

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 25 October 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton	Cllr Ian McLennan
Cllr Brian Dalton	Cllr Paul Sample
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	Cllr Fred Westmoreland
Cllr Mike Hewitt	Cllr Ian West
Cllr George Jeans	

Substitutes:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Mary Douglas	Cllr Stephen Petty
Cllr Russell Hawker	Cllr Leo Randall
Cllr David Jenkins	Cllr Ricky Rogers
Cllr Bill Moss	Cllr Graham Wright

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on (copy herewith).

3 **Declarations of Interest**

To receive any declarations of non-pecuniary or pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 18 October 2012. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals**

There are no appeal decisions to report

7 **Planning Applications** (*Pages 13 - 14*)

To consider and determine planning applications in the attached schedule.

- 7a **S/2012/1120 - 45 Ladysmith Gomeldon Salisbury SP4 6LE** (*Pages 15 - 24*)
- 7b **S/2012/1112 - 19 Southbourne Way Porton Salisbury SP4 0NN** (*Pages 25 - 32*)
- 7c **S/2012/0616 - Land adjacent to Church Cottage Portnells Lane Zeals Warminster BA126PG** (*Pages 33 - 44*)
- 7d **S/2012/1189 - The Old Chapel Tuckingmill Tisbury Salisbury SP3 6JB** (*Pages 45 - 52*)
- 7e **S/2012/1205 - 15 Bishops Drive East Harnham Salisbury SP2 8NZ** (*Pages 53 - 58*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 OCTOBER 2012 AT CROWN COURT ROOM, THE GUILDHALL, MARKET PLACE, SALISBURY SP1 1JH.

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Paul Sample, Cllr John Smale, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Mary Douglas

63 Apologies for Absence

There were no apologies for absence.

64 Minutes

The minutes of the meeting held on **23 August 2012** were presented. It was,

Resolved:

To approve as a correct record and sign the minutes.

65 Declarations of Interest

Cllr Brian Dalton declared a non-pecuniary interest in item 8c - *S/2012/0826/Full: Butt of Ale, Sunnyhill Road, Salisbury* - as a member of the Campaign for Real Ale, who were objecting to the application. Cllr Dalton stated he would debate and vote on the application with an open mind.

66 Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

The Chairman further requested it be noted the Committee felt the venue was inadequate for a public meeting, and informed those present that application *S/2012/1120/Full* had been withdrawn due to inaccuracies in the report and to organize a site visit.

67 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

68 **Planning Appeals**

The Committee noted details of recent appeals as listed in the agenda pack.

Attention was brought to Application *S/2011/0900 - Bridge Woodland Britmore Lane, Gutch Common* - which had been dismissed on appeal.

69 **Shiralee, Tytherley Road, Winterslow**

The Committee noted the report and thanked officers for the update and work on the case.

70 **Planning Applications**

Attention was drawn to the late list of correspondence received, and attached to these minutes, concerning Items **8b**, **8e** and **8g** as listed in the Agenda pack.

70a) **S/2012/0883/Full - 137 Netherhampton Road, Salisbury SP2 8NB**

Public Participation

Mr Grasson spoke in objection to the application.

Mr Gilbert spoke in support of the application.

Mr Ray Robinson, applicant, spoke in support of the application.

Mr Nigel Lilley, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. The main issues included the impact on the character of the, previous planning history on the site and the impact upon the tree in the adjacent site. It was stated the members had had a site visit prior to the meeting.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Brian Dalton, then spoke in support of the application.

A debate followed, where the access to the proposed property was raised, and the lack of objection from Highways officers was noted. The impact on the adjacent tree was debated, along with the plot ratio and dimensions, and the loss of amenity and character of the application in comparison with the local area was discussed.

At the conclusion of debate, it was,

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located to the immediate south of the site. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space, given the close proximity of the site to the adjacent mature Oak tree. In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over development, out of keeping with the general scale and character of existing development in the area. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.**
- 2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.**

Informative

- 1. Officers note that the Applicant within the Design and Access Statement has principally agreed to the submission of funds associated with the required planning obligations. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing.**

70b: S/2012/0893/Full - 8 Old Castle Road, Salisbury SP1 3SF

Public Participation

Mr Neil Curtis spoke in objection to the application.

Mr Douglas spoke in objection to the application.

Mr Derek Brown spoke in objection to the application.

Mrs Cheryl Hill, Salisbury City Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended that the application be approved, and attention was drawn to the late list of observations, which are attached to these minutes.

The main issues included the visual impact upon the conservation area and impact on amenities. It was noted that there were no parking issues highlighted, and that the existing extension to the property is not in keeping with the character of the original building, and would be amended by the proposed application, and that the private road adjacent was not a consideration. It was also highlighted that planning permission had already been granted for the site which extends into the rear garden, but that the applicants have sought permission for this new design.

The Committee then had the opportunity to ask technical questions of officers. Details were sought about the existing planning permission on the site and its impact.

Members of the public then had the opportunity address the Committee with their views, as detailed above.

The Local Member, Cllr Mary Douglas, then spoke in objection to the application.

A discussion followed, where the materials to be used in the design were raised, along with the current unattractive design of the site. Concerns regarding overlooking windows and their orientation were discussed, and the distance to nearby properties and attendant impact was debated.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reasons:

The proposed development, accords with the provisions of the Development Plan, and in particular Policy PS2 (Nursing Homes), G1 and G2 (General Criteria for Development), D3 (Design criteria), CN8 (Conservation Area), CN23 (Archaeology) TR11 (Parking), R3 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed development is considered compatible in terms of its scale design and materials would not affect the character of the surrounding Conservation Area and AONB.

Subject to the following conditions

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

REASON: To comply with 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 commence within the area indicated (proposed development site) until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

REASON: To enable the recording of any matters of archaeological interest.

POLICY: CN23 Archaeology

3. No development shall commence until details and samples of all external facing and roofing materials, including matching bricks for the front elevation; to be used have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building is satisfactory.

POLICY: D3 Design criteria

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;**
- (b) details of any to be retained, together with measures for their protection in the course of development;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site**
- (d) finished levels and contours;**
- (e) hard surfacing materials;**

REASON: To ensure a satisfactory landscaped setting for the development

POLICY: G2 General criteria for development and R3 on-site amenity space

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first 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 and the protection of existing important landscape features.

POLICY: G2 General criteria for development and R3 on-site amenity space

6. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the Nursing Home extensions hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring properties.

POLICY: G2 General criteria for development

7. Development shall be in accordance with the details of the construction method statement received on 11 June 2012

REASON: In the interests of the prevention of pollution of the groundwater source protection area

POLICY: G2 General criteria for development

8. During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

REASON: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY: G2 General criteria for development

9. There shall be no external lighting of the site

REASON: In the interests of the amenities of the neighbours

POLICY: G2 General criteria for development

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a nursing home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

REASON: To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of the amenities of the neighbours.

POLICY: G2 General criteria for development, and PS2 Extension of nursing

homes

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, rooflights, doors or any other form of openings other than those shown on the approved plans, shall be inserted in the northern or southern elevations of the extensions hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 General criteria for development

INFORMATIVE

1. In relation to condition 06 above, the Committee requires that any planting along the southern boundary of the site, be semi-mature so as to reduce the impacts of the change.

2. In relation to condition 09 above, this restriction does not relate to small scale lighting apparatus required for fire exits etc. Planning Permission would be required only for a larger scale lighting scheme e.g. lighting on poles around the site, or larger scale arc light type lighting apparatus.

70c) S/2012/0826/Full -Butt of Ale, Sunnyhill Road, Salisbury SP1 3QJ

Public Participation

Mr Peter Wicks, Campaign for Real Ale, spoke in objection to the application.

Mr Andrew Pywell, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval subject to the completion of a S106 agreement in relation to public open space and affordable housing. The main issues regarding the application included the principle of the development and less of the public house, the impact upon highways and parking and visual impact. It was highlighted that the report concluded that the public house was no longer economically viable.

The Committee then had the opportunity to ask technical questions of the officers. The details of the proposed driveways and shared garage space were sought, along with information regarding affordable housing contributions.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Mary Douglas, then spoke in objection to the application.

A discussion followed, where the viability of the public house was raised along with the recent history of the businesses on the site, and the design of the proposed housing on the site assessed.

After debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

1. The public house is sustainably located in the heart of a residential area, and is the only such facility serving the surrounding local community. Other such establishments are located some distance away and likely to encourage the use of the private car, as confirmed by the previous 2004 appeal decision.

Based on the information submitted, it is considered that insufficient evidence has been submitted to demonstrate that the use of the site/building as a public house is no longer viable, and no evidence has been provided to demonstrate that the site/building is not viable for an alternative community use. The proposal is therefore considered to be contrary to the requirements of Policy Core Policy 21 of the South Wiltshire Core Strategy (which echoes the aims of the emerging policy 49 of the Wiltshire Core Strategy), which seeks in the first instance to retain the existing use; secondly an alternative community use; thirdly a mixed use which retains proportion of the community use and only when all these options are exhausted, would redevelopment for a non-community use/facility be permitted.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 listed in Appendix C of the South Wiltshire Core Strategy, and Core policy 3 of the South Wiltshire Core Strategy because appropriate provision towards affordable housing and public recreational open space have not been made.

70d S/2012/0931/Full - Avon Valley College, Recreation Road, Durrington, Salisbury SP4 8HH

Public Participation

Mr Amos spoke in objection to the application.

Mr David Mayton spoke in objection to the application.

Mrs Nomi Defriend spoke in support of the application.

The Planning Officer introduced a report which recommended approval. The main issues included highways consideration into the site and the principle of the development. It was noted that the Council was planning to widen and resurface a footpath serving the application site, but that this was a separate

matter from the sought planning permission.

The Committee had the opportunity to ask technical questions of the officers. The materials of the proposed construction were sought, and the number of parking places provided was raised, along with their designation as staff or public places. It was also confirmed that Highways officers had raised no objections in relation to the application.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

Cllr John Smale then read a statement from the Local Member, Cllr Graham Wright, in support of the application if appropriate conditions were made to mitigate concerns.

A debate followed, where the lack of an easy drop off point for the proposed nursery was discussed, and the acceptability of a Green Travel Plan to meet concerns regarding access and parking was also raised. The predicted use of the site was debated, and alternative parking and access arrangements assessed.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reason:

The proposed nursery would be sited in a location which would encourage excessive vehicular movements on inappropriate roads, and it has not been satisfactorily demonstrated that there would be adequate parking and dropping-off facilities, to the detriment of highways safety. The proposal would therefore be contrary to Local Plan policies G2(i&ii) and PS6 (i&ii) as saved within the adopted South Wiltshire Core Strategy.

70e) S/2012/1076/Full - Unit 1 & 2 Sarum Business Park, Lancaster Road, Salisbury SP4 6FB

Public Participation

Mr Tony Inman, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval. The main issues included the principle of the development, the impact on the wider conservation area, and the historical background of the WW1 structure. It was stated that the Conservation Officer raised no objections to the proposal, as detailed in the report.

