

5.37 **Transport and Access** – Policy DM23 states that “Development should not give rise to unacceptable traffic conditions and will be expected to provide:

- i. Safe and adequate access for all sections of the community within the development and onto the highway network including designs which secure low vehicle speeds; and*
- ii. Adequate access to public transport including, where necessary, provision for public transport improvements; and*
- iii. For appropriate transport improvements to overcome unsatisfactory transport conditions created or exacerbated by the development; and*
- iv. For pedestrians and cyclists including, where appropriate, enhancing the pedestrian and cycle network and, for major non-residential schemes, providing adequate changing, shower, storage and drying facilities for cyclists.*

5.38 The proposal, does not provide any off-street parking or involve a change in highway access. It is considered that the site is in a relatively sustainable location within the city in close proximity to the A4 Bath Road, which is well served with bus routes, being a major bus corridor in the city. The area is also well served with retail and community facilities which will support walking and cycling. The scheme includes appropriately sized bike stores at the front and rear of the property. The site is considered in accordance with DM23 with regard to parking provision which sets out parking standards as a maximum requirement and allows car free development in sustainable locations such as this.

5.39 Policy DM32 requires “all new development will be expected to provide, as a minimum

sufficient space for the storage of individual recycling and refuse containers to reflect the current collection regime”. The proposal includes for a bin store suitable for storage of all the require bin and recycling receptacles.

5.40 **Energy and Sustainability** - A Sustainability Statement and Energy Strategy has been produced by Fenton Energy to demonstrate how the proposed revised development at 37 Sandholme Road will comply with Bristol City Council Policies:

- BCS13 – Climate Change
- BCS14 – Sustainable Energy (from the Development Framework Core Strategy).
- BCS15 – Sustainable Design and Construction
- BCS16 – Flood Risk and Water Management.

### ***Conclusion***

5.41 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The General Permitted Development Order includes permitted development rights that represent material lawful fall back positions for the built elements of this proposal.

5.42 From a review of the relevant development plan policy covering the site, it is considered that the development is in accordance with the development plan and comparable to other approved applications. The proposed plans show that the development can be achieved without detriment to the surrounding residential amenity and local distinctiveness utilising permitted development extensions (24/00934/CP).

5.43 We would contend that conversion of the existing dwelling in this location to form two new flats is an efficient use of the existing property. In light of the above it is concluded that the granting of permission would accord with the development plan and there are no other material considerations that would indicate otherwise.