

Regulatory Committee

20th November 2008

List of Applications for Consideration

1. K/58469/F (page 10)

Full planning application for: Proposed erection of one dwelling and associated single garage

At: Land adjacent to Poughcombe, OGBOURNE ST ANDREW, Marlborough, Wiltshire

RECOMMENDATION: Approve with Conditions

2. K/59600/F (page 20)

Full planning application for: New dwelling in the rear garden of number 49 High Street, Pewsey, together with demolition of the existing single garage.

At: 49, High Street, PEWSEY, Wiltshire, SN9 5AF

RECOMMENDATION: Approve with Conditions

3. K/59454/F (page 29)

Full planning application for: Demolition of existing workshop and replacement with a new furniture restoration workshop.

At: 55, High Street, BURBAGE, Wiltshire, SN8 3AF

RECOMMENDATION: Refuse

4. K/59411/F (page 36)

Full planning application for: Single storey extension to existing van centre

At: Tom Gallagher Van Centre, BROAD HINTON, Swindon, Wilts, SN4 9PF

RECOMMENDATION: Approve with Conditions

5. K/59594/LBC (page 42)

Listed Building Consent application for: Installation of stairlift.

At: Wye House, Barn Street, MARLBOROUGH, Wiltshire, SN8 1AB

RECOMMENDATION: Refuse

6. K/59457/F (page 47)

Full planning application for: Erection of single storey summer house and path

At: 10, The Green, MARLBOROUGH, Wilts, SN8 1AL

RECOMMENDATION: Approve with Conditions

7. K/59303/F (page 52)

Full planning application for: Conversion and extension of existing garage to form guest bedroom and new pitched roof over existing single storey element; new detached garage and store.

At: 6, Grass Hills, ALDBOURNE, Wilts, SN8 2EH

RECOMMENDATION: Approve with Conditions

8. K/59559/F (page 59)

Full planning application for: Two storey and single storey rear extension

At: 19A, The Hollies, St Johns Close, MARLBOROUGH, Wilts, SN8 1JX

RECOMMENDATION: Refuse

9. K/59431/ADV (page 62)

Advertisement Consent application for: Retention of free standing sign in graveyard of St Peters Church

At: Graveyard in front of St Peters Church, High Street, MARLBOROUGH, Wilts, SN8 1HF

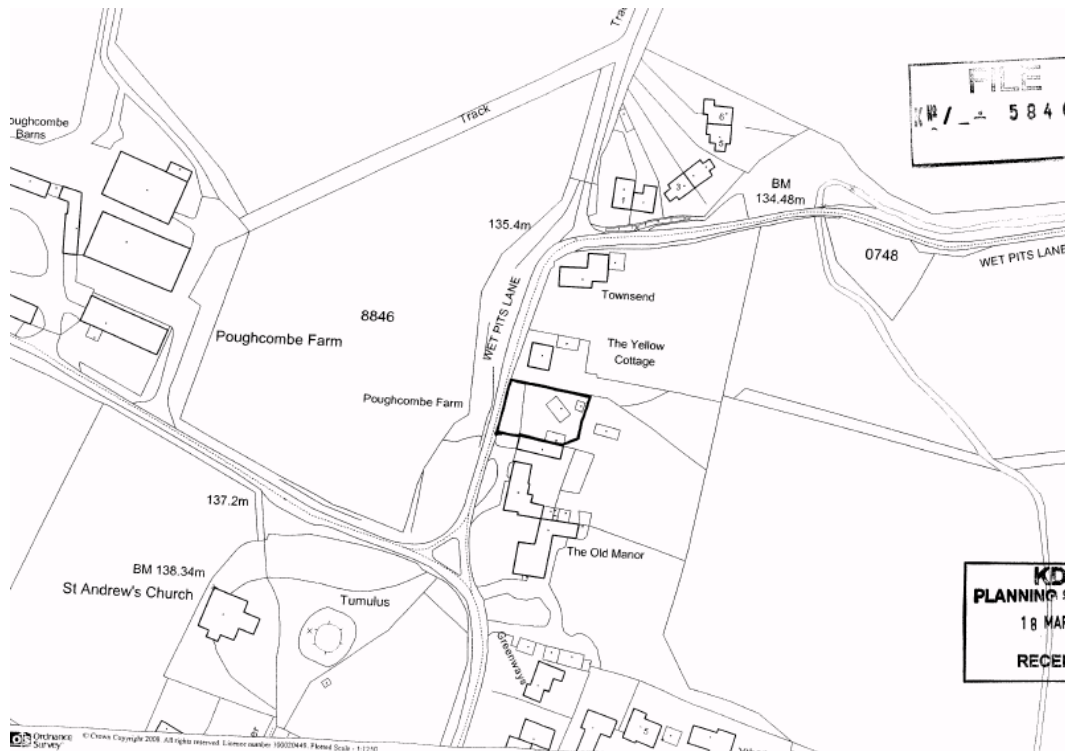
RECOMMENDATION: Approve with Conditions

Item 1 –

APPLICATION NO: K/58469/F
PARISH: OGBOURNE ST ANDREW
APPLICATION TYPE: Full Planning
PROPOSAL: Proposed erection of one dwelling and associated single garage
SITE: Land adjacent to Poughcombe Ogbourne St Andrew Marlborough Wiltshire
GRID REF: 418749 172503
APPLICANT: Naumann, Edwards, and Trower
AGENT: Mr Howard Waters
Mathewson Waters Architects
DATE REGISTERED: 10/04/2008
CASE OFFICER: Rebecca Hughes

SITE LOCATION

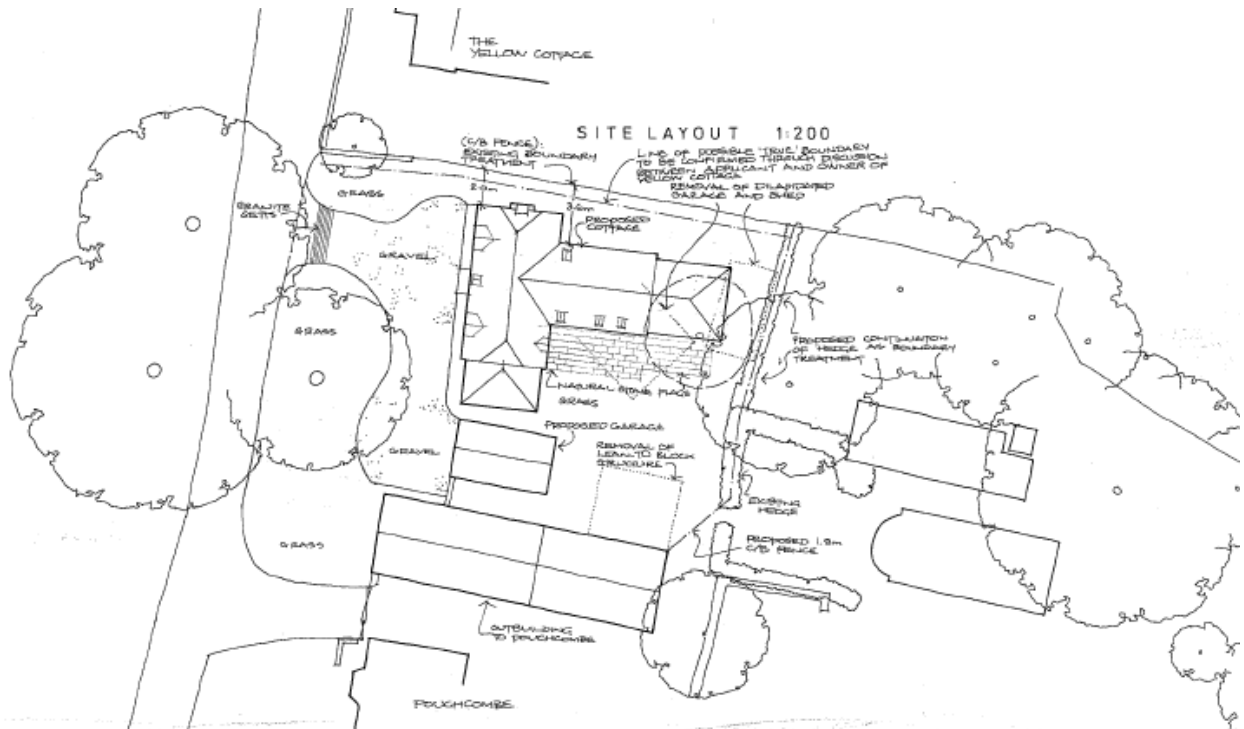
The application relates to a site located towards the northern end of Ogbourne St. Andrew. When travelling north through the village the site can be found approx 60 metres beyond the fork in the road leading towards Poughcombe Farm, on the right hand side (towards the direction of Wet Pits Lane).



Site Location Plan

The site is bound to the north and south by residential properties (Yellow Cottage and Poughcombe), to the west by the road and to the east by land belonging to Poughcombe. Permission has recently been granted for the demolition of the three dilapidated outbuildings buildings that are currently located on the site, (see site history below) which falls within North

Wessex Downs Area of Outstanding Natural Beauty and Ogbourne St. Andrew Conservation Area.



Proposed Site Layout

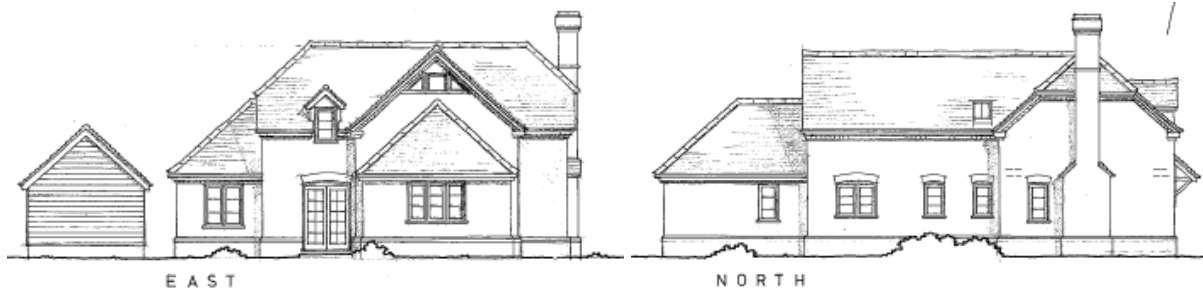
SITE HISTORY

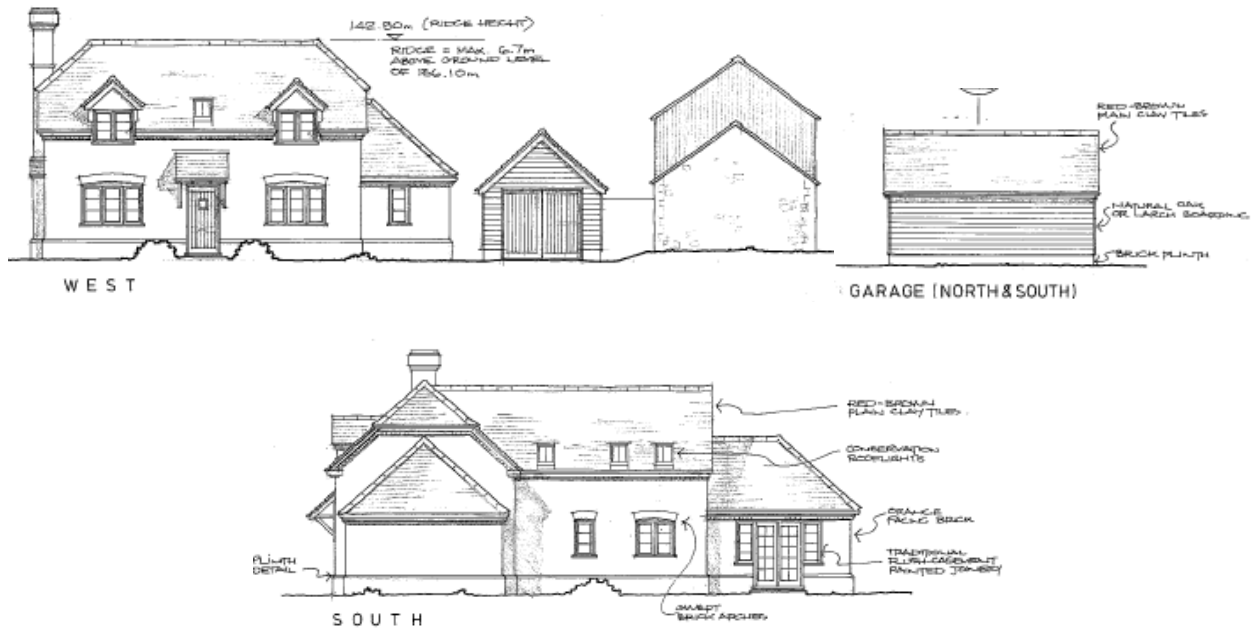
K/58468/CAC - Conservation Area Consent was granted for the demolition of a brick and stone outbuilding and dilapidated garage and shed in November 2008.

DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for one new dwelling and detached single garage. A new vehicular access is proposed onto the highway at the northern end of the plot.

The proposed dwelling is a 'T' shaped, one and a half storey building with a ridge height of approx 6.8m. The dwelling would be brick built, with a plain clay tiled roof and painted timber joinery details. The single garage is proposed with a plain clay tiled pitched roof and would be timber clad.





Proposed Elevations

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended since its submission. An arboricultural report was submitted confirming that the weeping ash at the front of the site can be retained providing the access position is altered. In light of this advice amended plans were received relocating the position of the access towards the northern site boundary. The layout of the house was also revised. Most notably the rear projecting wing was re-sited approx 1.6m further in from the northern site boundary; as a result the dwelling takes the form of a 'T' shape as opposed to an 'L' shape. There has been a minor change to the design of the proposal, with the removal of bargeboards and replacement with more traditional verge treatment.

ADDITIONAL STATEMENT BY THE APPLICANT

The application is accompanied by a Design and Access Statement and a further explanatory email from the agent including photographs illustrating site visibility, all of which can be viewed online or on the working file.

CONSULTATIONS

Ogbourne St Andrew Parish Council: no objections to the application as amended.

KDC Conservation Officer: no objections to amended plans subject to decorative brickwork on top of chimney stack simplified to be more in scale with new building, external brickwork to be a traditional bond, rainwater goods to be cast iron or similar and submission of window/door details, including sections at scale of 1:2. Considers less obtrusive and more traditional detailing would be desirable in replace of dormer windows.

County Highways (Mr Galpin): No objections to scheme as amended subject to appropriate conditions

KDC Landscape and Countryside Officer (WH) – no objections to application as amended subject to implementation of recommendations contained in arboricultural report and imposition of conditions regarding tree protection to front and rear of site, on site tree works to be detailed and carried out prior to works commencing and submission of hard and soft landscaping scheme.

County Ecologist: no objections as mature tree is now to be retained, recommends advisory note attached to any consent that if evidence of bats found during demolition of outbuildings, Natural England should be consulted.

Thames Water: no objections

County Archaeologist: recommend condition requiring implementation of programme archaeological investigation in accordance with written scheme of investigation to be submitted and approved by lpa prior to commencement of development or preliminary groundworks.

REPRESENTATIONS

Letters of objection have been received in respect of the application from four local residents, including the property directly to the north of the site. The points raised can be summarised as follows:

- Impact on Yellow Cottage in terms of loss of light, privacy and overbearing impact.
- Consider that garage should be located on northern side of property and house should be square design to ensure more in keeping with surrounding area and minimise impact on Yellow Cottage.
- Land in front of site was owned by Council, has this been purchased by applicant?
- Horse Chestnut Trees opposite site should be reduced in height in interests of safety of occupants of new dwelling
- Concerns that highway situation in this part of village is unsafe, there is limited visibility from the site with blind corners, no pavements, narrow lanes and that adding more houses will compound problem including during construction phase.
- Development will detract from character of both adjacent properties (Yellow House and Poughcombe Farm) and is not in line with village design statement due to loss of open garden.
- Impact on large weeping ash tree, bats and badger sets
- Historic agreement for Yellow Cottage to have water supply from Poughcombe Farm (route runs across site).
- Site is within a Conservation Area
Queries benefits from the development i.e. is it affordable, an eco home or does it benefit from good public transport links?