The Committee then had the opportunity to ask technical questions of the

officers. Details on the ownership of the site was sought.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Ian McLennan, then spoke in objection to the application.

A discussion followed, where the history of the site and rarity of its buildings was raised and debated, and the impact of any changes on the wider conservation area queried. It was noted the building is not a listed building, and the working nature of the site was highlighted.

After debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reasons:

The development would be acceptable in principle, would have no significant impact on the setting of the nearby listed buildings, would not detract from the character wider Conservation Area, and would not result in any significant impact on highway safety or neighbouring properties. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, CN8, CN11 and Core Policy 5 which are 'saved' policies of the adopted South Wiltshire Core Strategy.

Subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. **This development shall be in accordance with the submitted drawings:**

- **4391.1, dated May 2012**
- **4391/2, dated May 2012**
- **4391.3, dated May 2012**
- **4391/4 rev 1, dated May 2012**

and registered with the Local Planning Authority on 26/07/12, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. **No development shall commence on site until details and samples of the materials to be used for the external roofs 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: In the interests of visual amenity and the character and appearance of

the area.

4. No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The new rooflights shall be of a design which, when installed, do not project forward of the general roof surface. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the building and its setting.

5. No works shall commence on site until details of all new external window joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:5. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the building and its setting.

70f) S/2012/1120/Full - 45 Ladysmith, Gomeldon, Salisbury. SP4 6LE

The application was deferred as detailed under Chairman's Announcements.

70g) S/2012/0928/Full - 2 Lovegrove Acre, Dinton, Salisbury, SP3 5DX

Public Participation

Mr Richards spoke in objection to the application.

Mr Taylor spoke in objection to the application.

Mr Singleton, agent, spoke in support of the application.

Mr Justin Fry, Dinton Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval. The main issues included the principle of the development, the impact upon the character of the area of the Area of Outstanding Natural Beauty (AONB) and loss of amenity, as well as previous appeal decisions in the neighbouring site. It was stated that most of the property was shielded from view, but some of it would be visible to the wider area.

The Committee had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

A debate followed, where the impact of the application on the village and the open space was raised. The lack of affordable housing contribution as noted in the report was also discussed.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

- 1) The extensive garden areas to the rear of 1-3 Lovegrove Acre together with the extensive open space to the west contribute significantly to the character of the locality and the conservation area. The proposed dwelling would reduce the present open and spacious quality of the locality significantly harming the character of the Dinton Conservation Area and Housing Restraint Area, contrary to Local Plan policies H19, CN8, CN10, and CN11 (as saved within the adopted South Wiltshire Core Strategy).**

- 2) The proposed residential development is considered by the Local Planning Authority to be contrary to policy R2 of the Salisbury District Local Plan (as saved within the South Wiltshire Core Strategy) as appropriate provision towards public recreational open space has not been made.**

Informative

It should be noted that the reason given above relating to policy R2 could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement.

71 Urgent Items

The Chairman noted the Committee had not received an update on the Hillbilly acre matter as requested in the previous meeting's minutes, and requested an update as soon as possible.

(Duration of meeting: 6.00 pm - 10.10 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

1**SITE VISIT 15:45****Application No:** S/2012/1120**Site Location:** 45 Ladysmith Gomeldon Salisbury SP4 6LE**Development:** Alterations and extensions to existing building and subdivision of plot to form 2 separate dwellings**Recommendation:** Refuse**Division** Cllr Mike Hewitt Bourne and Woodford Valley ED**2****Application No:** S/2012/1112**Site Location:** 19 Southbourne Way Porton Salisbury SP4 0NN**Development:** The raising of the roof ridge of the dwelling by 750mm, the construction three rear dormer windows and the insertion of a roof light in the front roof slope.**Recommendation:** Approve With Conditions**Division** Cllr Mike Hewitt Bourne and Woodford Valley ED**3****Application No:** S/2012/0616**Site Location:** Land adjacent to Church Cottage Portnells Lane Zeals Warminster BA126PG**Development:** Formation of new pedestrian and vehicular access, erection of detached dwelling and car port**Recommendation:** Approve subject to Section 106**Division** Cllr George Jeans Mere ED**4****Application No:** S/2012/1189**Site Location:** The Old Chapel Tuckingmill Tisbury Salisbury SP3 6JB**Development:** Installation of a stainless steel flue, painted black (Retrospective)**Recommendation:** Approve With Conditions**Division** Cllr Tony Deane Tisbury ED**5****Application No:** S/2012/1205**Site Location:** 15 Bishops Drive East Harnham Salisbury SP2 8NZ**Development:** Construction of conservatory to existing first floor terrace**Recommendation:** Approve with Conditions**Division** Cllr Brian Dalton Salisbury Harnham ED

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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	25 th October 2012		
Application Number:	S/2012/1120/Full		
Site Address:	45 Ladysmith, Gomeldon, Salisbury. SP4 6LE		
Proposal:	Alterations and extensions to existing building and subdivision of plot to form 2 separate dwellings		
Applicant / Agent:	Mr James Bravery		
City/Town/Parish Council	Idmiston		
Electoral Division	Bourne & Woodford Valley	Unitary Member	Cllr Mike Hewitt
Grid Reference:	Easting: 418690		Northing: 135353
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mr Tom Wippell		Contact Number: 01722 434554

Reason for the application being considered by Committee

The applicant is related to a senior officer of the Council. Under the Scheme of Delegation where private applications are made by an elected member or a senior officer of the Council or their close relations, or by a planning officer and objections are received raising material planning considerations the application will be determined by the Planning Committee.

Members should note that this application was deferred at the last committee in order to carry out a site visit and for officers to update the report after representations were received at the last committee from the applicant. These are addressed in the officers report below

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be REFUSED

2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of new residential development
2. Impact on character of area
3. Impact on residential amenity
4. Impact on highway safety
5. Archaeology
6. Affordable Housing/ Public Open Space requirements
7. Additional points raised by the applicant at the last committee

The application has generated objections from Idmiston Parish Council and twelve third parties.

3. Site Description

The application site supports a detached chalet style house positioned within a residential street in the Housing Policy Boundary of Gomeldon.

The site has frontage to Ladysmith of approximately 21m which is wider than the average in the street. The existing house sits centrally on the plot on a similar building line to its neighbours, no. 43a (to the east) and no. 47a (to the west). No. 47a is a detached bungalow.

4. Relevant Planning History

S/2012/0028- Alterations and extensions to existing dwelling and subdivision of plot to
create 2 separate dwellings- REFUSED

S/2008/0375 - New dwelling at 43 Ladysmith (adjacent site to the east) APPROVED

5. Proposal

The proposal is to subdivide the plot into two equal halves, and create 2 semi-detached dwellings (shown on the block plan as 45 and 45a Ladysmith). Both plots would have an approx width of 10.5 metres fronting Ladysmith.

The existing building will be extended by 2.12 metres towards the eastern side (reducing the distance to the eastern boundary to 1.2 metres), with an additional two-storey extension also created towards the rear, extending 4metres back into the rear garden (when measured from the rear wall of the original dwelling). A dormer window will be added to the front elevation, and a first-floor ensuite-bathroom window/ various ground-floor windows/doors inserted in the eastern side elevation.

A single-storey flat-roof rear extension (with rooflights) is also proposed towards the western side of the site. There will be no further encroachment towards the boundary, and the separation distance between the extension and the neighbouring boundary will remain at 3.4 metres. A first-floor ensuite bathroom window/ a ground floor window and a utility room door will be present on the western side elevation.

Three parking spaces are proposed to the front of no. 45, covering the larger part of the front 'garden'. Two spaces are proposed to the side of no. 45a.

6. Planning Policy

South Wiltshire Core Strategy – Core Policy 3 and 'saved' Policies G2, D2, H16 and R2 of the Salisbury District Local Plan.

7. Consultations

Parish Council: Object to the application for the following reasons:

The Parish Council fully endorses the view of the LPA that the plot size is considered to be uncharacteristically small in relation to the existing property, and remains of the view that extensions of the size proposed constitute an overdevelopment of the site to the detriment of the adjoining properties and the wider neighbourhood." Furthermore, the Parish Council is of the view that the existing building is already overlarge and dominates its surroundings. The proposed extension of the front elevation to the east will reinforce the dominance of the existing structure to the further detriment of the street scene and the visual amenity of the neighbouring bungalows. The Parish Council remains concerned that the provision of 5 car

spaces in the shallow area in front of the building together with the associated hard surfacing will result in a car dominated urbanised environment which is an inappropriate feature in an estate of bungalows in a rural setting and does not accord with the design guidance set out in the LPA's own document 'Creating Places'.

Environmental Health: No observations

Highways: I can confirm that the amended parking layout is acceptable and as such, I recommend that no Highway objection is raised, subject to the conditions being attached to any permission granted

English Heritage: The scheme should be dealt with in accordance with the relevant Local and National Planning Policies.

Archaeology: I had previously recommended a condition on an earlier application on this site, as the site is very close to both a scheduled barrow (WI 386 – scheduled horse barrow) and a further bowl barrow which was excavated in the early 20th century on the site of what is now 47a Ladysmith. There is therefore the potential for the site to contain archaeological remains which might include human remains. On the previous application, I changed my advice as the applicant demonstrated that the side of the house, where a new extension was proposed, had been previously disturbed by installation of services.

The design and access statement that accompanies this application recognises that there is potential for the site and also considers that this potential would have been removed by significant works including drainage, patio and a garden pond. Whilst I appreciate that this may well be the case, the proposal is for a relatively large new extension, presumably also with new services to allow the property to be split in two. In addition, the patio appears to be raised on the accompanying photography, suggesting that the previous footprint of impact might be less significant than that around the side of the house.

It is therefore recommended that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

8. Publicity

The application was advertised by site notice and neighbour consultation.

Twelve objections were received from third parties to the amended plans, with the main points of objection summarised as follows:

- Overshadowing to side and front of neighbouring properties
- The new dwelling is too high/imposing
- Loss of privacy to front gardens of neighbouring properties
- Increased cars on road will be harmful to highway safety
- The proposal will dwarf neighbouring small bungalows
- Overdominance of the area
- Overdevelopment of the site
- Poor design
- Cramped design
- Not in-keeping with the surrounding area

Additional points submitted by the applicant at the last committee in support of the proposal

- The proposed extension to the existing house has been shifted to predominantly the eastern side which is adjacent to a relatively newly built two storey house, thus away from the bungalow.
- The plot has been divided down the middle creating two plots of approximate equal size.
- Reduction in size of the additional dwelling from a 4 bed to a 2 bed, to ensure no extension is needed to the western boundary
- The two storey extension would remain over 2.5 meters behind the rear of number 43a
- The proposed building would be equal distance from the boundary as 43a

9. Planning Considerations

A previous application was refused at Committee in April 2012 for the following reasons:

- 1. The proposed house, by reason of its uncharacteristically narrow plot and resulting cramped appearance, and by reason of its size, design and massing, would detract from the appearance of the street. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).*
- 2. The proposed house, by reason of its proximity to the side boundary of the site with no. 47a Ladysmith, its size and its design (incorporating a first floor window in the side elevation), would both have an overbearing impact on and overlook no. 47a Ladysmith to the detriment of the occupiers' amenities and privacy. This is contrary to Policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).*
- 3. The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional house. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.*

This re-submission therefore has to be considered in the light of this previous application, and the differences between the two schemes critically examined.

