

Date of Meeting	24/09/2015
Application Number	15/07470/VAR
Site Address	Land at Paddock View The Street Teffont Salisbury Wiltshire SP3 5QP
Proposal	Vary condition 2 of 14/02238/FUL to amend the plans to replace 2 Velux windows with 2 dormer windows on north elevation, and raise ridge and eaves of new dwelling by 600mm
Applicant	Mr Dan Roycroft
Town/Parish Council	TEFFONT
Ward	NADDER AND EAST KNOYLE
Grid Ref	399010 131772
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the application being considered by Committee

Councillor Wayman has called the application to committee for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Scale, design, impact to character and appearance of the area
- Impact to AONB/Conservation Area
- Residential amenity/living conditions
- Highway safety/parking
- S106 Contributions

The application has generated Objection from Teffont Parish Council and 6 letters of representation.

3. Site Description

The site is situated within designated countryside within the village of Teffont Magna & Teffont Evias, which is defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy) CP2 (Delivery Strategy) and CP33 (Wilton Community Area) as a Small Village. It is also situated in the Teffont Magna & Evias Conservation Area and Cranborne Chase & West Wiltshire Area of Outstanding Natural Beauty (AONB). The site is accessed off a shared driveway leading from the B3089 (The Street) which runs through the village. A public footpath also extends along the shared driveway along the northern boundary of the site before continuing in a northerly direction away from the site. It is surrounded to the northwest, southwest and southeast by other residential properties and their associated amenity and parking provision. To the northeast the site abuts paddocks/open countryside.

The site previously consisted of a paddock with a stable block, and formed part of the residential curtilage of the adjacent dwelling to the west, known as Paddock View. It also contained a large detached double garage on the driveway frontage. Planning permission was granted in 2014, at appeal (ref: 14/02238/FUL), for the demolition of the detached garage and outbuildings on the plot and its redevelopment with an additional, detached, four bed dwelling. Earlier in the year, a variation to this scheme was permitted which saw the replacement of a number of Velux windows on the front elevation with pitched roof dormer windows instead (Ref: 15/02941/VAR). The garage and stable block have now been demolished and the development of the dwelling has commenced on site. These permissions therefore remain live.

4. Planning History

Application Ref	Proposal	Decision
15/02941/VAR	Vary condition 2 of approved application 14/02238/FUL to amend the plans to replace 2 Velux windows with 2 dormer windows on north elevation	Approved with Conditions – 01.06.2015
14/02238/FUL	Demolition of garage and stables and erection of a 4 bed dwelling, associated works and hard and soft landscaping and improved access to The Street. Refused	Refused – 09.06.2015. Appeal Allowed – 20.01.2015
13/03417/FUL	Demolition of stables and erection of a 4 bed dwelling, detached car port, associated works and hard and soft landscaping and improved access to 'The Street'	Refused – 05.11.2015

5. The Proposal

This is an application proposing another variation to Condition 2 on the original planning permission (ref: 14/02238/FUL). The reason that this condition needs to be varied is that the applicant now wishes to make some further changes to the previously approved design of the dwelling and thus the list of approved plans (outlined in Condition 2 on the previous decision) need to be varied accordingly.

The changes originally included the increase in height of the ridge and eaves of the approved dwelling by 0.6 metres; a 1½ storey extension off the rear of the dwelling by 3.5 metres; and the replacement of the 2 Velux windows on the front elevation with pitched roof dormer windows. The latter element of this current scheme has previously been considered and accepted as an amendment to the original scheme (under ref: 15/02941/VAR) but is included in this scheme for completeness. The proposals will result in a four bedroom dwelling on the same siting as the previously approved scheme.

During the course of the application, amended plans have been requested (and received) which omits the 3.5 metre rear extension from this scheme. The proposals now solely involve the 0.6 metre increase in ridge/eaves height; and the change from Velux to dormer windows on the front elevation of the dwelling. These changes are confirmed to be necessary as the currently approved scheme provides insufficient internal head height to make the first floor accommodation useable.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):
R2 – Recreational Open Space in new developments

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP33 (Wilton Community Area)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP61 (Transport & Development)

CP64 (Demand Management)

Supplementary Planning Guidance:

Teffont Village Design Statement (VDS)

