

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Bradley Road,
Trowbridge
Date: Wednesday 21 April 2010
Time: **6.00 pm**

Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@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 Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller (Chairman)	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr Roy While (Vice-Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 14)*

To approve the minutes of the last meeting held on 10th March 2010 (copy attached.)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application 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. 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.

6. **Planning Applications** *(Pages 15 - 16)*

To consider the following planning applications

(**W/10/00226/FUL - Single storey extension to front and side - 48 Church Lane North Bradley Wiltshire BA14 0TE** *(Pages 17 - 22)*

(**W/10/00495/FUL - Proposed new dwelling - Land Rear Of 28 St Marys Close Hilperton Wiltshire** *(Pages 23 - 30)*

7. **Planning Appeals Update Report** *(Pages 31 - 34)*

To receive details of appeal decisions and appeals pending (see attached schedule.)

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

Item 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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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 MARCH 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths,
Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne,
Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While

Also Present:

Cllr Julie Swabey and Cllr Francis Morland

104. **Apologies for Absence**

There were no apologies

105. **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 February 2010 were confirmed as a correct record and signed by the Chairman.

106. **Declarations of Interest**

THE WILTSHIRE COUNTY COUNCIL SHEET ST95NW PARISH OF KEEVIL –
KEEVIL 23 AND WILTSHIRE COUNTY COUNCIL SHEET ST96SW PARISH OF
SEEND – SEEND 57 RIGHTS OF WAY MODIFICATION ORDER 21 2008
Councillor Jonathon Seed declared a personal interest in this item as Joint
Master of the Avon Vale Hunt and gave his assurance that he would consider
the application on its own merit and with an open mind.

W/09/00690/FUL

Councillors Rod Eaton, Mark Griffiths, Jonathon Seed and Roy While declared
a personal interest in this item as members of the Melksham Area Board and
gave their assurance that they would consider the application on its own merit
and with an open mind

107. **Chairman's Announcements**

There were no Chairman's Announcements

108. **Public Participation**

The Chairman explained the rules of Public Participation.

109. **The Wiltshire County Council sheet ST95NW parish of Keevil - Keevil 23
And Wiltshire County Council sheet ST96NW parish of Seend - Seend 57
rights of way modification order 21 2008**

Sally Madgwick introduced the report and reminded members of the committee that they must decide whether the Order be confirmed, confirmed with modification or not be confirmed and must be satisfied that on the balance of probabilities evidence supported their decision.

It was explained that the Committee's decision had to be based on the historical evidence that had been presented, rather than on any views as to the merits of the proposed reclassification.

Public Participation:

1. Mr Robert Noad spoke in objection to the rights of way modification order
2. Mr Francis Banfield spoke in objection to the rights of way modification order
3. Ms Lucy Garton spoke in support of the rights of way modification order
4. Mr Richard Berry spoke in support of the rights of way modification order
5. Mrs Debbie Hiscock spoke in support of the rights of way modification order

Councillor Francis Morland, Unitary Member for Southwick, spoke in support of the rights of way modification order

Resolved:

That the Wiltshire County Council Sheet ST95NW Parish of Keevil – Keevil 23 and the Wiltshire County Council Sheet ST96SW Parish of Seend – Seend 57 Rights of Way Modification Order 21 2008 be submitted to the Secretary of State for Environment, Food and Rural Affairs, together with the objection and representations, with the recommendation that the Order be confirmed with the modification that all references to Seend 57 be altered to read Seend 59.

Councillor Malcom Hewson left the meeting

110. **Planning Applications**

**110.1 W/09/00690/FUL Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river Avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west
- Sainsbury Store Bath Road Melksham Wiltshire SN12 6L**

Members of the committee were informed of additional comments received from the Conservation Officer, the Councils Area Highway Engineer and Planning Officer as detailed in the Minutes' Annex.

Public Speaking:

1. Mr Robert Machen spoke in objection to the application
2. Mr James Veakins spoke in objection to the application
3. Mr Richard Wiltshire spoke in objection to the application
4. Mr David Lowin, agent for the applicant, spoke in support of the application
5. Mrs Sarah Cardy, Melksham Town Council, spoke in objection to the application

Resolved:

That planning permission be REFUSED contrary to officer recommendation

For the following reasons:

- 1 The risk of increased flooding in the vicinity of the proposed development including the extended car park would outweigh the benefits of the proposed development and as such would be contrary to advice in Planning Policy Statement 25 - Development and Flood Risk**
- 2 The relocation of the petrol filling station to the former Bear Yard car park would be detrimental to the amenities of nearby residents by the**

reason of noise, light and fumes contrary to the provisions of policies C35 and C38 of the West Wiltshire District Plan 1st Alteration 2004.

- 3 The proposed development, most notably the petrol Filling Station canopy and the extensions to the store and its car park would by reason of their design, materials, form and location be detrimental to the character and appearance of the adjoining Conservation Area and harmful to the setting of nearby Listed Buildings contrary to policies C17, C18 and C19 of the West Wiltshire District Plan 1st Alteration 2004**

110.2 W/09/02622/FUL Mobile home, day room and retention of existing pair of sheds - Land At Capps Lane Bratton Wiltshire

Members of the committee were informed of additional comments received from a local resident and the Planning Officer as detailed in the Minutes' Annex.