Principle of Development

The site is located within the Housing Policy Boundary where the principle of new residential development can be acceptable if in accordance with the criteria set out in 'saved' Policy H16 of the Salisbury District Local Plan. Of particular relevance is that the proposal should not result in the loss of an open space which contributes to the character of the area, and should comply with the design policies of the Plan.

'Saved' Design Policy D2 states that proposals for infill development will be permitted where proposals respect or enhance the character and appearance of the area in terms of the following criteria:

- (i) the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths;
- (ii) the architectural characteristics and the type, colour of the materials of adjoining buildings; and
- (iii) the complexity and richness of materials, form and detailing of existing buildings where the character of the area is enhanced by such buildings and the new development proposes to replicate such richness

In this case it is considered that the proposal does not satisfy criteria (i) in that the building width and the scale and massing of the development would neither respect nor enhance the character and appearance of the area. The proposal is, therefore, contrary to Policies H16 and D2. The detailed reasons for this failure are set out below.

Impact on character of area

It is considered that the reason for refusal 1 (relating to design) in the previous application has not been overcome. The existing building is already relatively wide in comparison to nearby properties, and the proposal to increase the width by a further 2.1 metres towards the east, at full-height, would result in a cramped form of development.

Although on a similar building line and orientation to other properties in Ladysmith, the semi-detached pairing would fill virtually the entire width of the eastern plot at full-height, and the cramped appearance resulting from this 'garden grabbing' extra width would detract from the overall character of the street scene, to the detriment of visual amenity in general. Furthermore, this additional bulk, in combination with the proposed two-storey/single storey extensions to the rear, is considered to represent an overdevelopment of the site.

The adverse impact of the proposal is compounded by the car parking arrangements. A four bedroom house requires 3 parking spaces, and this can only be achieved by effectively giving over the larger part of the front garden for this purpose. The mass of resulting hard-standing at the front of the property would be undesirable within its context.

Consequently, the resultant scheme is considered to be unsympathetic to the character and visual appearance of the area. The scale, plot size and massing of the development does not respect adjoining buildings, and it is therefore considered that a dwelling in this location should be viewed as inappropriate infilling, contrary to Policies D2 and H16.

Impact on residential amenity

'Saved' Policy G2 sets out general development control criteria. In particular, it requires all new development to avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings.

It is considered that the extensions towards the eastern side of the application site will have a detrimental impact on residential amenity. The rear extensions in particular will protrude a further 4 metres back past the rear of the original dwelling and will have high eave-levels (6.4 metres and 5.2 metres respectively). The combination of the extension's depth, its eave-heights and its overall massing will add a significant amount of bulk to the building.

This additional bulk, when sited within such close proximity to the neighbouring boundary (1.2 metres), would diminish the outlook from the neighbouring bedroom/landing windows, and would dominate the adjacent access path, side window, front-door area and rear conservatory. The openness currently enjoyed by the neighbouring property would be significantly reduced and overall it is considered that the proposal, due to a combination of its overall length, scale, and close proximity to the adjacent residential property, would create an oppressive and overbearing development that would cause significant harm to the amenities of adjacent residents.

Overlooking/Loss of Privacy

The application site is located in an area in which overlooking is not uncommon at the front of properties. Although the new front-facing window of the proposed house would face directly towards the property on the opposite side of the road, the impact of partial overlooking here is not considered to be significant, given that a certain degree of overlooking already occurs in this area, and overlooking from the front is not an unusual situation.

The side-facing ensuite bathroom windows at first-floor level and the side-facing windows/doors at ground-floor level are not considered to result in any harmful loss of privacy. Oblique overlooking from the proposed rear-facing windows is not considered to result in any significant loss of privacy to the adjacent rear gardens.

Highway Safety

After concerns were raised about the layout of the parking (and turning/manoeuvring within the site), amended plans have been submitted which show that sufficient parking provision will be provided to the front of both houses. Whilst this means the loss of garden area, the five parking spaces proposed meets the criteria sought for such a scheme, subject to conditions regarding access and disposal of surface water.

Archaeology

The design and access statement that accompanies this application recognises that there is potential for the site and also considers that this potential would have been removed by significant works including drainage, patio and a garden pond. Whilst it is appreciated that this may well be the case, the proposal is for a relatively large new extension, presumably also with new services to allow the property to be split in two. In addition, the patio appears to be raised on the accompanying photography, suggesting that the previous footprint of impact might be less significant than that around the side of the house.

It is therefore recommended that if minded to approve, a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

Affordable Housing/ Public Open Space Contributions

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 and Core Policy 3 of the South Wiltshire Core Strategy, applicants are required to enter into a legal agreement and provide a commuted financial payment. Without the completion of such a legal agreement, this issue should form a reason for refusal; albeit one that can be overcome with the submission of a legal agreement should other issues be overcome.

Additional points raised by the applicants at the last committee

The following are the additional points raised by the applicants at the last committee (in italics) with officer comments underneath

The proposed extension, extends 2M out from the existing kitchen single storey extension. and not 6m as stated

The measurement depends where you measure from. the proposed extension extends four metres from the wall of the original dwelling house. When measured from the existing single storey extension this is 2M as stated by the applicant

Height of eaves of proposed rear extension 5.2M not 6.4M as stated

The height of the eaves of the hipped roof on the rear of the extension is as stated in the officers report 6.4M the side of the extension (where it faces the neighbouring property) is 5.2M

No additional ground floor windows or doors planned for western side

This is correct although the existing door and window are shown moved to an alternative location.

Increased width of 2.1 to eastern side not 1.5m

The increased width to the side boundary is 2.1M not 1.5M

There are no side doors in 43a

This is correct the officer report has been amended

47A is linked detached not detached

For planning purposes the house is detached. whilst the two single storey garages abut each other the two dwellings are essentially detached.

Block plans accompanying the report are out of date and omit the recently built conservatory at 43a and the side extension to 47a

Members will be aware that the plans accompanying the committee report are the councils own maps and are intended to indicate where the site is only, *they are not intended to substitute the plans submitted with the application.*

The report fails to mention that after being informed that the application was going to be refused we offered to reduce the height of the eaves but were told that these compromises were unlikely to change the Planning Officer's recommendations yet the eave height feature as a reason for refusal

Officers did not consider that the amendment being offered would alter the fundamental reasons for refusal that are outlined in this report.

10. Recommendation

That planning permission be REFUSED for the following reasons:

1. The proposed development, by reason of its cramped appearance, and by reason of its size and massing, would detract from the appearance of the street. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).
2. The proposed development, by reason of its proximity to the side boundary of the site with no. 43a Ladysmith, and by reason of its overall size, length and design (with

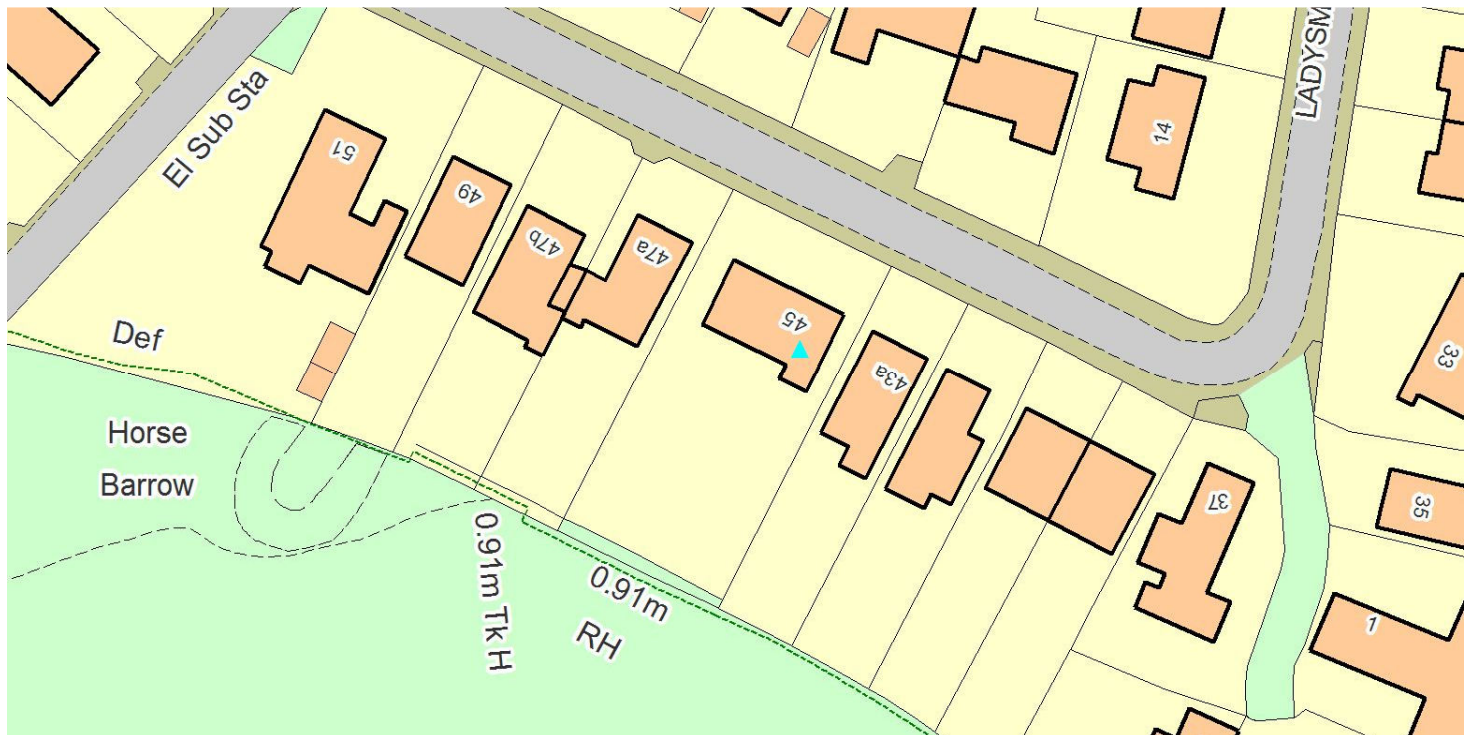
high-level eaves), would have an overbearing impact on no. 43a Ladysmith to the detriment of the occupiers' amenities. This is contrary to Policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

3. The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional house. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

INFORMATIVE:

It should be noted that the reason for refusal 3 given above relating to Policy R2 and Core Policy 3 of the South Wiltshire Core Strategy could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, in accordance with the standard requirement for recreational public open space and affordable housing provision.