POLICY CONSIDERATIONS

Policies PD1 HC24 and NR7 of the adopted Kennet Local Plan 2011 are relevant to the consideration of this application as is central government guidance contained in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS7: Sustainable Development in Rural Areas, PPS9: Biological and Geological Conservation, PPG13: Transport, PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning. Supplementary planning guidance contained in Ogbourne St Andrew Conservation Area Appraisal (June 2004) and 'Community Benefits from Planning' (March 2005) is also relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Principle of Development

Ogbourne St Andrew is defined as a village with limited facilities in the Kennet Local Plan 2011 where policy allows in principle for new infill residential development providing it is within the existing built up area of the village, does not consolidate an existing sporadic loose knit area of development and is in harmony with the village in terms of its scale and character. The term 'infilling' is defined in the local plan glossary as 'the filling of small gaps within a small group of houses'. Small gaps are interpreted as 'sites which are not sufficiently large for more than one dwelling'.

The proposal constitutes an infill site within the local plans definition. The site is side adjoined by existing residential development and is considered to fall within the built up area of the village. In this location development follows a clear linear pattern; the proposal will follow this established built form which is neither sporadic nor loose knit. The main considerations therefore are whether the proposal would be in harmony with the village in terms of its scale and character and whether the proposal would comply with the requirements of policy PD1 in relation to issues such as highway safety, design and neighbour amenity. As the site falls within Ogbourne St Andrew Conservation Area, it is also relevant to consider the impact of the development on the character and appearance of the Conservation Area.

Highway Safety

Nearby residents have raised concern regarding the implications of the proposal on highway safety. The highways authority have not objected to the proposal subject to the imposition of suitable conditions. In particular, following negotiations between the applicant and WCC Highways, the highways authority are now satisfied with the visibility splays available to the north of the site and on this basis it is not considered that a refusal of planning permission on highway grounds could be sustained.

Impact on Neighbour Amenity

It is considered that two dwellings are immediately affected by this proposal. Yellow Cottage located to the north of the site and Poughcombe to the south, which is grade II listed. The relationship of the proposal with each of these properties will be examined in turn below:

The development will be separated from the residential dwelling Poughcombe to the south of the site by a tall outbuilding belonging to this neighbouring dwelling. To the rear of the site a hedged boundary will separate the development from garden land serving Poughcombe. Although the single storey element of the new dwelling will be close to the rear site boundary, the main part of the dwelling is approx 12m from this boundary, exceeding commonly adopted standards set out in the Council's supplementary planning guidance. The use of high level windows at first floor level in the projecting rear wing avoids the possibility of overlooking the sizeable garden serving Poughcombe. The presence of the tall outbuilding to the south site boundary and the separation distances concerned are sufficient to ensure no material harm is caused to occupiers of Poughcombe.

The occupiers of Yellow Cottage have raised concern that the proposed development will lead to a loss of light, privacy and will have an overbearing impact on their property. The gable end of the dwelling would be inset approx 2m from the northern site boundary and an overall distance of approx 8m would separate the gable end from Yellow Cottage. This is considered acceptable in a flank gable situation. The relocation of the projecting rear wing further away from the northern site boundary and the modest height of the rear projection at approx 6.5m to the ridge, decreasing to approx 5m above the single storey element is not considered to result in an overbearing relationship with Yellow Cottage. These circumstances, along with the orientation of the proposed dwelling (to the south of Yellow Cottage) will prevent any significant loss of light to this neighbouring property. In terms of privacy, with the exception of one roof light the design avoids windows at first floor level facing towards Yellow Cottage. The roof light proposed facing north serves a bathroom, therefore it is considered appropriate to secure obscure glazing of this opening by planning condition.

Design and Impact on surrounding Conservation Area

In terms of design the proposed dwelling responds to local vernacular and on the whole, employs traditional proportions and materials. The use of dormer windows enables the height of the dwelling to be kept to a minimum and on balance it is considered that neither the decorative chimney stack nor use of or detailing of the dormer windows will cause harm to the character or appearance of the surrounding area.

The layout of the proposal has been designed to ensure the development is set back by approx 11m from the roadside. This is beyond the front building line of both neighbouring properties and respects the open site frontages which characterise this part of the conservation area. The design of the cottage seeks to minimise the scale of the new building and this, together with the layout will be in keeping with the character of the village and surrounding conservation area.

Other issues

With regard to other issues raised by objectors:

- The District Ecologist was consulted on the application and raised no objections. It is recommended that an informative is attached to any consent advising the applicant that should evidence of bats be found on the site activity should cease and Natural England be consulted.
- Policy HC24 of the Kennet Local Plan would permit housing development in the village, therefore the limitations of public transport provision can-not be used as grounds to resist development in principle
- The objective of eco-homes is commendable. However the Council has no policy means of securing this objective and its policy for on-site renewable energy only applies to major residential scheme (i.e. 10 dwellings or more)
- The proposal would result in the net increase of one dwelling on the site which is below the threshold at which the Council can require affordable housing provision in this location.
- Disturbance and danger during construction is not a material planning consideration
- Historic right of access to services and land ownership contentions are private matters to be resolved between landowners and not material planning considerations.
- The horse chestnuts on the opposite side of the road do not fall within the application site; therefore works to these trees cannot be secured by planning condition. However it is recommended that an informative is attached to any consent informing the applicant that it would be advisable to seek permission of the owner of the trees and the Council to raise the crowns of these trees (which do not comply with statutory clearance levels) to 5.2m to avoid damage from construction vehicles.

In summary the proposal is considered to be acceptable in all forms and accordingly the approval of planning permission is recommended subject to a number of conditions.

RECOMMENDATION

Approve with Conditions

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number 6088.01C and 6088.03C, arboricultural report dated 30th June 2008 carried out by Ian Pocock and letter from Mathewson Waters

Architects received on the 7/7/08 and additional information, accompanying photographs and visibility plan ref: 6088.1.10.08 received by email from Howard Waters dated 1/10/08.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works:

(a) details (including samples where applicable) of the clay roof tiles, bricks, brick arches, brick bond and timber cladding to be used on the external elevations of the development hereby permitted

(b) joinery details for all windows and doors (including the garage door) drawn at a scale of 1:2 or other suitable scale

The works shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

In the interests of visual amenity.

- 4 The rainwater goods to be used in the development hereby approved shall not be made of upvc or plastic.

REASON:

To safeguard the character and appearance of the surrounding conservation area.

- 5 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 6 With the exception of the raising of the crown of the horse chestnuts located opposite the site, the development shall be carried out in accordance with the recommendations contained in the arboricultural report carried out by Ian Pocock dated 30th June 2008.

REASON:

To enable the local planning authority to ensure the retention of the weeping ash tree located to the front of the site in the interests of visual amenity.

- 7 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 8 All soft landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 9 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

- 10 No development or preliminary groundwork's shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. Works shall be carried out in accordance with the agreed details.

REASON:

To safeguard the site of archaeological interest.

- 11 Prior to the first use of the access the first five metres of driveway back from the edge of the carriageway shall be surfaced in a well bound consolidated material (not loose stone or gravel) details of which shall first be agreed with the local planning authority and shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 12 Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2 metres from the edge of the carriageway measured along the centre line of the access, to a point 22m along the centreline of the carriageway in the northern direction as illustrated on the submitted plan ref: 6088.10.08.

REASON:

In the interests of highway safety.

- 13 Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage south of the centre point of the access shall be cleared of any obstruction to visibility at and above a height of 1 metre above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

- 14 Prior to the first use of the access provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

- 15 Before any part of the development hereby permitted is first occupied the access and turning space shall be completed in accordance with the approved plans. The turning space shall be retained and kept clear of obstructions to vehicles at all times.

REASON:

In the interests of highway safety.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order, 2008 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of the dwelling forward of any wall of that dwelling which fronts on to any road.

REASON:

In the interests of visual amenity.

- 18 The rooflight at first floor level shown on the approved plans on the north facing elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

- 19 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 20 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species. Should any evidence of protected species be found during demolition, works should cease and expert advice should be sought from Natural England.

- 21 INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to recommendation contained in the arboricultural report carried out by Ian Pocock dated 30th June 2008 which recommends that the crowns of the horse chestnut trees opposite the site should be raised to 5.2m to avoid damage from construction vehicles. It would be advisable for these works to be carried out subject to the relevant consents from the landowner and local planning authority.

- 22 INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals, namely policies PD1, NR6 and HC24 of the Kennet Local Plan 2011 and government guidance contained in PPS1, PPS3, PPS7, PPS9, PPG13, PPG15 and PPG16.

Item 2 –

APPLICATION NO: K/59600/F
PARISH: PEWSEY
APPLICATION TYPE: Full Planning
PROPOSAL: New dwelling in the rear garden of number 49 High Street, Pewsey, together with demolition of the existing single garage.
SITE: 49 High Street Pewsey Wiltshire SN9 5AF
GRID REF: 416619 160169
APPLICANT: Mrs Julie Drake
AGENT: Michael Fowler Architects
DATE REGISTERED: 16/10/2008
CASE OFFICER: Andrew Guest

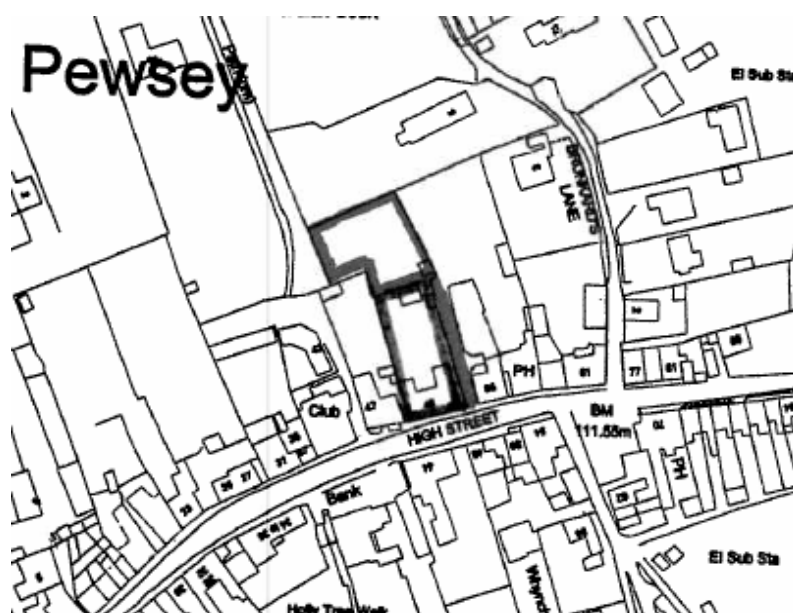
BACKGROUND

This application follows an earlier application made in June 2008 to erect a contemporary-style detached house on this site. The application was refused by the Regulatory Committee on 18 September because it was considered the design, materials and external appearance of the house was unacceptable in the conservation area.

SITE LOCATION

The application site forms part of the large rear garden of no. 49 High Street, Pewsey, located on the north side of the High Street within the Pewsey Conservation Area and service centre. Access to the site is via a private driveway (in the ownership of no. 57 High Street) currently used to provide vehicular access to garages in the rear garden of no. 49. This driveway runs between the side boundaries of no. 49 and its neighbour, no. 55.

To all sides of the application site are the gardens of adjoining residential properties - no. 57 High Street to the east, no. 5 Brunkards Lane to the north, no. 45 High Street to the west and nos. 47 and 49 High Street to the south. Several mature trees on the boundary with no. 5 Brunkards Lane are the subject of tree preservation orders. Ground level rises gently from south to north.



Location Plan

RELEVANT SITE HISTORY

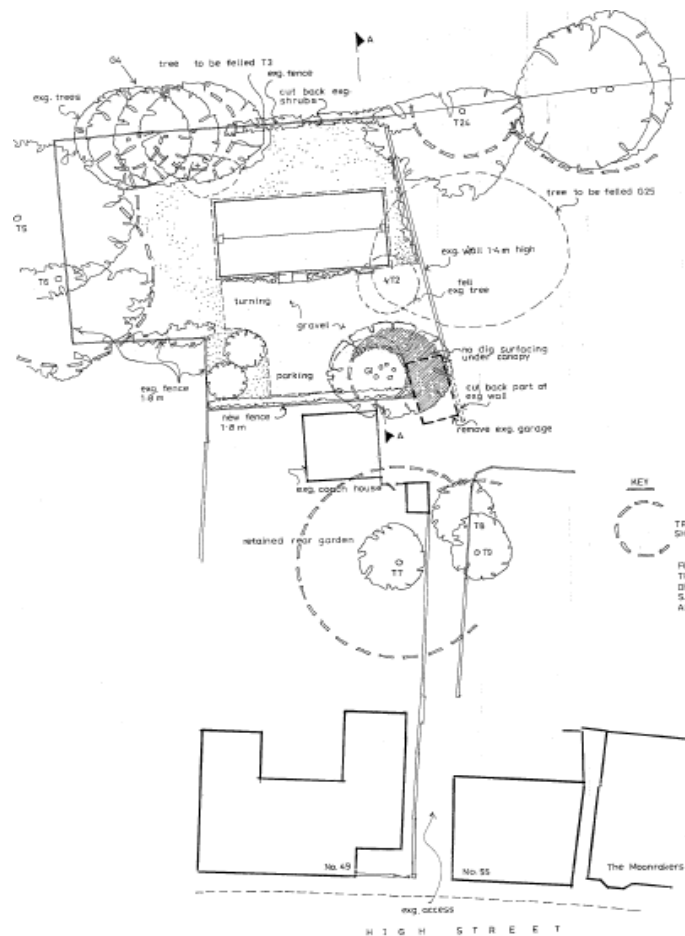
K/59006/F – New dwelling in the rear garden of no. 49 High Street, together with demolition of the existing single garage – refused 18/09/08 for the following reason –

Whilst the Council has no objection to the principle of a suitably designed dwelling in this location, the design, materials and external appearance of the proposal put forward are out of character with this part of the Pewsey Conservation Area and would detract from the appearance of the area. They would contrast and compare unfavourably with the design and appearance of the four houses approved on the adjacent site. The proposal would therefore conflict with policy PD1 of the Kennet Local Plan and with the advice contained in the approved Pewsey Conservation Area Management Proposals which calls for the use of materials generally matching in appearance or complementary to those that are historically dominant in the area.

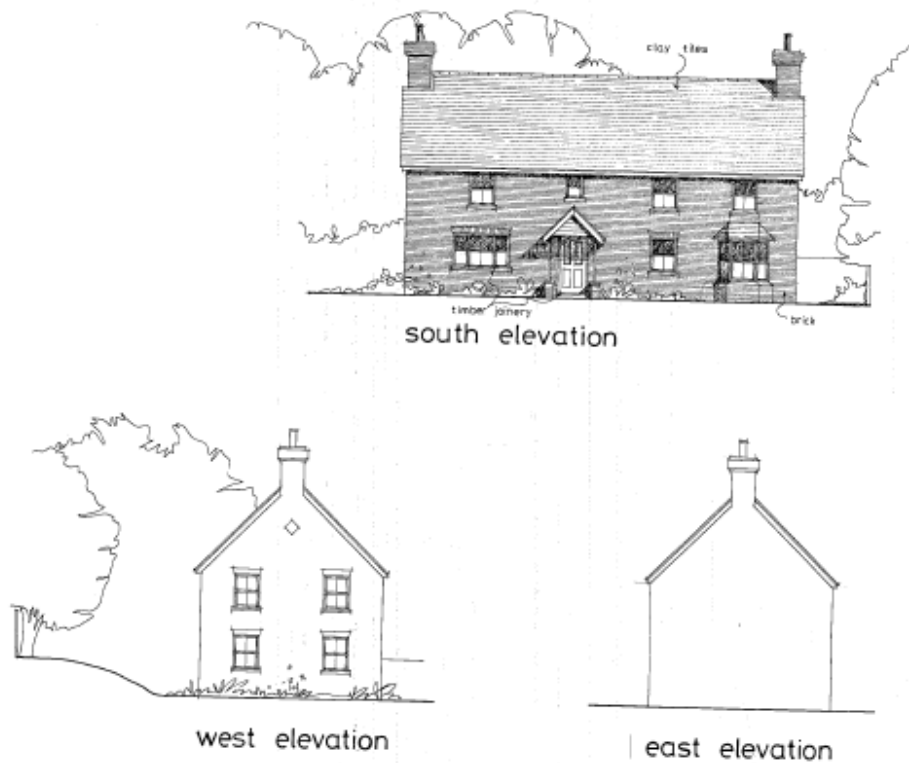
DESCRIPTION OF DEVELOPMENT

The proposal is to erect one detached two storey house on the site with an associated drive and parking area accessed off the private driveway. To achieve this an existing single garage on the site would be demolished and two trees removed.

