

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>26<sup>th</sup> November 2008</b>
<b>Application Number</b>	<b>08/02167/FUL</b>
<b>Site Address</b>	<b>Glenhavon, Plough Lane, Kington Langley</b>
<b>Proposal</b>	<b>Demolish existing dwelling and erect 2 detached houses/garages with access, parking, turning and garaging</b>
<b>Applicant</b>	<b>Mr Oliver Keates</b>
<b>Town/Parish Council</b>	<b>Kington Langley</b>
<b>Grid Ref</b>	<b>391266 176447</b>
<b>Type of applications</b>	<b>Full Application</b>

**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 8<sup>th</sup> April 2002 because 5 letters of objection have been received and at the request of Councillors Meadows and Scott so that the impact upon the locality and neighbours may be assessed.

**Summary of Report**

The application is for residential development within the settlement framework boundary of Kington Langley and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Principle of development
- Siting, layout and design of development
- Effect upon residential amenity of existing properties

**Officer Recommendation**

Planning Permission be GRANTED subject to conditions:

<b>Contact Officer</b>	Simon T. Smith	01249 706633	ssmith@northwilts.gov.uk
------------------------	----------------	--------------	--------------------------

**Proposal and Site Description**

The proposal is for the demolition of an existing dwelling and the erection of two new dwellings in its place. The proposal includes revised access arrangements. The application site is entirely in residential use (and its associated curtilage) is surrounded by other residential properties and is contained within the Settlement Framework Boundary, but outside the Conservation Area of Kington Langley.

The proposed represents a revision from that scheme refused planning permission at the Development Control Committee of 3<sup>rd</sup> September 2008.

<b>Planning History</b>		
<b>Application number</b>	<b>Proposal</b>	<b>Decision</b>
04/02785/FUL	Detached dwelling	Refused 26/11/04
05/01165/OUT	Dwelling and access	Refused 15/07/05
06/01672/FUL	Four dwellings and garages	Refused 16/08/06 Appeal dismissed
06/02336/FUL	Four dwellings and garages	Refused 27/10/06 Appeal dismissed
06/02758/FUL	Erection of two detached dwellings	Refused 14/03/07
07/01598/FUL	Erection of two detached dwellings	Refused 06/08/07
07/03172/FUL	Extensions and garage to existing dwelling	Approved 24/01/08
08/01437/FUL	Demolition of existing dwelling and erection of two detached dwellings, access, parking, turning and garaging	Refused 03/09/08

### **Consultations**

#### **Parish Council**

Comments awaited

#### **WCC Highways**

No objections subject to conditions

#### **Representations**

Five (5) of letters of objection that have been received from different households.

Summary of key relevant points raised:

- Previous proposals refused and dismissed at appeal
- Revised proposal does not overcome previous refusals
- Very little space between properties and neighbours
- Alter appearance of road frontage
- Materials used in driveway across verge should be stone or gravel to match footpath not tarmac
- Lack of parking
- Highway safety – increase in vehicles

- Access is blocked by electricity supply pole
- Surface water drainage arrangements
- Not in accordance with building line
- Removal of existing boundary planting to “Grafton”, which is not under applicant’s control
- Previous appeal decision (which related to a proposal for 4 dwellings) makes clear that development of site is not compatible with surroundings

## **Planning Considerations**

### Principle of development

The site lies inside the defined settlement framework of Kington Langley. The principle of residential on this site complies with policy H3 of the adopted Local Plan, but the ultimate acceptability of the submitted scheme should be assessed against criteria laid out in policies C3 and H8.

### Siting, layout and design of development

In contrast to previously refused schemes on this site, all the proposed development is to be sited toward the front of the application site. No development in depth is now proposed (as has previously been considered and refused planning permission several times in several different iterations and, indeed, twice dismissed at appeal under reference 06/02336/FUL).