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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	25 October 2012	
Application Number:	S/2012/1112/FULL	
Site Address:	19 Southbourne Way Porton Wiltshire SP4 0NN	
Proposal:	Retrospective application for the raising of the roof ridge by 750mm and the construction of three dormer windows in rear roof slope and one roof light in front roof slope.	
Applicant / Agent:	Mr Steve Mankin	
City/Town/Parish Council	Idmiston Parish Council	
Grid Reference:	Easting: 418765 Northing: 136887	
Type of Application:	FULL	
Conservation Area:	No	
Case Officer:	Steven Banks	Contact Number: 01722 434704

Reason for the application to be considered at this Committee meeting:

The Division Member has requested that the application be considered by the Planning Committee.

1. The purpose of the report

To consider the application and the recommendation of the Area Development Manager that planning permission be **granted** subject to conditions.

2. Report summary

Appeal APP/Y3940/D/11/2155123 against the refusal of planning application S/2011/0527/FULL was allowed and granted planning permission for the raising of the roof ridge of the dwelling by 600mm and the construction of three rear dormer windows. The current application is for the raising of the roof ridge of the dwelling by 750mm and the construction of three rear dormer windows. The proposal also incorporates a roof light in the front roof slope.

The appeal decision forms a material consideration in the determination of this planning application and represents the fall back position should the proposal be refused. The objective of this report is to consider the impact of the increase in the ridge height of the dwelling (by a further 150mm above the 600mm increase approved under planning permission S/2011/0527/FULL) on the residential amenities of the occupiers of the nearest dwellings and the character and appearance of the dwelling and area surrounding the site.

In summary, it is considered that the increase of the ridge height by 150mm above that approved under planning permission S/2011/0527/FULL is insignificant within its context, and does not harm the residential amenity of the occupiers of nearby properties, the character and appearance of the dwelling and the character and appearance of the area surrounding the proposal site.

The application has generated objections from Idmiston Parish Council and nine local residents. The application has generated support from three local residents.

3. Site Description

This application relates to a detached buff brick and reconstituted stone dwelling, under a brown concrete tile roof, which is located on the eastern side of Southbourne Way in Porton. The proposal site forms part of a residential area, and is within the Porton Housing Policy Boundary and Special Landscape Area.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2009/1885/FULL	Planning permission was sought for the raising of the dwellings roof and walls and the construction of a rear dormer window, rear conservatory and open front porch.	The application for planning permission was refused on 4 February 2010. The decision was appealed and dismissed on 16 June 2010.
S/2011/0527/FULL	Planning permission was sought to raise the roof of the dwelling and to construct three rear dormer windows.	The application for planning permission was refused on 31 May 2011. The decision was appealed and allowed on 10 August 2011.

5. Proposal

Retrospective planning permission is sought to raise the roof ridge of the dwelling by 750mm and to construct three rear dormer windows. A rooflight is also proposed in the front roof slope.

6. Planning Policy

Salisbury District Local Plan policies (which are 'saved' policies of the adopted South Wiltshire Core Strategy):

- G2: General criteria for development
- D3: Extensions
- H16: Housing Policy Boundaries
- C6: Special Landscape Area

7. Consultations

Idmiston Parish Council: The Parish Council objects to this application for reasons similar to those relating to the previous application. The PC remains of the opinion that raising the roof by 750mm will adversely affect the character of the street and will result in a loss of privacy/amenity for a number of adjacent properties.

Raising the roof to the extent that has taken place has resulted in a building of incongruous appearance in a street of single storey bungalows particularly now that the cascade of rooflines which is an important component in the character of the area has been disrupted.

We reiterate that Southbourne Way was designed and built as a development of single storey dwellings which, by virtue of the variation in building lines and modest size of plots, cannot accommodate the insertion of another storey, particularly of the dimensions now proposed without a degree of overlooking taking place.

8. Publicity

The proposal was publicised by way of site notice and neighbour notification. Letters of objection have been received from nine local residents. Letters of support have been received from three local residents.

In summary the letters of support state that:

- the works which have been carried out are moderate and no more excessive than other extensions and roof modifications made in the street;
- the resultant dwelling does not look out of place with neighbouring properties;
- the roof ridges of the properties in the street vary in height due to the slope of the land and the roof ridge of the proposal would not look out of place with the neighbouring properties;
- the modifications to dwellings in the street enhance the street's character;
- the proposal does not adversely affect the character of the street;
- the proposal does not affect the privacy of number 21 Southbourne Way;
- the proposal improves the character of the property;
- the property's energy efficiency will be improved and its carbon footprint reduced; and
- the area of useable space within the property has been increased without detracting from the original design concepts.

In summary the letters of objection state:

- the new roof is very obtrusive and overshadows its neighbours;
- the new roof interrupts the cascade of rooflines along the street;
- the insertion of a roof light on the front elevation would be an anomaly for the street;
- the roof light sets a precedent;
- the new roof dominates the bungalow; and
- the three dormer windows spoil the character of the area.

It should be noted that references have been made in some of the letters to the ridge of the roof being raised by 900mm as opposed to the 750mm which is stated in the application form. A member of Wiltshire Council's Planning Enforcement Team has visited the site, measured the increase in the height of the dwellings roof ridge, and confirmed that the roof ridge of the dwelling has been raised by 750mm.

9. Planning Considerations

The issues which are considered material to the determination of this application are listed below:

1. Principle of development
2. Amenities of adjoining and nearby residents

3. Character and appearance of the area

9.1 Principle of development

Saved policy H16 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits small scale development and redevelopment within Housing Policy Boundaries. The proposal falls within the Porton Housing Policy Boundary. The proposal is, therefore, in accordance with saved policy H16.

9.2 Amenities of adjoining and nearby property

The current application is for the raising of the roof ridge of the dwelling by 750mm and the construction of three rear dormer windows. The proposal also incorporates a roof light in the front roof slope.

The earlier allowed appeal was for the raising of the roof ridge of the dwelling by 600mm and the construction of three rear dormer windows. The dormer windows now proposed are very similar in size and siting to those previously allowed.

The Inspector in allowing the appeal stated that No 19 sits forward of its neighbours, and overlooking of adjoining rear gardens would be substantially limited by the garage to No 17 and the side wall and roof of No 21. It was further stated that any views towards the adjoining bungalows themselves would be at a very sharp angle and would also therefore be restricted. It was concluded that the privacy of the neighbouring properties would not be unduly harmed.

It is considered that the relationship between the currently proposed dormer windows and the neighbouring properties remains very similar to that in the earlier allowed application, and consequently no harm would be caused to residential amenity as already concluded by the inspector.

The Inspector also considered that the proposed new roofline and dormers would not be intrusive on the outlook from neighbouring properties and would have little impact on light. Again, the increase in the roof ridge height by a further 150mm (from 600mm to 750mm) is considered slight within this context, and consequently would not be intrusive or impact on light.

9.3 Character and appearance of the area

The appeal inspector considered that the proposal would only raise the roof slightly, so that the cascade of rooflines along the street would not be interrupted. He further considered that the proposal would have a minimal effect on the size of the side gable walls of the building and that the rear dormer windows would be partially screened by the main roof and would be an unremarkable feature. It was also considered by the Inspector that the proposal would add to the variety of the street scene without causing the bungalow to stand out significantly from its neighbours. It was concluded by the inspector that, the proposal would preserve the character and appearance of the locality, including the local landscape, and therefore accorded with the Salisbury District Local Plan Policies D3, G2 and C6, which aim to ensure that development respects existing architectural character, avoids harm to the landscape and, in particular, that extensions are both compatible with the property and carefully integrated with other properties

The proposal is to raise the roof ridge by a further 150mm to 750mm above original. This change to the 600mm increase allowed at appeal is considered to be slight, and so does not change the conclusions already drawn by the inspector. In particular, it is considered that the appearance of roof lines in the street scene would not be harmed, and the character and appearance of the area would be maintained.

9.4 Other matters

In determining the appeal the Inspector stated that a precedent would not be set by the approved development. Specifically he noted that the wider area is characterised in part by a wealth of bungalows, and that no. 19 would remain essentially a bungalow, with most of its accommodation at ground floor level and its roof starting just above its ground floor windows; and any future proposals should be decided on their own merits, in light of prevailing policies. These circumstances remain relevant to the current application.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The increase in the ridge height of the dwelling, by 150mm above the 600mm increase approved under planning permission S/2011/0527/FULL, is considered to have no significant impact on the residential amenities of the occupiers of nearby properties, the character and appearance of the dwelling and the character and appearance of the area surrounding the proposal site. The proposal is therefore considered to be in accordance with the aims and objectives of the saved policies G2, D3, C6 and H16 of The Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

And subject to the following conditions:

This approval relates only to the following drawings:

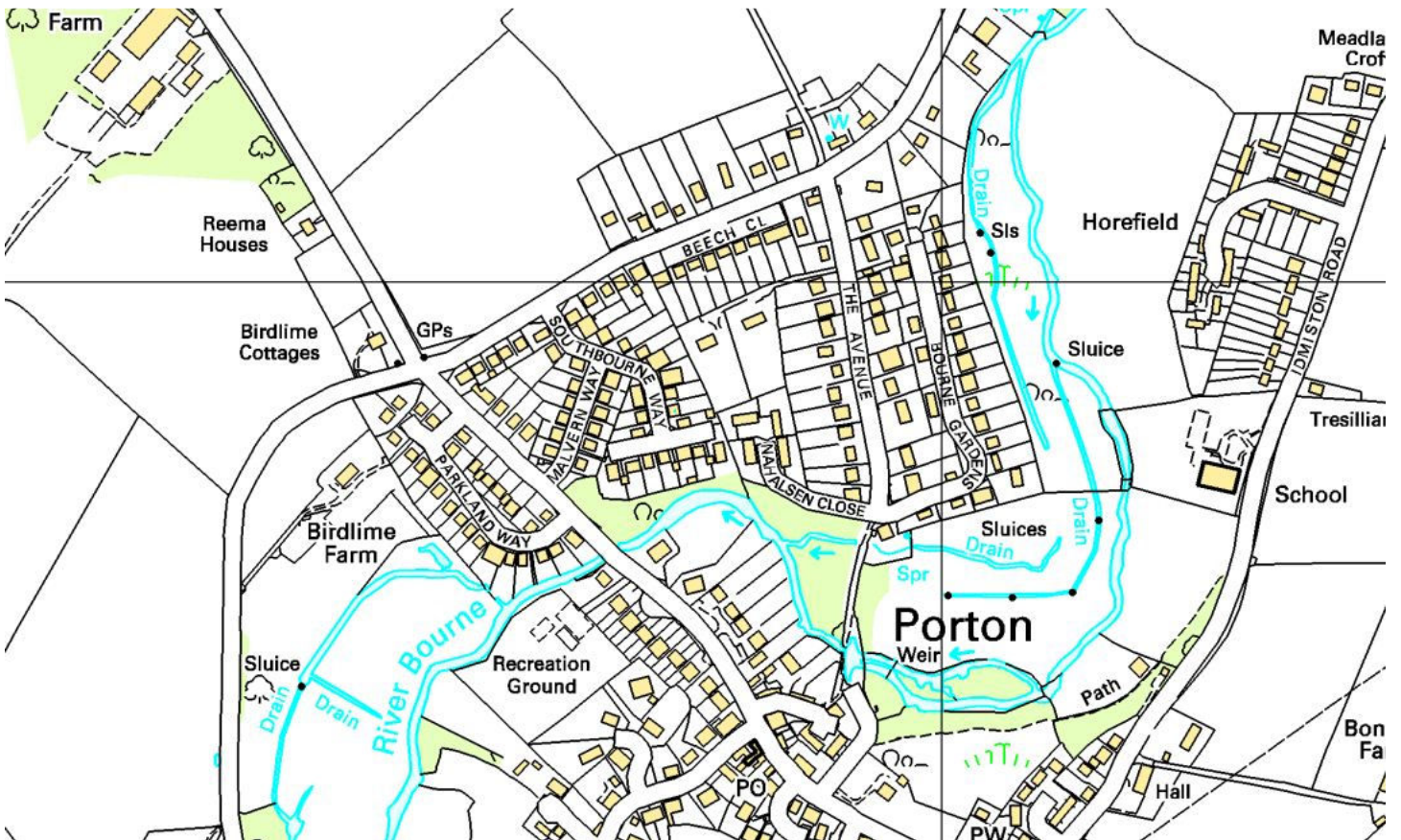
Proposed elevations: Drawing number: 11027/2 A Date received by Wiltshire Council: 03/08/2012