The proposed house would be sited in the same position as that refused in September. The difference in this application is that the design is now more traditional. Specifically, bricks and clay tiles would be used in the construction (rather than timber cladding as previously proposed). The windows would also have more traditional proportions giving the house a 'Victorian' character.



Site Layout Plan



Elevation Drawings

AMENDMENTS MADE FOLLOWING SUBMISSION

First floor windows in the rear elevation have been removed or replaced by obscured windows to avoid overlooking of the property to the rear.

ADDITIONAL STATEMENT BY THE APPLICANT

The application is accompanied by a Design and Access Statement and Arboricultural Report which can be viewed on the KDC website or working file.

CONSULTATIONS

Pewsey Parish Council: Objects for the following reasons –

- Over-development of the site;
- Loss of privacy for neighbouring property due to change in levels (site is at higher level);
- Additional vehicles will overload the current access which will serve seven houses;
- In the event of permission be granted 'permitted development' rights should be removed.

County Highways: no objection subject to conditions.

County Archaeologist: recommends condition.

KDC Landscape and Countryside Officer: no objection subject to conditions.

KDC Conservation Officer: Final views awaited. Previous comments as follows - The proposed development appears to be out of step with the historic grain of the settlement. The Conservation Area Appraisal notes that the village remains essentially a nuclear settlement centred around a historic core of built up streets and that buildings "are generally closely related to the layout of streets and paths and there is no strong tradition of backland development". The High Street in particular is characterised by almost continuous built up frontages with the long rear plots which form part of the

planned historic layout, accessed via narrow plots set between buildings. The few examples of existing development to the rear of this frontage are closely related to their location and orientation to established back lanes and former service buildings associated with the frontage.

The location and orientation of the proposed dwelling and garage will, in contrast, be wholly unrelated to the existing settlement pattern and will appear as an aberration within the village. Such backland development has largely been avoided and acceptance of the current proposal would set an undesirable precedent for the remainder of these rear garden undeveloped areas.

In offering advice in respect of new development within the conservation area the recently adopted Management Proposals recognise that the aspiration for quality of new development within the conservation area which will be valued in the future does not in itself *“imply or preclude working in traditional or new ways, but will normally involve respecting values established through assessment of the significance of the area”*. The advice suggests that *“a new building should be in harmony, or complementary to, its neighbours. The footprint of new buildings should respect the existing building pattern or grain. The use of materials generally matching in appearance or complementary to those that are historically dominant in the area is important”*.

To conclude, the backland nature of the site and the lack of historic precedent point towards a proposed development that would be out of character with the established settlement pattern and set an undesirable pattern for further sites in this part of the conservation area. In addition the proposed design of the new dwelling appears out of character with the established built character of the conservation area.

KDC Drainage Engineer: there would be no refuse collection from this site and refuse would need to be presented in the High Street for collection. This could cause both aesthetic and highway safety issues.

REPRESENTATIONS:

One objection has been received from no. 47 High Street summarized as follows –

- As with K/59006/F, the proposed new dwelling is still not suitably designed for the location as it would dominate listed buildings and represent an overdevelopment, contrary to Policy PD1;
- Dominating presence – site is considerably higher than nearby listed buildings. The base level of the house is some 5 to 5.5m higher than the High Street. As a consequence the development would be very imposing on the properties fronting the High Street;
- Over-development - the proposed house is too big and ambitious. This is contrary to the village design statement which states “building density should reflect the form and character of the neighbourhood”. A large house on a small plot is against the form and character of the High Street;
- Materials – type of bricks and tiles is not specified;
- Driveway – gravel on the drive would cause noise and disturbance to neighbours (not an objection, but needs to be agreed).

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policy PD1.

Central Government policies set out in PPS1, PPS3 and PPG15 are also relevant.

OFFICER’S APPRAISAL

The main issues to be considered in this case are, firstly, the principle of residential development on the site, and then (assuming the principle is agreed) the impact of the specific scheme on the character and appearance of the Pewsey Conservation Area, highway safety and residential amenity.

The Principle of Residential Development

The application site lies within the Limits of Development of Pewsey, close to the village centre with its amenities and services. The site is, therefore, a sustainable location for residential development, in accordance with planning policy set out in PPS3.

The proposal is for one detached house, and there is sufficient space in the relatively large rear garden to accommodate this. The density equates to 15 dwellings/ha which is below the PPS3 threshold for minimum densities. Consequently, the proposal is not considered to be an over-development. Furthermore, a generously sized area of garden is retained at no. 47. It is of note that the Regulatory Committee in considering the last application for a dwelling on the site did not object to the principle of the development; the Committee's only concern was the detailed issue of the design and appearance of the house.

As the site also lies within a conservation area, its 'in principle' acceptability is equally dependent on its impact on this designation. It is considered that the proposed development would not have a detrimental impact on the conservation area, and as such, is acceptable as a matter of principle. The reasoning for this conclusion is set out in the following paragraphs relating to the conservation area.

Impact on Conservation Area

The site lies within the Pewsey Conservation Area. According to PPG15, new development within conservation areas should either preserve or enhance the character and appearance of the designation.

The application site is largely hidden from view from the historic High Street by distance and buildings fronting the street. The impact of the development from public viewpoints would, therefore, be negligible.

Although concern has been expressed about there not being a tradition of backland development in this part of the High Street, this is not considered to be a sound reason to resist this particular proposal. Examples of historic and more recent backland developments exist in the vicinity, including the nearby properties, nos. 3 and 5 Brunkards Lane and no. 43 High Street. Further to the west is the Broomcroft Road housing site where the principle of significant new development to the rear of the High Street has been agreed as part of the Local Plan. Very recently permission has been granted for four houses on land to the rear of the Moonrakers PH which adjoins this application site. Notwithstanding these precedents, the application site is, in any event, considered to be detached from the immediate historic garden area associated with no. 47 (the boundary between the two 'halves' of the garden distinguished by the original coach house). Its impact on the setting of the historic properties fronting the High Street is, therefore, further limited by this.

Regarding the detailed design of the dwelling, it differs from the previous application in that it is far more traditional. The building is the same size and height as previously proposed, but the style is pseudo-Victorian, and this is considered to fit satisfactorily within its historic context. Materials are also traditional, these being red brick and clay tiles with timber joinery. It is considered that this move away from the contemporary design previously proposed addresses the Regulatory Committee's earlier reason for refusing planning permission.

Highway Safety

Access to the site is via a narrow driveway from the High Street running between nos. 49 and 55. This presently serves a small car park for no. 57 and garages/parking spaces for nos. 49 and 55. Having regard to the potential levels of usage of this driveway by the existing users, county highways has raised no objection.

Regarding car parking, a driveway is proposed in front of the house which would provide parking and turning for at least three vehicles. This more than satisfies the maximum parking standards. No. 47 would be left with the coach house and a space in front of the coach house for car parking (two spaces). Again, this satisfies the maximum standard for a house of this size.

Refuse from the dwelling would have to be collected from the edge of the High Street, this requiring the owner to 'wheel' bins up and down the driveway once every fortnight. Again, this is not an uncommon situation where developments are served by private driveways. Appropriate management of this operation by the owner is the proper course of action to ensure neither obstruction nor nuisance is caused.

Residential Amenity

The proposed dwelling has been sited and designed to avoid adverse overlooking of neighbouring properties. The closest neighbours are no. 47 High Street to the front/side and no. 5 Brunkards Lane to the rear.

At its closest point the corner of the proposed house is approximately 5.5m from the corner of the rear garden of no. 47. However, due to its sizeable garden, no. 47 itself is some 36m from the house. Having regard to this circumstance it is not considered that an un-neighbourly relationship would result regardless of the changes in levels.

In a similar manner, the proposed house would be relatively close to the rear boundary with no. 5 Brunkards Lane, (some 6.5m from the boundary). However, the rear elevation has again been designed with limited openings at first floor level in the rear elevation, this avoiding the possibility of overlooking. Although the house would be visible from both no. 47 and no. 5 (and, for that matter, no. 49), it is not considered that it would be overbearing or un-neighbourly in any other respects.

Regarding the bulk of the house, it would be visible from neighbouring properties. However, again, in view of the distances between the buildings it is not considered that the house would be sufficiently overbearing or dominating to warrant an objection for this reason.

Other Matters

Conditions are recommended to deal with the foul and surface water drainage issues raised by Wessex Water and the KDC Drainage Engineer.

The Landscape and Countryside Officer is satisfied that there would be no harm to preserved trees, and that those trees proposed to be removed are of limited amenity value and not worthy of protection.

Conclusion

The proposal is to develop an under-used piece of backland, although in this case to provide a single detached dwelling. In view of the constraints imposed by the site a purpose-designed house is proposed to ensure satisfactory relationships with neighbouring properties. Although concern has been expressed from the Conservation Officer, it is considered that no harm would in fact be caused to the Conservation Area in view of the distance and detachment of the site from the High Street and its historic buildings, and the lack of visibility of the site from any public viewpoints. As a consequence of these circumstances the application is recommended for approval.

RECOMMENDATION

Approve with Conditions

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

1

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2

This permission relates to the scheme of development as submitted except insofar as amended by the revised plan number 080308-A and letter from Michael Fowler Associates received on 30 October 2008.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

3

No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

4

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

5

No development shall take place until details of the 'no dig' construction technique for the driveway has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard important amenity trees.

- 6 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in any elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

- 9 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

- 10 There shall be no direct or indirect discharge of surface water to the public foul sewer.

REASON:

To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 11 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 12 Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

13 INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1; and Central Government planning policy set out in PPS1, PPS3 and PPG15.

14 INFORMATIVE TO APPLICANT:

Having regard to the particularly narrow and tortuous nature of the access drive to the site, the applicant is encouraged to use smaller construction and delivery vehicles to avoid causing inconvenience to other users of the public highway.

Item 3 -

APPLICATION NO: K/59454/F
PARISH: BURBAGE
APPLICATION TYPE: Full Planning
PROPOSAL: Demolition of existing workshop and replacement with a new furniture restoration workshop.
SITE: 55 High Street Burbage Wiltshire SN8 3AF
GRID REF: 422947 161931
APPLICANT: S K Cook
AGENT: Michael Fowler Architects
DATE REGISTERED: 16/09/2008
CASE OFFICER: Gill Salisbury

BACKGROUND

This application has been brought to Committee at the request of the local ward member, Cllr Wheeler.

SITE & LOCATION

The site is located on the eastern side of Burbage and is accessed off the High Street via a shared drive with 53, 55 and 57 High Street. The site lies to the rear of 55 High Street and is currently occupied by an employment building and hardstanding. The site is generally flat but is elevated in relation to the High Street and No. 55. The site is within the defined Limits of Development and the designated Conservation Area for the village.

SITE HISTORY

74/0417 – Planning permission was approved in July 1974 for a joinery workshop.

K/55959/F – Planning permission for the erection of a single storey dwelling was refused in March 2007 due to neighbour amenity concerns.

K/55965/CAC – Conservation Area Consent for the demolition of the former workshop was refused in March 2007 as no acceptable plans for the redevelopment of the site had been received.

K/57263/F – The Regulatory Committee granted planning permission for a new single storey dwelling on this site in November 2007.

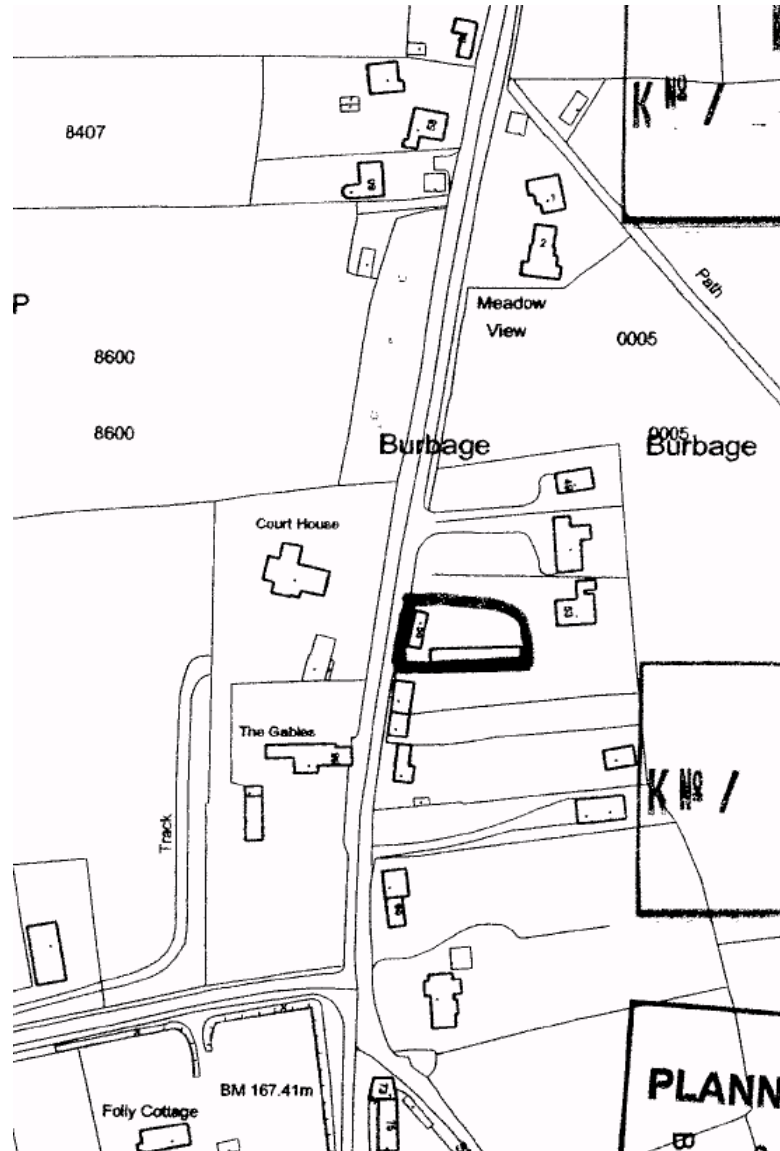
K/57309/CAC – Conservation Area Consent was approved for the demolition of the former workshop in December 2007.

K/58349/CAC & K/58350/F – Planning and Conservation Area Consent applications for the demolition of the workshop and replacement with new antique furniture workshop were withdrawn in April 2008 due to concerns with design and neighbour amenity.

K/58804/F – Planning permission was refused in August 2008 for the demolition of the existing workshop building and its replacement with a new antique furniture restoration workshop. This was on the grounds that the development, by reason of its siting, size and design would result in an overly large and bulky building which would be prominent in views from the road to the detriment of the character and appearance of the Conservation Area. It was also refused due to perceived overlooking from the windows and rooflights at the end of the building closest to No. 53, which would result in harm to the amenity of the occupiers of this dwelling.

K/58805/CAC – Conservation Area Consent was refused in August 2008 for the demolition of the existing building. This is because the plans submitted under K/58804/F for the redevelopment of the site were unacceptable.