Public participation:

1. Mr Tony Venn spoke in objection to the application
2. Miss Leanne Harris, daughter of the applicant, spoke in support of the application
3. Mrs Sally Woodbury, chairman of the Roman Gypsy Advisory Group, spoke in support of the application

Councillor Julie Swabey, Unitary Member for Ethandune, spoke in objection to the application

Resolved:

That the application be DEFERRED until the following additional information has been obtained:

- **To clarify the enforcement action applying to the previous owner**
- **To investigate the restriction of further expansion**
- **To clarify the use of the land for commercial purposes (keeping of horses)**
- **To clarify which buildings are to be kept or removed**
- **To establish the use to be made of the proposed buildings**
- **To reconsider the location of the proposed buildings**
- **To investigate the possibility to add a personal condition**
- **To investigate the possibility to add a time clause**
- **To receive details of the planned external lighting**

- To receive details of the planned landscape development
- To consult with the Improvement and Development Agency for local government

110.3 W/10/00163/FUL Extension of existing bed and breakfast accommodation to provide 5 additional rooms together with refurbishment of Cornicks Cottage to 2 additional rooms, formation of new vehicular access and car parking, and alterations to thatched boundary wall - Dove Inn Corton Wiltshire BA12 0SZ

Members of the committee were informed of additional comments received from Highways and Planning Officer as detailed in the Minutes' Annex.

Councillor John Knight left the meeting

Public participation:

1. Mr Terry Bryant spoke in objection to the application
2. Mr Ian King spoke in objection to the application
3. Mr Anthony Rucker spoke in objection to the application
4. Mr William Harrison-Allen, owner, spoke in support of the application
5. Mr Tony Jackson spoke in support of the application
6. Mr John White spoke in support of the application

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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. Prior to the development hereby permitted being brought into use, the proposed access shall be constructed in accordance with the approved plans, drawing reference S4431/104B, and made available for use, and the existing vehicular accesses shall be stopped up and their use permanently abandoned.

Reason: In the interests of highway safety.

3. Prior to the development hereby permitted being brought into use, the parking spaces shown on drawing reference S4431/104B, together with the access thereto, shall be completed in accordance with the approved plans.

Reason: In the interest of amenity and highway safety.

4. Notwithstanding the approved plans, prior to the commencement of the works, details of the surface finishes of the courtyard, access, turning areas and parking spaces shall be agreed in writing with the Local Planning Authority. Such surfaces shall be of a permeable finish and the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The works shall be carried out in accordance with the approved details prior to the occupation of the additional bed and breakfast accommodation hereby approved and shall be maintained as such thereafter.

REASON: In the interests of sustainability and visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

5. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the parking spaces/access/driveway/gutters and rainwater pipes), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved surface water drainage scheme and the additional bed and breakfast accommodation shall not be occupied until the works are complete.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2.

7. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved foul water drainage scheme and the additional bed and breakfast accommodation shall not be occupied until the works are complete.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a.

8. No development shall commence on site until details and samples of the materials to be used for the external walls, dormer windows and roofs, including the timber cladding, walkway, stairs and balustrade, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of the additional bed and breakfast accommodation hereby approved.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

9. No development shall commence on site until construction details and samples of the material finishes to be used for the new section of frontage boundary wall, which shall match the existing 'cob' wall in height, width and external appearance, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the additional bed and breakfast accommodation hereby approved being brought into use.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

Informative(s):

You are advised that the proposal is not located within a sewered area and that Wessex Water state that there are no sewers in the vicinity. You are advised that the proposed development is within a Source Protection Zone and any surface water discharge will need to be in accordance with the Environment Agency guidelines.

There is a water main in the vicinity. It will be necessary to agree with Wessex Water a point of connection onto the system for the satisfactory supply of water. It is also important that you check with Wessex Water whether there are any uncharted mains within or very near to the site.

110.4 W/09/03641/FUL Siting of a mobile home - Land Adjacent 28 Fairwood Road Dilton Marsh Wiltshire

Public Speaking:

1. Mr Bill Lowe spoke in support of the application

Councillor Julie Swabey, Unitary Member for Ethandune, spoke in support of the application

Resolved:

That planning permission be REFUSED

For the following reason(s):

- 1. Annex A to Planning Policy Statement 7 (Sustainable Development in Rural Areas) advises that new residential accommodation can be permitted in the open countryside only where the nature and demands of the rural enterprise may make it essential for one or more persons to live at or very close to the site of their work. The planning application and the supporting statements do not make any case for a functional need on the holding in association with the current business practice, and the rationale for the proposed temporary dwelling lies outside the scope of Annex A of PPS7. The proposed dwelling is therefore not warranted under Annex A of PPS7.**
- 2. The dwelling in the open countryside is not fully justified in connection with the essential needs of agriculture or other rural occupation where a functional need has not been demonstrated. This is contrary to policy H19 West Wiltshire District Plan 1st Alteration 2004.**

Observations and recommendations made since preparation of the agenda

111. Planning Appeals Update Report

Resolved:

To note the Planning Appeals Update Report

112. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.55 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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

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PLANNING COMMITTEE Minute Annex