Proposed cross section, proposed roof plan and proposed floor plans: Drawing number: 11027/1 Date received by Wiltshire Council: 03/08/2012

Reason: For the avoidance of doubt.

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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting	25 October 2012		
Application Number:	S/2012/0616/FULL		
Site Address:	Church Cottage, Portnells Lane, Zeals		
Proposal:	Formation of new pedestrian and vehicular access and the erection of a detached dwelling and car port		
Applicant/ Agent:	Mr Diccon Carpendale		
Parish:	Zeals		
Grid Reference:	378025 131787		
Type of Application:	FULL		
Conservation Area:	Zeals		
Case Officer:	Andrew Bidwell	Contact Number:	01722 434 381

Reason for the application being considered by Committee

Councillor Jeans has requested that the application be determined by Committee due to:

- Significant public interest in the proposal

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows

- Principle of development
- Scale and design / Impact on the character and appearance of the Conservation area
- Landscaping
- Impact on neighbour amenities
- Parking and Highways
- Section 106 requirements

The application has generated objections from Zeals Parish Council, no indications of support and 10 letters of objection from the public.

3. Site Description / constraints:

The site is located within the north corner of the existing residential curtilage of the dwelling known as Church Cottage. Church Cottage has both vehicular and pedestrian access off Portnells Lane, Zeals. The site is also immediately adjacent to St Martin's Church, is within the Housing Policy Boundary, the Conservation Area and the wider AONB.

4. Relevant Planning History

S/1998/1022, Ground Floor Rear Extension, approved 8/06/98

5. Proposal

It is proposed to erect a detached 3 bedroom dwelling with vehicular access off Portnells Lane, on site parking and an open sided car port.

6. Planning Policy

The following policies are considered relevant to this proposal:

Saved policies of the adopted Salisbury District Local plan - appendix C of the Adopted South Wiltshire Core Strategy:

- G1 General Principles for Development
- H16 Residential Development within Housing Policy Boundaries
- D2 General Townscape (Infill Development)
- R2 Adult recreation Open Space Provision / Off site adult recreation
- TR11 Off Street Parking Spaces

Adopted South Wiltshire Core Strategy:

Core Policy 3 - Affordable Housing provision.

Core Policy 16 - Meeting Housing Needs in the Mere Community Area (private sector requirements)

National Planning Policy Framework (NPPF):
(amongst others);

Part 6 - Delivering a wide choice of high quality Housing

Part 7 - Requiring Good Design

7. Consultations

Parish Council:

Concerns regarding the following matters have been raised:

- Highway safety- with the proposed entrance located close to a bend in the road and nearly opposite the Zeals Rise road junction.
- Height of the proposed dwelling and the resultant impact on the adjoining property and the site line to the church tower.
- Over development of the site- resulting in two properties with very small gardens.
- Loss of the road side hedge and the resulting impact on the street scene.
- Changes in Planning Policy- Recent changes to national planning policy with regards to 'Garden Grabbing'

Wiltshire Fire and Rescue Services: Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers.

Wessex Water: Standard advice given regarding Water Supply and Waste Connections

Wiltshire Council Highways: It is considered that the development proposed will not have a significant effect on highway safety. A site visit was carried out and the highways officer is satisfied that the proposed visibility splays at the new site access are in compliance with the advice offered in 'Manual for Streets'. Therefore it is recommended that no highway objection be raised to this application subject to conditions.

Conservation Officer: The conservation officer objected to the original proposal raising concerns regarding the overlooking of the church yard from the two first floor windows in the rear elevation, the loss of mature hedging would be regrettable, the view from Portnells Lane would not be preserved and Church Cottage would appear cramped on the remaining plot.

Amended plans: The lowered ridge and shortened building are welcome for the reduction in harm to views from the west towards the church. The amendments to the rear significantly reduce the potential for overlooking, or perceived overlooking, of the churchyard. Continue to have reservations about development of the site for a new dwelling, and the cramping effect on Church Cottage, but it is certainly much better than the initial proposal.

8. Publicity

The application was advertised by site notice, and neighbour consultation. 10 letters mostly objecting have been received raising the following issue:-

- Hours of working should be restricted during construction to avoid noise disturbance
- Consideration must be given to closeness of the church and grave yard
- Concerned about the established hedge and trees on the site will be affected
- Plot cannot sustain a property
- Highway safety will be compromised
- Trees on the plot should be left alone
- Additional domestic traffic will be generated
- Proposed vehicular access will cause a dangerous situation
- Design is inappropriate for the site
- Grave yard should not be overlooked
- Size of the dwelling is not compatible with the site

9. Planning Considerations

9.1 Principle of development / Policy Considerations

The proposal will affect a site within the defined development limits – Housing policy boundary – of Zeals. In such location the principle of development is generally acceptable and as such there is no objection to the proposal in principle subject to it conforming to amongst others, saved policy H16 of the adopted Salisbury District Local Plan.

Policy H16 states that:

Infilling, small scale development and redevelopment will be permitted within the Housing Policy Boundaries of: (amongst others), Zeals.

The policy will be subject to the following criteria:

- (i) the proposal will not constitute tandem or inappropriate backland development;
- (ii) the proposal will not result in the loss of an open area which makes a positive contribution towards the character of the settlement; and
- (iv) the proposal will not conflict with the Design Policies of the Plan.

The site is currently in residential use as part of the garden to Church Cottage. Church Cottage is located within the defined housing policy boundary of Zeals and the Conservation Area. In such locations the principle of residential development is accepted and proposals should be dealt with on their individual merit and suitability for the site. In this case the proposal site is within the Conservation area and is adjacent to a listed building St Martin's Church. As such the impact on the character and appearance of the Conservation Area and the setting of the listed building are principle matters for consideration.

9.2 Scale and design / Impact on the character and appearance of the Conservation area / setting of the listed building.

The proposed dwelling is positioned as close to the northern boundary as possible. This Position has been chosen to ensure that dwelling will not obstruct views through to St Martin's Church from Portnells Lane. This is a significant aspect of this proposal on which the conservation officer has expressed his concerns. These concerns have centred on a preference for the site to remain open and that if it does not, the character of the conservation area would not be preserved.

However, amended plans have been negotiated aimed at reducing the impact of the dwelling in this regard and the conservation officer has considered that this aspect of the proposal is now much better.

Whilst the dwelling - albeit smaller - remains in the same position as originally proposed, the amended plans have achieved a reduction in both ridge height and overall length. These amendments when considered in combination with the fact that much of the immediately adjacent residential road (where views to the church are most likely to be affected) - Zeals Rise, is notably higher than the site, will assist in limiting any obstruction to views through the site to the Church. It is considered therefore that this proposal as amended will not result in the loss of an important view in the Conservation area, nor will it adversely affect, the character and appearance of the area to an extent that would justify refusal.

Scale

The dimensions of the proposed building are shown on the amended plan and the main gable width is 5.5 metres and the main ridge height is 6.5 metres. In order to further reduce the scale of the building visually the north gable end is stepped down from the main ridge by 0.5 of a metre and an element has been introduced on the south west elevation - facing the road - showing a narrower gable width of 3.7 previously 4.3 metres. It is considered that these features will ensure an overall consistency of scale with the narrow gable widths and relatively low ridge heights of traditional cottages in this area.

Design

It is proposed to construct the dwelling using natural stone walls with plain clay tiles of a red brown multi colour for the roof covering. It is proposed to finish the upper storey of the narrow gable feature on the south west elevation using horizontal timber boarding to be left natural which will result in a silver grey colour. The doors windows fascias and soffits are also proposed to be (painted) timber. These materials are considered to be appropriate for this conservation area setting generally and in relation to the setting of the listed Church.

In answer to the concerns raised regarding impacts including overlooking onto the church yard, the rear north west elevation has been significantly amended. This has resulted in the removal of two gable style bedroom windows and the consequent levelling of the eaves across the main part of the rear elevation. The only remaining first floor window in the rear is a stairwell window which due to its position partly behind the existing hedge, is not considered likely to give rise to any unreasonable overlooking.

In regard to the matter of 'garden grabbing' raised by neighbours and the Parish Council, the proposed site is not considered to amount to garden grabbing. The relevant recent change in planning legislation which refers to garden grabbing in affect removes residential gardens from the definition of previously developed land or, 'brownfield' land and the minimum density expected from developments. This does not however, remove the possibility of developing gardens provided they are in development limits and are otherwise suitable for development. What this in affect means is that greater emphasis can be placed on local distinctiveness in all areas including plot size.

Zeals is generally a very eclectic area with many varied house types styles sizes and ages. This applies to local plot size where gardens also vary greatly. In this case the garden for both Church Cottage and the new dwelling is not considered to be at odds with the local variations in garden size and local distinctiveness generally. It is clear from the plans that ample residential amenity space will remain for both dwellings.

9.3 Landscaping

The site is well enclosed with mature hedges. These will be retained and where the access is to be formed hedging plants will be repositioned and supplemented just inside of the required visibility line. The existing mature Beech tree on the northern boundary will be retained and a new mixed thorn hedge will be planted to form the boundary between Church Cottage and the proposed dwelling.

