

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	17th December 2008
Application Number	08/2017/FUL
Site Address	31 Corn Gastons, Malmesbury
Proposal	Extension and conversion to form three one bedroom dwellings
Applicant	Mr Dyne
Town/Parish Council	Malmesbury
Grid Ref	392404 187592
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This application proposes the extension to and conversion of an existing three bedroom end of terrace dwelling to three flats. The scheme originally submitted proposed a conversion to four flats with no on site parking.

The site is located within the framework boundary of Malmesbury and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Effect of the residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

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Proposal and Site Description

The application site comprises an end of terrace three bedroom dwelling which has a large single storey extension to the rear. The site currently has provision for on site parking (two spaces).

Corn Gastons is characterised by terraces with extensive on street parking.

The property is a corner plot with the existing single storey extension visible to the site.

The proposal involves the provision of a two storey extension to the rear of the property extending out by 5.4 metres. This extension is some 3.1 metres from the adjacent property (no. 29) and separated via the existing flat roof extension (ridge height 2.9 metres). The ridge height of the extension is set lower than the main house by 1.4 metres.

In terms of the existing single storey extension, the proposal will represent a reduction of 4 metres in the extent of the single storey flat roof extension particularly that which runs along the boundary with no. 29.

A landing window is proposed in the west elevation which faces onto no. 29 Corn Gastons. This window is proposed to be obscure glazed. The window in the north elevation to serve a bedroom will be 9 metres from the blank gable end of no. 33 Corn Gastons which lies to the north.

Planning History

A single storey extension and access was approved to the property in 1979 (79/01806FUL).

Consultations

Malmesbury Town Council objects on the grounds of parking and out of keeping with the character and appearance of the area.

Malmesbury and St Paul's Without Parish Council object on grounds of parking, out of keeping and lack of need.

Wiltshire County Council Highways have no objections subject to conditions in relation to the revised scheme.

Representations

Malmesbury Civic Society has objected on grounds of parking.

14 letters of objection were received in respect of the original application for extension and conversion to provide four flats. Objections were on the grounds of:

- Highway safety/lack of parking
- Scale of development out of keeping with the character of the area
- Overlooking/loss of light
- Potential anti-social occupants

Planning Considerations

Principle of development

As the site lies within the framework boundary of Malmesbury, the principle of development is established subject to the satisfaction of relevant policy criteria. The key policy in the consideration of this application is Policy C3 of the 2011 Local Plan.

It should be noted that need for this type of house and the nature of the occupants are not planning

considerations.

Impact on residential amenity

At present the application property has a substantial single storey flat roof extension which runs along virtually the whole boundary with no. 29 Corn Gastons. The proposal will seek a reduction in this single storey range by some 4 metres.

The two storey element is offset from the boundary with no. 29 by 3.1 metres and will extend out by 5.4 metres. By reason of the separation from no. 29, it is considered that the extension would not have an overbearing impact upon the residential amenity of no. 29. It is noted that the property is to the east and will partially obscure direct sunlight to that property during certain seasons, however, this is not considered to be detrimental to the amenity of the property and is not sufficient a reason to refuse the application given the distance of the extension to no. 29.

The view of the two storey extension from no. 29 will be partially obscured by the existing single storey extension at ground floor and only obliquely seen at first floor.

The window proposed to serve the landing in the west elevation is proposed to be obscure glazed. By reason of the nature of the window and it not serving a habitable room, together with the obscure glazing, no overlooking will occur. Notwithstanding this, it is considered that a condition should be attached to any permission controlling this and seeking details of the means of opening.

Given the proximity to the blank gable of no. 33 Corn Gastons, it is not considered that the proposals would detrimentally impact upon the amenity of that property.

Design and Scale of Development

The extension is considered to be well design and in proportion to the property and in keeping with the host dwelling.

In terms of the scale of development, the properties lie within a wholly residential area with dwellings of similar sizes. However, occupation of these dwellings will and can vary in terms of single or shared household and in this context the conversion of the site to three flats is not considered to be detrimental to the character and appearance of the area.

Highways and Parking

The scheme will provide 3 car parking spaces on site (the original scheme made no provision for on site parking). WCC highways raise no objections to the proposed development. The parking provision accords with the Council's adopted standards.

Recommendation and Proposed Conditions/Informatives

Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. Prior to the commencement of the development hereby permitted and notwithstanding the plans submitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) bin/recycling storage;
- (4) window details for the landing window at first floor in the west elevation.

The development shall be carried out in accordance with the details so approved.

Items 1 to 4 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

4. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed window(s) the first floor of the west elevation shall be glazed with obscure glass only.

Reason: In the interests of residential amenity.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

6. The colour, type and texture of the rendered finish to the external walls of the development hereby permitted shall match that of the existing building unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

7. The external roof tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

Informative

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

3321/07 received by the local planning authority 22/08/08, 3321/03E, 3321/04A, 3321/05A received by the local planning authority 10/10/08

Reason for Decision

The proposed development by reason of its scale, design and siting is considered to be in keeping with the host dwelling and the character and appearance of the area. It would not be detrimental to any residential amenities nor would it be detrimental to highway safety. The application therefore accords with Policy C3 of the adopted North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 4.02, 4.04, 4.07