10th March 2010

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/09/00690/FUL - Sainsbury Store Bath Road Melksham</p> <p>Additional comments received:</p> <p>Conservation Officer</p> <p>Has commented that following a meeting with the agent and architect a revised design of the petrol filling station (PFS) to lower its impact on the Conservation Area has been submitted. The revised design and materials of the PFS canopy overcomes the previous objection in relation to the harm to the Conservation Area.</p> <p>Regarding the eastern extension, this is not harmful enough by itself to warrant a maintained objection. The proposed eastern extension would continue the form of the existing building and the proposed 4m high wall would screen the delivery yard and the vehicles within. The proposal would therefore be in keeping with its host building and in the context of the Conservation Area, would not represent a major change in scale or built form.</p> <p>Likewise, the settings of the nearby listed buildings would not be adversely affected. The relative distances between the listed buildings on Church Walk and the proposed development would ensure their settings are preserved and maintained.</p> <p>Councils Area Highway Engineer</p> <p>Has commented in response to Cllr Seed concerning consultation over drainage that the Council's Senior Drainage Engineer had spoken to the Environment Agency about the Sainsbury application. In view of the Environment Agency withdrawing their objection and the proposed mitigation measures included with the development there would be no reason to object to this development on the grounds of flooding.</p> <p>Planning Officer comments</p> <p>Further letters has been received from objectors with regards to questions on the transport assessment, noise report and flood Risk Assessment.</p> <p>The transport assessment, noise report and flood risk assessment have been fully assessed by the Councils Highway, Environmental and Drainage Officers, and Environment Agency who have no objection to the proposal subject to appropriate planning conditions being attached.</p>
02	<p>W/09/02622/FUL – Land at Capps Lane, Bratton</p> <p>Additional comments received:</p> <p>Observations from a local resident:</p> <p>A letter containing various enclosures, including photographs, has been received from a local resident who is concerned that the applicant may be planning to divide the land and turn it into a</p>

	<p>6 pitch gypsy family site.</p> <p>Planning Officer Comments:</p> <p>Although there may be speculation within the local community that the land could be divided into 6 pitches there is nothing within the application to suggest that is the case.</p> <p>The application must be determined on the basis of the submitted information for a mobile home, day room and retention of a pair of sheds, and should be considered on its merits as such. Local speculation is not a material planning consideration and should be disregarded.</p> <p>In the event of the site subsequently being divided into 6 family pitches planning permission would be required. Should this occur any future application would be considered on its merits at that time.</p>
<p>03</p>	<p>W/10/00163/FUL – Dove Inn, Corton</p> <p>Additional comments received:</p> <p>Highways:</p> <p>'Following a telephone conversation with a resident of the village I have examined the forward visibility available at the proposed access and at the existing main access to the site (at the northern part of the site).</p> <p>I have used the ordnance survey to estimate the forward visibility, i.e. the road/traffic in front as a vehicle travels around the bend in a northerly direction. At the proposed access location the forward visibility for vehicles travelling north, and wishing to turn into the proposed access, is appropriate for vehicles speeds of around 14mph and at the existing access the forward visibility is appropriate for vehicles speeds of approximately 23mph.</p> <p>It is clear the forward visibility is greater at the existing access. However I would expect vehicle speeds to be slow at this location and given the improvement gained by the loss of the two extremely substandard accesses to the south of the site I would not wish to object to the proposal as there is a highway safety gain in the loss of the two southern accesses.'</p> <p>On commenting further having visited the site:</p> <p>'Having visited the site again I can confirm that the forward visibility at the proposed access point is slightly less than that at the existing northern access point. It also should be noted however that because the forward visibility is lower vehicle speeds would tend to be lower and therefore the stopping distance is reduced. Right turning vehicles benefit from having greater forward visibility to give them more time to manoeuvre.</p> <p>I believe that the use of the existing access would be a slightly better arrangement than using the proposed access. However I would not want the opportunity of closing the existing southern accesses to be lost as I feel that overall the scheme proposed is an improvement to the existing situation with three accesses, two extremely poor, remaining in use.</p> <p>Would it be possible to recommend a condition be attached to any permission granted to agree the northern access arrangement so that amendments were not required at this stage? From the plans I have I am confident that the use of the northern most access (existing access) would not have a detrimental impact on the proposed parking provision and layout.'</p> <p>Planning Officer Comments:</p> <p>The closure of the two original access points will be beneficial to highway safety.</p> <p>The Highway Officer is of the view that the retention of the third access would be a slight improvement on the proposed position which is to the south of the existing third access.</p> <p>However, she acknowledges that there is highway safety gain in closing the two existing points and on that basis would not wish to object. Furthermore, that traffic in the area of the proposed</p>

	<p>would be moving at slow speeds with sufficient space and time for manoeuvre.</p> <p>She has suggested a condition to the effect that notwithstanding the approved plans that the original access to the north is retained. This would be possible but in securing a slight improvement to highway safety other planning gains would be lost.</p> <p>Corton is a small village in which traffic movements are limited by the number of dwellings and visitors. The public house is close to the entrance to the village and the road through the village forms a loop of narrow width with a number of bends on which traffic speeds are slow.</p> <p>Even though there would be a slight improvement to visibility by retaining the existing northern access this would be outweighed by the fact that the entrance to the site would be to the rear of the public house. This is far from ideal.</p> <p>The access as currently proposed would open up the site and enhance its visual appearance and by making it more inviting to users. Views would be seen into the site of an enclosed courtyard arrangement with Cornicks Cottage and the frontage of the original public house would be given due prominence. Furthermore, the formation of the wall in place of the original rear access would act as a screen to parked vehicles and bin storage to the rear of the public house.</p> <p>Recommendation:</p> <p>No change to recommendation.</p>

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WESTERN AREA PLANNING COMMITTEE

21 April 2010

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
6.a	W/10/00226/FUL	Single storey extension to front and side - 48 Church Lane North Bradley Wiltshire BA14 0TE	North Bradley	17-21
6.b	W/10/00495/FUL	Proposed new dwelling - Land Rear Of 28 St Marys Close Hilperton Wiltshire	Hilperton	23-30

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No.