9.4 Impact on neighbour amenities:

The dwelling will be positioned at the northern corner of the site. This will result in the nearest part of the dwelling being approximately 2.5 metres from the boundary with Little Acre. However this will be the single storey utility room end which has no first floor accommodation and thus, no windows will be inserted. As such there is no reasonable prospect of overlooking from this end. However, a condition will be imposed to prevent additional windows and openings from being added in future without the need for express planning permission.

Furthermore, Little Acre is positioned approximately 6.5 metres from the boundary and approximately 8.5 from the single storey part of the new dwelling. This interrelationship between the dwellings combined with an improved residential boundary treatment is not considered likely to result in any unreasonable level of overshadowing or disturbance. As such the proposal is not considered likely to adversely affect neighbour amenity.

9.5 Parking and Highways:

Matters of concern regarding highway safety have been raised by neighbours and the Parish Council. These concerns centre on highway safety issues mostly the perceived danger from the use of the proposed access. Whilst these concerns are noted the comments of the highways department do not advise that the access would be unsafe. As such having carried out the appropriate statutory consultation and having received

comments from a highways officer that do not object to the access, it is not considered reasonable or, defensible to oppose the application of highway safety grounds.

With regard to the proposed on-site parking and the car port, there are no objections to these aspects of the proposal. The car port itself will be constructed from timber with a pitched tiled roof and will be open on all sides.

9.6 Section 106 requirements:

This proposal will generate the need for contributions to be paid for off-site adult recreation provision, and for an affordable housing contribution. Therefore, in order that the proposal complies with policies R2 (adult recreation) and CP3 affordable housing, the applicants will need to enter into a section 106 legal agreement with the council to secure appropriate commuted sums.

10. Conclusion

For the reasons set out above this proposal is considered to be acceptable from a planning point of view.

11. Recommendation:

Subject to signing a section 106 agreement for the provision set out at 9.6 above, Approve for the following reason:

The proposed development as amended, accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), CN5 (setting of listed buildings) CN8 (Conservation Areas), D3 (design criteria), and H16 (Housing Policy Boundary) of the saved policies of the adopted local plan, insofar as the proposed development is considered to be compatible in terms of the scale, design and materials and would not adversely affect the amenity of the neighbours, the character of the surrounding conservation area and highways safety.

The proposal is also considered to be compatible with the aims and objectives of the Local Planning Policy Framework (LPPF), in particular Part 6 - Delivering a wide choice of high quality Housing Part 7 - Requiring Good Design and, Decision Taking - paragraphs 186 – 187, in so far as the council has worked with the applicants to secure a negotiated acceptable development.

Subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the carriageway edge, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

3 The sides of the access shall be splayed outward at an angle of 45 degrees from 4.5 metres back from the carriageway edge.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

4 Any gates to close the access shall be set back a minimum distance of 4.5 metres from the edge of carriageway, such gates to open inwards (away from the highway) only.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

5 The gradient of the access shall not at any point be steeper than 1 in 15 for a distanced of 4.5 metres from its junction with the public highway.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

6. No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

Policy: G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

9. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.
Policy- G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

10. No development shall commence on site until details of any screen walls and/or fences and hedging have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences and hedging shall be erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.
Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

11. Tree protection existing trees on site.

- (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 prior 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) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. 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 prior written consent of the Local Planning Authority.

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) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- G1, H16, D2, CN5, CN8 adopted Salisbury District Local Plan

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north west (end), north east (rear) and south east (end) elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

13. The construction of the development hereby permitted shall only take place between the hours of 07:00 am and 6:00 pm from Mondays to Fridays and between 07:00 am and 12:00 midday Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Policy - G1, H16, D2, CN5, and CN8 adopted Salisbury District Local Plan

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

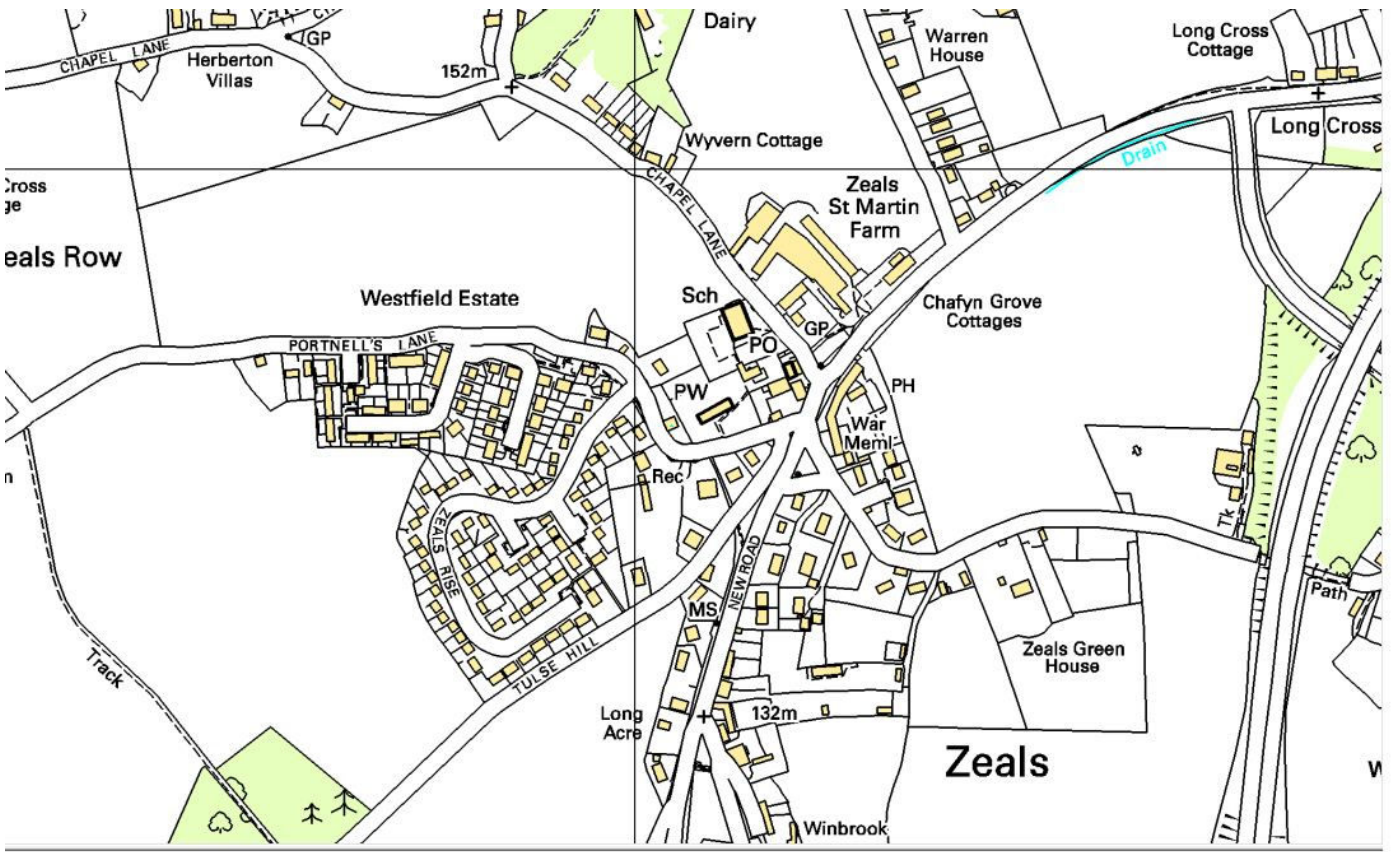
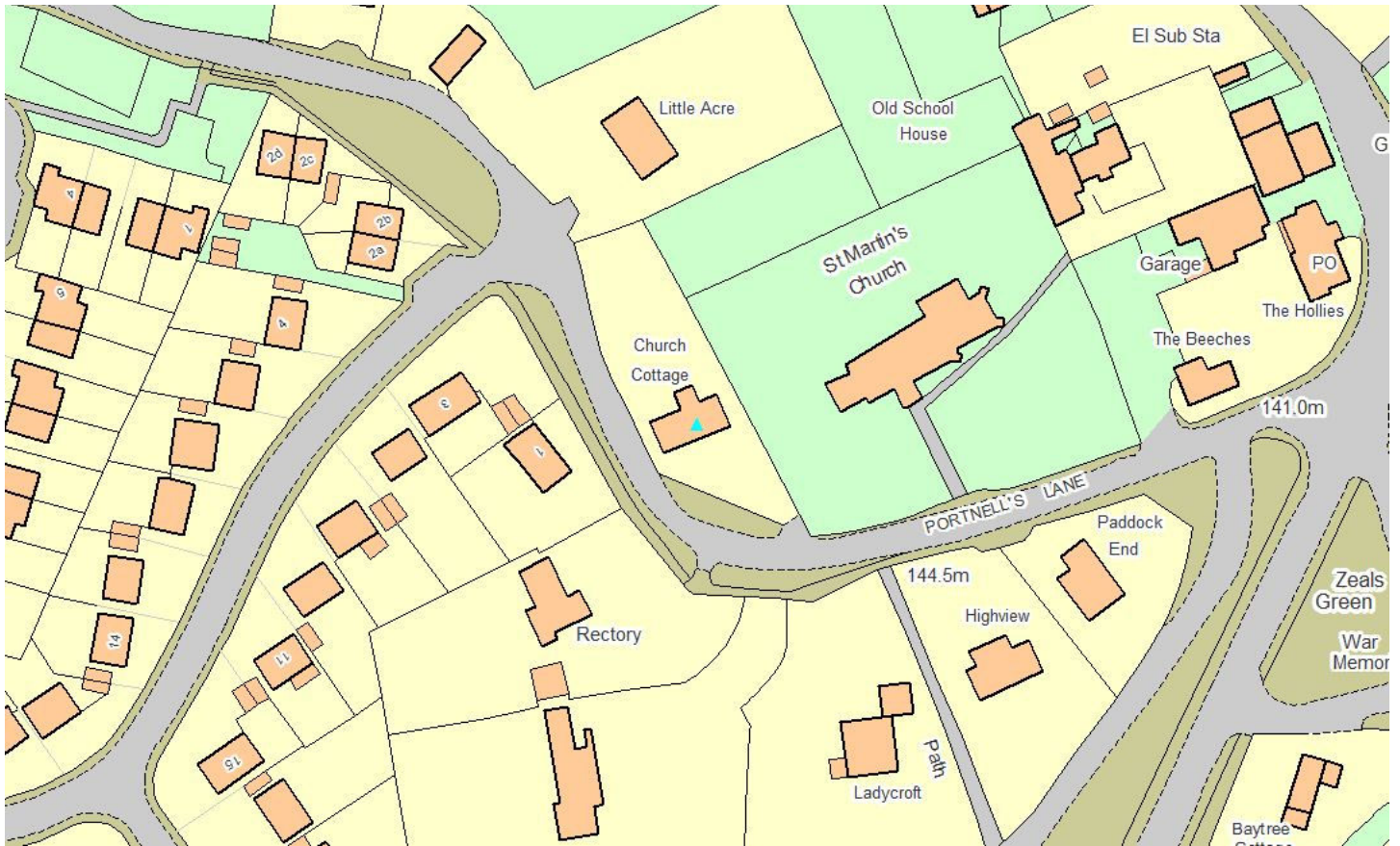
Drawing ref.no. 11066 – 3 A, Block & Location Plan, received on 26/04/12

Drawing ref.no. 1106 – 2, Revision D, Proposed Plans. Elevations, Sections, Site and Roof Plan received on 10/08/12

REASON For the avoidance of doubt.