AONB Management Plan

7. Summary of consultation responses

Teffont Parish Council: Objection

- Deeply concerned by this application which involves a significant increase in the size and visual impact of the property.
- It is noted that the Planning Inspector, in granting planning consent on Appeal, set certain limitations, such as that there should be no further permitted development rights. It appears that this variation is an attempt to circumvent these limitations.
- Seriously concerned that this appears to be an abuse of process in terms of seeking to vary by such a substantial degree a consent that was already limited by the Planning Inspector.
- Concerned that this variation will create a building that is substantially bigger than the agreed plans with a subsequently greater visual impact and domination of the landscape.
- This variation would also create a five bedroom house in lieu of the four bedroom house approved by the Inspector on Appeal. Comparing the agreed plans with the proposed plans it can readily be seen that a building of quite significantly different proportions is now being proposed.
- Teffont PC continue to be concerned that the VDS has not been complied with in terms of style and design and notes that the additional footprint encroaches into an area of the Paddock.

Conservation: No Objection subject to amendments

- The previously approved scheme had been the subject of extended discussions to restrict the scale of the new dwelling to that of a relatively modest cottage.
- The proposed variation would add a significant volume to the building, with a higher ridge and a large rear extension.
- Of these two, the rear extension adds the most perceptible bulk, and this part of the building would be at least partially visible from the main road to the east of the village.
- I would suggest that the rear extension be omitted or substantially reduced in volume, and that the impact on the character and setting of the CA would then be very limited

AONB Officer: Comment

- The [AONB Management Plan](#) is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils and are material considerations in planning.
- It is clear that the Inspector when considering the original application took considerable note of the external appearance and form of the proposed building.
- She was clearly sufficiently concerned that an inappropriate structure could be constructed in conflict with the Conservation Area as she felt it was entirely appropriate to provide a condition restricting permitted development rights that would prevent extensions or additions.
- Raising the ridge height by 600mm is a not insignificant change.

- Furthermore an extension across the whole building section of 3.5 metres, effectively providing an additional room upstairs and down, is a significant change.
- The assertion in the application letter about landscape impact is not based on any evidence or professional landscape experience.
- The proposed extension would deviate from the footprint referred to in paragraph 8 of the Appeal decision.
- You may wish to reassure yourself that views from the Rights of Way are not significantly and adversely impacted upon.
- The AONB would welcome the removal of skylights and their replacement by dormer windows as this reduces the upward escape of light and therefore helps to control light pollution in an area where achieving [dark night sky](#) status is an adopted AONB policy.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

6 letters of representation were received from the residents of Orchard Cottage; and Lintern Close, The Street; The Old Rectory; Fitz House; and Gledhills. The following comments were made:

- Inspector removed PD rights to protect character and appearance in sensitive area and to prevent dwelling being excessively large in its context
- Increasing the height conflicts with inspectors objectives which sought to maintain it at the height of the original double garage
- Increasing the ridge height by 0.9 not 0.6 metres
- Increasing the height is completely unnecessary and could be achieved by alternative means – i.e. reconfiguration of internal layout or reduction in bedrooms.
- Property is substantial not in keeping with its surroundings and overbearing as you approach on the footpath
- Site is at top of the hill and dwelling already over dominates neighbouring properties. Increase in height will be very apparent and significantly impact neighbours/AONB
- Village design statement (VDS) does not allow dormer windows unless they are discreet on rear elevations as they are not typical in the village
- VDS requires thatch or tiles. Slate is not appropriate.
- Not in harmony with adjacent properties and is now taller than neighbouring properties
- Contrary to NPPF
- Moving dormers out to meet the wall make it look less modest and like a substantial house rather than a cottage
- Dormers create overlooking
- Glad that the rear extension has been omitted but changes still result in a 15% increase in volume
- No doubt more additions/garages/outbuilding will be proposed in the future

- Can't believe that the architect wouldn't have checked the usability and workability of the plans before applying. This change is unnecessary.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

- Principle
- Character, Design & AONB
- Heritage
- Neighbouring Amenities
- Highway Implications
- Ecology
- CIL/Contributions

9.1 Principle:

The development of this site with a new four bedroom dwelling has already been found to be acceptable in principle by the approval of the original planning application on this site earlier in the year (Ref: 14/02238/FUL). In addition, a proposed change to the design involving the replacement of two Velux windows on the front elevation with two dormer windows to match the other two dormer windows originally proposed on this elevation, has also been accepted by application 15/02941/VAR. Development has since commenced on site which means that the permissions remain live. These applications therefore represent a legitimate fall-back position and are material considerations for the determination of this current application.