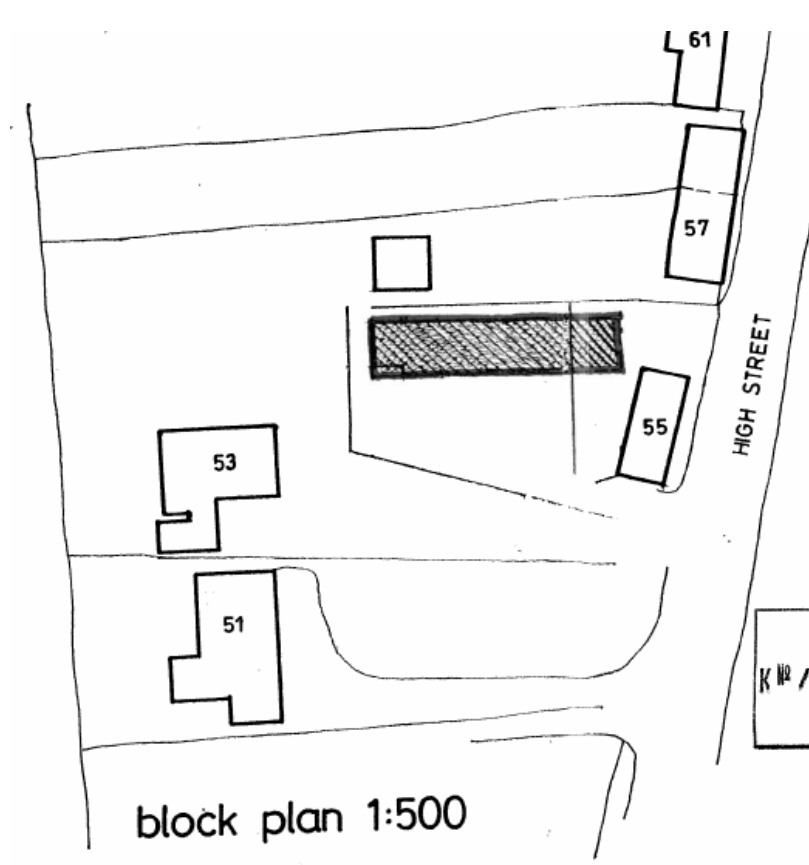
K/59455/CAC – There is a current undetermined Conservation Area Consent application for the demolition of the existing building on site.



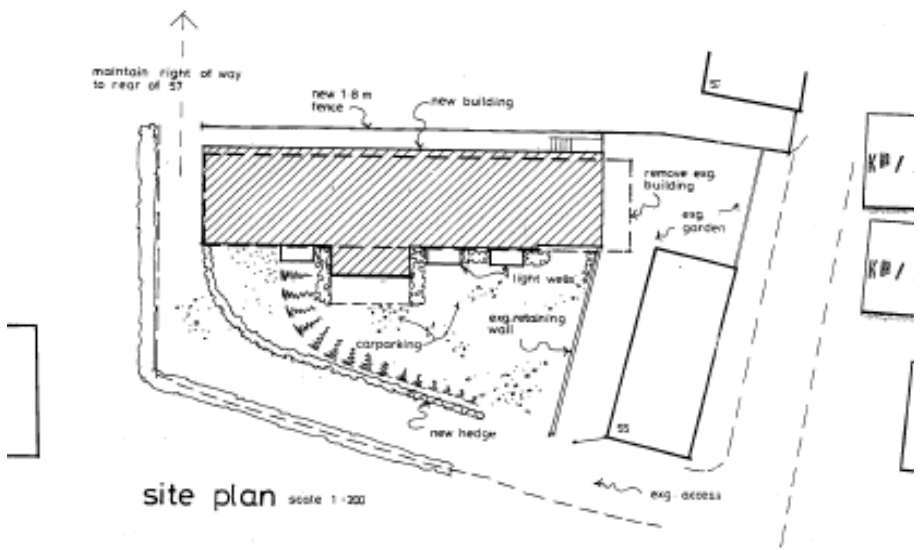
Location Plan

DESCRIPTION OF DEVELOPMENT

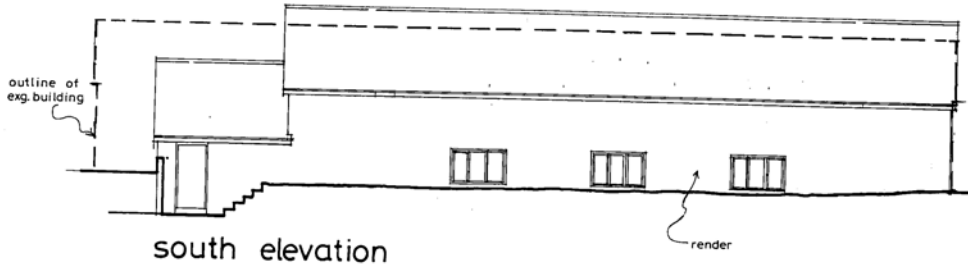
This is a full planning application for the demolition of the existing workshop and its replacement with a new antique furniture restoration workshop. The new building is on the same footprint as the existing. The materials proposed are traditional being brick and timber boarding under a slate roof with timber windows and doors. Car parking will be within the existing hardstanding to the north of the building.



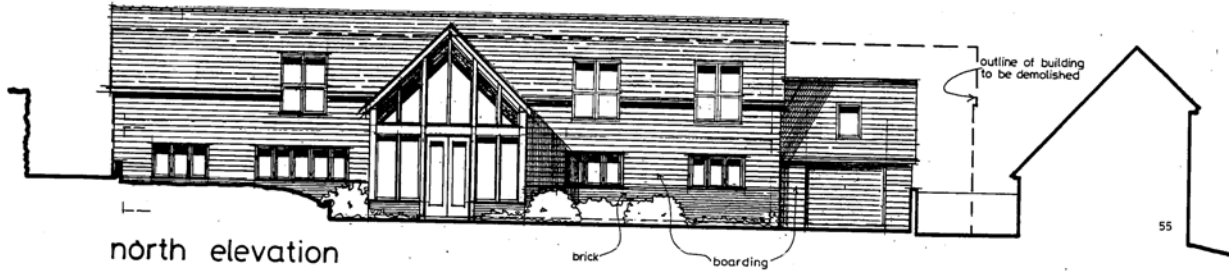
block plan 1:500



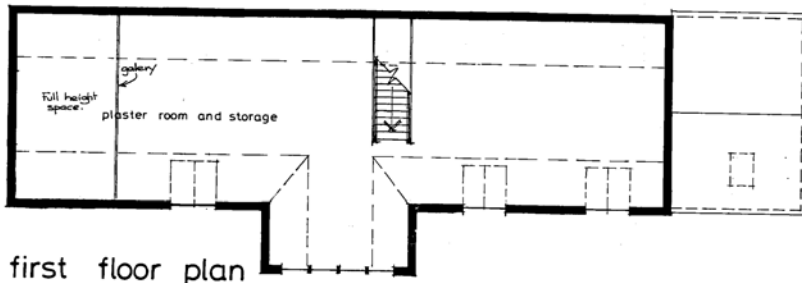
site plan scale 1:200



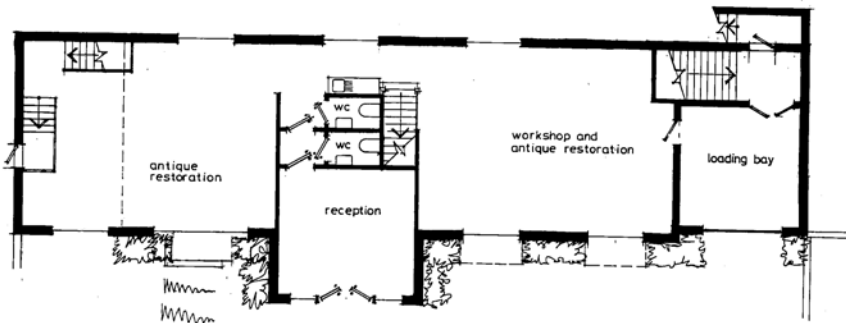
south elevation



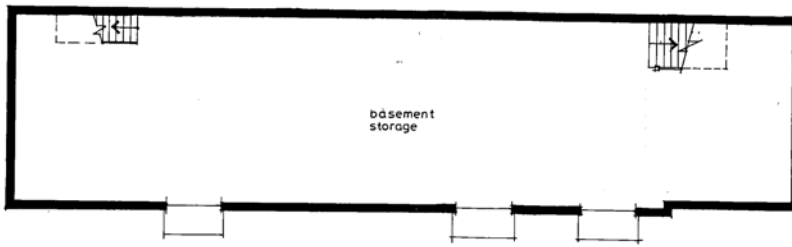
north elevation

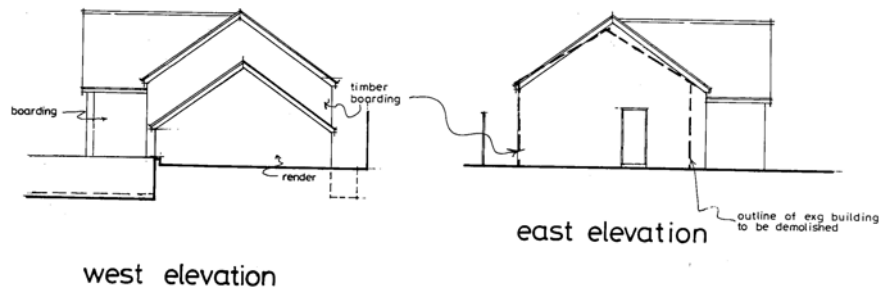


first floor plan



basement plan





ADDITIONAL STATEMENT BY APPLICANT

The applicant has submitted a Design and Access Statement in support of the application. This statement concludes that;

- The revised scheme overcomes the objections raised to the previous application.
- The building has been used since 1890 as a workshop generally associated with woodworking and its replacement with a modern building will perpetuate this existing use.
- The new building is on the footprint of the existing, and
- The site is a valuable employment site within the centre of the village of Burbage.

The full document is available to view on the working file.

CONSULTATIONS

Burbage Parish Council – No objection

KDC Conservation – Object to the development. The alterations to this scheme are not significant and the scale and bulk of the replacement building remain unsatisfactory.

WCC Highways – No objection subject to conditions relating to access and visibility improvements.

WCC Archaeology – No objection

KDC Environmental Health – No objection

REPRESENTATIONS

Four letters of objection have been received from neighbouring residents raising the following issues:

1. The proposed development is excessive at three times its existing size. The height of the building will mean that it will stick out above the rooflines of the houses nearby. The dimensions compromise all other residential dwellings.
2. The development will greatly overlook 53 and 59 High Street and have an overbearing impact due to its size and height.
3. The height increase will overshadow the garden of 57 High Street and surrounding dwellings.
4. The design is not in keeping with the style of the old cottages around it. The proposed size and height will make it look massive and overbearing and out of keeping with the conservation area.
5. The proposed building size and location is exactly the same as that refused in the last application.
6. The workshop, already in existence has been used very infrequently and has hardly seen any traffic since 1999. Prior to that it was used quietly by the owner himself. It has been used for storage. No large restoration projects have been carried out in the last 20 years. The statements related to the level of activity at the site are incorrect and misleading.
7. The development will produce an increase in traffic on a regular basis.

8. Noise and disturbance from the comings and goings of vehicles with the associated noise and disturbance from the building itself.
9. Parking will be restricted. Where will No. 55 park?
10. Excavation will be required to a depth of 4.9 metres raising concern over neighbouring foundations; especially the adjacent listed building, subsidence and land slippage.
11. The type and style of the building is very similar to a residential dwelling raising concerns about future change of use to residential.
12. There is an existing right of way which must be maintained.
13. The roof of the building contains asbestos.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1 and ED10 are relevant to the consideration of this application. Central Government planning guidance contained in PPG15: Planning and the Historic Environment is also relevant.

PLANNING OFFICERS COMMENTS

Members are requested to note that this application is identical to that refused permission under K/58804/F in August 2008.

This application raises two main issues which are addressed in turn.

Impact on the character and appearance of the area

It is considered that this proposal will result in an overly large and bulky building that will be prominent in views from the road, to the detriment of the character and appearance of the Burbage Conservation Area. Although the proposed development is on a similar footprint to the existing building, the development includes extensive excavation works to create a two-storey workshop with basement level below. This results in a significantly larger building than the modest single storey workshop building currently on site. The resulting building, which is considered to be too large for the site, will be visible from the High Street and as a result of its size and design is not considered to preserve or enhance the character or appearance of the Conservation Area.

Neighbour amenity

This application is considered unacceptable in terms of its impact on neighbour amenity. A set of windows and adjoining rooflights are proposed at the eastern end of the building at first floor level. These windows face the front garden of No. 53 High Street. The existing employment building has no windows at first floor level and so a degree of privacy is maintained between the two buildings. This will be lost by the insertion of the proposed windows, which at their closest point are just 10 metres from the boundary. The level of perceived overlooking that will result from the proposed windows is considered to be high and as such this application is considered unacceptable in terms of the adverse impact that will result on the reasonable living conditions of the occupiers of No. 53 High Street.

Other issues – Neighbouring residents have raised concerns about the use of the building and resulting noise and disturbance. This however is not considered to be an issue. The existing building has consent for a B1 use as a joiner's workshop. This use may have temporarily ceased but the approved use of the site for B1 use remains and antique restoration falls under Class B1. The increase in floor space proposed would result in a more intensive use of the site but B1 uses are recognised as a use that by their nature are capable of being carried out without detriment to the amenity of a residential area. Policy ED10 of the Local Plan is also supportive of small-scale businesses falling within Class B1 within the Limits of Development of villages.

In terms of any associated increase in traffic, no highway objection has been raised.

Concern has also been raised that the development will overlook and have an overbearing impact on neighbouring properties and affect the existing right of way across the site.

No windows are proposed on the rear elevation of the building at first floor level and it is not considered that the small increase in the overall height of this building by 600mm would be significantly more overbearing on neighbouring properties than the existing building. The right of way to the parking area of No. 57 is shown on the plans as being retained.

Conclusion

Notwithstanding the matters addressed under the heading 'other issues', this application is considered unacceptable in terms its impact on the character and appearance of the Conservation Area and the detrimental impact that it would have on the amenity of No. 53 High Street. As such refusal is recommended.

RECOMMENDATION

Refuse

- 1 The proposed development, by reason of its, siting, size and design (and, particularly, by reason of the extensive excavation works required to accommodate the building), would result in an overly large and bulky building which would be prominent in views from the road to the detriment of the character and appearance of the area and the Burbage Conservation Area. As such the proposal is contrary to Policy PD1 of the adopted Kennet Local Plan and Government planning guidance contained in PPG15: Planning and the Historic Environment.
- 2 The proposed windows and rooflights sited at first floor level at the eastern end of the building would result in a high level of perceived overlooking of the garden to No. 53 High Street resulting in harm to the amenities of the occupiers of this dwelling. The proposal is, therefore, contrary to Policy PD1 of the adopted Kennet Local Plan.

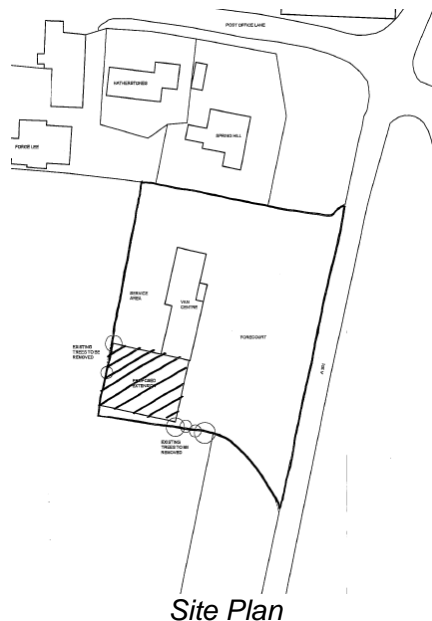
Item 4 -

APPLICATION NO: K/59411/F
PARISH: BROAD HINTON
APPLICATION TYPE: Full Planning
PROPOSAL: Single storey extension to existing van centre
SITE: Tom Gallagher Van Centre Broad Hinton Swindon SN4 9PF
GRID REF: 411106 176395
APPLICANT: Mr Tom Gallagher
AGENT: Mr Edward Tucker
DATE REGISTERED: 09/09/2008
CASE OFFICER: Peter Horton

BACKGROUND

The site fronts the A4361 Avebury to Swindon road, at the eastern extremity of Broad Hinton. It comprises a 2 storey red brick flat roofed building dating from the 1960s which is used as a workshop below and ancillary offices and storage above. However the majority of the site is given over to the open air display of 90 to 100 commercial vehicles for sale, or awaiting post-sale spraying, valeting or collection.