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- Land adjacent to Church Cottage, Portnells Lane, Zeals, BA126PG



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	25/10/2012		
Application Number:	S/2012/1189		
Site Address:	The Old Chapel, Tuckingmill, Tisbury, SP3 6JA		
Proposal:	Installation of a stainless steel flue, painted black, (retrospective)		
Agent:	Mr Simon Fowler		
Parish Council	West Tisbury		
Electoral Division	Tisbury	Unitary Member	Cllr Tony Deane
Grid Reference:	E 394050 N 129312		
Type of Application:	Full		
Conservation Area:	Tisbury		
Case Officer:	Mr Matthew Legge	Contact Number: 01722 434398	

Reason for the application being considered by Committee

Cllr Tony Deane concerned that this matter needed to be determined by Committee due to the concern expressed from neighbours and the Parish Council:

- 1) Scale of development
- 2) Visual impact upon the surrounding area
- 3) Relationship to adjoining properties
- 4) Environmental/highway impact

“If this had been consulted on BEFORE construction an existing flue at the rear could have been used, the stainless steel would therefore not exist and would not need painting which is only a short term solution with high maintenance. I have heard people say that downdrafts in the area cause the smoke to enter local buildings, this is not acceptable especially with the chance of asthmatics living in the area.”

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated an objection from West Tisbury Parish Council.

Neighbourhood Responses

1 letter has been received objecting to the proposal.

3. Site Description

The Old Methodist Chapel is located within a Conservation Area and additional within an AONB. The application site also located within close proximity to Oddford Brook and is in an area of flooding.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2010/1026	To provide a kitchen/canteen to the north west end (to the rear) of the chapel workshop to include a shower and toilet facility within the extension.	AC
S/2010/0492	To provide a kitchen/canteen to the north west end (to the rear) of the chapel workshop to include a shower and toilet facility within the extension.	WD
S/1995/1058	For existing use of buildings and land as workshop and store in connection with the business of a general builders	AC
S/2012/0394	Installation of stainless steel flue (retrospective)	WD

5. Proposal

Installation of a stainless steel flue, painted black, (retrospective)

6. Planning Policy

Adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Paragraph 28 of the National Planning Policy Framework

7. Consultations

West Tisbury Parish Council – Object:

- *“The primary concerns are the emissions from the flue. They are unpleasant and can cause health problems.*
- *The immediate neighbours are adversely affected by the emissions from the flue pipe and are suffering a detriment.*
- *The applicants state that the flue pipe is necessary for heating, but a flue is already in place at the rear of the chapel. One flue is sufficient for heating purposes. There should be no necessity for a second flue.*
- *The applicant previously proposed that the flue could be resituated on the other side of the chapel roof, which would resolve the problem.*
- *The current application to paint it black is not a significant change and the flue is still an eyesore.”*

WC Conservation – No objections

WC Environmental Health – *“I refer to the above mentioned planning application. Having looked at the application regarding the installation of the steel flue on the roof of the Tuckingmill Methodist church I have concerns that the smoke emitted from the chimney has the potential to be detrimental to the amenity of the surrounding residential properties. I note there have been complaints from neighbouring premises since the installation was carried out.*

I recommend the following condition to be applied to the application.

1. *The cowl be removed from the stainless steel flue and replaced by an accelerator cone.*

- Explanation: to aid the dispersion of smoke, protect amenity of nearby residents*
- 2. That the scheme be implemented within three months of approval of this application.”*

8. Publicity

1 Letter of objection has been received:

“In summary, therefore, we would like strongly to recommend that this planning application should be refused.

- The installation is ineffective and causes a detriment to neighbouring properties*
- There is an environmental health hazard from the smoke which pervades our properties*
- There is already a new stove pipe installed at the rear of the Old Chapel which ought to be sufficient for heating purposes. However, if another stove pipe is necessary, consideration could be given to an installation on the northern elevation which would be out of sight and away from neighbouring homes.*
- The installation is an eyesore in this Conservation Area and in the Area of Outstanding Natural Beauty”*

9. Planning Considerations

9.1 Principle of development

Officers are keenly aware of the need to support rural enterprises as set out within the National Planning Policy Framework (NPPF):

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
 - support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

The Local Planning Authority wishes to comply with the aims of the NPPF and wishes to equally support appropriate development of and the expansion of rural businesses. The principle of a flue or chimney on the Old Chapel is acceptable and in this instance requires planning permission as the use of the chapel is for a business.

9.2 Impact upon visual amenity and landscape character

This application seeks retrospective planning permission for the installation of a stainless steel flue which has been proposed (within this application) to be painted black. This application follows the withdrawal of application S/12/394 which notably received an objection from the Parish Council and a Wiltshire Council Environmental Health Officer. This application has not proposed any alteration to the design of the flue but has proposed to paint it black in an attempt to mask its appearance within the immediate area. Officers note that a Conservation Officer has not objection to this application but that the visual appearance of the flue has received an objection from the Parish Council and an immediate neighbour at No.103 Tuckingmill. Officers consider that the unpainted shiny stainless steel flue could be considered to be visually inappropriate on the exposed southern roof slope of the Old Chapel. However, it is considered that once the flue is painted in a matt black, the

flue would be less dominant within the street scene and would be therefore acceptable. It is considered that the flue once painted black would have a limited impact on the wider Conservation Area/AONB; indeed the Conservation Officer has raised no objection to this application. The painting of the flue could be controlled via an imposed condition upon any approval.

9.3 Impact upon neighbour amenity

This application (*like the last withdrawn application*) has received objections from the Parish Council and the neighbouring property (known as No.103). Concern has been expressed that the omissions from the flue would be detrimental to the health and amenity of local residents. The concern from omissions has been investigated by a Wiltshire Council Environmental Health officer who is noted in this instance to have not objected to this application. An Environmental Health Officer has recommended a condition which would require the installation of an accelerator cowl which would direct the omissions further up and away from the ridge and this reducing the potential of smoke interfering with neighbouring properties. This suggested flue would therefore in the opinion of an Environmental Health officer reduce the detrimental impact to neighbouring amenity. As no objection to this application has been raised from Environmental Health it is considered that with the suggested accelerator flue suggested impacts to neighbouring amenity would be limited.

10. Conclusion

It is considered that the proposed flue could be treated in such a way so to preserve the character of the surrounding area and altered with resultant improvements to the suggested impact to neighbouring amenity whilst also still providing the desired support to a rural business.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed retrospective installation of an black (painted) stainless steel flue serving a wood burning stove is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities or the AONB/Conservation Area and is therefore compliant with adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy and paragraph 28 of the National Planning Policy Framework.

And subject to the following conditions:

(1) Within 3 months from the date of this permission, the retrospective stainless steel flue hereby approved shall be painted black and shall have a matt finish.

REASON: In the interest of the preserving the visual character of the Conservation Area and the AONB.

POLICY: D3 (Design) CN8 (Conservation Area) C4 & C5 (AONB)

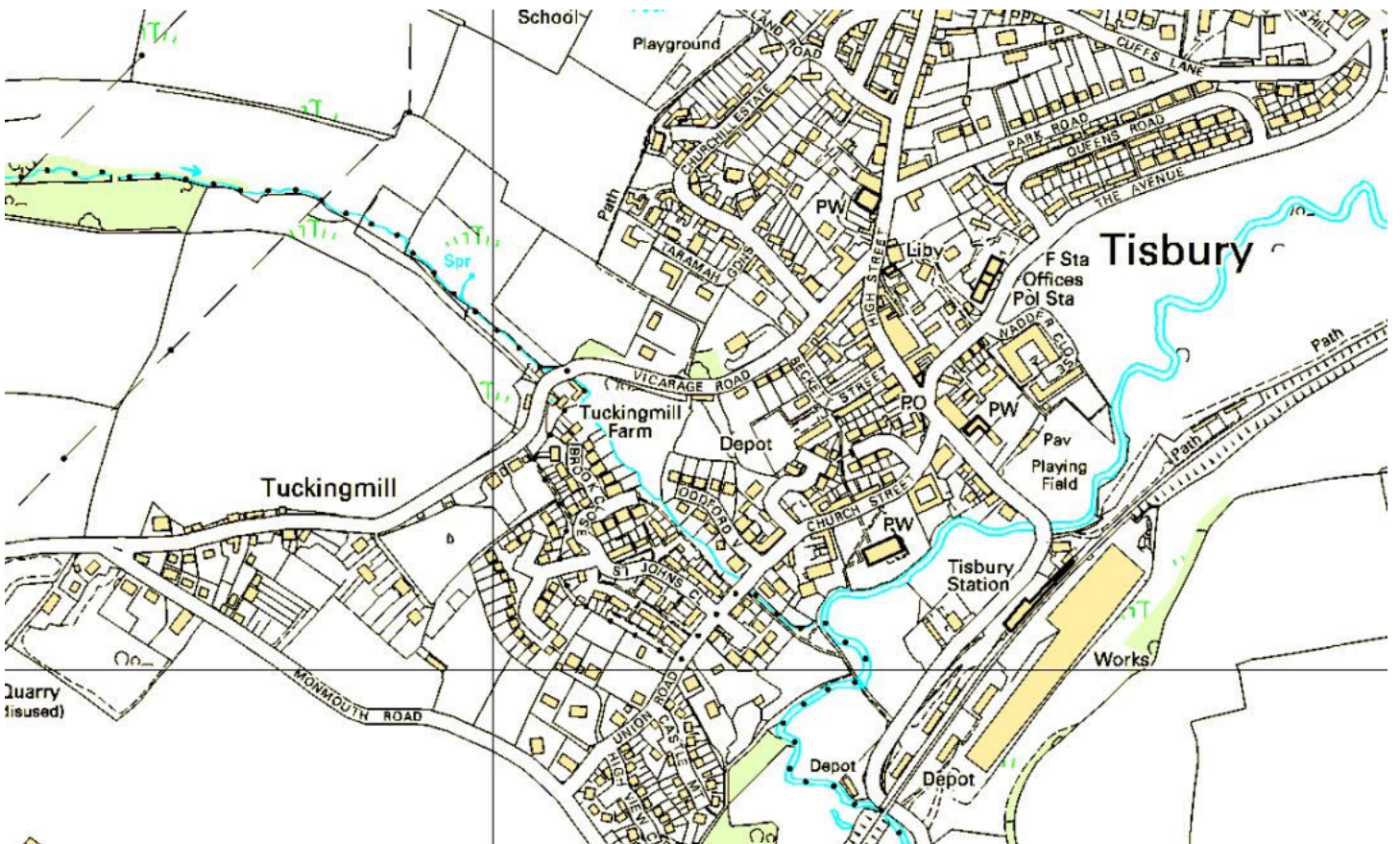
(2) Within 1 month from the date of this permission, a scheme for an accelerator chimney cowl shall be submitted to and be approved by the Local Planning Authority. Such an approved scheme shall then be carried out within 3 months of the date of the Local Planning Authority's approval letter.