Date of Meeting	21.04.2010		
Application Number	W/10/00226/FUL		
Site Address	48 Church Lane North Bradley Wiltshire BA14 0TE		
Proposal	Single storey extension to front and side		
Applicant	Mr Wayne Gapper		
Town/Parish Council	North Bradley		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	385546 154913		
Type of application	Full Plan		
Case Officer	Miss Carla Rose	01225 770344 Ext 283 carla.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Morland has requested that this item be determined by Committee to allow the committee to decide whether the Inspectors reasons for dismissing the appeal have been overcome.

1. Purpose of Report

To consider the above application and to recommend refusal.

2. Main Issues

The main issues to consider are:

Planning history
Street scene
Neighbouring amenity

3. Site Description

48 Church Lane forms one half of a semi-detached dwelling. The property is located at the end of a row of semi-detached residential properties and is located next to a school.

The front elevations of the row of semi-detached properties are relatively unaltered. The semi-detached property as a whole is rendered and has a concrete interlocking tiled roof.

4. Relevant Planning History

09/01919/FUL - Single storey annexe extension – Refused- 20.08.2009
Appeal
09/00066/REF - Single storey annexe extension – Appeal dismissed – 10.12.2009

5. Proposal

A single storey extension is proposed to the front and side of the property.

The side extension would be approximately 3.5m to the ridge and approximately 2.2m to the eaves. It is proposed to project 2 metres in front of the existing front elevation.

The front extension is proposed to be joined to the side extension and have a sloping roof. It wraps around the building at the south-west corner. The extension is proposed to be approximately 3.5m to the ridge and 2.2m to the eaves.

A window and door is proposed in the front elevation. Two velux windows are proposed in the roof of the side extension. A ground floor window is proposed in the rear elevation. Matching materials are proposed to be used for the extensions.

Existing vegetation is proposed to be removed and a new car parking area and access is proposed to the front of the property. Retaining walls and steps are proposed alongside the parking area. The car parking boundary treatment is proposed to be concrete brickwork and render.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

Supplementary Planning Guidance on house alterations and extensions - Adopted July 2004

7. Consultations

Town/ Parish council

North Bradley Parish Council would like to support the application subject to two conditions. They also requested that the visual impact is considered. The first condition is that the porch should be reduced to 1.5 metres so that the front extension is less intrusive. The other condition was that there should be no objections from the neighbours.

Highways

The Highway Authority has recommended no objections subject to conditions. They recommended that 'the parking area should be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority'. They also recommended that the 'the gradient of the proposed drive shall not be steeper than 1 in 15.'

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 11th of March 2010

Summary of points raised:

No response received

9. Planning Considerations

9.1 Planning history

A previous planning application for a single storey annexe extension was refused for the following reason:

‘The proposed extension on the front of this semi-detached property would introduce a visually discordant element by reason of its mass, location and design which would appear as an incongruous addition to the original dwelling. This would harm the symmetry of this pair of semi-detached houses and would have an adverse impact upon the street scene contrary to policy C31A of the West Wiltshire District Plan 1st Alteration 2004 and the Council’s adopted supplementary planning guidance on House Alterations and Extensions 2004.’

An appeal was then made and subsequently dismissed by the Planning Inspectorate. The Planning Inspectorate stated that the previously refused application would ‘create a visually dominant feature that would disrupt the balanced proportions of the semi-detached pair of houses. It would be clearly at odds with the development pattern described above. This would appear discordant and incongruous – adverse effects that would be easily seen from the street, given the intended removal of vegetation to form a parking area.’

Following the appeal decision the applicant has reduced the front projection by approximately 2.1m. The extension is no longer proposed to span the full width of the property frontage and a mono-pitch lean-to roof is now proposed instead of a gable roof. Even so the proposed extension would still project by 2 metres in front of the dwelling.

It is acknowledged that the proposed front extension has been reduced in size and footprint and that the design has changed. However, this is not considered sufficient to overcome the original reason for refusal or the decision to dismiss the appeal by the Planning Inspector.

This is because the proposed extension would still be a visually discordant element and incongruous addition by reason of its mass and prominent location and position on the front elevation. It is the mass and prominence on the principal elevation that makes the proposed front extension harmful to the pair of houses and the street scene.

This is because it would continue to unbalance the symmetry of this pair of houses. The proposed porch remains a discordant element because it extends for two metres beyond the front elevation, which combined with its width of 4.3m and incongruity of the roof slope would be overly prominent and harmful to the symmetry of the semi-detached pair. As a result of this the proposed extension would harm the symmetry of the pair of semi-detached properties and would be harmful to the street scene.