The south and west of the site border open countryside. The northern boundary immediately adjoins properties in Post Office Lane.



SITE HISTORY

The site has been used as a van retail centre for around 18 years. Prior to that it was used for plant hire.

Outline planning permission for 2 dwellings was refused in 1989 (ref. K/13542/O) on the grounds of loss of an employment site (at that time the site was identified in the Marlborough Local Plan as a protected employment site).

Planning permission was granted in 1989 (ref. K/14479) for change of use to car sales, petrol sales, vehicle repairs and office use.

Retrospective planning permission was granted in 2002 (ref K/42196) for the change of use of Wiltshire County Council owned land between the van centre and the A4361 for vehicle sales and display.

An outline application for 5 dwellings was refused in 2003 (ref K/41459/O). Committee had approved the principle of the development in 2002 subject to the signature of S106 Legal Agreements covering: (a) the provision of 2 of the 5 units as affordable; (b) a 2m wide footway between the site access and Post Office Lane, and; (c) a bus layby located between the site and Post Office Lane. However although the applicants were apparently willing to enter into the Agreements, they never made any progress in drawing up drafts. So the application was eventually refused.

A subsequent application for 3 no. 5 bedroomed open market dwellings was refused and subsequently dismissed on appeal in 2004 (ref. K/47234/O). The Inspector found that the proposal was too low density and did not make efficient use of the site. He also found that there was no justification not to provide an affordable housing element.

The intention behind the above two applications was to redevelop the site in order to facilitate the transfer of the business to a large new site in Swindon. However the requirement to provide affordable housing apparently made this uneconomic.

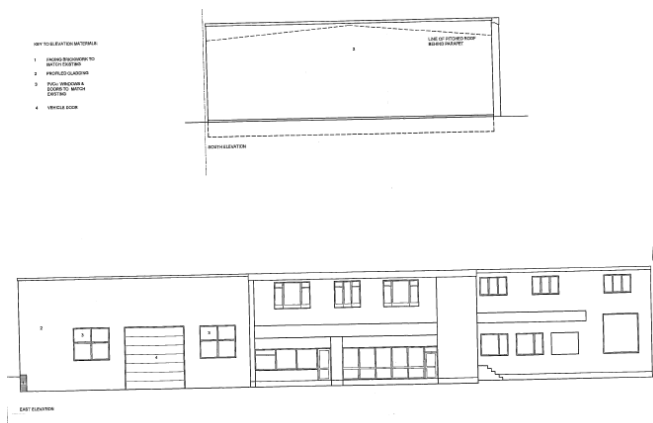
In 2007 permission was granted (but has not yet been implemented) for a large (145m²) single storey extension right up into the north west corner of the site, to be used for the washing and valeting of vehicles (ref. K/56237). Environmental Health advocated approval on the basis that the provision of the building would reduce noise nuisance to the neighbours compared to the existing situation of open air vehicle washing.

DESCRIPTION OF DEVELOPMENT

The proposal is for a 15.4m by 15.2m extension to be attached to the southern end of the existing building and extending right into the south west corner of the site. This would be an alternative to the unimplemented extension to the north of the building approved last year. However unlike that scheme, the extension would be full height.

The extension would be of profiled cladding over a brick plinth, also having profiled cladding for the roof.

The purpose of the building is to provide an under cover servicing yard to shelter employees from the elements.



The proposed south and east elevations

ADDITIONAL STATEMENT BY THE APPLICANT

The proposal is for a sensitive and respectful design which is in keeping with the character and use of the existing building and which will improve the amenity of neighbouring properties.

The lower ground level of the site would ensure that the building has minimal impact on the adjoining countryside.

The proposed extension would be an alternative to the extension on the other end of the building approved in 2007.

PARISH COUNCIL COMMENTS

The building is already a hideous structure in the AONB. Enlargement would detract further. There are already capacity problems with parking.

CONSULTATIONS

County Highways - Mr Wiltshire: No objection subject to a condition requiring an easily identifiable turning area to be maintained in the front forecourt.

KDC Environmental Health Officer: There has been a long history of complaints from the residents of Post Office Lane about the noise from the valeting that takes place in the open air in the north west corner of the site. So support the construction of a purpose built valeting area to the south of the site. This would remove the primary noise sources away from the complainants and would provide better Health & Safety conditions for the staff under cover rather than out in the elements.

KDC Landscape & Countryside Officer: The site is in an elevated position and is highly visible when approaching the site from the south. The proposal is for a substantial building right up to the site boundary, with no prospect of landscaping it. There will be a highly detrimental impact on the character and appearance of both the village setting and the AONB.

REPRESENTATIONS

One letter of support has been received from a nearby resident. He comments that local residents have experienced years of problems with having the van centre so close by, and any improvement to alleviate noise and nuisance would be welcome. He welcomes the current proposal, which would move all the valeting and repair work into the proposed new inside facility proposed away from his boundary.

POLICY CONSIDERATIONS

Kennet Local Plan policy PD1 and central government planning policy contained in PPS7 are relevant.

PLANNING OFFICERS COMMENTS

The key issues are considered to be: (a) visual impact; (b) noise issues, and; (c) parking provision.

Visual Impact

The existing building is prominent and unsightly, and together with the 90 plus vehicles that are parked on the site, it would be fair to say that the site fails to preserve the character and appearance of the AONB.

This assessment has been used in the past by the applicant himself as a justification for residential redevelopment of the site: his 2004 appeal submission against the refusal of the 3 large dwellings had referred to "the incongruous urban nature of the present building and associated vehicle displays", and "the unattractive rear façade of the property, with its individual repair bays and discordant fenestration and roofing above".

Furthermore, the above assessment was endorsed by the Inspector: "I agree with the appellant that the visual impact of the present building and the surrounding display of vans is powerful and incongruous in this rural area within the AONB".

Whereas the extension approved in 2007 was single storey and discretely located in the north west corner of the site, the extension now proposed would be full height and tight up to the boundaries in the south western corner. As such it would be highly visible from both the A4361 and the main village access road some 200m to the south. Hence the proposal would most certainly exacerbate the existing adverse visual harm which the site causes to this part of the AONB.

Noise Issues

The existing service bays are inadequate for the scale of operations carried out at the site. Hence the valeting largely takes place in the open air. This has led to a catalogue of noise complaints, particularly to do with noise from a steam cleaner and loud radio noise. A full history can be ascertained from papers held on the file.

The existence of a statutory noise nuisance was confirmed in 2006 and an Environmental Protection Act Section 80 notice was served. This led to the steam cleaner being relocated into a custom built enclosure albeit in the same location. This improved the situation but did not fully resolve the noise issues.

Planning permission was granted in 2007 for a single storey building at the northern end of the site to house the pressure washing and valeting bays. This was not an ideal solution but would have been more effective than the stand alone enclosure.

There have been ongoing complaints about the steam cleaner since then, and despite modifications to its flue arrangement, the residents' concerns are unlikely to ever be fully resolved unless the valeting operations can be located indoors. The current application will enable this to take place, and the facility would be located at the maximum distance possible from the affected properties.

Parking Provision

While the extension will lead to the loss of 13 outside parking spaces currently used by vehicles for sale or under preparation, the intention is that it will enable this same vehicle preparation to take place under cover. So there will be no material impact on parking provision.

The business rents parking area from the garage on the opposite side of the A4361 120m to the north and it is not anticipated that there will be a change in this arrangement. Apparently a considerable number of vehicle sales take place via the internet without any visit by the customer to the site. Hence the proposed development is not anticipated to lead to an increase in parking demand on the site compared to the current situation.

Conclusion

The application raises two issues which pull in different directions, namely visual impact and noise issues.

It is impossible to disagree with the 2004 Inspector that "the visual impact of the present building and the surrounding display of vans is powerful and incongruous in this rural area within the AONB". Furthermore, there is no doubt that the proposal would exacerbate this adverse visual impact by introducing a prominent extension into the local landscape.

On the other hand, the extension would be contained within the existing site boundary and it could be argued that for as long as the van centre continues to operate, the scenic quality of the local rural scene will necessarily be degraded. So just how significantly will the current proposal worsen the

existing situation? Furthermore, the local planning authority has already indicated that the principle of residential development on the site is acceptable, subject to the provision of a 50% affordable housing element, so there is always the medium/long term prospect that the site will one day be redeveloped and the harm to the AONB removed.

Returning to the current situation, the Environmental Health Officer has indicated that he cannot stress enough the seriousness of the noise nuisance which the valeting of the vehicles is causing to local residents in Post Office Lane, whose gardens immediately border the site. Although in recent months the business has moved some valeting to the site now proposed for the extension, this work is still taking place outdoors and is weather dependent.

The residents' concerns are unlikely to ever be fully resolved unless the valeting operations can be located indoors. Not only would the current proposal achieve this, but it would remove the primary noise sources away from the complainants.

So although it is an extremely difficult balancing act to weigh up the adverse visual impact of the proposal against the eradication of the noise issues which the site generates, it is felt that on balance that the public interest would be best served by resolving the noise issues so that the adjoining residents can reasonably enjoy their homes and gardens. It is therefore recommended that the application be approved.

RECOMMENDATION

Approve with Conditions

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the scheme of development as submitted except insofar as amended by the revised site plan number 08/TGV.2/P10A received on the 9th October 2008.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 The development hereby permitted shall not be exercised in addition to or in combination with the development permitted by the permission for a single storey extension to the north of the existing building granted under Ref. K/56237/F dated 8th May 2007.

REASON:

To avoid the overdevelopment of the site, which is situated in the North Weesex Downs Area of Outstanding Natural Beauty.

- 4 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 5 No valeting or steam cleaning of vehicles shall be carried on within the site except within the extension hereby approved.

REASON:

To safeguard the amenities of nearby local residents.

- 6 The extension hereby permitted shall only be used for the valeting and steam cleaning of vehicles between the hours of 0800 and 1800 from Mondays to Fridays (inclusive) and between 0800 and 1300 on Saturdays. The use shall not take place at any other time or on Bank Holidays.

REASON:

To protect the amenities of nearby local residents.

- 7 Noise emitted from the extension hereby permitted shall not exceed 5 dB(A) above the background (L90) level at the boundary of any neighbouring premises.

REASON:

To protect the amenities of neighbouring residential properties.

- 8 At all times an area within the front forecourt shall be maintained, kept available and unobstructed for the turning of vehicles up to large van size. The turning area shall be visible and easily accessible to visitors to the site.

REASON:

In the interests of highway safety.

- 9 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

- 10 **INFORMATIVE TO APPLICANT:**
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to policy PD1 of the Kennet Local Plan 2011 and to central government planning policy contained in PPS7.

Item 5 –

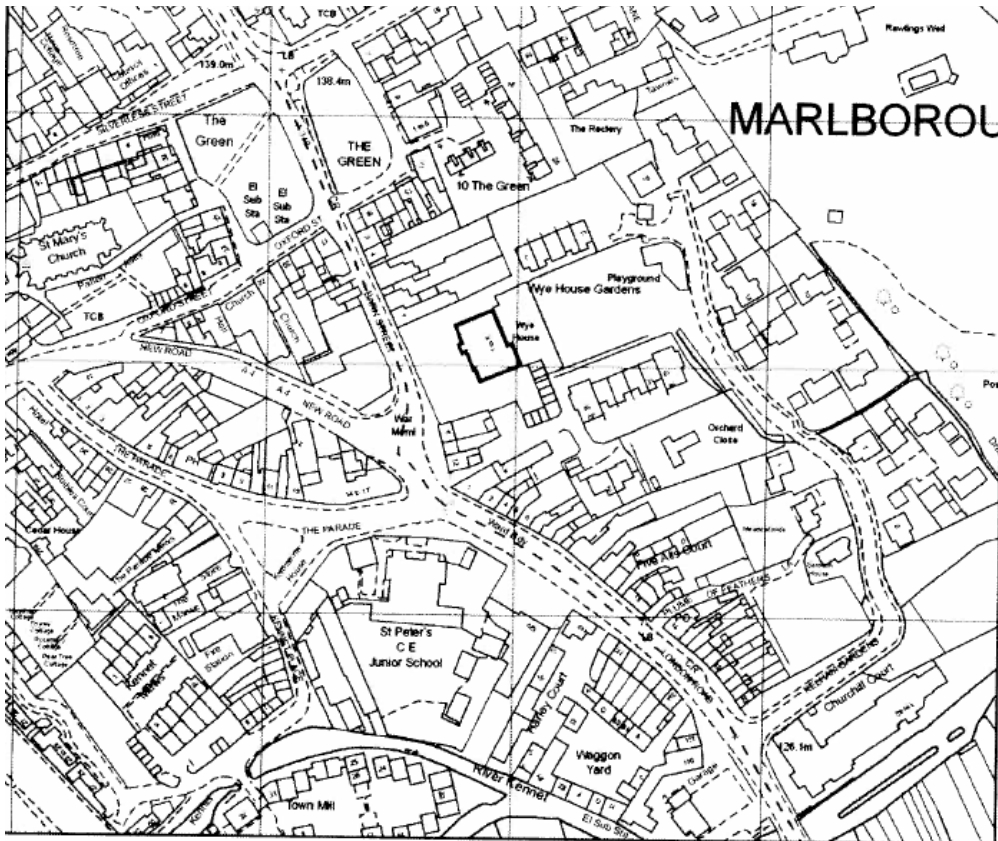
APPLICATION NO: K/59594/LBC
PARISH: MARLBOROUGH
APPLICATION TYPE: Listed Building Consent
PROPOSAL: Installation of stairlift.
SITE: Wye House Barn Street Marlborough Wiltshire SN8 1AB
GRID REF: 419083 169210
APPLICANT: Mrs P Ritchie
AGENT: Mr M Ritchie
DATE REGISTERED: 15/10/2008
CASE OFFICER: Victoria Cains

BACKGROUND

This application is before the Regulatory Committee at the request of the local ward Member, Councillor Dow.

SITE LOCATION

Wye House is situated on the eastern side of Barn Street, to the eastern edge of Marlborough Town Centre. It comprises an attractive, grade II listed house dating from the 18th Century and is currently divided into 6 flats. It is accessed from the bottom end of Barn Street near the roundabout.



Location Plan

RELEVANT SITE HISTORY

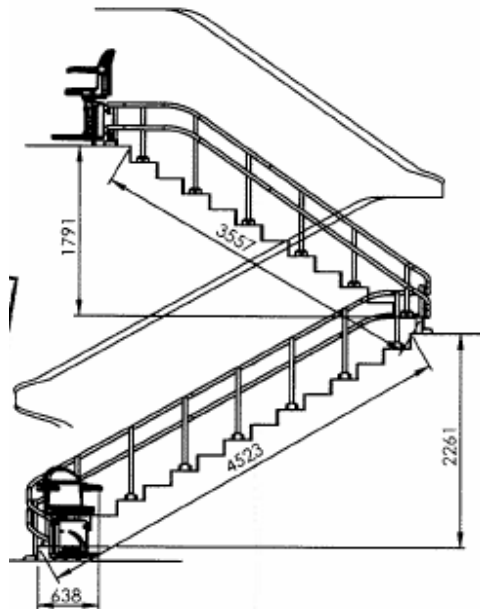
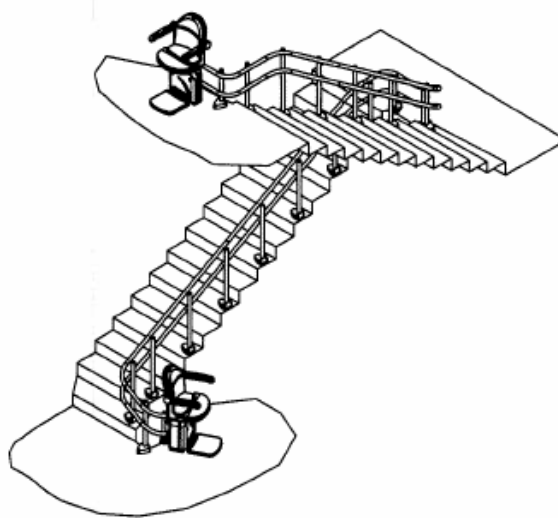
K/76/0639 - Conversion to 12 self-contained flats. Approved 11/01/1977.