REASON: In the interest of neighbouring amenity.

POLICY: G2 (General)

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- The Old Chapel, Tisbury, SP3 6JB



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	25/10/2012		
Application Number:	S/2012/1205		
Site Address:	15 Bishops Drive, East Harnham, Salisbury		
Proposal:	Construction of conservatory to existing first floor terrace		
Applicant / Agent:	Mr Colin Burrows (<i>Damen Associates Limited</i>)		
City/Town/Parish Council	Salisbury City		
Electoral Division	Harnham	Unitary Member	Cllr Brian Dalton
Grid Reference:	E 413670.4 N 128687.7		
Type of Application:	Full		
Conservation Area:	NA		
Case Officer:	Mr Matthew Legge	Contact Number: 01722 434398	

Reason for the application being considered by Committee

Cllr Brian Dalton has called this application to Committee due to:

- Due to neighbour concerns; overlooking; size.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

2. Report summary

The main issues to consider are:

- Design, Scale and siting
- Amenities of adjoining and or nearby property

The application has generated support from Salisbury City Council (*subject to conditions*) and 1 letter of objection from a neighbouring dwelling.

- 1 Representation Response
- 1 Neighbouring letter received objecting to the proposal

3. Site Description

The application site is a detached property which is located within a residential area, with views over the city centre to the north. There is an existing open balcony located on the north facing elevation of the property.

4. Relevant Planning History

No planning history for the application site but the following local planning history is considered to be relevant to this application:

- S/2005/1109:** First floor conservatory extension. AC (At No.18 Bishops Drive)
- S/2002/1668:** Living room extension to rear (upper floor level). AC (At No.16 Bishops Drive)

5. Proposal

Construction of conservatory to existing first floor terrace

6. Planning Policy

Adopted policies; G2, D3, H19 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

7. Consultations

Salisbury City Council: Support (subject to conditions): *“SCC do not object subject to the following conditions being attached in order to prevent light pollution and protect the privacy of the residents of No.14:*

- *the eastern wall attached to No.15 Bishop’s Drive should be constructed of solid brick without windows, and*
- *the pitch of the roof should be reduced to 20 degrees or less to have a shallower ridge line,*
- *and that the roof should be constructed of obscure”*

8. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of objection has been received:

- Concern over impact to neighbouring amenity.

9. Planning Considerations

9.1 Design, Scale and siting

The application dwelling is a detached property which is located on a slope. Due to the topography of the land the front elevation of the dwelling is single storey and rear elevation is two storeys. The dwellings along the northern side of Bishops Drive all appear to be of this construction type and also appear to include as standard a rear first floor balcony area which allows elevated views over the City of Salisbury. This application proposes to enclose this first floor rear outdoor balcony area with the aim to create an enclosed conservatory with direct access through to the application dwelling’s living room.

This application has received a neighbouring objection to the design of the first floor extension and comments concerning the steep angle of the glazed roof and the degree of glazing on or close to the neighbouring boundary. The City Council have also commented about the glazed roofing but the concern from the City Council appears to only relate to the impact on neighbouring amenity and not specifically to the design and impact upon the character of the dwelling or area. It is considered that the massing of the proposed first floor rear extension will be subordinate to the massing of the main dwelling and given the rear siting of the proposed development it is considered that the extension will not be detrimentally visible from the street or from any other significant vantage point. The materials proposed for this extension will largely match those materials used within the main dwelling and as such this design has aimed to marry the extension with the main dwelling. It is considered that the design and massing of the rear extension will not have any

demonstrable impact upon the character of the application dwelling or upon and character of the wider area. Officers note that the Local Planning Authority has in the 2002 and 2005 approved similar types of applications on neighbouring properties along the north of Bishops Drive.

9.2 Amenities of adjoining and or nearby property

This application has received an objection from the neighbouring property located at No.14 and the City Council appears to have largely supported the comments from No.14. In response to neighbouring and City Council comments, the side (eastern) elevation of the proposed first floor rear extension has been altered to include a solid masonry wall which replaces the originally proposed glazed boundary wall. It is considered that the omission of the glazing along the boundary with No.14 would significantly reduce direct and perceived overlooking between the application property and the neighbouring dwelling. It is noted that presently the rear first floor balcony within the application site permits the Applicants to have free access to direct vantage points where views are permitted towards the side elevation of No.14 and down into the rear garden of No.14. It is considered that the enclosing of the outdoor area would help to reduce existing impacts to the amenity of the No.14; however the enclosing of the balcony would also permit year long occupation of the area whereas the occupation of the outdoor balcony could be reasonably assumed to have been generally limited to summer months. In this instance it is considered necessary to impose a planning condition to ensure that no openings could in the future be created on the side boundary. Such a condition would ensure that the neighbouring dwellings privacy is protected in the long term.

The City Council and the neighbouring dwelling (No.14) have both expressed concern over the pitch of the glazed roof and the use of clear glass for the roof. Concern has been expressed that the glass roof will permit undue light omission which could be viewed from the neighbouring dwellings side kitchen door and also viewed while using the neighbouring rear access steps down to the neighbouring garden. Officers are aware that the neighbouring dwelling's kitchen has a rear window and the glazed external kitchen door is an ancillary part of the kitchen. This application is not considered to block any direct sunlight to this side glazed kitchen door and any light omitted from the proposed glazed roof could not in the opinion of Officers be reasonable argued to result in significant harm to neighbouring amenity. The loss of the originally proposed glazed boundary wall and the inclusion of a solid masonry wall in the opinion of Officers significantly reduce and potential glare from activities associated with the proposed first floor rear conservatory extension.

The City Council has commented that it wishes to see obscure glazing for the roofing material which is presumed to be "*in order to prevent light pollution and protect the privacy of the residents of No.14*". Officers do not considered that the proposed clear glazed roof could have an impact on neighbouring amenity as any views out of the conservatory roof will largely be of the sky with little if any views of the neighbouring dwelling at No.14.

10. Conclusion

The proposed rear sited first floor conservatory extension is considered to have no demonstrable impact upon the character of the application dwelling. Whilst the construction of the rear conservatory will result in the creation of further living accommodation on the boundary with No.14, it is considered that the amended design of the conservatory to include a solid masonry wall on the boundary will significantly reduce impacts to neighbouring amenity.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed first floor rear conservatory extension is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities and is therefore compliant with adopted policies; G2, D3, H19 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

And subject to the following conditions:

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

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

(2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- D3 (Design)

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY- G2 (General)

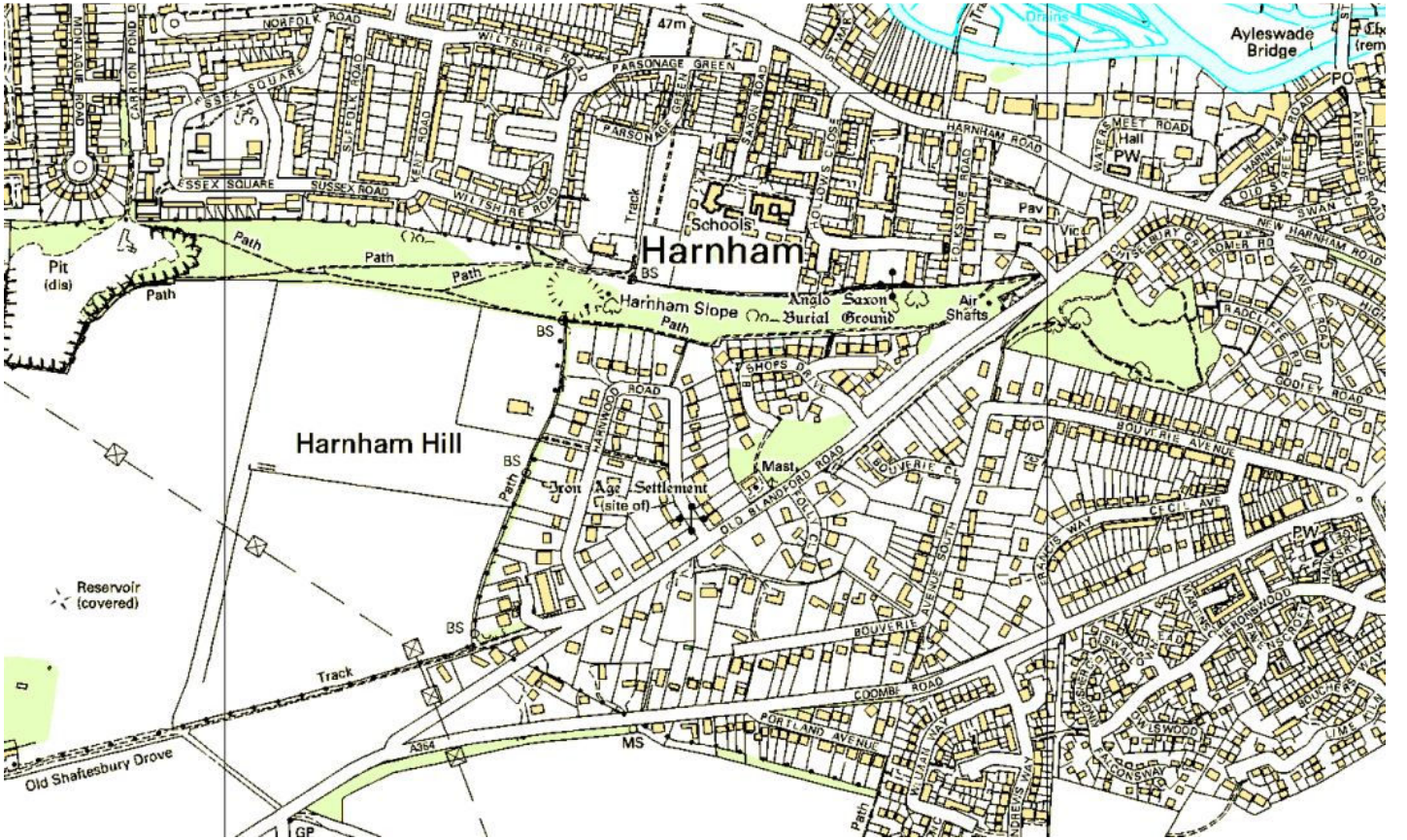
(4) The development shall be carried out in complete accordance with the following drawing:

DRG No. 04412 1 Rev B (Aug 2012)

09/10/2012

REASON: For the avoidance of doubt

- 15 Bishops Drive, East Harnham, SP2 8NZ



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