This application proposes a further alteration to the scheme by increasing the height of the eaves and ridge of the dwelling by 0.6 metres (to 6.45 metres in total). The four dormers are also shown to be extending off the wall plate rather than within the roof plain as a result of the changes to the ridge and eaves height (and are now effectively breaking eaves dormers). The assessment of this application therefore needs to confirm if these proposed alterations to the previously approved design will have a significantly different or unacceptable impact on the character, design or residential amenities of the area, compared with the previously approved scheme. These issues will therefore be addressed in more detail below.

9.2 Comparison Plans:

Local concern has been raised that the development actually consists of a 0.9 metre increase in height, not a 0.6 metre increase because of the way the previous and current plans have been annotated. The annotations seem to suggest that the originally approved dwelling is 5.55 metres in height and that the proposed changes will result in a dwelling of 6.45 metres in height. However the annotation on the original plan is misleading as this is in fact showing the internal floor to ceiling heights, not the entire height of the front elevation. When scaling off the height of each dwelling from its scale plans, it is clear that the previously approved dwelling is 5.85 metres in height in total

whilst the proposed dwelling is 6.45 metres in height. Therefore, the proposals do indeed involve a 0.6 metre increase in the overall height as suggested by the application.



Previously Approved Front Elevation - (15/02941/VAR)



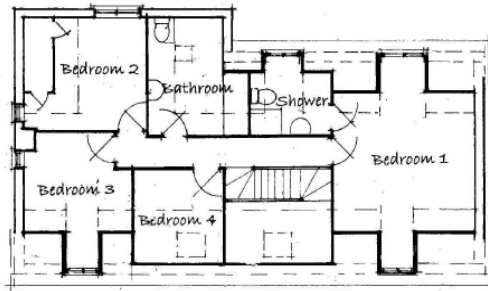
Currently Proposed Front Elevation



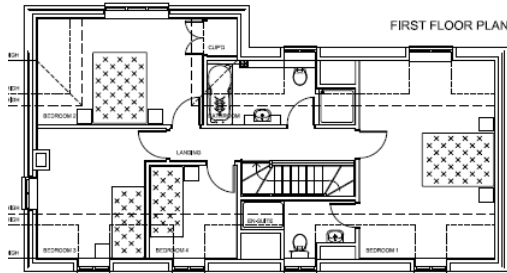
Previously Approved West Elevation - (15/02941/VAR)



Currently Proposed West Elevation



Previously Approved 1st Floor Plan - (15/02941/VAR)



Currently Proposed 1st Floor Plan

9.3 Character, Design & AONB:

The previously approved scheme involved the erection of a 1½ storey, detached dwelling. Whilst this was designed in traditional, modest vernacular, the approved development would create a family sized, 4 bedroom home. The approved dwelling was designed to be of stone and slate roof construction; of cottage style design; and included dormer windows on its front façade, despite this not being very common in the village of Teffont and contrary to the requirements of the Village Design Statement. Whilst the dwelling would be visible from the private drive/footpath; and be on higher ground than its adjacent neighbours, it was also to be positioned at a slight angle to the drive and to replace and be on the same siting as an existing detached garage and outbuildings serving the adjacent dwelling of Paddock View. The Inspector previously considered that the *'Although the proposed dwelling would result in an increase in mass as compared to the existing garage and stables, its limited footprint and scale would give it a modest appearance, not out of character with properties in the CA'*. It was also felt that the proposals would replace a substantial generic garage with a more traditional building that was more in keeping with the character of the conservation area. This scheme was therefore ultimately allowed at appeal. A condition was however imposed on the decision to remove the property's permitted development rights as this would *'prevent extensions or additions that might mean that the dwelling is enlarged excessively in its context'*.

Despite what local concern has suggested, the removal of permitted development rights by condition does not preclude *any* further extension or enlargement to a dwelling but merely means that such an alteration would need planning permission and therefore its impact could be considered by the Local Planning Authority accordingly. In this instance the proposals originally involved a rather large 1½ storey extension at the rear of the dwelling. It was considered that glimpses of this element would be visible both from the footpath

and in longer views from the B3089 to the south east. It was also considered that this proposed addition to the dwelling tipped the balance of its acceptability and created a dwelling that was too large and not modest in its form or setting and therefore was considered to be at odds to the conclusions set out by the Inspector in their decision for the previous scheme. This element of the current proposals has as such been omitted.