K/40055/L - Alterations to form six apartments from 12. Minor elevational changes to include reinstatement of 3 dormers; demolition of single garage. Approved with Conditions 31/10/2000

K/40056 - Reduction of flats in existing building from 12 to 6 No; construction of 9 houses and 4 apartments in two terraces. Construction of 8 single garages, associated landscaping. Approved with Conditions 09/11/2000

DESCRIPTION OF DEVELOPMENT

The application is for the installation of a stair lift comprising a black painted metal rail fixed to the stair tread with a movable black plastic chair. The rails would run along the inner radius of the communal staircase which serves the 3 flats on the upper floor. These works have been justified on the basis that the stair lift is essential to ensure that the applicant (who has recently broken her pelvis on the stairs) can safely access her apartment.



Proposed Stair Lift



The staircase at Wye House



*Example of a stairlift in place (not Wye House)
(Picture supplied by applicant's agent)*

ADDITIONAL STATEMENT BY THE APPLICANT

The works are essential in order to ensure the applicant can maintain access to her home. There is no alternative way of accessing the first floor of the building. Alternative methods of access such as inserting a lift shaft have been explored but would have a harmful impact on the fabric of the building. The proposed works are temporary and removable. All works would be made good.

The staircase to which the lift will be fixed is not in its original location and form. In balancing the impact which the development will have on the character of the listed building and the accessibility needs of the applicant, the proposal is considered acceptable. The proposal is in line with government and local planning policies and guidance set out by English Heritage

CONSULTATIONS

Marlborough Town Council – no objection subject to the approval of the Conservation Officer.

KDC Conservation Officer - the installation would be an unattractive and intrusive alteration which would be detrimental to the character of this principal area of the building. In the absence of an overwhelming justification from a conservation viewpoint in support of the works, unable to recommend approval for the application.

REPRESENTATIONS

One letter has been received from Lynden Hill Clinic advising that in order to facilitate safety and independence for the applicant the stair lift should be installed.

POLICY CONSIDERATIONS

Central Government policy PPG15: 'Planning and the Historic Environment'.

PLANNING OFFICER'S COMMENTS

The staircase, and specifically the decorative and high quality string, balusters and handrail, are the primary architectural feature in this important central circulation area within the building. Whilst it is accepted that the works will involve limited physical impact on historic fabric, visually the installation will be an unattractive and intrusive feature within this area of the building. PPG 15 acknowledges the importance of staircases "*The removal or alteration of any historic staircase is not normally acceptable. The stair is often the most considerable piece of design within a building and can be important dating evidence*".

In the supporting Design and Access Statement the applicant's agent comments that the staircase was relocated from its original position when the house was converted to six flats. Consent was granted for the relocation of the staircase, however this was on the condition that the important features such as treads, risers, balustrade and handrail, as well as most of the existing structural framework of the staircase were retained and re-used, using the same construction methods. The staircase thus retains much of its original character and still forms an important feature of the historic building.

A number of references are made within the accompanying statement to the temporary nature of the stairlift installation. However, although this may be the case in theory, this application is not for a temporary installation and makes no commitment to the removal of the stairlift within any specified period. A further statement that the proposed works are essential in order to maintain access to the first floor apartments for those with mobility impairments also appears to contradict any intention of the lift forming a temporary feature. Taking into account the cost of the installation and the nature of the occupation of the building it would be unrealistic not to consider this as an addition that will be in place for a considerable period.

Whilst sympathetic to the applicant for whom the installation is clearly desirable, the personal circumstances of any particular individual are of limited duration in the context of the lifespan of an historic building and, in conservation terms, are not usually considered to provide an overriding justification for works which have an adverse impact on the character or fabric of the building. As the current facilities derive from a relatively recent conversion where it appears that it was not felt to be essential to provide alternative access to the first floor, and the apartments have functioned successfully since, it is difficult to conclude that the works are desirable or necessary in the interests of the future preservation of the building.

From a purely practical point of view, there are also a number of concerns with regard to the implications of the installation for other users of the building. The staircase is not particularly generous in width and is narrowed further by a masonry pier at the foot of the stair and it appears that the installation may present a potential hazard to other occupants, especially in the event of a fire (informal consultation with the fire officer has confirmed that this should be considered in Fire Risk Assessments and may be of concern). In addition, it appears that the installation will make the use of what is currently the only handrail, difficult and potentially hazardous for other users. It can be assumed that , in practice, the approval of the stairlift is likely to lead to an application for the installation of a second handrail on the wall face which could further compromise the character of the staircase.

CONCLUSION

The staircase forms an important historic feature of this grade II listed building; located in a principal communal area. The stair lift would form an incongruous feature on the attractive, historic staircase and would detract from its special character. Consideration has been given to the applicant's personal circumstances, however, in this instance these do not provide an overriding justification for the proposed works, or outweigh the harm to the character of the listed building. The proposal is therefore contrary to Central Government Policy PPG15.

RECOMMENDATION

Refuse

- 1 The proposed stair lift, by reason of its siting and design, would harm the historical and architectural interest of the staircase which forms an important feature of this grade II listed building. The justification provided in support of the application is not sufficient to override the adverse impact on the listed building. The proposal, therefore, does not comply with Central Government planning policy set out in Planning Policy Guidance note no. 15.

Item 6 -

APPLICATION NO: K/59457/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of single storey summer house and path
SITE: 10 The Green Marlborough Wilts SN8 1AL
GRID REF: 419059 169306
APPLICANT: Marlborough & District Housing Association
AGENT: Mr Tom Cook
Brooks Chartered Surveyors
DATE REGISTERED: 17/09/2008
CASE OFFICER: Victoria Cains

SITE & LOCATION

The application relates to '10 The Green' - a residential complex for the elderly, run by Marlborough District Housing Association. It lies within the limits of development of Marlborough, to the south-east of The Green. To the north side of its access from The Green is a Grade II listed building which houses some of the elderly residents, whilst to the south and east are the remainder of the association properties comprising c.1970's two-storey buildings. Surrounding the site is further established residential development.



Location Plan

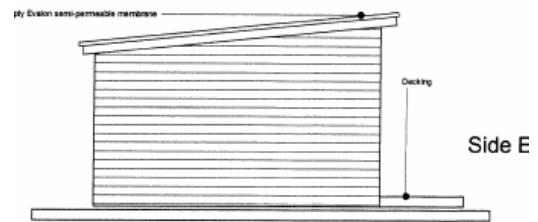
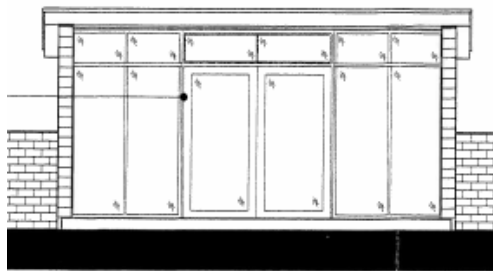
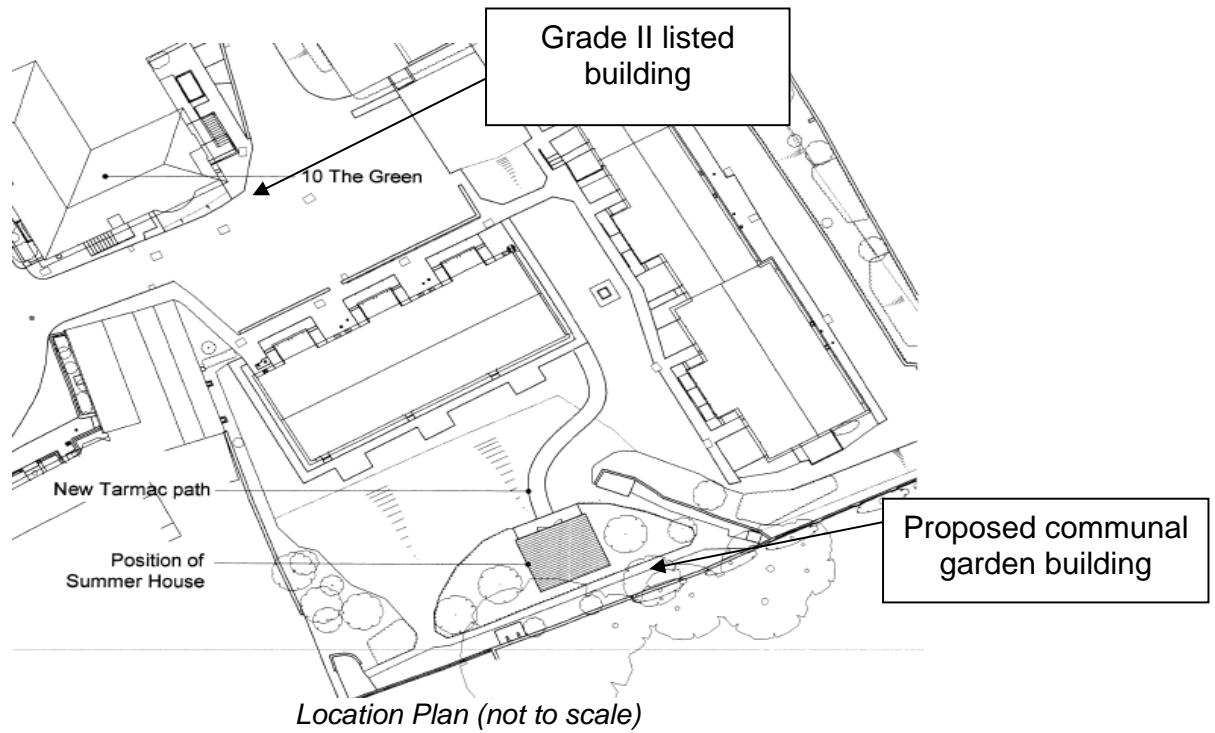
SITE HISTORY

No history directly relevant to the determination of this application.

DESCRIPTION OF DEVELOPMENT

This application proposes the erection of a single-storey timber outbuilding within the grounds of 10 The Green. The building would be sited close to the southern boundary of the site. It would

be used as a communal room for the residents of the complex. The building itself is of timber construction with a glazed front elevation and mono-pitch roof. It would measure 4 metres by 5 metres by 3 metres (max) high.



Front and side elevation of proposed building (not to scale)



Photograph of similar development (supplied by applicant's agent)

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted an additional statement in support of the application. This is summarised below but a full copy is available to view on the planning file or internet -

1. In order to meet the Government's Decent Homes Standards, all Housing Associations should provide a communal room for residents use. The only option on this site is to provide a garden room that is an adequate size to ensure usage by all residents regardless of their mobility and age;
2. On 16th October, the Board held an indoor garden party/residents meeting about the proposed garden room. The overall result of this meeting was very positive. One particular concern raised was that the Garden Room might be used by non-resident groups/people. This is not the intention;
3. Great care has been taken to select a design that would fit into the environment and ensure least inconvenience to residents and neighbours during its construction -
 - a. The slightly sloped roof means it does not impact on the general landscape;
 - b. The structure would be well away, and divided from, the listed building by the two 1970's blocks of flats;
 - c. The building would be erected very quickly as it is in 'kit' form. This should ensure least disruption to residents and neighbours with site traffic;
4. The planned site is the only viable option for this facility;
5. The planned site is low down ensuring maintained privacy for ground floor flats – people using the garden room would not look directly into any flats;
6. The surroundings would be landscaped to ensure the garden room becomes an attractive feature in the already very pleasant gardens. Where possible, shrubs and/or small trees needing to be removed for the ground works would be replanted by our gardeners in other areas of the grounds;
7. Funding for this facility for our residents has come as a grant from KDC. This grant must be spent by March 2009 or it will not be available. Without the grant, the housing association would be unable to provide this much needed facility, as it does not have funding available.

CONSULTATIONS

Marlborough Town Council: objects for the following reasons:

1. By reason of its unsympathetic and utilitarian appearance in the grounds of a listed building, this north facing overly large summerhouse would neither preserve nor enhance the Marlborough Conservation Area;
2. The building would destroy a mature and delightful garden plot of shrubs and trees deserving of preservation in the Conservation Area;
3. As a footnote, residents of this complex have complained that they have not been consulted by the management on this issue and if they had they would have vetoed the proposal.

KDC Landscape and Countryside Officer: although the structure would remove a young ginkgo and laburnum and a few large shrubs these are not of any significance. Behind the site there is a brick wall and beyond that a group of Lawson's cypress and lime. The wall will act as a root barrier and the root systems of these neighbouring trees are likely to be concentrated in the neighbouring garden. Therefore, no objection is raised.

County Assistant County Archaeologist: states that although the proposed development lies within an area of archaeological interest, given its small-scale and nature, no objection is raised.

REPRESENTATIONS

There have been no representations received at the time of writing this report. Any which are subsequently received will be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

Because of the site's location within the Conservation Area and proximity to a Grade II listed building, advice and guidance contained within both Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 15: Planning and the Historic Environment are relevant to the determination of this application alongside Policy PD1 of the Kennet Local Plan regarding general development and design principles.

PLANNING OFFICERS COMMENTS

It is considered that the key issues in the determination of this application are design and relationship with historic context, neighbour amenity, and impact on trees/landscaping.

Design and relationship with historic context

The proposed building is designed in a contemporary style. It is a relatively simple, timber structure with a glazed front elevation. It has domestic proportions and a domestic appearance. Its intended use is a communal room for all the residents at 10 The Green.

With regard to its size and appearance, it is considered that the building would be relatively unobtrusive and in keeping with the appearance of the modern complex in which it is to be sited. Its positioning at a lower level than the houses in the complex would ensure that it is not unduly prominent, and once softened with new planting it would have no harmful impact on the appearance of the communal gardens.

The design compliments the style of the c.1970's complex and would be viewed within this context. The listed building is situated beyond these more modern buildings and, as such, the garden room would not have an adverse impact upon its setting. Again, because of the enclosed nature of the site, the building would not be visible in the street scene or public parts of the conservation area. Because of the modern properties with which it relates and its position in an enclosed site, the proposal would not have an adverse impact on either the character or the appearance of the Conservation Area.

Neighbour amenity

The proposed garden room is to be sited 12 metres away from flats 9-14 which it faces. What is more, the ground slopes away in a southerly direction approximately 4 metres beyond the front elevations of these properties, and as a consequence the building would be sited at a lower level. It is not, therefore, considered that the garden room would give rise to an adverse impact in respect of disturbance or privacy upon the occupiers of these or any of the other properties at the complex. In any event, these properties presently face on to a shared garden area, and so the proposed communal garden room would not create a significantly different situation to that which exists.

In respect of the neighbours to the south, these dwellings are sited far enough away from the garden room with sufficient boundary screening, thus no adverse impact upon amenity would arise.

Impact on trees/landscaping

Whilst the building would lead to the partial loss of a landscaped area, this planting is at the domestic scale and contained within the private complex and does not provide a landscaping role within the wider context of the conservation area. If replacement planting is provided this would soften the impact of the building and preserve the status quo.

It is not considered that the proposal would result in any harm to the trees on the neighbouring land at the rear of the site.

Other issues

Concern has been expressed by the Town Council that the residents of 10 The Green do not want the garden room. The residents have been consulted on the planning application but at the time of writing no comments had been received. Notwithstanding this, this application must be judged on its planning merits and the issue of whether the garden room meets the residents' requirements is a private matter between the residents and the housing association.