9.2 Street scene

Supplementary Planning Guidance advises that ‘front extensions should be small, sympathetic additions in scale with the original house and should not detract from the street scene.’

The proposed front extension would be visible from the street scene because of its prominent location and mass. Furthermore the proposed extension is considered overly large for a porch. The plans indicate that a car parking area and an access is proposed. The removal of the vegetation and the creation of this car parking area and access would make the front extension more prominent within the street scene resulting in a visually discordant and incongruous addition.

It can be seen that the row of semi-detached properties have undergone some changes to their appearance. However, these are not excessively large. The Planning Inspectorate in his report commented that ‘these are generally minor in nature and have not materially affected the properties’ symmetrical character when viewed from the street.’ Even though the front extension has been reduced in size it is still large in comparison to other development within the row of semi-detached properties and is overly large for the purpose stated.

9.3 Neighbour amenity

There would be no harm to neighbouring amenity. This is because the proposed windows are at ground floor level. Two velux windows are proposed in the roof of the side extension. These windows

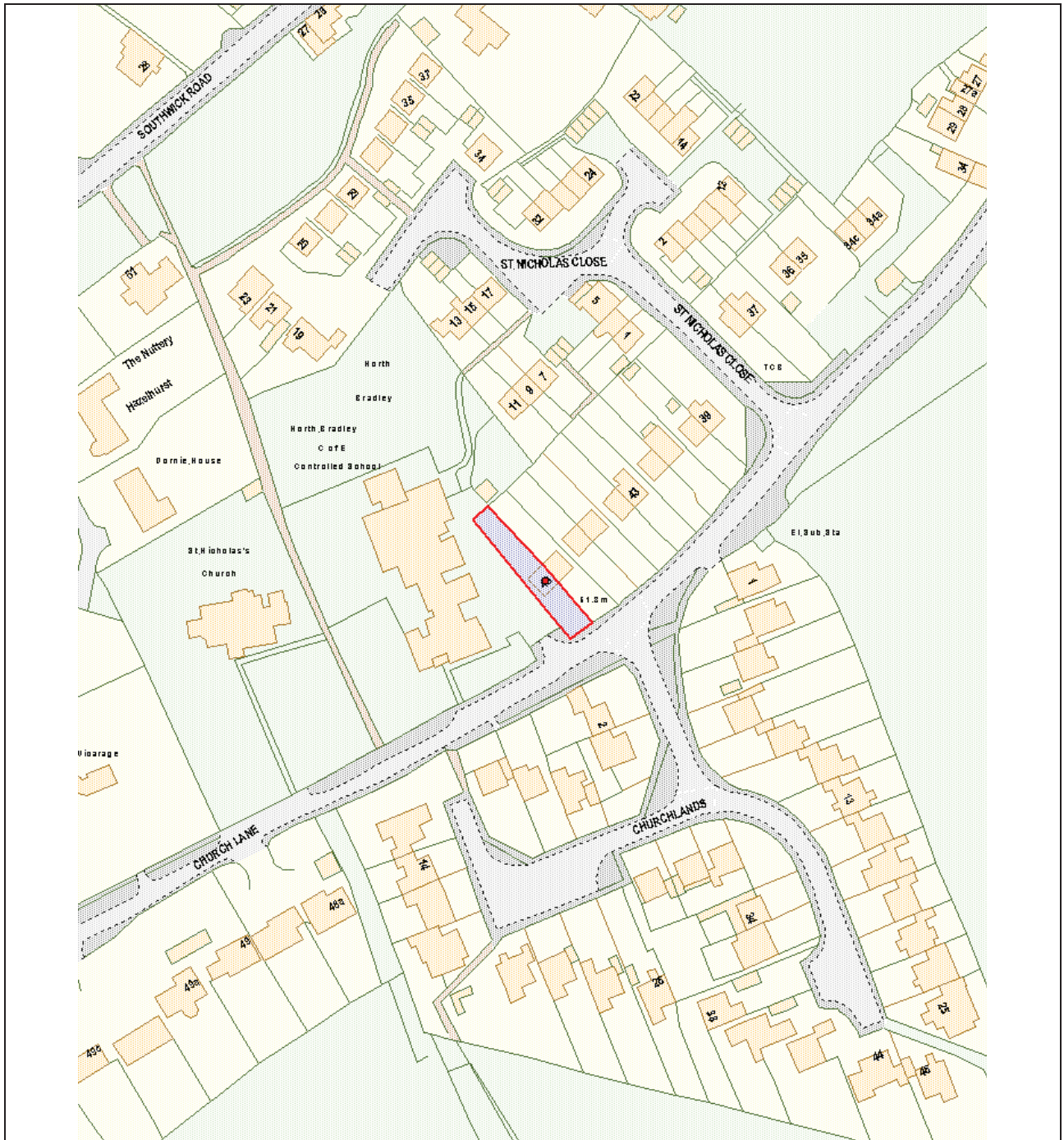
are set high in the roof and are proposed alongside a car park serving a school therefore there would be no harm.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed extension on the front of this semi-detached property would introduce a visually discordant element by reason of its mass, location and design which would appear as an incongruous addition to the original dwelling. This would harm the symmetry of this pair of semi-detached houses and would have an adverse impact upon the street scene contrary to policy C31A of the West Wiltshire District Plan 1st Alteration 2004 and the Council's adopted Supplementary Planning Guidance on House Alterations and Extensions 2004.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : SURVEY AS EXISTING received on 26.01.2010

Drawing : PROPOSED EXTENSION received on 26.01.2010

Drawing : SITE PLAN received on 26.01.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No.