The current proposals now involve very little alteration to the previous design other than the a 0.6 metre increase in the ridge/eaves height of the dwelling which will in turn result in the dormer windows extending from the wall plate rather than from within the roof plane. Whilst this obviously results in a larger dwelling on this site, it is not considered that the increased scale and massing that would result from this marginal increase to the eaves/ridge height would have a significant impact on the visual amenities or character of the area or AONB. The development would still result in a 4 bedroom dwelling being created and would still be of traditional stone and slate construction, as previously agreed. Indeed the breaking eaves design of the dormer windows actually serves to aid the appearance of a modest dwelling as it creates the illusion that the windows do not fit within the roof plain and therefore the dwelling is of modest height. In fact a further amended plan was submitted by the applicant during the course of this application that proposed the dormer windows fully within the roof plain but this would have involved an overall increase in the ridge height of the dwelling by 1 metre rather than 0.6 metres that is now proposed and this was therefore discouraged and rejected.

It is not considered that an increase in height of 0.6 metres will be very apparent from the ground. Nor will it be significantly different in terms of its dominance of the street scene/footpath and area than the previously accepted dwelling on this site. Especially when the overall footprint of the dwelling now remains unchanged and no other changes are proposed to the size or form of the proposed dwelling. It is therefore considered that the proposed alterations are equally appropriate for the character of the area; and AONB, and will therefore have little additional implication for the visual amenities of the area than the original scheme.

9.4 Heritage:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In paying 'special attention' an assessment must be made as to whether the proposals cause 'substantial harm', 'less than substantial harm' or no harm to the asset, which in this case is the Conservation Area.

In this instance the proposals now only involve a slight increase to the ridge and eaves height of a previously approved 4 bedroom dwelling on this plot. The large extension at the rear has now been omitted from the scheme. The Council's Conservation Officer considered that of the changes originally proposed to the scheme, the rear extension would have added the most

perceptible bulk, and this part of the building would be at least partially visible from the main road to the east of the village. However it was also confirmed that if the rear extension was omitted (as it has now been) then the impact on the character and setting of the Conservation Area would be very limited. The current proposals therefore are considered to cause no harm to the character or significance of the Conservation Area and the Council's Conservation Officer has raised no objection accordingly.

9.5 Neighbouring Amenities:

The scheme includes the replacement of 2 previously approved Velux windows on the front roof slope with two pitched roof dormer windows. These formed part of a previous variation application and were found to be acceptable in principle. The only difference in this application is therefore that the eaves and ridge heights of the building is to change which will result in these dormer windows now being breaking eaves windows rather than being contained within the roof slope. The overall height of the building is also to increase by 0.6 metres.

Whilst a number of changes are proposed to the original dwelling, the siting of the building and its footprint in relation to neighbouring properties remains unchanged. Given the level of separation that exists between the proposed dwelling and any of the neighbouring properties, it is not considered that the potential for harm or unneighbourliness in terms of loss of light or privacy from the altered fenestration; or over dominance or loss of light as a result of the increased height, will be any different to the previously approved scheme which was found to have an acceptable relationship in this regard. It must also be noted that two dormer windows and two Velux windows were already approved on the front elevation as part of the original scheme. The change now instead to 4 dormer windows is therefore unlikely to result in a significant increase in the potential for overlooking from the development. Existing trees/boundary treatments; intervening outbuildings; and the presence of the access driveway will all help to mitigate and temper any potential for impact. It should also be noted that the adjacent neighbour (the Orchard) has also recently received planning permission (Ref: 15/01982/FUL) to replace their garages and as part of that scheme, the whole front boundary of this neighbouring plot is to be realigned and supplemented with additional planting, which will further serve to reduce the potential for impact. Therefore despite local concern to the contrary, it is not considered that the proposed alterations will result in any significantly different or unacceptable impact for neighbouring amenities than the originally approved (and still extant) scheme on this site.