RECOMMENDATION

Approve with Conditions

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 3 All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 4 **INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

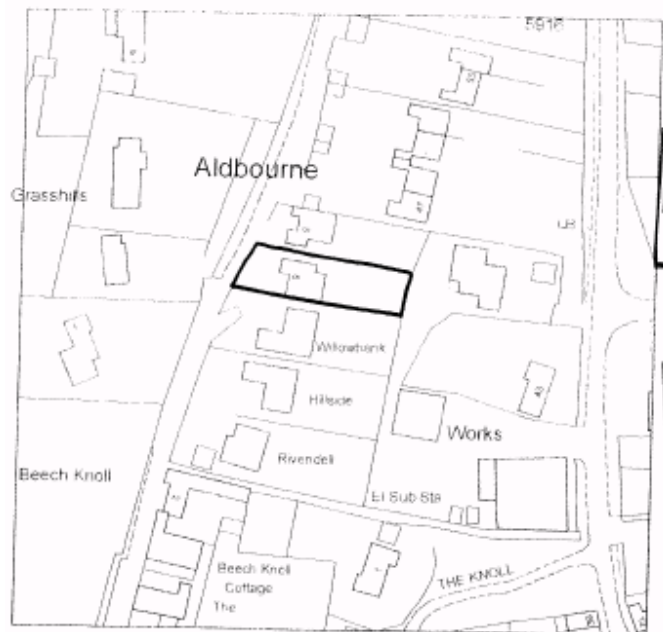
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1 as well as advice and guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 15: Planning and the Historic Environment.

Item 7 -

APPLICATION NO: K/59303/F
PARISH: ALDBOURNE
APPLICATION TYPE: Full Planning
PROPOSAL: Conversion and extension of existing garage to form guest bedroom and new pitched roof over existing single storey element; new detached garage and store
SITE: 6 Grass Hills Aldbourne Wilts SN8 2EH
GRID REF: 426510 176065
APPLICANT: Mr & Mrs M Renwick
AGENT: Mathewson Waters Architects
DATE REGISTERED: 13/08/2008
CASE OFFICER: Rebecca Hughes

SITE LOCATION

Grasshills is located towards the northern end of the village of Aldbourne. To reach the site from the Square, head north past The Green, continue around the right hand bend in the road leading into Crooked Corner. No.6 Grasshills is located approx 200m beyond the right hand bend, on the right hand side. The site can also be accessed from the direction of Alma Road.



Location Plan

The site consists of a detached residential property with an integral garage. The land level slopes down towards the house, away from the road. The front garden is currently laid to lawn with the exception of the driveway. Residential properties border the site to the north, south and eastern aspects.

SITE HISTORY

K/55549/F - Withdrawn 27/12/2006

Conversion of existing garage to guest bedroom and new pitched roof over existing single storey element; new detached garage and store – the application was withdrawn following officer

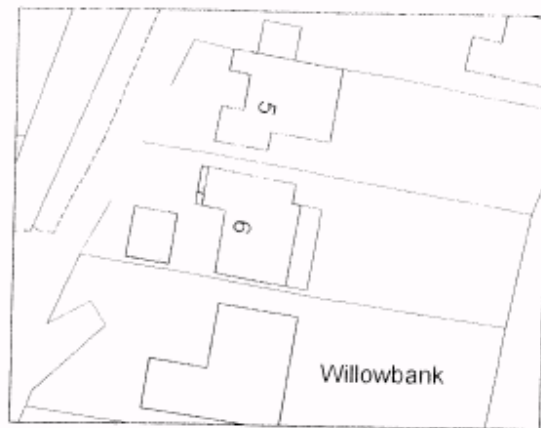
concerns regarding the visual impact of the detached garage and potential effects on boundary vegetation and neighbour amenity.

DESCRIPTION OF DEVELOPMENT

This proposal relates to an application for full planning permission for the conversion and extension of existing garage to form guest bedroom and new pitched roof over existing single storey element; new detached garage and store.

The existing garage is proposed to be extended forward at single storey by approx 1.3m and converted to form a guest bedroom. A pitched roof is proposed over the extension and will replace the existing flat roof. Materials proposed for the development match those on the existing dwelling.

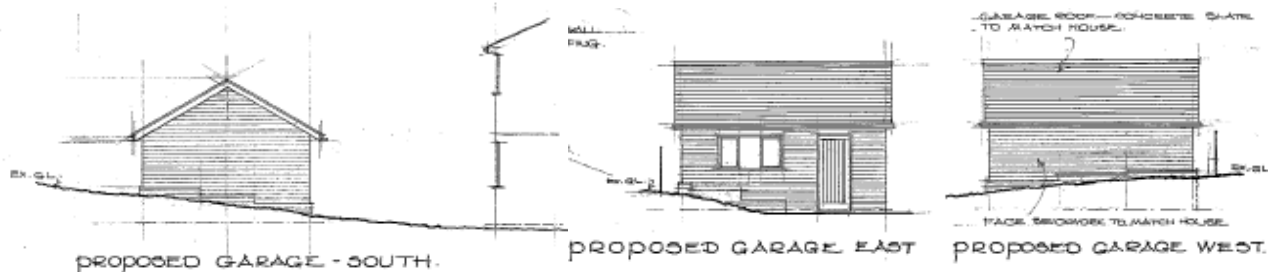
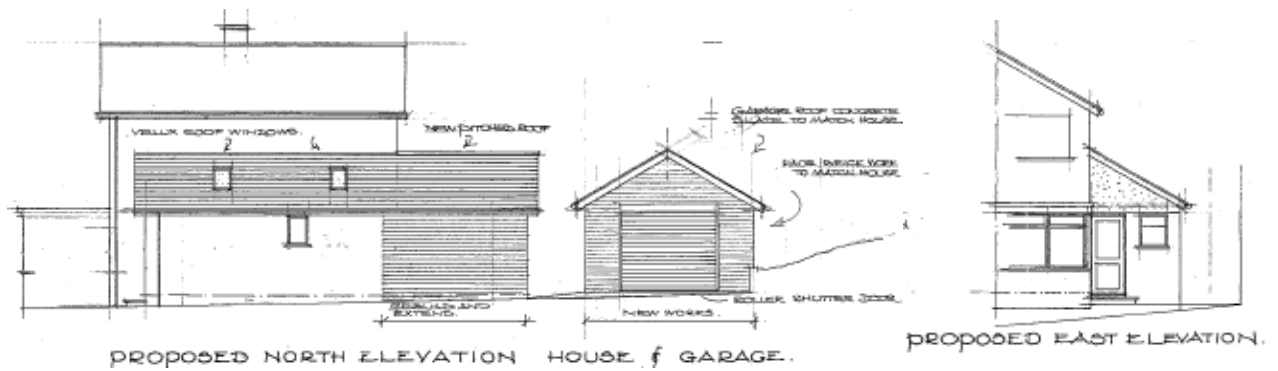
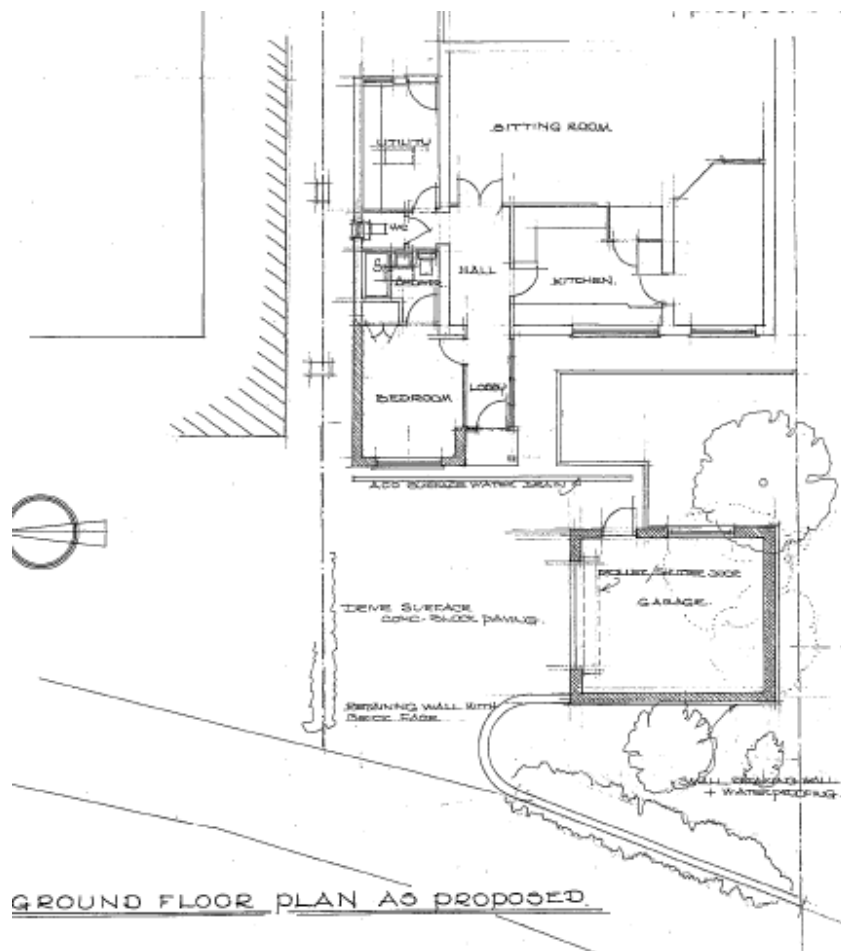
The main difference between this application and previously withdrawn application is a reduction in the size of the proposed detached garage. The footprint of the proposed garage is approx 5.5 x 4.8 metres as opposed to approx 5.5 x 6.3 metres in the previous scheme. The location of the proposed garage has been marginally altered and is now proposed approx 0.2m closer to no.6 Grasshills. The design of the garage building has also been revised with the rooflights omitted from the scheme.



Site Plan



Elevations - Extension



Elevations – Extension and Garage

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Additional details were submitted in respect of surface water drainage.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a design and access statement which can be viewed online or on the working file.

CONSULTATIONS

PC - Aldbourne Parish Council – objects; the scheme does not represent any real change to previous application. As with previous submission have no objections to alterations to building but continue to object to new detached garage and store as consider represents overdevelopment of site.

WCC Highways (RW) – no objections subject to condition to restrict use of garage to domestic and private needs of occupier and preventing use for business or other purpose.

KDC Landscape and Forestry Officer (WH) - No objections subject to retention and protection during construction of boundary hedge to provide suitable mitigation for the development.

KDC Engineering and Design Manager (SI) – no objections.

REPRESENTATIONS

The owners of the neighbouring property (no.5 Grasshills) have objected to the application. Points raised can be summarised as follows:

- The proposed garage will be in front of the building line of adjacent properties;
- The proposed garage will destroy the front garden of no.6 greatly adding to increased urbanisation and will put visual amenity of no's 5 and 6 seriously out of balance;
- The proposed garage will damage visual amenity and have a detrimental impact on the appearance and enjoyment of the area as a whole;
- The proposed garage is large with a high pitched roof and will be overbearing to adjacent properties, block natural light and cast shadow from street lighting, preventing vegetation growth;
- The development represents a serious overdevelopment of the site;
- The proposed garage and store will block sight line and visibility between no.5 and Willowbank leading to security concerns;
- The proposal will increase off street parking capacity from 2 to 5-6 spaces, serious concerns regarding need for this capacity on a small site;
- Insufficient room to turn and manoeuvre vehicles within the site leading to highway hazards and noise;
- The property already has a garage;
- Concerned that loss of front lawn to hard surface will create drainage concern for surrounding surface run-off and rainwater.

POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan is relevant to the consideration of this application, as is central government guidance contained in PPS1: Delivering Sustainable Development, PPS7: Sustainable Development in Rural Areas and PPG13: Transport.

PLANNING OFFICERS COMMENTS

The key issues in the determination of the application are considered to be the impact of the proposed garage on the surrounding area, potential impacts on the amenity of neighbouring properties, highway safety, and surface water drainage. These issues will be considered in turn

below:

Impact of the proposed garage on the surrounding area

As part of the application a detached garage is proposed towards the front of the site. Concern has been raised by objectors regarding its position in front of the existing building line. Although the garage will be visible from outside the site (including from the right of way byway running in front of the site) the existing front boundary vegetation will largely mitigate the visual impact of the proposed garage. It is recommended that a planning condition is imposed requiring the front boundary hedge to be fenced during construction, to prevent any damage to this vegetation.

The garage is set back by a minimum distance of 3m into the site and would be built into the bank, thereby reducing the overall impact of the structure when viewed from outside the site. It should also be noted that the neighbouring property (Willowbank) has a double garage which projects to the front of the property. It is acknowledged that this situation is not directly comparable as the neighbour's garage is integral, however in light of the arrangement at the adjacent property, it is not considered that arguments of breaching the building line or setting precedent for frontage development could be successfully defended. For the reasons above it is not considered that the garage would have an adverse impact on the area surrounding the site.

Impacts on the amenity of neighbouring properties

The two properties which stand to be affected by the proposal are those located either side of the site, no.5 Grasshills and Willowbank.

The front extension will be close to the northern site boundary with no.5 Grasshills. However due to the small additional front projection (approx 1.3m) and as the roof is pitched away from the boundary, this part of the scheme should have minimal impact on the neighbouring property. The proposed garage would be located approx 7m from the boundary with no.5 Grasshills. This separation together with the hedged boundary between the two properties will prevent any adverse impacts to no.5 Grasshills as a result of the proposed garage.

The existing boundary vegetation and approx 8m gap from the southern boundary will prevent any loss of amenity to Willowbank from the front extension. The proposed garage building will be visible from the front aspect of Willowbank, as it would be located approx 0.5m in from the shared boundary and approx 5.2m in front of the neighbouring property. On balance the impacts on Willowbank are acceptable due to the modest height of the structure (approx 4m to the ridge) and the presence of vegetation belonging to Willowbank which will help to screen the garage when viewed from the neighbouring property. In the interests of the privacy of Willowbank, it is recommended that permitted development rights for openings in the south facing elevation are withdrawn.

Highway safety

The position of the access onto the road in front of the site will not change as a result of the application; neither will the available off street parking provision alter significantly. Sufficient space will be provided within the site to access the proposed garage and WCC Highways have not objected to the scheme. As such there are not considered to be any reasons to object to the application on the grounds of highway safety.

Surface water drainage

The ground level on the site slopes quite significantly towards the house (away from the road) and as a result of the application the amount of hardstanding to the front of the house would increase. Objectors have raised concern that this may lead to flooding. Further information was received during the course of the application regarding drainage proposals indicating that an ACO surface water drain will lead to a deep catch pit soakaway. The Council's Engineering and Design Manager raises no objection to this approach and as such no objection is raised to the

development in respect of drainage.

Other issues raised by objectors

- Whether or not the development unbalances the appearance of no's 5 and 6 Grasshills is not considered to be a reason to object to the principle of the application. The impact of the development on the surrounding area was considered above and found to be acceptable;
- The impact on the sightlines or views between no's 5 and 6 Grasshills is not a material planning consideration. The proposed garage to the front of the property should pose no security threat to no.5 Grasshills.

RECOMMENDATION

Approve with Conditions

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the scheme of development as submitted except insofar as amended by the additional drainage details contained in plan numbers 5046.07 and 5046.12 and letter from Mathewson Waters Architects received on the 29/10/08.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing structure unless otherwise agreed in writing with the local planning authority.

REASON:

To secure harmonious architectural treatment.

- 4 Before development commences, the boundary hedge at the front of the site shall be enclosed to its eastern aspect in accordance with British Standard 5837 (2005) Trees in Relation to Construction by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be agreed in writing with the local planning authority. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation made without the written consent of the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 5 The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.

REASON:

To protect the amenities of this primarily residential area.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order, 2008 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the south elevation of the garage building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

- 7 **INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals, namely policy PD1 of the Kennet Local Plan 2011 and central government guidance contained in PPS1, PPS7 and PPG13.