Date of Meeting	21.04.2010		
Application Number	W/10/00495/FUL		
Site Address	Land Rear Of 28 St Marys Close Hilperton Wiltshire		
Proposal	Proposed new dwelling		
Applicant	CADFAN Developments		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	386547 159952		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Ernie Clark has requested that this item be determined by Committee due to:

- * Design - general appearance
- * Environmental

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- Principle of development
- Residential Amenity
- Street Scene
- Density
- Design
- Landscaping
- Highways

3. Site Description

The application site contains a vacant plot at the end of Millards Close. The site is roughly square in shape and is fenced off from the existing development. To the rear of the site is a piece of land previously used as gardens, set behind existing dwellings fronting onto Marsh Road, which has recently be granted planning permission for the erection of 18 dwellings.

The application site is surrounded by detached and semi detached two and three storey dwellings with detached garages. The level of the site is lower than the residential development around it.

4. Relevant Planning History

W/09/03585/FUL – Erection of 18 dwelling houses with access road and parking – Permission 31.03.2010

05/01575/FUL – Dwelling – Refused 31.10.2005 Allowed on Appeal 03.05.2006

5. Proposal

The application seeks permission for the erection of a dwelling and detached garage. Permission was granted at appeal in 2006 for the erection of a detached dwelling in this location.

The application seeks to amend the design of the approved dwelling by:-

- * altering the design of the porch
- * the erection of a single storey rear extension
- * alterations to the fenestration
- * an increase in height
- * alterations to the internal layout of the dwelling

The proposed porch would project 1.35 metres, would be 3 metres wide with a height of 3.3 metres at the highest point. It would be larger than the approved porch but would be of similar design to others within Millards Close. The previously approved porch is of a lighter construction comprising a roof supported by columns and would project by 1.1 metres, would be 2.3 metres wide with a height of 3.3 metres at its highest point.

The proposed single storey extension would be project by 2.5 metres with a width of 6 metres and a height of 3.8 metres at the highest point. It would be of a lean to design with a roof light in its roof. Upon completion of the dwelling this addition could be built in the future under permitted development.

The height of the proposed dwelling would increase by 0.7 metres.

The changes alter the internal layout and accommodation by adding a utility room and additional kitchen space on the ground floor and by combing to small bedrooms into one thereby reducing the number of bedrooms from five to four.

The detached garage would be in the same location and scale as that approved under reference 05/01575/FUL.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016
DP1 Priorities for Sustainable Development
DP7 Housing in Towns and Main Settlements
DP9 Reuse of Land and Buildings
T6 Demand Management
RLT1 Recreation, Sport and Leisure

West Wiltshire District Plan First Alteration
H17 Village Policy Limits
H24 New Housing Design
T10 Car Parking
U2 Surface Water Disposal
I3 Access for everyone
C31A Design
C32 Landscaping

C34A Resource Consumption and Reduction
C38 Nuisance

PPS 1 Delivering Sustainable Development
PPS 3 Housing

Leisure and Recreation Development Plan Document
LP4 Providing recreation facilities in new development

SPG Design Guide July 2004
SPG Residential Design Guide Adopted November 2005

7. Consultations

Town/ Parish council

Hilperton Parish Council – Object. Single storey rear extension and porch would be overdevelopment of the site. Request a condition should the Council be minded to approve. Comments received 31 March 2010.

Highways

Highway Authority – No highway objection subject to condition. Comments received 1 April 2010

Wessex Water

Wessex Water – No objection. Comments received 1 April 2010.

Drainage Engineer (Tech Services)

Drainage Engineer – Condition for surface water drainage. Comments received 22 March 2010

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 6 April 2010

Summary of points raised:

4 Letters of objection received (2 from the same household). Comments relate to:

- Parking
- Outlook
- Distance from property
- Loss of light
- Issues of boundary
- Access
- Loss of privacy

9. Planning Considerations

9.1 Principle

The application site is located within village policy limits and the principle of a dwelling in this location has previously been accepted subject to complying with policies H17, C31A and C38.

There is an extant permission for the erection of a detached three storey dwelling on site under planning reference 05/01575/FUL which was allowed at appeal. The proposal seeks to vary the scale and appearance of the approved scheme. The dwelling's position, the layout of the site, the landscaping and the access to the site will be as previously approved.

9.2 Residential Amenity

The proposed development would be located 11.5 metres from the neighbouring properties. The position of the proposed dwelling has not been altered as part of this application. The dwelling would not overlook the surrounding neighbours due to there being no windows in the side elevations. Considering the proposed properties to the rear of the site, the proposal would not harm the amenities of the proposed dwellings due to the distance between them and the angle of the proposed development. No 51 Millards Close presents a flank elevation to the applications site with two small windows. The proposal would not cause any overlooking or loss of light to these windows due to their position on the building and the design and position of the proposed dwellings fenestration. It is therefore considered that the proposal would not have an adverse affect on the amenities of the existing or future occupiers of the surrounding neighbours.