The dwellings’ positioning slightly behind the neighbouring properties is not necessarily considered to be detrimental to the street scene since there is considered to be no strongly defined “building line” on either side of this part of Plough Lane.

In an attempt to overcome the reason for refusal under 08/01437/FUL, the detached garage blocks have now been positioned to the front of the site, thus removing the need for a central access drive and providing for more space between the proposed dwellings and existing neighbouring properties. The appearance and design of the garages themselves are considered to be of sufficient quality so as to avoid the perception of a standard suburban double-garage, which would be inappropriate in this rural location.

As before the scale and symmetry of the development has resulted in a layout that does fill the frontage of the plot. Again, this is not considered to be a reason to refuse planning permission since there is no overriding composition to surrounding development – ie. although plot sizes are relatively large in the locality, the properties are different in design, scale and, most critically, relationship with each other. The relatively small gap between properties and site boundaries is therefore not thought to be objectionable.

As per the previous refusal under 08/01437/FUL, the design of the two dwellings continues to be conventional and typical of large modern houses. Several of the more welcome features of the previous schemes (such as open eaves, detailed chimney stacks and suitable proportioned windows), have been lost. However the simplified form of the units is not considered to be objectionable in this locality.

Detailed layout and materials used for the revised access drive could also be conditioned to ensure that it is reflective of the existing footpath and neighbouring accesses. Similarly, concerns about the treatment to boundaries of the site can be the subject of a condition that will require the submission of all landscaping details prior to the commencement of development.

It should be noted that scale, form and layout have not previously been used as reasons to refuse planning permission for two dwellings on this site. Where such reasons have been used, it was in relation to the creation of four units on the site in a form of development “in depth”.

### Affordable Housing and Public Open Space

It should be noted that two previous applications for two dwellings on this site (following the demolition

of the existing) have been refused on the basis that no provision for affordable housing has been made within the proposal. In this instance, and in view of the net increase of one dwelling on the site following the demolition of the existing, the applicant has agreed to make a contribution of £26,000 towards such provision off-site, in accordance with the adopted Affordable Housing SPG. Similarly, contribution of £7,800 towards the provision of off-site public open space facilities (in accordance with adopted guidance and Local Plan policy) is sought.

In respect of both matters, it is expected that a legal agreement under S106 of The Act will be entered into prior to the determination of this planning application.

## **Conclusion**

The changes are considered to be sufficient to overcome the previous reason for refusal (under 08/01437/FUL). The movement of development away from boundary with neighbouring properties would represent an improvement to amenity, and the quality of the garage design considered to improve upon the blunt presentation of the dwellings to the road.

## **Recommendation :**

Subject to:

- (i) No new and substantive issues being raised by WCC Highways or the Parish Council
- (ii) All parties entering into a legal agreement under S106 of The Act in respect of required contributions towards the provision of off-site public open space and affordable housing, in accordance with adopted North Wiltshire Local Plan 2011 policy;

then :

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. 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.

4. No development shall commence until details/samples of materials to be used externally have been

submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. In respect of both dwelling hereby approved, all first floor windows serving bathrooms and en-suite shall be fitted with obscure glazing before first occupation and shall remain in that condition at all times thereafter.

Reason: In the interests of neighbour amenity.

7. Prior to the commencement of development the detailed construction, layout and material schedule of the proposed access drive shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of securing satisfactory means of access.

8. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety.

9. Prior to being brought into use the driveway for the first 5m shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

**Informatives:**

1. The applicant is advised that in order to discharge conditions 04 and 07 above, it may be preferred that the materials to be used for the frontage of the two units be switched and that the use of tarmac for the driveway should be omitted in favour of a material that is more reflective of the existing footpath and neighbouring driveways in the locality.

2. 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 Ref

Site location plan, 870A, 870B, 870C, 870D all dated 15/09/08

**Reason for approval:**

The proposal is considered to be in accordance with Policies C3, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.04; 4.02; 5.01</b>