

**REPORT TO THE DEVELOPMENT CONTROL COMMITTEE** Report No.

<b>Date of Meeting</b>	5 <sup>th</sup> November 2008
<b>Application Number</b>	08/02171/S73A
<b>Site Address</b>	Land off Cuttle Lane, Biddestone, Chippenham, Wilts, SN14 7DF
<b>Proposal</b>	Erection of Dwelling (Amendment to Approved Plans 07.02607.FUL to Change Internal Layout and Location of Kitchen Window and Utility Room Door)
<b>Applicant</b>	Redhorn Homes Ltd
<b>Town/Parish Council</b>	Biddestone
<b>Grid Ref</b>	386234 173594
<b>Type of application</b>	Retrospective

**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 Councillors Scott and Sturgis have requested that the application be considered by committee so that members can assess the impact of the revised application on the amenity of neighbouring properties.

**Summary of Report**

There is no significant difference between the dwelling as built and as approved which would justify refusal of this application. The proposal complies with policies C3 and HE1 of the North Wiltshire Local Plan 2011.

**Officer Recommendation**

Planning Permission be GRANTED subject to the conditions

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**Proposal and Site Description**

The site is within the village and is part of a former farmyard within a cluster of dwellings served by a private road. This is a retrospective proposal for the erection of a dwelling as a variation from a previous permission.

<b>Planning History</b>		
Application number	Proposal	Decision
07/02607/FUL	Erection of dwelling	Granted
06/01894/FUL	Erection of dwelling	Granted
06/00913/FUL	Erection of dwelling	Appeal Allowed
06/00131/FUL	Erection of dwelling	Refused

## **Consultations**

### **Biddestone and Slaughterford Parish Council:**

“At last evenings meeting serious concern was expressed by the Parish Council at the late application for alterations to the above property.

It is not just a question of internal alterations but also of resiting a chimney and a door and a window to a previously blank wall. This work has already been completed without prior permission and, if allowed to remain built, makes a nonsense of your planning regulations.

We notice that the location plan attached to the above application shows an area in the adjoining garden delineated with dotted lines. This was not present on previous plans. It would appear that the unauthorised and unacceptable changes to the above house may well be for reasons of possible future development on the adjoining site. It is to be hoped that planning procedures are strictly followed and implemented.”

## **Representations**

Letters of objection have been received on the following grounds:

- Application is retrospective
- Moving door and window undesirable
- Future development on adjoining land shown on plan

## **Planning Considerations**

Permission was granted for a dwelling and garage in 2007. The house has been built with a revised internal layout and the consequent repositioning of the utility room door and kitchen window to the opposite end of the house. A discrepancy on the approved drawings in relation to the position of the chimney has also been resolved.

The only difference is that the utility room door and kitchen window are now on the more public end of the house. This does not, however, cause any loss of amenity and an acceptable relationship with adjoining dwellings remains.

The fact that the application is retrospective has no bearing on the merits of the application; neither does any additional annotation of the location plan.

## **Recommendation and Proposed Conditions/Informatives**

Planning Permission be GRANTED subject to the following conditions:

1. 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.

2. 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.

3. 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) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

4. Prior to the commencement of the development hereby permitted, details of all new external joinery shall be submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.

Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.

5. Prior to the commencement of the development hereby permitted, details of roofing materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the roofing materials approved.

Reason: In the interests of visual amenity.

6. Prior to the commencement of the development hereby permitted, details of external wall materials to be used shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the external wall materials approved.

Reason: In the interests of visual amenity.

7. Prior to the commencement of the development hereby permitted, 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) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

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

Items 1 to 6 shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

#### 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

Site plan 2367-P-01, plans and elevations 2367-02-D received by the local planning authority 15/09/08

### Reason for Decision

The proposed dwelling is not materially different to that already approved and complies with policies C3 and HE1 of the 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, 4.02, 4.04, 5.01, 5.04</b>