Item 8 -

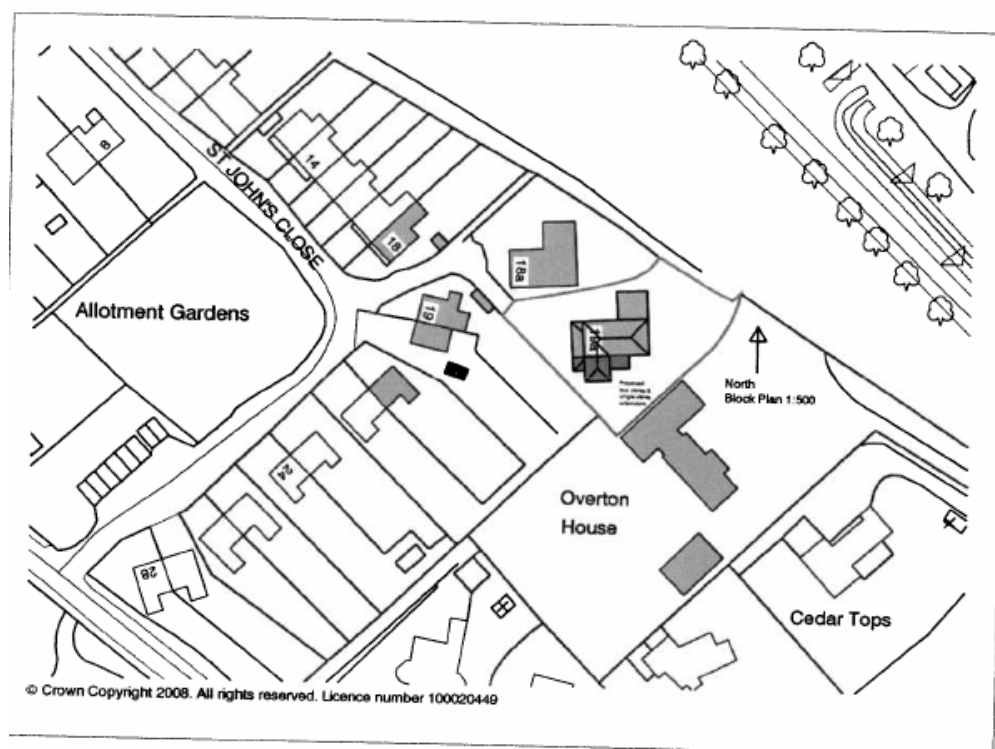
APPLICATION NO: K/59559/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning
PROPOSAL: Two storey and single storey rear extension
SITE: The Hollies ,19A St Johns Close Marlborough Wilts SN8 1JX
GRID REF: 418470 169502
APPLICANT: Mr Mark Ashley
AGENT: Tuttle Architectural Services
DATE REGISTERED: 06/10/2008
CASE OFFICER: Julie Matthews

BACKGROUND

The application is before the Regulatory Committee at the request of the Local Ward Member, Councillor Dobson.

SITE LOCATION

The Hollies is a two storey, detached property on a sizable plot situated off St Johns Close Within the Marlborough Limits of Development.



Site Location

RELEVANT SITE HISTORY

K/30226 - Outline planning permission for one dwelling. Approved 21/07/1994

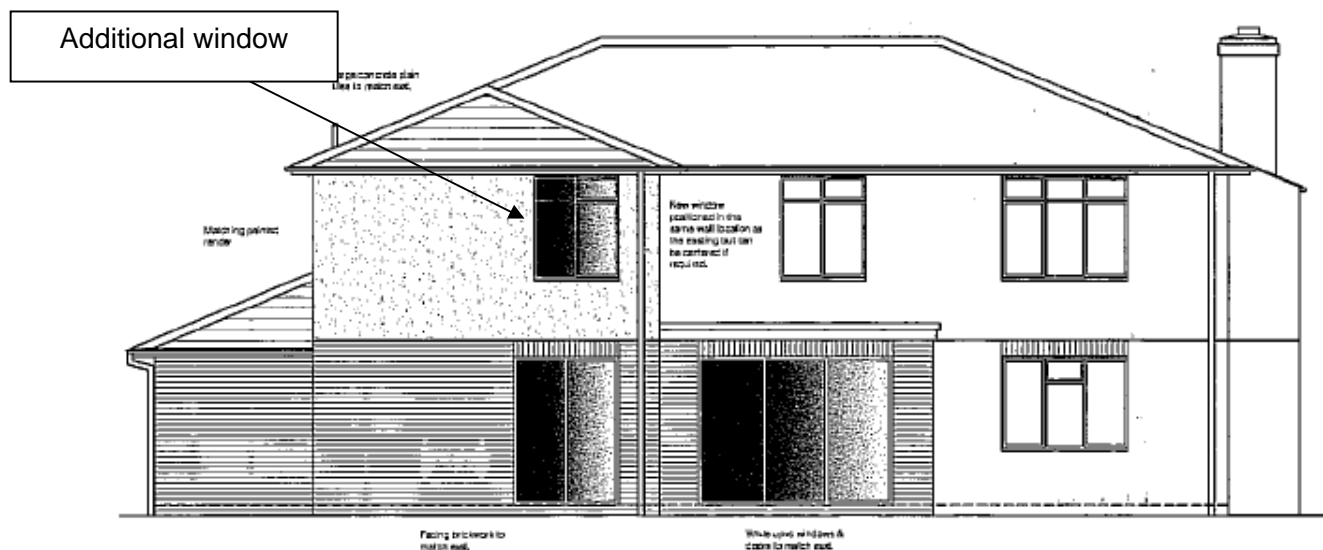
K/31588 - Construction of house, detached garage/games room and hard tennis court with fenced surround for use of occupier of proposed house. Approved 27/07/1995.

K/58821/F - Single storey rear extension to kitchen. Approved 03/07/2008

K/59072/F - Proposed two storey and single storey rear extension. Approved 26/08/2008

DESCRIPTION OF DEVELOPMENT

The application is for part single/part two storey extension to the southern elevation of the main house to provide additional living accommodation.



Proposed Rear Elevation

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant states that there is very little impact on the Area of Outstanding Natural Beauty, and the proposed extension has been designed to minimise the impact on the area, kept to a reasonable size/bulk and has taken into consideration neighbouring properties.

CONSULTATIONS

Marlborough Town Council: objects to the application on the following grounds:

- Gross loss of privacy by virtue of overlooking to the South; and
- Reverse living accommodation because of size of extension.

Wiltshire Fire and Rescue Service – recommend necessary and appropriate fire safety measures.

REPRESENTATIONS

One letter has been received from the occupier of Overton House raising the following concerns:

- a) the Design and Access Statement is not accurate – the proposal has not been designed with consideration to the neighbouring properties as it will have an overbearing impact;
- b) the extension would dominate the view, especially with its white render against the backdrop of mature trees;
- c) the flat roof of the single storey extension could be used as a balcony and would cause overlooking.

POLICY CONSIDERATIONS

Central Government Policy:

PPS1 'Planning and the Historic Environment'

PPS7 'Sustainable Development in Rural Areas'

PLANNING OFFICERS COMMENTS

An application was recently approved in August of this year for a similar scheme. The only alteration to the approved scheme is the inclusion of a first floor window in the southern elevation of the two storey extension. All other aspects remain the same and therefore the main consideration is the impact of this window over and above that of the approved scheme. An additional application has also been submitted (ref. K/59558), omitting the window and proposing five rooflights instead. This application is still under consideration.

Design and visual impact

The window would be to the rear of the property, screened from public viewpoints and of similar design to the existing. It would be in-keeping and in-scale with the main house and would have no adverse impact on the character and quality of the area of outstanding natural beauty or the surrounding area.

Residential amenity

Objection has been raised by the neighbour in relation to the overbearing nature of the two storey extension, the use of white render and the potential for overlooking from the roof of the flat roofed extension. These elements of the scheme remain unchanged since the previous application and were considered at that stage to be acceptable, subject to conditions. These same conditions could be applied to this development if approved.

The first floor window now proposed in the south elevation was originally included in the previous application but was omitted on the advice of the then case officer due to concerns over loss of privacy for the occupiers of Overton House through over-looking. This window has now been included in this application. However, the concern about overlooking remains unchanged as the window would be located in the same position, 5m closer to the boundary than the existing first floor window. Hollies 'sits' around 2-3m higher than Overton House and this would mean that views from the first floor window, across the rear garden, would be significant. The southern boundary of the site is bordered by Overton House itself which presents a blank roofslope, bar a single rooflight. The proposed window would not look directly into this rooflight and no significant overlooking of the interior of the house would result. However, the window would look directly into the rear garden of Overton house and so would result in a significant loss of privacy to the occupiers.

The applicant has indicated that he would be prepared to use translucent glass in this window. However, due to its location it is considered that the window would in any event give rise to a feeling of being overlooked. This perceived overlooking would also be detrimental to residential amenity.

The views toward the only other immediate neighbour, 19a, would be predominantly screened by vegetation along the boundary and it is considered that no significant loss of privacy would result.

RECOMMENDATION

Refuse

The proposed first floor window in the South elevation of the extension, by reason of its elevated position and close proximity to the southern boundary, would result in significant loss of privacy to the occupiers of the neighbouring property, to the detriment of their reasonable living conditions. The proposed development is therefore contrary to Policy PD1 of the Kennet Local Plan 2011 and advice given in Central Government Guidance PPS1.

Item 9 -

APPLICATION NO: K/59431/ADV
PARISH: MARLBOROUGH
APPLICATION TYPE: Advertisement Consent
PROPOSAL: Retention of free standing sign in graveyard of St Peters Church
SITE: Graveyard in front of St Peters Church High Street Marlborough Wilts SN8 1HF
GRID REF: 418582 168801
APPLICANT: Colburn Homes Ltd
DATE REGISTERED: 11/09/2008
CASE OFFICER: Gill Salisbury

SITE & LOCATION

St Peters Church is located at the south-west end of Marlborough High Street. It stands alone in a centre island between the A4 road and the old High Street. The Church is a grade II* listed building and is within the designated Marlborough Conservation Area. The proposed sign is located in the grounds of the church to its north-east side.



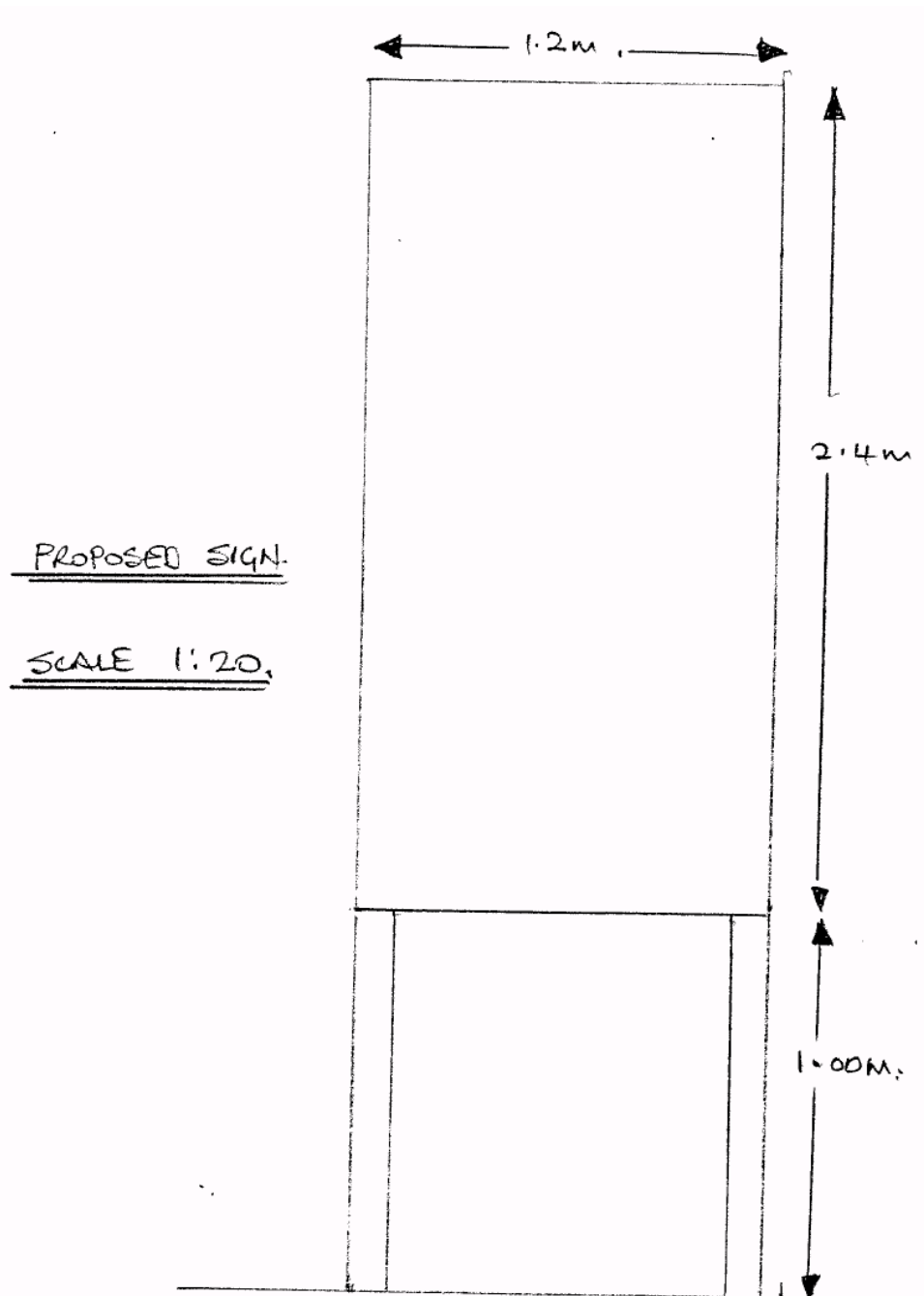
Site plan

SITE HISTORY

There is no relevant site history.

DESCRIPTION OF DEVELOPMENT

This is a retrospective advertisement consent application for the retention of a free-standing sign in the grounds of the church. Consent is sought for a limited time period up to the 31st December 2008. The sign advertises the new housing development opposite. The height from the ground to the base of the sign is 1 metre. The sign itself measures 2.4 metres in height by 1.2 metre in width and is 0.1 metres deep. It is made from aluminium and is non-illuminated.



CONSULTATIONS

Marlborough Town Council objects to this application on the grounds that the advertisement is out of keeping in a Conservation Area.

WCC Highways – No objection

KDC Conservation – No comment

REPRESENTATIONS

No representations have been received at the time of writing. Any subsequently received will be reported verbally to the Committee.

POLICY CONSIDERATIONS

Central Government planning guidance contained in PPG19: Outdoor Advertisement Control is relevant to the consideration of this application. PPG19 sets out the two issues that may be taken into account when determining applications for advertisement consent. These are amenity and public safety.

PLANNING OFFICERS COMMENTS

This application raises no public safety concerns. The key issue is the impact of the proposal on the setting of the listed building and the character and appearance of the Conservation Area.

This application is for a temporary period only, expiring on the 31st December 2008. While it would not be appropriate to have an advertisement of this type permanently sited in this location, it is not considered that for such a short time period the sign would have such an adverse impact on the setting of the listed building or the character and appearance of the Conservation Area, or the amenities of neighbours, as to warrant a refusal for these reasons. Although the expectation would normally be for a sign advertising new development to be sited on the development site to which it relates, in this case the development site is largely 'backland', and this limits the applicant's options. For this reason use of the church grounds on a time restricted basis is considered an acceptable exception to the normal rule. Approval is therefore recommended subject to conditions limiting the time period for the display of the advertisement and requiring the removal of the advertisement after this time.

RECOMMENDATION

Approve with Conditions

- 1 This consent is for a temporary period expiring on the 31st December 2008 on or before which date the advertisement shall be taken down and removed from the site.

REASON:

In the interest of visual amenity. The site is in a location where the permanent retention of this advertisement is considered to be inappropriate.

- 2 Any advertisements displayed, and any site used for the display of the advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

No 03

Any structure or hoarding erected or used principally for the purpose of displaying

advertisements shall be maintained in a safe condition.

REASON:

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

No 04

Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

No 05

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON:

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

No 06

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON:

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3

INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant advertisement consent has been taken on the grounds that the proposed advertisement would not cause any significant harm to interests of amenity or public safety.