9.3 Street Scene

The proposed dwelling would not harm with character of the area, due to the position of the proposed dwelling creating an end stop to Millards Close. The scale of the building would be in keeping with the area and is considered to be acceptable.

The proposed increase in height would not harm the character of the area due to the site being set at a lower level and with the increase of 0.7 metres would allow the building to appear the same height as the existing buildings adjoining the site.

9.4 Design

The proposed design of the dwelling would be similar to the existing dwellings along Millards Close which is considered to be acceptable. The alterations to the fenestration and insertion of roof lights are in keeping with the character of the building and the vernacular. The proposal would be constructed from materials matching the existing buildings. A condition has been attached to this recommendation for samples of the proposed materials to be submitted for approval.

The proposed extensions to the proposed dwelling would be sympathetic and would not harm the character of the proposal but would mirror the existing built form within the area and are considered to be acceptable.

9.5 Highways

Access

The proposal would maintain the same access as approved which would involve one access onto Millards Close next to the existing access for number 32. The access is considered to be acceptable due to harming the public highway.

Parking

The proposal would provide 2 parking spaces on site in the form of the detached garage and the driveway. This is considered to be acceptable for a four bedroom dwelling providing enough parking on site so as not to add to the existing on street parking.

9.6 Landscaping

The proposal would incorporate a mix of hard and soft landscaping on site. To ensure that satisfactory landscaping is provided on site a condition has been attached to this recommendation for a full landscaping scheme to be submitted for approval and then carried out in accordance with the approved details.

9.7 The proposal complies with policy and planning permission should be granted subject to conditions.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 No development shall commence on site until details of internal ground floor levels, which shall ensure that the height of the dwelling hereby approved does not exceed that of neighboring dwellings, has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted 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.

West Wiltshire District Plan 1st Alteration 2004 – POLICY: C31a.

- 4 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 5 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

- 6 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
- * indications of all existing trees and hedgerows on the land;
 - * details of any to be retained, together with measures for their protection in the course of development;
 - * all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - * finished levels and contours;
 - * means of enclosure;
 - * car park layouts;
 - * other vehicle and pedestrian access and circulation areas;
 - * hard surfacing materials;
 - * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - * retained historic landscape features and proposed restoration, where relevant.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 7 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 8 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 9 The dwelling shall not be occupied until a means of vehicular access to the public highway has been constructed in accordance with detailed plans which have been submitted to and agreed in writing by the Local Planning Authority. The access shall be maintained for use by vehicles thereafter.

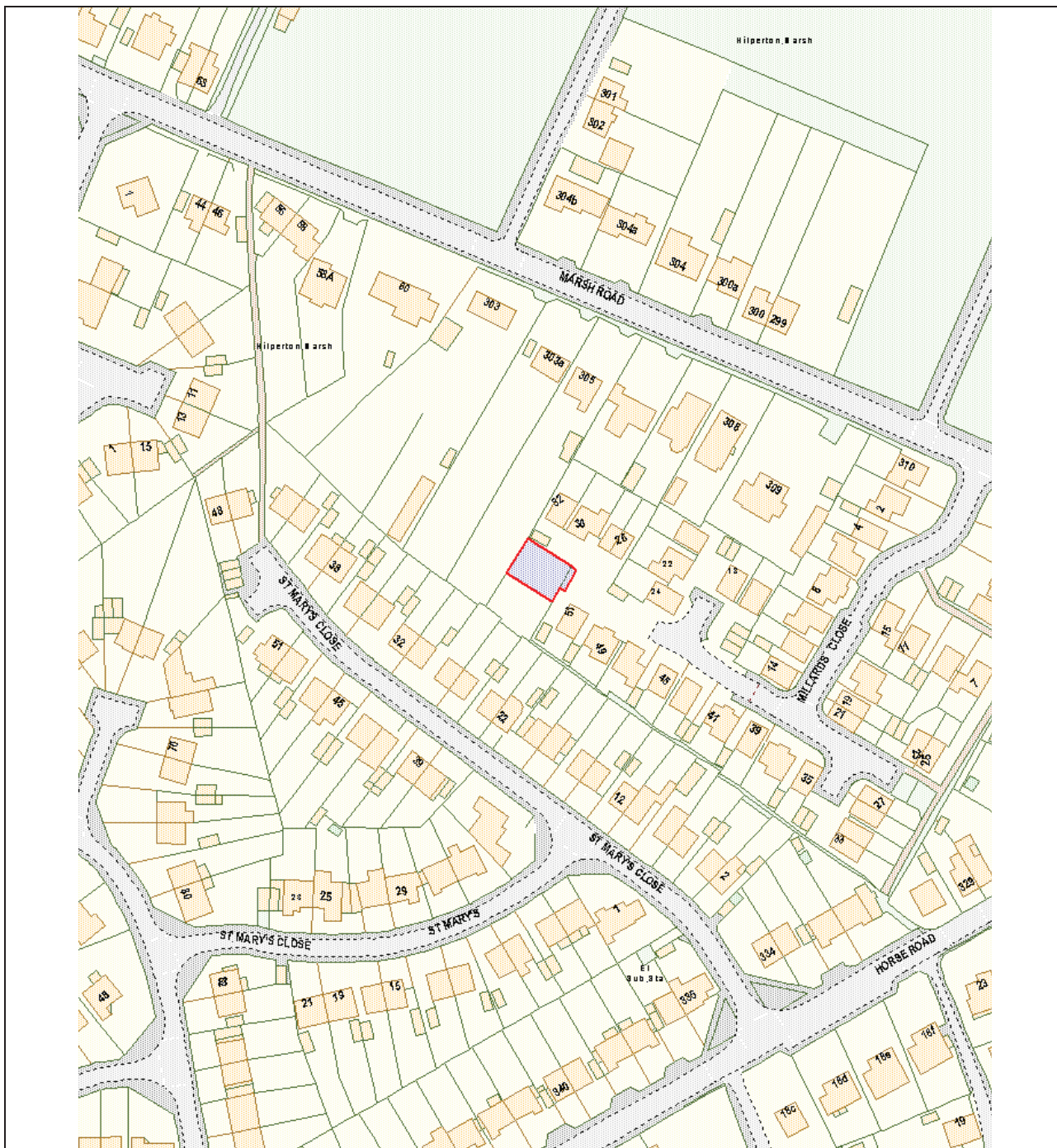
REASON: In the interests of highway safety