9.6 Highway Implications:

The proposed alterations to the design of the dwelling do not alter the level of parking provision or access to the dwelling comparative to the previously approved scheme. It is not therefore considered that the proposals will result in any additional or significant issues for highway safety.

9.7 Ecology:

The proposals are not considered to result in any additional implications for protected species or ecology that were not previously considered and assessed as part of the previously approved scheme.

10. CIL/S106 Contributions

The originally approved application was subject to a Section 106 Agreement (S106) to secure contributions towards off site public open space provision in line with the requirements of saved SDLP policy R2. As this application involves a variation to the previously approved application it will need to be tied to the original agreement. A deed of variation to the original S106 will therefore need to be entered into and this recommendation is made subject to such an agreement being completed prior to the decision being issued.

Whilst the Council has since adopted the Community Infrastructure Levy (CIL) on 18th May 2015, CIL will only be applicable on Section 73 applications (such as this) where they involve additional liabilities compared with the previously approved scheme. Furthermore any development of less than 100 sq metres is not liable for CIL. Therefore as in this instance the additional liability would be less than 100 sq metres the scheme is not CIL liable development and only the original contributions secured by S106 will be required.

11. Conclusion

The proposed alterations to the previously approved design are considered to have limited additional impact on the character of the street scene; or the visual and neighbouring amenities of the area. The proposals will continue to provide a traditional, modest style of cottage on the site and therefore will positively contribute to the character of the conservation area and AONB. The proposed variation application is recommended for permission accordingly.

RECOMMENDATION:

Permission subject to conditions and the completion of a S106 Agreement prior to issue of decision.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of 20th October 2014.

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 development shall only be undertaken in accordance with the following approved plans:

Plan Ref: Location Plan; Benchmark 02. Received – 24.07.2015

Plan Ref: Proposed Plans & Elevations; 0901/02 Rev D. Received – 08.09.2015

Plan Ref: Site Plan; 2014/981/2 (approved as part of application 14/02238/FUL)

Plan Ref: Junction realignment to improve visibility; AJB/2 (approved as part of application 14/02238/FUL)

Plan Ref: Topographical Survey; LDS/11813-TP1 (approved as part of application 14/02238/FUL)

Plan Ref: Topographical Survey; LDS/11813-TP2/A (approved as part of application 14/02238/FUL)

Plan Ref: Benchmark Illustrative Plan 100. Dated 24.04.2014 (approved as part of application 14/02238/FUL)

REASON: For the avoidance of doubt.

- 3) The development hereby approved, shall be carried out in accordance with the approved external surface material details, which were agreed in writing by the Local Planning Authority on 24th March 2015 (as part of the discharge of condition 3 of application 14/02238/FUL).

REASON: To secure a harmonious form of development.

- 4) All soft landscaping of the site, details of which were agreed in writing by the Local Planning Authority on 24th March 2015, shall be carried out in accordance with the approved details 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. 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 of the site shall be carried out in accordance with the details approved in writing by the Local Planning Authority on 24th March 2015 (as part of the discharge of condition 4 of application 14/02238/FUL); prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development.

- 5) No development shall commence on site until the widening of the access bell mouth has been constructed in accordance with the approved details, agreed in writing by the Local Planning Authority on 24th March 2015 (as part of the discharge of condition 6 of application 14/02238/FUL).

REASON: In the interests of highway safety.

- 6) The development hereby approved shall not be first occupied until appropriate drainage has been constructed on the site in accordance with the drainage scheme, approved in writing by the Local Planning Authority on 21st April 2015 (as part of the discharge of condition 7 of application 14/02238/FUL).

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

- 7) The Construction Method Statement, approved in writing by the Local Planning Authority on 24th March 2015 (as part of the discharge of condition 8 of

application 14/02238/FUL), shall be adhered to throughout the construction period of the development hereby approved.

REASON: In the interests of highway safety.

- 8) The development hereby approved shall be constructed in accordance with the agreed ecological measures in respect of the protection of reptiles and nesting birds, which were approved in writing by the Local Planning Authority on 24th March 2015 (as part of the discharge of condition 9 of application 14/02238/FUL), and in accordance with the recommendations of the extended phase 1 survey by Ahern Ecology dated 9th September 2013.

REASON: In the interests of protected species.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-F (i.e. extensions, outbuildings, hard surfaces) shall take place on the dwelling house hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 10) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

REASON: In the interests of neighbouring amenity.