West Wiltshire District Plan First Alteration 2004 Policy C31A

Informative(s):

- 1 The attention of the applicant/developer is drawn to the contents of the letter from Wessex Water dated 31 March 2010.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : AH2010/05 SHEET 1 OF 3 REV B received on 10.03.2010
Drawing : AH2010/05 SHEET 2 OF 3 REV A received on 10.03.2010
Drawing : AH2010/05 SHEET 3 OF 3 REV A received on 10.03.2010

**Wiltshire Council – Area West
Planning Committee**

**PLANNING APPEALS UPDATE REPORT
March 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/09/01979/FUL	Land Adjacent Caravan Lower Woodrow Melksham	Melksham Without	Permanent agricultural dwelling to replace existing mobile home	DEL	REF	HRG
W/09/03375/FUL	Fern Patch 1 Coulston	Coulston	Conversion of existing domestic outbuilding to ancillary facilities	DEL	REF	WR
W/09/03166/FUL	Woodside Cottage East Hill Heytesbury	Heytesbury	Replacement building to form residential annexe	DEL	REF	WR
W/09/03703/FUL	47 Chapel Lane Wingfield	Wingfield	Single and 2 storey extensions to dwelling and detached triple garage	DEL	REF	WR
W/09/02552/CLE	Greenacres 3 Hoopers Pool Southwick	Southwick	Certificate of lawfulness for occupation of dwelling without compliance with agricultural occupancy condition	DEL	RECLE1	INQ
W/09/00150/FUL	Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill	Melksham Without	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking	COM	LEGAL	HRG
W/09/03195/FUL	Shepherds Cottage Henfords Marsh Warminster	Warminster	Two storey extension and car port (re-application W/09/00895/FUL)	DEL	REF	WR (Householder)

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
W/09/01165/FUL	4 Halfway Farm Beanacre Road Melksham	Melksham	Removal of UPVC conservatory and erection of two storey extension	DEL	REF	WR	DISMISSED
W/09/01172/LBC	4 Halfway Farm Beanacre Road Melksham	Melksham	Removal of UPVC conservatory and erection of two storey extension	DEL	REF	WR	DISMISSED
W/09/01271/FUL	Kings Farm 6 Little Common North Bradley	North Bradley	Two storey extension to house	COM	REF	WR	DISMISSED
W/09/01272/LBC	Kings Farm 6 Little Common North Bradley	North Bradley	Two storey extension to house	DEL	REF	WR	DISMISSED

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

W/09/01165/FUL / W/09/01172/LBC - 4 Halfway Farm Beanacre Road Melksham

The Inspector identified the main issues as the impact of the proposals on the listed building and the loss of light and privacy to the adjoining property.

She considered that the proposals would be disproportionate in size to the original and would dominate and unbalance the main elevation of the house. The position of windows and relationship of the glazing to the areas of wall would be visually unsatisfactory. Furthermore, no joinery details had been submitted. The scale of the extension was such that it would not only be harmful to the dwelling but to the setting of the group of listed buildings and was contrary to national and local planning policy.

She was also of the view that the height and position of the proposed extension in close proximity to the habitable windows of neighbouring dwellings would be overbearing and lead to overshadowing at certain times of the day. This would detract from the amenities enjoyed by the occupiers of neighbouring properties.

W/09/01271/FUL / W/09/01272/LBC - Kings Farm 6 Little Common North Bradley

The Inspector in dismissing these appeals took the view that the siting and scale of the proposed extension would be visually dominant, create an awkward relationship to the existing building and paid insufficient attention to the plan form of the house or to its setting. The fact that extension would not be visually conspicuous from the public highway was immaterial. It was her opinion that the national and local plan objectives had not been met and that the proposals would harm the special architectural and historic interest of the listed building.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming Hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/01142/FUL	Kingsdown Farm Lords Hill Longbridge Deverill	Sutton Veny	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings	INQ	CC	26.05.2010 27.05.2010 28.05.2010
W/09/01750/FUL	Mowlems Wynsome Street Southwick	Southwick	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings	INQ	CC	08.06.10 09.06.10